



# FEDERAL BAR ASSOCIATION - MARYLAND CHAPTER NEWSLETTER

MAY 2021

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## Message from the President

As my year as president of the Maryland Chapter of the Federal Bar Association comes to a close, I want to thank our Officers, Board, membership, and Court for helping us seamlessly adapt to the realities of all-virtual programming. While we have missed gathering in person and postponed some of our signature networking events, our utilization of online platforms has enabled us to reach a broader audience. Over the past year, we have gathered online audiences totaling hundreds of people. We hope you will join us for our virtual annual meeting on June 22 from 5:30 to 7 p.m. We will discuss Chapter business, and Chief Judge James K. Bedar will give remarks on the current state of courthouse operations and take questions. We then hope to divide into breakout groups for networking and discussion.

At our annual meeting, we will discuss our efforts to rethink and buttress the existing infrastructure of our organization so that we can better serve our membership and the legal community. We are excited to announce that we will be unveiling a new vision and mission statement to define our organization and guide us for years to come. As part of that vision and mission, we are entirely overhauling our website to facilitate more communication with our membership. This will enable us to better live up to our goal of being an indispensable resource for those practicing in Maryland's federal courts or those who want to make the transition to federal practice.

Our hope is that through our new website, members will have more opportunities to join the committees that enable the Maryland Chapter to develop programming and networking events, communicate with our members, and grow and maintain our Chapter. We have an immediate need for members who would like to join our Communications and Young Lawyers committees. If you are interested, please contact me at [katherine\\_newberger@fd.org](mailto:katherine_newberger@fd.org). Also be on the lookout for requests to serve on committees planning events and programs for the upcoming year. By engaging our full membership in our committee structure, we hope to harness the energy, brilliance, and diversity of our membership to better meet the needs of our legal community.

Finally, I want to express my deep gratitude to several board members and officers who will be stepping down after many years of service to our Chapter. Judge Paula Xinis, our immediate past president; Felicia Cannon, the long-term clerk of court; Alex Giles, who has served as our Treasurer for years; Anthony Ashton; Kobie Flowers; Christopher Lyon; and Michelle Lipkowitz have all been active participants on our Board. Although Judge Stephanie Gallagher is stepping down as our secretary after serving years in that role with humor and distinction, she will join the Board of Directors. We are an entirely volunteer organization, with no paid staff. Much that we have accomplished for years has been with the help of those who are departing. We salute you.

With these departures, however, comes the opportunity to bring in new officers and directors. In the coming days, we will be circulating a ballot for our full membership to vote on a proposed slate of officers and directors. We hope to introduce our new officers and directors at our annual meeting. I look forward to seeing you on June 22.

**Katherine Tang Newberger**  
**President, Maryland Chapter of the Federal Bar Association**

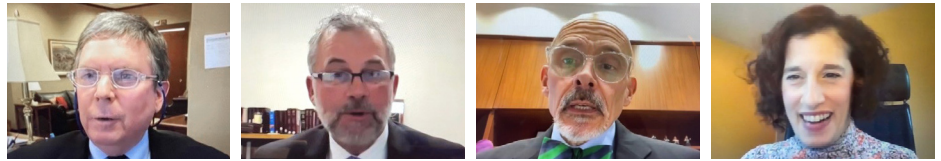
# Chapter presents 2021 Introduction to Federal Practice Program

By Robert S. Brennan

For many years, the Maryland Chapter of the FBA has offered an annual “Introduction to Federal Practice” program, alternating year to year between the District’s Northern Division Courthouse in Baltimore and Southern Division Courthouse in Greenbelt. The program was comprised of a welcome from the Chief Judge, an introduction to the courthouses by a representative of the Clerk, and a series of panels expounding on substantive aspects of federal practice. The program concluded with a swearing-in ceremony for lawyers newly admitted to the bar of the Court and a cocktail reception. The 2020 edition was set to be held April 17, 2020, in Greenbelt. Like nearly every 2020 event scheduled to take place in-person after March, the program fell victim to COVID-19 closures and assembly restrictions.

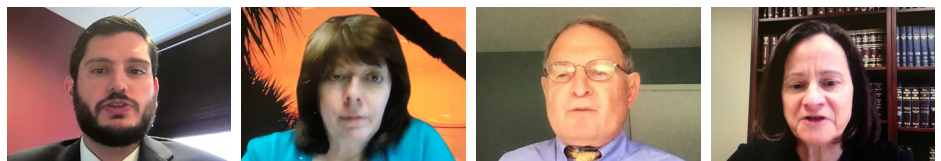
With repeated surges in the pandemic, it was unclear as of the fall of 2020 whether circumstances would permit the Chapter to offer a live, in-person version of the program in 2021. Rather than risk going another year without providing new lawyers with an introduction to practice before the District of Maryland, the Chapter decided to offer the program online in a webinar format. While unable to include a swearing-in ceremony and cocktail reception, the Chapter was able to significantly increase the number of substantive subject-matter presentations by expanding the program to four sessions offered over four Friday afternoons on January 15, February 19, March 19, and April 23.

## Session I



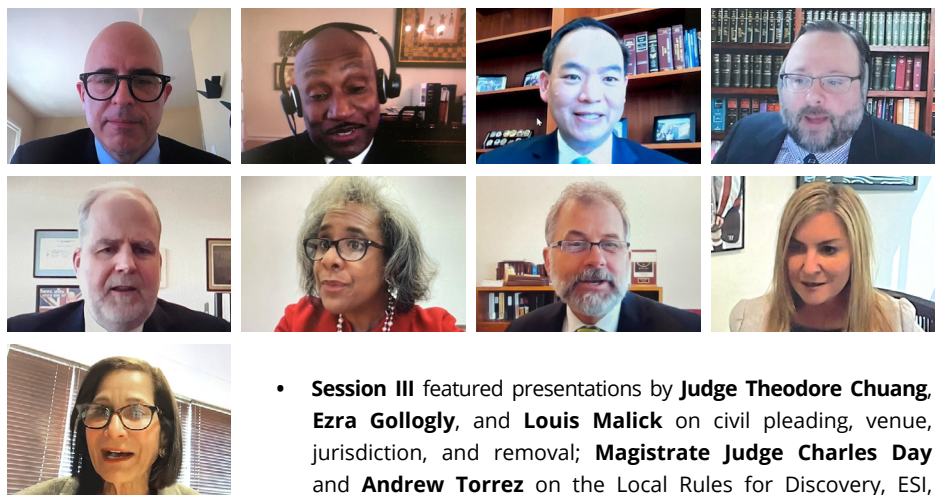
- **Session I** featured presentations by **Chief Judge James K. Bredar** on the Court’s experience through the COVID-19 health emergency, by **Judge Paul W. Grimm** on the Court’s efforts to restart jury trials, and by **Judge Paula Xinis** and **Chief Deputy Clerk for Operations Catherine M. Stavlas** on virtual evidentiary hearings.

## Session II



- **Session II** featured a presentation by **Magistrate Judge J. Mark Coulson** on becoming a member of the District’s bar; a “courthouse primer” by **Attorney Advisor David Ciambuschini**; an introduction to electronic filing by **CM/ECF Administrator Mary Doughney**; an introduction to the Historical Society of the United States District Court for the District of Maryland by its president, **Hebert Better**; an introduction to the Bench/Bar Committee by **Margaret Fonshell Ward**; and a presentation by **Judge George J. Hazel** and **Judge Benson Legg** (Ret.) on the Federal Rules of Evidence and common evidentiary issues.

## Session III



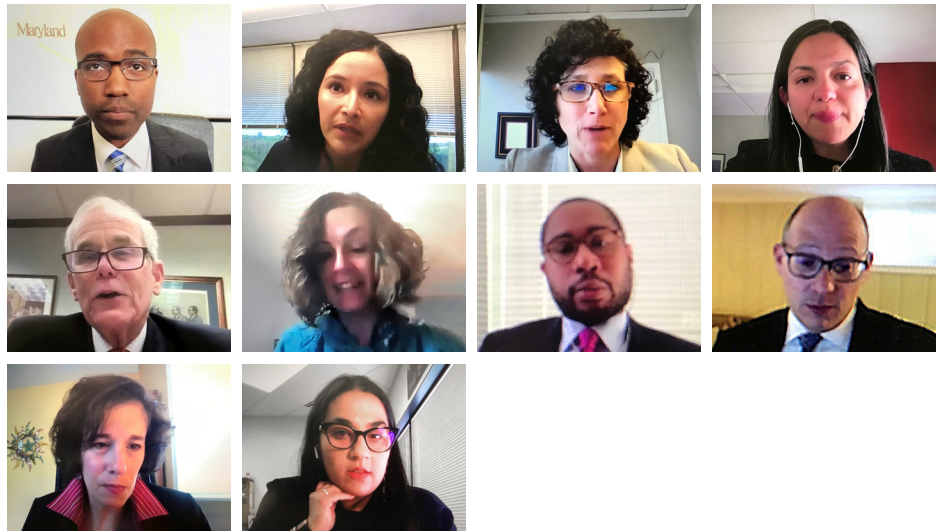
- **Session III** featured presentations by **Judge Theodore Chuang**, **Ezra Gollogly**, and **Louis Malick** on civil pleading, venue, jurisdiction, and removal; **Magistrate Judge Charles Day** and **Andrew Torrez** on the Local Rules for Discovery, ESI, and Spoliation; **Laure Ruth**, Legal Director of the Women’s Law Center of Maryland, on pro bono legal services for survivors of domestic violence; **Magistrate Judge Gina Simms** and **E. Hutchinson Robbins** on mediation in the federal court; and **Judge Ellen Hollander** and **Rachel McGuckian** on dispositive civil motions.

*Continued on next page*

Chapter Presents 2021 Introduction to Federal Practice Program – from page 2

## Session IV

- Session IV** featured presentations by **Magistrate Judge Deborah Boardman**, **AUSA Dwight J. Draughon, Jr.**, and **AFPD Rosana Chavez** on initial appearances and detention hearings; **AFPD Liz Oyer** on discovery in criminal cases; an introduction to the Federal Sentencing Guidelines by **First Assistant Public Defender Katherine Tang Newberger**; a presentation on motions, pleas, and PSRs by **Judge Richard Bennett**, **AFPD Desiree Lassiter**, and **AUSA Patty McLane**; and presentation on federal sentencing practice by **Judge Paula Xinis**, **AFPD Andrew Szekely**, and **AUSA Brandon Moore**.



Each session began with a welcome from Maryland Chapter President Katherine Tang Newberger or President-Elect Nicole Gatewood and was moderated by Robert Brennen. There were more than 80 registered audience members for each session and over 250 individuals registered for at least one of the four sessions. Copies of PowerPoint® presentations used in the course of the seminar were also made available to registrants. Feedback from participants was universally very positive and the entire program was enormously successful.

The Maryland Chapter of the Federal Bar Association would like to thank Mr. Alphonso Nollie of Miles & Stockbridge P.C., for his technical assistance in presenting the program, and to Mr. Jerome Cosby, also of Miles & Stockbridge P.C., for his assistance with organization and registration.

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## The Honorable Paul Grimm and Professor Maura Grossman Present on Issues Relating to Artificial Intelligence

By Thomas Barnard

On February 24, 2021, the Maryland Chapter of the Federal Bar Association was pleased to host one of the legal landscapes' most interesting and timely presentations. Two of the nation's most renowned experts on the intersection of technology and the law, the Honorable Paul W. Grimm of the United States District Court for the District of Maryland and Professor Maura Grossman from the University of Waterloo and Osgoode Hall Law School, presented a

live webinar to over a hundred attendees entitled "Artificial Intelligence as Evidence." Thomas Barnard of the Maryland Chapter moderated the discussion.

Professor Grossman opened the presentation with an overview of key concepts to understand what artificial intelligence, or "AI," is and how it functions. Using fascinating examples and real-world application, Prof. Grossman explain

important concepts, including the science and technology behind AI, the different types of machine learning, and exploring some of the capabilities of AI and how it can benefit society. These included key roles in health care, education, finance, law enforcement, and government. Additionally, Prof. Grossman introduced the capacity for AI to play a key role in the practice of law.

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**Issues Relating to Artificial Intelligence – from page 3**

Professor Maura Grossman



Some examples she gave of AI's role for lawyers and courts included: Technology-assisted review (TAR) and other analytics in eDiscovery; M&A due diligence, contract analysis, and review; public disclosure analytics; legal research/summarization/drafting of memos and initial pleadings; analysis of briefs for missing citations; predictions about opposing counsel and courts; litigation outcome forecasting for financing purposes; jury pool evaluation; analysis of claims and automated forms completion; and billing. While noting these potential benefits of AI to the legal community, Prof. Grossman also noted that the use of AI raises certain other potential issues. For instance, the risk of bias in AI as the program algorithms behind AI can be shaped and imbedded due to human input and development, and that bias could have a lasting effect on the outcome. Additionally, she described

Judge Paul W. Grimm



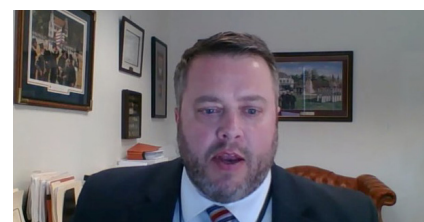
a concern known as "Function Creep" where the reliance on AI could grow to include decisions that should normally be reserved to human judgment. Lastly, she raised some of the inherent ethical problems that could be raised for lawyers relying on AI, including the risk of relying on AI in helping a lawyer to exercise competence and due diligence.

This discussion of ethical issues for AI and the law transitioned into Judge Grimm's analysis of AI from an evidentiary perspective. Judge Grimm systemically analyzed the questions posed by turning to the Federal Rules of Evidence. First reviewing the overarching principles embodied in FRE 102, Judge Grimm then walked through detailed analyses of the various Relevancy and Authenticity challenges.

Further, Judge Grimm gave several

other key pieces of advice in dealing with AI. First, he warned to avoid the "hearsay" red-herring, pointing out the use of AI does constitute a statement triggering hearsay concerns. Second, he suggested to regularly draw analysis from FRE 702 and *Daubert*. As Judge Grimm pointed out, the area of AI will require potential expert testimony to cover areas like testing, error rate, general acceptance, and peer review to support efforts at establishing authenticity.

Professor Grossman and Judge Grimm have written a scholarly article entitled "Artificial Intelligence as Evidence" that is scheduled to be published in the *Northwestern Journal of Technology & Intellectual Property*, Volume 19 Issue 1, which will come out in the Fall of 2021. Until then, anyone who wants a copy can email Professor Grossman at [maura.grossman@uwaterloo.ca](mailto:maura.grossman@uwaterloo.ca).



Thomas Barnard

## The Maryland and District of Columbia Chapters of the Federal Bar Association Present Panel on International Investigations

**By Thomas Barnard**

As part of their ongoing series of Government Investigation related presentations, on March 31, 2021, the Maryland and D.C. Chapters jointly sponsored a panel of experts in international investigations to discuss some

of the recent developments relating to international investigations. The panelists were Douglas McNabb, founding partner of McNabb Associates in Chicago, Houston, and Washington, D.C.; Emmanuel Moyne, founding partner of Bougartchev Moyne

Associés in Paris; and David Savage, head of financial crime at Stewarts in London. Tom Barnard of Baker Donelson and Eric Nitz of MoloLamken moderated the panel.

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*International Investigations Panel – from page 4*



Douglas McNabb

One of the topics that received significant attention was the use of Deferred Prosecution Agreements (DPAs), including the major recent case involving *Airbus*. Attendees learned that DPAs are a relatively new tool in France, having only recently been made available under French law.

the United States. Furthermore, the impact of Brexit, as well as the growing trend toward international cooperation in Europe in investigations, demonstrated that this area of practice is only likely to become more important in the years to come.



David Savage

Panelist also described the role of Interpol and strategies for dealing with “Red Notices,” including their potential impact and strategies for having them removed, and the importance of a strategy that focuses on domestic exposure, even when the international interest of a client is in



Emmanuel Moyne

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## Chief Deputy Clerk Catherine M. Stavlas to Succeed Felicia C. Cannon as Clerk

Felicia C. Cannon, who has served with great distinction as Clerk of the United States District Court for the District of Maryland, will be retiring from her post on May 31, 2021. On November 12, 2020, Chief Judge James K. Bredar announced that the Judges of the District have selected Catherine M. Stavlas to succeed Ms. Cannon as Clerk.

a 1997 graduate of The University of Maryland School of Law. After beginning her career as a judicial law clerk with U.S. Bankruptcy Judge Duncan W. Keir in the District of Maryland, she then worked as an associate with the law firm of Akin, Gump, Strauss, Hauer & Feld, LLP in Washington, D.C. and as the Assistant United States Trustee for the Southern Division of the District of Maryland before becoming Chief Deputy Clerk for Operations in 2017.

Ms. Stavlas is a 1994 graduate of the University of California at Berkeley and

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## U.S. Magistrate Judge Vacancies

On April 23, 2021, Chief Judge James K. Bredar announced that the Merit Selection Panel for the appointment to replace Magistrate Judges Deborah L. Boardman, Charles B. Day and Thomas M. DiGirolamo shall consist of attorneys Ava E. Lias-Booker, Chair; Kobie Flowers; Robert K. Hur; David W. Kinkopf; Teresa

Whalen; Linda S. Woolf; and Ben Yhim; and non-attorneys Amy Newby Collier and Gregory F. Simmons.

On May 5, 2021, the United States District Court for the District of Maryland announced that it is accepting applications to fill two full-time United

States Magistrate Judge positions in the Northern Division and one in the Southern Division. Complete application packets are due no later than June 7, 2021. Additional information and a copy of the application is available on the Court’s website at <https://www.mdd.uscourts.gov/employment-opportunities>.

## Selection of Chief U.S. Probation Officer

Randall H. Canal, Jr., will retire as Chief Probation Officer for the United States District Court for the District of Maryland on July 17, 2021. On April 9, 2021, Chief Judge James K. Bredar announced that the Judges of the United States District Court have selected Leon A. Epps, Jr., to succeed Randall H. Canal, Jr., as Chief Probation Officer upon his retirement on July 17, 2021. Mr. Canal has been in the Probation & Pretrial Services Office since 1998, and has served with distinction as Chief since 2018. Mr. Epps has provided over 22 years of service in this District's Probation & Pretrial Services Office, most recently serving as Deputy Chief Probation Officer since 2012. Earlier, he served as a Supervisory Probation Officer and Drug and Alcohol Treatment Specialist. Mr. Epps began his career in this District as a Probation Officer in 1998. He is a 1992 graduate of Xavier University.

## Notice of Proposed Amendments to the Local Rules

On April 1, 2021, the United States District Court for the District of Maryland announced that it is proposing changes to the following Local Rules: 104, 105, 108, 109, 201, 701, and 705. Copies of the amendments are available at [www.mdd.uscourts.gov/local-rules-amendments](http://www.mdd.uscourts.gov/local-rules-amendments). If adopted, the amendments would take effect on July 1, 2021. Comments must be submitted on or before June 1, 2021, to Mr. David E. Ciambuschini, Local Rules and Forms Committee, U.S. District Court for the District of Maryland, 101 West Lombard Street, Baltimore, MD 21201, or emailed to [MDD\\_LocalRules@mdd.uscourts.gov](mailto:MDD_LocalRules@mdd.uscourts.gov).

## Upcoming Events

### Virtual Summer Speaker Series for Summer Associates & Interns

- **June 15:**  
Hon. Richard D. Bennett & Hon. Ellen L. Hollander
- **June 23:**  
Federal Public Defender James Wyda & Acting U.S. Attorney Jonathan Lenzner
- **June 30:**  
Anthony Ashton, director of affirmative litigation, NAACP; Sally Dworak-Fisher, lead attorney, Workplace Justice Project, Public Justice Center; Sonia Kumar, senior staff attorney, ACLU Maryland
- **July 9:**  
Hon. Nancy V. Alquist & Gina L. Simms
- **July 16:**  
Law Clerks to U.S. Magistrate, District Court and 4th Circuit Court of Appeals Judges

Please RSVP to [MD\\_FBA\\_RSVP@fd.org](mailto:MD_FBA_RSVP@fd.org) with the dates you will attend and you will receive a link.

### Annual Chapter Golf Outing

**Monday, October 11, 2021:**  
9 a.m. Shotgun Start, Hobbits Glen Golf Club, Columbia, Maryland



# Federal Bar Association

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## Maryland Chapter

### VIRTUAL SUMMER

# **SPEAKER SERIES**

### FOR SUMMER ASSOCIATES & INTERNS

- **June 15:** Hon. Richard D. Bennett & Hon. Ellen L. Hollander
- **June 23:** Federal Public Defender James Wyda & Acting U.S. Attorney Jonathan Lenzner
- **June 30:** Anthony Ashton, director of affirmative litigation, NAACP; Sally Dworak-Fisher, lead attorney, Workplace Justice Project, Public Justice Center; Sonia Kumar, senior staff attorney, ACLU Maryland
- **July 9:** Hon. Nancy V. Alquist & Gina L. Simms
- **July 16:** Law Clerks to U.S. Magistrate, District Court and 4th Circuit Court of Appeals Judges

### ALL PANEL DISCUSSIONS START AT NOON.

Please RSVP to [MD\\_FBA\\_RSVP@fd.org](mailto:MD_FBA_RSVP@fd.org) with the dates you will attend and you will receive a link.