



# Hon. L. Patrick Auld

## Magistrate Judge, U.S. District Court for the Middle District of North Carolina

by Whit Pierce



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**M**agistrate Judge L. Patrick Auld believes there is no substitute for preparation. “Preparation,” he says, “is the basic element of being a professional.”

There are, of course, some things for which one cannot fully prepare. Shortly before Judge Auld was first appointed to the bench in November 2009, the Middle District of North Carolina boasted 85 years of combined magistrate-judge experience spread across the three then-sitting magistrate judges. But by early 2012, all three of those long-serving judges had retired, leaving the Middle District’s magistrate judge’s bench with only two years of experience—both of which were Judge Auld’s. Judge Auld and the two new magistrate judges who joined him in 2012 faced quite a challenge keeping pace with the many tasks delegated to them in a judicial district that sees 1,600 to 2,000 new cases filed every year.

As he has done throughout his life, Judge Auld embraced the challenge. Now comfortably into his second eight-year appointment to the bench, and with more than 1,000 written opinions under his belt, Judge Auld has earned a reputation for thoughtfulness, thoroughness, fair-mindedness, and—you guessed it—preparedness.

Judge Auld was born and raised in Sumter, S.C. He started delivering newspapers in the sixth grade and stuck with it all the way through high school, filling in remaining spare time with landscaping and babysitting work. From an early age, his mother taught him and his sister to love learning. And learn he did.

At 18, Judge Auld moved three-and-a-half hours due north, to Wake Forest University in Winston-Salem, N.C. At Wake Forest, he double-majored in politics and history, and he found himself in a constitutional law class led by an award-winning professor named Katy Harriger. Under Professor Harriger’s tutelage, Judge Auld learned skills that he now credits with laying the foundation for his long, happy relationship with legal writing and analysis. In 1992, Judge Auld graduated from Wake Forest, having been named a Truman Scholar, elected to Phi Beta Kappa, awarded prizes for



top grade point average, and chosen “best liberal arts student,” “best history major,” and “best politics major.”

Three years after graduating from Wake Forest, he graduated from Yale Law School, again with numerous honors. He moved back to North Carolina, to Greensboro this time, and started a judicial clerkship with a luminary of the North Carolina federal bench, Judge N. Carlton Tilley Jr.

Judge Auld counts Judge Tilley among the great influences in his life. He says that Judge Tilley took professor Harriger’s teachings and his law-school education to “the next level.” Judge Tilley also helped Judge Auld develop his abiding belief in the importance of civility in the practice of law. Judge Auld is fond of quoting Judge Tilley’s view on the presentation of legal arguments: “We are here to talk about ideas. Not other people.” That notion often shines through in Judge Auld’s written opinions. In one opinion, Judge Auld wrote, “Even (or perhaps especially) when emotions run high in litigation, attorneys must behave civilly.”<sup>1</sup> Another opinion, *Kinetic Concepts Inc. v. Convatec Inc.*, has become local canon when it comes to the way discovery is to be conducted, and it has been cited several hundred times by judges, litigants,

and law reviews all across the country.<sup>2</sup>

After a year in Judge Tilley's chambers, Judge Auld signed on with another judicial luminary, Judge Phyllis A. Kravitch of the U.S. Court of Appeals for the Eleventh Circuit. Judge Auld describes Judge Kravitch, who passed away in 2017, as "a remarkable person." He speaks highly of her and notes that Judge Kravitch was trying jury cases as a practicing lawyer before it was legal for women to even serve on juries in Georgia.

Judge Auld is quick to speak highly of others, and others reciprocate. One former clerk, now with the Department of Justice, credits Judge Auld's mentorship with making her a stronger lawyer, a better writer, and a more active thinker. She also notes that Judge Auld "was incredibly thoughtful toward everyone he worked with." Another former clerk echoed that sentiment: "I cannot say enough good things about Judge Auld both as a person and a judge. He was an amazing boss and I am incredibly fortunate for having had the opportunity to clerk for him." He added that Judge Auld's "fidelity to the law is fundamental to who he is as a judge. Whenever we would work on a case, his concern was always 'What does the law say?'"

Following his clerkship with Judge Kravitch, Judge Auld entered private practice in Atlanta, where he practiced First Amendment and media-related litigation. In 1998, he returned to Greensboro to serve as an assistant U.S. attorney. Over the next 11-plus years, he prosecuted more than 200 cases, including roughly 20 jury trials and 15 appellate arguments.

One such trial involved a Bosnian national named Veselin Vidacak, who came to the United States claiming refugee status in 2002. Military records from the Bosnian Civil War were uncovered that showed that Vidacak had in fact been a member of the Army of the Republika Srpska, which perpetrated the July 1995 Srebrenica massacre. Those military records contradicted statements that Vidacak had made on his refugee application and related immigration documents, where he asserted that he had never served in the military. The United States charged Vidacak with four counts of making false statements. The trial was the first of its kind relating to the Bosnian Civil War, and it required Judge Auld to educate the jury about both that conflict and the refugee system. Ultimately, the jury returned a guilty verdict on all four counts.

In 2004, Judge Auld rose to deputy chief of the criminal division in the U.S. Attorney's Office. Then, in 2009, after being vetted by a merit-selection panel of attorneys and community members, Judge Auld was appointed to the position in which he serves today. From the outset of his judicial service, Judge Auld carried a heavy caseload. His docket skewed heavily to the civil side, which made for a challenging transition from his previous 11-plus years of criminal practice. And two of Judge Auld's early cases were large, complex patent cases. As Judge Auld now recounts, "I felt like I was suddenly playing 3D chess, and I had been practicing checkers."

Judge Auld made the transition handily, and a little

less than eight years later, a merit-selection panel that included some of the district's finest attorneys recommended that Judge Auld be reappointed to the bench for another term. Generally speaking, Judge Auld's duties include presiding over preliminary proceedings in criminal and civil cases; policing discovery; case management; and making recommendations for rulings on dispositive motions in civil litigation, habeas cases, and Social Security appeals. After nearly 10 years on the bench, Judge Auld is comfortable with whatever the docket throws at him—3D chess or otherwise.

That is not to say that the job no longer presents challenges. Judge Auld firmly believes that, no matter how difficult the questions presented in a case, a judge's "job is to decide, and that parties are entitled to an answer." Unfortunately, he says, it can be very difficult to find the right answer. Recalling his days as a law clerk when he always felt confident that he knew the right answer, Judge Auld laughs, "Either I have gotten a lot dumber, or I thought I was a lot smarter back then."

Judge Auld's challenges have shifted somewhat over time, but so has his perspective. He owes that, he says, to being a husband and a father. When he first started out as an attorney, he "lived and died with cases." These days, he believes that true professionalism requires that one keep at least some distance from the work. Judge Auld says that being a father helps him do that—it helps him be a "whole person," which gives him a fully dimensional outlook on his cases. He says that his wife, a successful litigator, complements that outlook and also helps him understand what it's really like to practice law in the 21st century.

In addition to his judicial and familial duties, Judge Auld stays involved in the local bar, and he is known for being generous with his time. He is an active member of two local Inns of Court, frequently appears at CLEs and moot-court competitions, and has co-taught a pre-trial litigation class at Duke Law School. He also participates in the Middle District of North Carolina's Civics Initiative, which is a court-sponsored program that gives middle- and high-school students opportunities to participate in hands-on civics programs at the federal courthouses in Greensboro, Winston-Salem, and Durham.

Perhaps by the time those young students have careers of their own, the Middle District of North Carolina will again boast 85 years of combined magistrate-judge experience. In any event, it has taken less than 10 years for Judge Auld's judicial decisions and personal example to give us a body of rules by which to practice and live. One rule, of course, towers above them all: Be prepared. ☺

## Endnotes

<sup>1</sup>*Moore v. Dan Holdings Inc.*, No. 1:12-cv-503, 2012 WL 5182922, at \*6 (M.D.N.C. Oct. 18, 2012).

<sup>2</sup>*Kinetic Concepts Inc. v. Convatec Inc.*, 268 F.R.D. 255, 258 (M.D.N.C. 2010) ("By local rule, this court has directed 'counsel to *conduct discovery in good faith and to cooperate and be courteous with each other in all phases of the discovery process.*'").