



FEDERAL BAR ASSOCIATION - MARYLAND CHAPTER NEWSLETTER

JANUARY 2016

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Getting to Know the Hon. J. Mark Coulson



You never know when the Honorable J. Mark Coulson might be listening. Like all federal courts, the United States District Court for the District of Maryland records all of its proceedings, but it also offers a valuable resource uniquely suited to new judges. The courthouse has secure lines that allow judges and staff to listen to proceedings in real time. Judge Coulson, a U.S. Magistrate Judge since August 2014, often tunes in to hear a particularly interesting case or otherwise takes time at the end of the day or during lunch to listen to jury selection or opening statements. "In private practice, you don't get to work with other lawyers who are doing your job. You work with younger lawyers who are helping you do your job." In his new role as Magistrate, he is enjoying his glimpse of the other side, learning how experience attorneys handle their cases and how his judicial colleagues preside over them.

Judge Coulson is known by his colleagues as a talented trial lawyer and dedicated family man, who approaches everything in personal and professional life with enthusiasm and curiosity. These qualities are immediately apparent when the Judge reflects

on the past eighteen months of his recent appointment as U.S. Magistrate Judge. Between his civil docket, which includes weekly mediations, and his criminal-case rotation one week per month, he says, "It's a new day every day."

The Judge was born in Philadelphia, Pennsylvania, and raised in Montgomery County, Maryland. He returned to Philadelphia to obtain his undergraduate degree at LaSalle University. Then, he attended Duke University School of Law, where he was an editor for *The Journal of Law and Contemporary Problems*.

Judge Coulson began his career as an attorney as an associate with Miles & Stockbridge P.C. in Baltimore, Maryland, in the Products Liability & Mass Torts practice group. He became principal in 2000, specializing in complex torts and medical malpractice cases. He became a Fellow of the American College of Trial Lawyers in 2010, and the following year, he was inducted into the American Board of Trial Advocates.

After completing his first full year on the bench, Judge Coulson had presided over two trials, each involving tort claims, which he noted were especially rewarding due to his background in private practice. He reflected on how his prior trial experience helped him discern how best to preside over trials in his new role as judge. His extensive litigation background also prepared him well for assisting attorneys throughout the mediation process to communicate effectively and to evaluate case value fairly.

Judge Coulson also appreciates those cases which are newer to him. One week per month, he presides over criminal cases. He reflected that his interactions with the federal criminal bar have also been enjoyable. Working in a new practice area would force anyone to come up to speed quickly, but Judge Coulson enjoys the challenge and finds that he can add value by being a quick study with a keen curiosity about how members of the bar and the bench practice.

Throughout much of his career at Miles & Stockbridge P.C., Judge Coulson was known for being on

the forefront of e-discovery issues. He has written and lectured widely on the topic. Most recently, the Judge participated in a judicial round-table discussion at the Advanced E-Discovery Institute sponsored by Georgetown University Law Center in November 2015, where he discussed the recent amendments to the Federal Rules and how they may affect the discovery disputes he faces on a daily basis. Notably, the "Suggested Protocol" for addressing ESI issues in the U.S. District Court for the District of Maryland already highlighted the concept of proportionality that has resumed its place in Rule 26(b)(2)(1).

Generally, the federal bar has become more sophisticated in its understanding and use of electronically stored information (ESI), and Judge Coulson notes that he was pleasantly surprised that he faces fewer disputes over preservation, collection, or production of ESI than he anticipated. While the volume of ESI involved in his cases was expected, and only continues to grow, the disputes have grown more complex as well. While there may have been disputes several years ago over whether native production of certain documents was required, now counsel have better conceptions of the benefits and drawbacks associated with the various types of production, and what the Rules and local ESI protocols require.

Judge Coulson has sage advice for the bar: "Help us help you." If attorneys shift from being "entrenched" in recalcitrant tactics to being reasonable with each other, then everyone benefits, including clients. Judge Coulson notes that he, and indeed all judges, is in the best position to resolve a dispute when counsel educates the Court earnestly and proffers forward-thinking solutions. The Court "can always pick a side," but Judge Coulson believes that the parties can still be strong advocates for their clients without trying to prevail on a motion by arguing more vociferously to the Court. "Don't confuse advocacy with loud argument. Advocacy means getting your client the best outcome, and there are lots of ways to do that." As discovery disputes become more technologically advanced, and as the Rules continue to evolve, Judge Coulson notes that a reasonable attitude and a spirit of cooperation will save time, money, and pointless frustration.

Outside of the courtroom, Judge Coulson stays busy by keeping up with his two teenaged sons, who are preparing to choose colleges. The Judge and his family enjoy the outdoors. He and his wife like to garden together, and the entire family takes annual ski trips. Everyone in the family also plays an instrument. The Judge prefers the piano due to his formal training, but humbly says he likes to dabble in as much as the family will tolerate.

Much is on the horizon for the Judge as he continues his appointment as Mag-

istrate. He previously taught a products liability course at the University of Baltimore School of Law, and he also worked with trial teams there and at the University of Maryland Francis King Carey School of Law. He would like to return to teaching, and he sees future opportunities for involving students in courthouse observation.

Judge Coulson committed his professional life in private practice to achieving excellence for his clients and training new lawyers. Now, he begins his tenure as Magistrate with the same commitment and zeal, which has a new focus on continuing to teach, and learn from, practitioners who appear before him.

Open Doors to the Federal Courts



Judge Coulson, students, attorneys, clerks and staff at Open Doors to the Federal Courts 2015.

On November 13, 2015, fictional teenager Corey Madison faced trial five times for allegedly violating 18 U.S.C. § 39A, which prohibits knowingly aiming the beam of a laser pointer at an aircraft or in the flight path of an aircraft. He (she in one trial) was accused of taking a science class laser and aiming it at a Baltimore City police helicopter circling overhead. That day, United States Magistrate Judge Stephanie A. Gallagher opened the doors of the United States District Court for the District of Maryland to welcome more than eighty Baltimore City high school students to sit for a day as jurors. Chief Judge Catherine C. Blake, and Magistrate Judges J. Mark Coulson, Stephanie A. Gallagher, Susan K. Gauvey, and Timothy J. Sullivan generously devoted the day to presiding over the mock trials. Prominent litigators hailing from D.C. to the far reaches of Maryland argued motions and presented trials from pre-scripted fact patterns. Judicial law clerks served as the defendant and each witness, sometimes quite colorfully.

United States Bankruptcy Judge Robert A. Gordon delivered inspiring opening remarks. He talked about the judicial branch's critical role in our constitutional government, from deciding the constitutionality of laws to providing a rational, peaceful means for parties to resolve disputes. Judge Gordon eloquently and favorably compared our judicial system to a Mozart symphony, a John Coltrane riff, and Jay-Z flowing.

United States Attorney Rod J. Rosenstein and Federal Defender's Office Branch Chief John C. Chamble presented a fascinating discussion of the theoretical and practical aspects of federal criminal prosecutions. Mr. Rosenstein, in a compelling, direct, and clear manner described the role of his Office, while Mr. Chamble passionately addressed the importance of a vigorous defense. Each encouraged the students and discussed the steps necessary for the students to achieve their goals and head to college and professional lives beyond.

FBI Agent Mia Winkley, Courtroom Deputy Pete Thompson, and Deputy U. S. Marshal Cassie Rhodes talked with the students about career opportunities related to the Court. Each supplemented their talk with anecdotes about their own careers serving the people of Maryland, and the U.S. Marshal's service presented an eye-opening video about its role in apprehending fugitives.

We then had the great pleasure of watching ten top trial lawyers present forceful, creative, and persuasive cases. Witnessing five distinct trials of the same facts reinforced the absolutely critical importance of the role lawyers, judges, and jurors play in our judicial system.

After the trials, the student jurors deliberated and reached verdicts. They reasoned with one another, discussing the facts that they considered most telling and the witnesses they found credible. The case may have been moot, but the students treated it as anything but. The deliberations were heated at times, as the jurors expressed passionate views. Jurors wearing ties loosened them. Slouching jurors sat up. Students voiced opinions with logic and

passion, while listening respectfully to others. After delivering their verdicts, they had an opportunity to discuss the trials with the judges and lawyers who presented them.

The jurors then returned to the jury room, where each of the seven forepersons presented their verdicts to the whole group. Judge Gallagher told the students they all had considered the same facts, and she led them in a fascinating discussion of the different verdicts and their views of the evidence and the process. The Discussion which followed continued even once the students returned to their classrooms the next week.

The verdicts? Two convictions, two acquittals, one hung jury.

The Federal Bar Association is pleased to share the funding of this program with the Court. We are thankful for the Court's dedication of its resources and time, and the amazing dedication of everyone involved. Special thanks are due to Judge Gallagher's invaluable and tireless staff, including her law clerks, Allison Pearson and Susan Schipper, and assistants Donna Cowan and Valerie Litzinger, and each of the judges, law clerks, lawyers, and Court family members who helps to make the Open Doors to Federal Courts program such great fun.

In the end, the Open Doors to the Federal Court program makes the judicial process accessible to students, who by law otherwise have no opportunity to sit as jurors. Young people face the court system in any number of contexts, very few of them positive, nearly all bewildering. Open Doors gives them a new perspective. Through service as jurors, they challenge their notions of justice and, in a concrete way, gain greater respect for the judicial system.

SAVE THE DATE

April 15, 2016

FEDERAL PRACTICE -- A Primer for Practicing in the United States District Court And Admissions Ceremony for New Admittees

The Maryland Chapter of the Federal Bar Association is sponsoring a program for practitioners in Maryland's Federal District Court and/or for attorneys who want to be admitted to the Court. The CLE program will cover topics that include:

Jurisdiction, Venue and Removal
Rules of Evidence
Discovery
Mediation
Summary Judgment and Oral Advocacy

The program will feature judges from the federal bench, as well as attorneys who regularly practice in the U.S. District Court. It also will include remarks and helpful tips from the office of the Clerk of the United States District Court for the District of Maryland and an overview of the Local Rules.

The program will be held at the **United States District Court in Greenbelt** and will start promptly at 12:30, with registration beginning at noon. The program will be followed by a reception. Information on how to reserve a place will be publicized in the new year.

A Day on the Links with the FBA

*Linda Hitt Thatcher, Esq.,
Thatcher Law Firm, LLC*



On Monday, October 12, 2015, the FBA Maryland Chapter's 6th Annual Golf Tournament was held at The Country Club at Woodmore in Mitchellville, MD. Each year we hold our tournament on Columbus Day, a court holiday, so that both judges and attorneys can enjoy a day off from work and hit the links. We had beautiful fall weather. Golfers enjoyed cocktails on the veranda followed by a wonderful dinner and awards ceremony. Special congratulations to Magistrate Judge Stephanie Gallagher's team (included FBA member Mark Saudek) for placing this year and winning the 3rd place mixed trophy. Special thanks to Hon. William Connelly, Hon. George Hazel, Hon. Theodore Chuang, Hon. Ben Legg (Ret), Hon. Alex Williams (Ret), and Hon. Steven Platt (Ret) for joining us this year.

We look forward to continuing the tradition on October 10, 2016 for our 7th annual tournament at the Elkridge Club in Baltimore. Hon. Ben Legg (Ret) has graciously volunteered to join our golf committee and take the lead in working with the Elkridge Club and making our tournament again a success. The Elkridge Club's 18-hole golf course spans 117 acres and features rye grass fairways and bent grass tees and greens. This par-71 course is forgiving but not without the challenges of ponds and bunkers to encourage friendly competition. Mark your calendars and we hope you will join us.