



Hon. Alan J. Baverman

Magistrate Judge, U.S. District Court for the Northern District of Georgia

by Christopher A. McGraw



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In the summer of 2017, U.S. Magistrate Judge Alan J. Baverman concluded his term as the president of the Federal Magistrate Judges Association (FMJA) at the organization's annual convention in Chicago. The honor of serving as the FMJA's president was the culmination of a long and distinguished career in law and public service. His success has been fueled by a work ethic and duty to others, as well as a commitment to education that he learned from his parents growing up in Baltimore. His father was a successful furrier, remodeling and selling fur coats, who also served in the Pacific theater during World War II. His mother worked at a real estate title company. They also passed on to him a strong sense of family that he has retained throughout his life.

Internships and Law School

In a sense, Judge Baverman's legal career began while he was still an undergraduate at the University of Maryland. He had always been interested in law, politics, and history, and he had already set his sights on becoming a lawyer. While he was home in Baltimore one summer, his father dropped him off at the courthouse, and he walked to an office building across the street and started knocking on lawyers' doors. He met an attorney there specializing in First Amendment litigation who was willing to take him on as an intern, and he spent the rest of the summer helping out around the office and learning how to do legal research. He was soon hooked, and it was clear that he wanted to practice law. In 1978, he graduated from Maryland with a bachelor's degree in history and then moved to Atlanta to attend law school at Emory University.

One of the most formative experiences of Judge Baverman's career came while he was still a law student. During his second year, he secured an internship with the Federal Defender Program and was asked to assist the lawyer who was representing one of the co-defendants in the high-profile Bert Lance trial.¹ Lance was a long-time friend of President Jimmy Carter and had been Carter's first director of the Office of Management and Budget before being forced to resign



in 1977 over allegations of improprieties. Lance and his co-defendants were subsequently charged with multiple federal crimes related to bank fraud back home in Atlanta. Reported to be the longest criminal trial in Georgia history at the time, it lasted for almost four months in early 1980.

Not only was President Carter's re-election campaign getting underway at the time of the trial, but so was Emory's spring semester, and Judge Baverman had classes to attend. His love of the courtroom prevailed, however, and he spent most (if not all) of those days inside the new federal courthouse in downtown Atlanta rather than in classrooms at Emory. His frequent absences apparently prompted a call by the dean of the law school to express concerns about the 2L directly to the trial judge. Judge Charles Moye reportedly assured the dean that Baverman was doing good work at the trial and using his time productively. Baverman stayed on the case until the end.

It was a document-intensive trial with exhibits that included voluminous bank records, which, of course, in 1980 had to be handled, searched, sorted, and indexed all by hand. There were no computer programs to help with that task, which fell to

the young intern. Judge Baverman contends that he learned more about courtroom procedure and evidence in the Lance trial than he ever did in school. After the jury handed down acquittals in April 1980, Judge Baverman nevertheless quickly returned to campus to finish earning his law degree.

At the same time, though, he kept up his internship with the Federal Defender Program and was able to try some cases in federal court as a 3L under the local third-year practice rules as well as write the petition for certiorari and the substantive brief and attend oral arguments for a case at the U.S. Supreme Court.² He was even allowed to sit at counsel's table at the Supreme Court, just a few feet away from Chief Justice Warren Burger and the eight associate justices, which is not only a very rare experience for a law student but also something most practicing attorneys have never done. Judge Baverman already had a lot of law practice experience under his belt (or, more accurately, his customary suspenders) by the time he graduated from law school.

Federal Clerkship

After he finished at Emory, he was able to secure a federal clerkship with Judge Harold Murphy of the U.S. District Court for the Northern District of Georgia in the district's Rome division. His application was surely enhanced by a recommendation from his supervising attorney at the Federal Defender Program, whom he had impressed with his work during the Lance trial and on the Supreme Court case. Judge Baverman describes clerking for Judge Murphy as the best job he ever had and another great learning experience. He says that Judge Murphy has "great innate wisdom" and is always multiple steps ahead of everyone else in the courtroom. He says he learned numerous lessons from Judge Murphy that he now puts to use as a judge himself. He learned, for instance, the importance of letting lawyers make every argument they want to make before ruling on their claims. He also absorbed the usefulness of subtly bringing both sides along step by step to agreeing with, or at least accepting, the ruling whenever possible. Judge Murphy taught his clerks that "you get more with honey than with pepper."

When his clerkship was over, Judge Baverman moved back to Atlanta and spent the next six years working as a law firm associate and building a practice primarily focused on representing criminal defendants but handling civil litigation as well. In February 1989, he hung out his own shingle, establishing the law office of Alan J. Baverman, P.C. His solo practice took him to federal and state courts across the Southeast as he continued to focus primarily on criminal defense, and he handled all aspects of it, representing clients at trial, on appeal, and in subsequent habeas corpus proceedings. Approximately one-third of his criminal docket consisted of cases in which he was appointed by the court to represent indigent clients, often including defendants who were potentially facing the death penalty. Over time, he be-

came known as one of the preeminent criminal defense lawyers in Georgia.

TV Gig and Judgeship

In 2000, Judge Baverman played a role in another high-profile criminal trial, though this time he was not at counsel's table but in front of the cameras. Super Bowl XXXIV was played at the Georgia Dome in Atlanta that year, and a fatal stabbing in the city's Buckhead nightclub district later that night led to criminal charges against several people, including Baltimore Ravens star Ray Lewis (whose team was not one of the participants in the game). His subsequent trial was extensively covered by the media, including ESPN. When the sports network went looking for a legal expert to provide knowledgeable insight on the air, one of the lawyers on the case, Don Samuel, recommended his friend and former Judge Murphy co-clerk. Judge Baverman passed the audition and accepted his first TV gig. Throughout the trial in mid-2000, he could be seen on ESPN reporting from outside the county courthouse alongside commentator Sal Paolantonio—even though Judge Baverman and his family did not have cable television at their house. He deftly educated the ESPN sports audience on trial issues like the prosecution's burden of proof and the strategies behind jury selection.

Any future television career that might have been, though, was cut short when the call came later that year informing Judge Baverman that the district judges of the Northern District of Georgia had selected him to assume the office of U.S. magistrate judge. He was sworn in on Feb. 1, 2001, beginning his judicial career in the same courthouse where he first got a taste of federal trial work during the Bert Lance trial two decades earlier. After taking office, he quickly gained a reputation as a hard-working, well-prepared, and knowledgeable judge who is also unfailingly polite and courteous. Judge Baverman is known for always being respectful to everyone who appears in his courtroom or chambers, regardless of their status. In front of Judge Baverman, all are on equal footing whether they be prosecutors, defense attorneys, criminal defendants, civil plaintiffs, corporate representatives, witnesses, or courthouse staff members. Because of that, he is widely respected and admired in return.

During his 17 years on the bench, his reputation and influence have also expanded beyond the Northern District of Georgia. His leadership roles with the FMJA are but one example. He became a member of the FMJA

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Magistrate Judges Advisory Group in 2009 and a member of the FMJA Rules Committee in 2011. In successive years thereafter, he became the FMJA's secretary, treasurer, vice president, president-elect, and president. During that time, he also served as magistrate judge observer for the Judicial Conference of the United States. In these roles, he met on a regular basis with Chief Justice John Roberts Jr., bringing Judge Baverman full circle from his law school encounter in Chief Justice Burger's courtroom.

Teaching and Travels

During his judgeship, he has also taught advanced criminal law at Georgia State University's law school and civil pre-trial litigation at his alma mater Emory University's law school. His teaching has also touched students well beyond Atlanta and even the United States. He has frequently trained fellow magistrate judges at the Federal Judicial Center in Washington and has also taught judges and prosecutors about such topics as intellectual property law, commercial law, and cybercrime in Brazil, Egypt, and Kyrgyzstan.

His international travels as a magistrate judge have also taken him to Japan and Ecuador, where he has helped to facilitate prisoner transfers on behalf of the Administrative Office of the United States Courts. Under treaties negotiated between the United States and more than 70 other countries since the program began in 1977, the International Prisoner Transfer Program allows prisoners to be transferred from the countries in which they have been convicted back to their home countries to serve out

their sentences. When an American citizen is to be transferred home, a hearing must first be conducted by a federal magistrate judge in the country of conviction. On two occasions, Judge Baverman has had the honor of fulfilling that judicial role overseas.

Over the course of four decades, Judge Baverman has worked his way from knocking on doors at lawyers' offices as a college student in Maryland to representing the American judicial system in the far reaches of the globe. His career has been a tremendous success by any standard. Even more important to him than the stellar legal career he has built, however, is his stellar family. He met his wife, Elida, while they were both in law school. They were married in 1982 and have now been married for 35 years.

Over that time, they raised three impressive daughters, to whom Judge Baverman is endlessly devoted. The oldest works in real estate with her mother, the next is a financial blogger, and the youngest is a photography director for a national magazine. Anyone who has ever worked on Judge Baverman's staff knows that a call from one of his daughters is to be treated as an immediate top priority. In 2016, he became president of the FMJA, but he also took on another new assignment that is even more important—grandfather. He will certainly embrace and succeed at that crucial role just as he already has as a lawyer, judge, husband, and father. ☺

Endnotes

¹*United States v. Lance*, No. 1:79-CR-134-CAM (N.D. Ga.).

²*Steagald v. United States*, 451 U.S. 204 (1981).

President's Message *continued from page 3*

journey just a bit easier. And it might be fun.

Post Script: It has now been many months since my daughter has been away at college. Reports are that she's learning (I think), she found her people, and she's having fun.