

Judicial Profile

JOAN BRADY

Hon. Karen Kaye Caldwell U.S. District Judge, Eastern District of Kentucky

A SUPER SOAKER™ AND a Louisville Slugger™, four half-finished drinks, a leadership medallion, a singing button playing “I Feel Good” (à la James Brown), a matching “gloat” button (playing “na-na-nah-nah, na-na-nah-nah, heh-heh, good-bye”), pictures of children, handwritten trial “rules,” a beautiful orchid, and miscellaneous papers adorn the antique desk of Hon. Karen Kaye Caldwell. The unusual menagerie captures well the unique personality of its owner.

A look around her spacious office quickly reveals more clues: a fuchsia plastic wand flanked by a lustrous paperweight of the U.S. flag, a slightly gaudy hand-worked leather photo album embossed with “Karen’s Memories” and filled with newspaper clippings, a Bose stereo system with CDs nearby, and awards more numerous than ants at a June picnic. On the bookshelves, *The Complete Cartoons of the New Yorker* and a two-volume set of *The Complete Far Side* nestle comfortably next to the *Sixth Circuit Federal Practice Manual* and *Justices and Judges of the United States Courts*. Throughout the room, references to Elvis abound, including a collector’s edition “Teen Idol Elvis” bearing the phrase “The Sun Never Sets on a Legend”—an item that sits in a westward-facing window.

The references to Elvis started when Judge Caldwell was an assistant U.S. attorney from 1987 to 1991. She was an early fan of the then new communication tool—e-mail—and her sense of humor awoke one day when she observed that a security officer in a local courtroom bore an uncanny resemblance to the late “King of Rock and Roll.” “He’s alive, He’s alive, Elvis is alive!” she quipped in a batch e-mail to her colleagues. She discovered that her joke became “the gift that keeps on giving” when, as a result, she became a collector of all things Elvis that very day.

A gregarious extrovert who clearly enjoys people, Judge Caldwell’s innate warmth and good humor quickly make one feel as though she has been a close friend for years. As a local attorney, Barbara Edelman, puts it, “when she walks into a room, everyone hopes



that she’ll sit at their table.”

Judge Caldwell’s sense of humor and infectious laugh so pervade her personality that it might be easy for the most casual observer to underestimate the level of dedication she brings to her office. Leaping to that conclusion would be a mistake. As local attorneys have learned, Judge Caldwell is always thoroughly prepared and expects the same of the practicing bar.

A Course of Her Own: The Unconventional Fast Track

Judge Caldwell’s dedication and determination revealed themselves at an early age. Born the eldest of four children to parents who had no formal education beyond high school, young Karen quickly forged her own course, graduating as valedictorian of her high school class. With a self-effacing smile, she notes that the population of Waynesburg, Ky., was only 300, and there were just 74 students in the Class of 1974. Growing up on a farm in a small community permitted close contact with people from all walks of life. The hand-tooled leather album in her office labeled “Karen’s Memories” was a gift from a classmate who experienced an unfortunate type of high school reunion, when attorney Caldwell was called to represent

him in a criminal trial. Bearing no resentment over his conviction, he later gave her both the photo album on display in her office and a briefcase, which she keeps in her London, Ky., office.

Judge Caldwell's parents openly supported their children's educational pursuits; her father told her she could choose any college in the country as long as it was Centre College or Transylvania College—both a stone's throw away from home. She chose Transylvania and graduated with a B.A. in history and pre-law in just three years, determined to finish as quickly as possible to ease the burden on her parents of paying college costs for siblings who were close behind. She retains close ties to her alma mater, continuing to serve on its board of trustees.

With no family or friends in the legal profession, she chose her career in the seventh grade, when she participated in mock trial held at the school. If she had had another choice of careers, it might have been one in music. She grew up playing piano quartets with her three siblings at recitals and continued to study piano through college. "My first job was playing for Barnett Funeral Home; I was paid \$5 a funeral." When she was 14 years old, she and her sister used their musical talents to compose an original campaign song for a family friend who was running for county coroner; she laughs as she recalls the lyrics. She joined the touring choir in college, and until her judicial schedule interfered too much with weekly practice, she enjoyed singing in her church choir. To this day, Judge Caldwell finds time to lose herself at the piano—currently a Steinway baby grand. "I practice law to support my music habit," she jokes.

While never losing sight of her long-term goal of a career in law, Judge Caldwell took full advantage of her three college years to explore many interests, serving as the editor of the yearbook and a columnist for the campus newspaper. An opportunity to study in Scotland led her to give generously to and help raise money for establishing an endowed scholarship fund for students to study abroad. Her philanthropy to this and other charities is reflected in several of the awards in her office.

In 1980, Judge Caldwell graduated from the University of Kentucky College of Law, which recently honored her with its highest award, induction into its Hall of Fame. After law school, she accepted a position with State Farm Fire and Casualty as one of only two female field claims representatives in the Commonwealth of Kentucky. Although her position with the company did not involve the practice of law, the job prepared her well for her future career. Not only did she investigate a variety of claims including arson, but her promotion to management in Houston, Texas, overseeing two offices and a litigation unit, also helped to hone her managerial skills in the legal field.

Public and Private Practice: Raising the Ethical Bar

After seven years with State Farm, Judge Caldwell



Judge Caldwell cooks for a crowd during her participation in a charity event last fall. Photo by John Mitchell.

returned home to Kentucky to begin practicing law as an assistant U.S. attorney. Her background in investigating and evaluating court claims—combined with her keen intellect and dedication to her work—quickly set her apart. She was first named chief of financial litigation, then chief of general civil litigation and deputy chief of the Civil Section of the Office of the U.S. Attorney for the Eastern District of Kentucky. After just five years as an assistant U.S. attorney, she was nominated by former President George H. W. Bush as one of eight women in the nation and the first woman in Kentucky to serve as a U.S. attorney. At the age of 35, she was one of the youngest in the nation to head that office.

Any outside skepticism about her appointment was quickly laid to rest. Under her direction, the office prosecuted more than 1,500 civil and criminal cases. She developed a reputation for exposing public corruption, in part through a series of widely publicized cases known as Operation BOPTR0T, which led to the conviction of numerous state lobbyists and legislators. One of the assistant U.S. attorneys who worked with her at the time recalls that she demonstrated unparalleled "common sense and good judgment" as well as a very strong work ethic. Although the Office of the U.S. Attorney is a political appointment, Assistant U.S. Attorney E.J. Walbourn recalls that she was "absolutely nonpolitical" in the way she conducted her office. She was a U.S. attorney who had a clear grasp of all relevant facts and made it a point not to know a target's political affiliation. The U.S. Department of Justice recognized her for her efforts to restore public confidence in elected officials.

After leaving the Office of U.S. Attorney in 1993, Judge Caldwell joined the Kentucky office of a West Virginia law firm, Robinson & McElwee, where she expanded her practice from general civil and criminal litigation to work dealing with transactional and environmental compliance cases. In 1995, Judge Caldwell

joined a Kentucky firm as one of five partners, further expanding her legal repertoire as many of her clients sought out alternative dispute resolution. That same year, the Kentucky Bar Association named her “Outstanding Lawyer of the Year.” In 1998, she joined the large regional firm of Dinsmore & Shohl as a partner and continued a broad litigation practice along with transactional and regulatory compliance work until her appointment to the bench. District Judge Jennifer Coffman reflects that Judge Caldwell “brings the perfect mix of experience to the job.”

During her years in practice, Judge Caldwell devoted significant time to activities designed to raise ethical standards of both the practicing bar and local government by serving on the Kentucky Board of Bar Admissions Character and Fitness Committee, the Joint Rules Commission for the Federal Courts in the Eastern and Western Districts of Kentucky, and the Lexington-Fayette County Government Ethics Commission. Drawing upon her journalistic talents, she also served as chair and editor of Kentucky’s *Bench and Bar* magazine from 1997 until 2001. (Ironically, her talent in journalism nearly led her away from the practice of law in 1993, when she briefly considered a local television station’s offer to anchor its evening news.)

On the Bench

Judge Caldwell was nominated to the bench by President George W. Bush and unanimously confirmed on Oct. 23, 2001. Since her confirmation, Judge Caldwell has brought to the bench not only the breadth of her experience in private and public litigation and business but also a lifelong zeal for learning and perfecting new skills. That passion was put to the test when, in her first year on the bench alone, she presided over eight trials! As a way to improve her skills, Judge Caldwell maintains meticulous notes on each trial she conducts, compiled into personal “rules.” She explains that, if a problem occurs during a trial, she makes a note and tries to derive a “rule” that will prevent the problem from arising during future proceedings. To date, she has presided over 41 trials, resulting in many refinements of those “rules.”

The judge is assisted by a devoted staff of two law clerks and a judicial assistant, who provided her with the fuchsia plastic wand—a demonstration that she is considered the “queen” of their office; the Super Soaker was a recent birthday gift. At noon, her staff gathers in the library to share insights on cases—as well as more than a little laughter—over lunch.

Judge Caldwell has earned the esteem of her fellow judges in the district, who describe her as “smart, organized, and articulate” and note her exemplary preparedness. Chief Judge Joseph M. Hood comments: “She is quick to seek the opinions of her fellow judges regarding a [novel] subject before ruling. Personally, I’ve found that she’s always got it right when she asks a question.” Judge Coffman agrees, saying, “Not only

is she always well prepared and well researched, her instincts are unerring. She has a clear vision and a real sense of the big picture.”

When first appointed, Judge Caldwell presided over cases in Pikeville, London, and Covington, Ky. Although her primary station of duty is now Frankfort, Ky., Judge Caldwell continues to travel to preside over the Pikeville and London dockets. Judge Caldwell’s achievements both on and off the bench were honored by the Commonwealth of Kentucky in 2006, when she was presented with the Outstanding Alumnus of Kentucky (OAK) award.

At Home With Family

Although she has no biological children, Judge Caldwell is grandmother of six through her marriage to Lloyd Cress, deputy secretary of the Kentucky Environmental and Public Protection Cabinet. With obvious delight, she confides that her adopted grandchildren call her “Karenie.” She also has long enjoyed close relationships with her many nieces and nephews (one of whom has followed her aunt’s footsteps by enrolling in law school). Judge Caldwell laughs when she recalls that, prior to her marriage, she had never really learned to cook. With characteristic dedication and her passion for new ventures, she not only learned to cook but now also loves to prepare gourmet-style dinners for her large blended family (25–30 people) virtually every weekend. It is just one of the ways in which she maintains a close connection with the children who are a part of her life, many of whose pictures decorate her office.

If you don’t find Judge Caldwell inside when she is at home, look in the garden. The orchid in her office reflects the judge’s love of flowers and gardening—a passion cultivated from her youth.

Oh, and for those still wondering about the baseball bat—it is a gift from her cousin designating her as “a hard-hitting judge,” no doubt, in the best sense of the phrase. **TFL**

Joan Brady has been a career law clerk to Magistrate Judge J. Gregory Wehrman since 1992. She previously clerked for Judge Robert F. Chapman of the U.S. Court of Appeals for the Fourth Circuit and the late Judge John Weld Peck of the U.S. Court of Appeals for the Sixth Circuit. © 2007 Joan Brady. All rights reserved.