

Judicial Profile

S. BRENDAN LYNCH

Hon. Anne Conway Chief U.S. District Judge, Middle District of Florida

MANY SPORTS FANS around the country may find the University of Florida, and its fans in particular, to be rather insufferable. There might be many reasons behind this feeling—jealousy of the amazing recent success of the football team and the men’s basketball team (each team won two national titles in the previous four years); the seemingly incessant nature of the Gator chomp (most vividly demonstrated by Florida’s quarterback and 2007 Heisman Trophy winner, Tim Tebow, during the 2009 BCS national championship game between Florida and Oklahoma); or perhaps just the beautiful weather that the state’s residents enjoy on a nearly year-round basis. Regardless of the reasons, there is no denying this fact: One of the University of Florida’s biggest fans and one of its most successful alumni is Chief Judge Anne Conway of the Middle District of Florida.

Anne Callaghan Conway was born in Cleveland, Ohio, in 1950, into a large, sports-minded family. One of seven children, the future Judge Conway also had scores (literally) of first cousins—approximately 80 of them. Even though the ages of the cousins presently range from 30-something to 70-something, Judge Conway assures those who ask that all the cousins remain close, and that the judge can, at any given time, sit down and write out all their names. Thankfully, she has not been put through this herculean task.

While growing up in Cleveland, Judge Conway had both the law and sports on her mind. Her father attended Georgetown University on a football scholarship and, while there, he was captain of the school’s baseball and hockey teams. He eventually became a lawyer, spending a part of his career as in-house counsel before eventually practicing real estate law in the Marco Island area of Florida. While she was a child, Judge Conway’s grandfather was co-owner of the Cleveland Indians (with Bob Hope) for a period



of time as well. Judge Conway would go to Indians’ games as a kid, although she commented that getting good tickets was often difficult with so many cousins in the area clamoring for the same.

This love of sports and law that she got from her family, particularly from her father, would play pivotal roles throughout Judge Conway’s life. After high school, Judge Conway attended John Carroll University in the greater Cleveland area; like her father’s alma mater, Georgetown, John Carroll is a Jesuit university. While at John Carroll, Judge Conway helped to organize a women’s intercollegiate basketball program; the team competed against schools such as Akron University and the Notre Dame Women’s College in Cleveland. This women’s basketball program was part of an offshoot of the Women’s Athletic Association at John Carroll, an organization that was co-founded by Judge Conway. The basketball team had to make their own jerseys and was given court time only after the men’s intramural team’s practice; the women’s team’s

official scores weren't even kept during the games. None of this deterred Judge Conway, who was competitive then and remains so today. This kind of leadership ability was only a precursor to later events in her life.

Her experience at John Carroll University was a great one through 1972, when her family's move to Florida led her to enroll at the University of Florida Law School after graduating from college. As Judge Conway said, she enjoyed her experience at Florida in no small part because she was attending a school with a huge sports program. There was even a real basketball program at Florida, although the school had no women's program at the time of her enrollment. During her time as a Florida Gator, Judge Conway served as executive editor of the *Florida Law Review* and interned with the Legal Aid Society.

Perhaps her most lasting involvement at the law school, however, began at the Center for Governmental Responsibility, which started when she became one of the first research assistants there. Opened in 1972, the Center for Governmental Responsibility was originally funded by the McIntosh Foundation to study President Richard M. Nixon's decision to cut funding for housing and civil rights programs. Since its founding more than 35 years ago, and with Judge Conway's continued advice as a member of the Board of Advisers, the center has gone on to be an innovator in environmental law; democracy and governance; social policy research; and a wide range of local, state, federal, and international programs and projects. The center has achieved its reputation because of provisions for research funded by grants and contracts, clinical experiences for law students, and sponsorship of local and international conferences on important legal and policy topics of today. Judge Conway has been particularly active in programs involving Latin America; she has spoken at the annual conference entitled "Legal and Policy Issues in the Americas." As a result of her early and continued work with the center, Judge Conway was awarded the McIntosh Foundation Award.

Upon graduating with honors from the University of Florida Law School, Judge Conway received a prestigious federal clerkship with Judge John Reed of the Middle District of Florida. This experience honed her desire to eventually become a judge herself. She has said that when she was in law school, "while other students would watch Perry Mason and want to be Perry Mason, I always wanted to be the judge." The two-year clerkship with Judge Reed opened her eyes to the district judge position as one where you encounter actual litigants, as opposed to appellate judicial work, where you only occasionally see the attorneys or parties involved.

After completing her clerkship, Judge Conway entered private practice as an associate with Young, Turnbull & Linscott, P.A. Shortly thereafter, in June 1978, she joined the firm of Wells, Gettis & Hallows,

P.A., where she became a partner in 1981. Because it was a smaller firm, Wells Gettis gave Judge Conway the opportunity to do a great deal of trial work, but it wasn't until moving to Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A. that she was able to sink her teeth into a number of federal cases. This was Judge Conway's goal—federal work—from the time of her clerkship with Judge Reed. While at Carlton Fields, she also served on the District Court Rules Committee and as an arbitrator on the Middle District of Florida arbitration panel. The nearly 10 years she spent at Carlton Fields—including seven years as a shareholder—as well as her committee experiences enabled her to become more focused on federal practice and resulted in a direct path to her eventual appointment to the bench.

President George H. W. Bush nominated Anne C. Conway to the U.S. District Court for the Middle District of Florida on July 24, 1991, to fill the seat vacated by Judge George C. Carr. She was confirmed by the Senate on Nov. 21, 1991, and received her commission four days later. Initially assigned to the Tampa Division of the Middle District, Judge Conway was eventually transferred to a seat in Orlando—her home base—in August 1992.

While on the bench, Judge Conway has seen her fair share of cases that wound up in the public spotlight. Included among these was a lawsuit dealing with issues of privacy and First Amendment rights surrounding the production of the movie "The Perfect Storm," based on the best-selling novel by Sebastian Junger. Another was a landmark environmental case dealing with the protection of sea turtles on the beaches of Volusia County, Fla. Judge Conway's current docket includes the largest multidistrict litigation matter in the history of the Middle District of Florida. This case, slated to have its first trial later this year, contains more than 6,200 personal injury and product liability filings involving claims that the antipsychotic drug Seroquel® causes diabetes-related injuries. This case involving multidistrict litigation is large enough to have warranted a reference in Chief Justice Roberts' 2007 year-end report on the state of the federal judiciary. To help her with this load, Judge Conway is fortunate enough to have five clerks—including two career law clerks who previously worked with her in private practice—Steve Branyon and Christine Bilo-deau. Their great assistance has proven invaluable to the judge over the course of more than a decade.

Not only will the Seroquel litigation take place in Judge Conway's courtroom, but it will also occur under her watch as chief judge of the Middle District of Florida. She assumed chief judge status on Aug. 23, 2008, and, although it is a position based on seniority, she still considers it a true honor. With the position will come a new set of challenges, including the fact that there are five diverse divisions within the Middle District, most of which are larger than many entire districts around the country. Chief Judge Conway in-

tends to visit all five divisions early in her tenure as chief judge. She also hopes to use her new leadership position to encourage community outreach more effectively. Because the federal judiciary is a co-equal branch of government, the chief judge would like the federal judiciary to be shown the appreciation it deserves, and she believes that more persistent involvement in the community is a positive step in this direction. This outreach can consist of small tasks at the local level, such as volunteering at local schools (for the last six years, Judge Conway has read to kindergartners and first-graders at a local elementary school on a weekly basis); the outreach can also take place on an international level, such as the trips she has taken with the Center for Governmental Responsibility to Lima, Peru, and Rio de Janeiro, Brazil.

Other district judges working with Judge Conway have the utmost respect and confidence in her ability to succeed. District Judge John Antoon commented that Chief Judge Conway “will use her uncommon energy and intellect to make sure that judges and court personnel are able to address the ever-increasing case filings.” Not to limit her to just business, Judge Antoon also discussed her gregarious nature and “keen sense of humor.”

Through it all, however, Judge Conway and her husband have concentrated on the care of their two daughters, Carolyn and Nell. “You begin to base your life on your children, and their ages, and what they’re doing—so 17 years [the time she has spent on the bench] all of a sudden seems like a long time,” Judge Conway said. As a judge, she has had more control of her time than she did as an attorney. One year, she was able to make 44 out of 46 soccer games in which her two girls played. Furthermore, as Judge Conway pointed out, high school cross-country events were a godsend, because it only took about 30 minutes to complete the entire event. Through it all, the girls have been successful. Carolyn will be the first doctor in the family, beginning her pediatric medicine residency this year. Nell has followed in her mother’s footsteps and will graduate from the University of Florida Fredric G. Levin College of Law in 2010.

In addition to combining the mammoth time requirements of being a federal judge and a soccer mom, Judge Conway has maintained an active life. Traveling internationally at least once every year has become a goal for her. Judge Conway notes, however, that 2009—her first year as chief judge—will prove to be a difficult year to meet that goal because of her duties as chief judge and the responsibilities of the multidistrict litigation in which she is involved. Italy is a favorite spot, in particular the Umbria region in the central portion of the country. In 2005, Judge Conway spent a month in Peru with her daughter Carolyn, working at a home run by Tony Lazzara, the brother of U.S. District Judge Richard Lazzara, for sick and destitute children. Judge Conway’s lack of Spanish-speaking skills did not prove to be a problem on this mission-

ary trip. Because the children in her care were infants, she spoke as much Spanish as they did. Included in her previous itineraries are Petra, Jordan (where Judge Conway noted parts of “Raiders of the Lost Ark” were filmed); the Patagonia region in South America; St. Petersburg, Russia; China; and Egypt. In addition, although she no longer plays basketball competitively, she has participated in half-marathons (in both Virginia Beach and Disney World), and she goes kayaking when she is able to get away. In particular, she says that the kayaking “allows for a Zen state—calm and peaceful” that allows her to forget, at least for a moment, the rigors of her daily job.

That being said, Judge Anne Conway has no desire to move on from her present position. Having worked with—and been mentored by—such jurists as Judge John Reed, Judge George C. Young, and Judge William Terrell Hodges, she has no thoughts at all of returning to private practice. She enjoys being a stickler for the rules of federal court, in particular the rule that attorneys should rigidly adhere to the case management order and follow pretrial statements. Chief Judge Conway believes that this adherence is of utmost importance for professionalism and collegiality as well, which is one reason why she requires attorneys to actually meet in person for initial pre-trial conferences—forbidding the conferences to occur via e-mail or on the telephone. As she says, “If you treat it [the court] right, it will treat you right.” **TFL**

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Author Note

In addition to the many judicial opinions she has authored, Chief Judge Conway has also shared insights into her time on the federal bench in two articles published in *Litigation Magazine*. These two articles, entitled “First Impressions” (published in 1993, two years after she was named to the bench) and “Last Impressions” (published nearly 10 years later, in 2002) are available, among other places, on Westlaw.