



Judicial Profile

by Coleman W. Watson

Hon. Karla R. Spaulding U.S. Magistrate Judge, Middle District of Florida

Approximately 210 miles from the Florida coast sits Norman's Cay, an island in the Central Bahamas. There is no question that both its sunshine and pristine beaches contribute to its fame. But in the late 1970s and early 1980s, one man put Norman's Cay on the map: Carlos Lehder, co-founder of the Medellin Cartel. He used Norman's Cay as his personal island headquarters for the distribution of cocaine. During his prime, he was responsible for smuggling the bulk of all cocaine into the United States from Colombia by using small airplanes. According to *Forbes* magazine, he amassed a \$2.7 billion fortune in doing so. Lehder's fleet took off from a private runway on Norman's Cay, which was closely protected by attack dogs and armed guards, and then landed on several out-of-the-way runways in Florida and Georgia. He bribed and evaded authorities for years, and once threatened to kill one federal judge per week if he were ever captured and extradited. The threat put officials on high alert in 1987 after he was apprehended on a farm in Colombia. Within hours of his capture, he was put on a U.S. government airplane en route to Florida to face drug trafficking charges. Ultimately, Robert Merkle, former U.S. attorney for the Middle District of Florida, and Ernst Mueller, an assistant U.S. attorney, prosecuted Lehder. On their pretrial team sat a young prosecutor who would later go on to become a respected member of the federal bench: the future U.S. Magistrate Judge Karla R. Spaulding.

When the *Lehder* trial began, armed U.S. Marshals were strategically placed outside the Federal Courthouse in Jacksonville, Fla., for the man the press dubbed as "one of the world's most prolific and dangerous cocaine smugglers." Due to heightened security concerns surrounding the trial, and because she was not given a personal security detail, Judge Spaulding could not directly participate



on the trial team. However, she was vital to pretrial motion practice, working with law enforcement agents, interviewing witnesses, and gathering evidence. Robert Merkle nominated her for, and she received, a Special Achievement Award from the Department of Justice (DOJ) for the significant research and writing she contributed to the pretrial efforts. After Lehder was convicted, Judge Spaulding contributed to the appellate team that

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successfully defended the conviction on appeal.

By the time she was involved with the high-profile *Lehder* trial, Judge Spaulding had been an assistant U.S. attorney for five years. Her former law school classmates would probably say the role was fitting for the woman who once served as executive editor of *The Journal of Criminal Law and Criminology*. But make no mistake, while Judge Spaulding has criminal law roots, her work as a magistrate judge consistently exemplifies the breadth and depth of her knowledge on the civil side, particularly in e-discovery. If Judge Spaulding's path to the federal bench were made of cobblestones, then each of them would represent a remarkable accomplishment spanning more than 30 years, with her work ethic being the mortar that binds them together.

A dirt road about eight miles outside of Breckenridge, Michigan, leads to the place where Judge Spaulding was raised—a small family farm adjacent to the one owned by her grandfather. According to 2010 U.S. Census statistics, Breckenridge is the quintessential “Small Town, USA,” with a population of only 1,328. Judge Spaulding's husband affectionately describes it as having “one of everything you need, like a grocery store and a traffic light that only operates when school is in session.” It is the kind of place where doors were generally unlocked, passersby always greeted you with a smile, and traditional family values prevailed. Her father, a high school sports star, returned to the area after service in the U.S. Navy and married his high school sweetheart. He worked at Dow Chemical Company, in addition to farming, and her mother worked part time as a dental hygienist while they raised five children.

Judge Spaulding's education began at the Allen School, one of the last one-room country schools in Michigan, where students in grades kindergarten through eighth grade were taught by one teacher. When the Allen School closed, Judge Spaulding traveled by school bus to Breckenridge to complete her education. She graduated from Breckenridge High School in 1971 as its valedictorian, a title that her mother had also earned. Judge Spaulding also enjoyed extracurricular activities including 4-H, dance lessons, twirling fire batons as a member of the Breckenridge High School marching band, and earning a first place medal for solo piano performance at the Michigan State Solo and Ensemble Competition.

She had always planned to attend the University of Michigan. But when she visited, she was overwhelmed by its size in comparison to the place she called home. She opted instead for Western Michigan University in Kalamazoo, Mich., because, while a large university, it still had a certain small town appeal. She graduated *magna cum laude* in 1975 from the Lee Honors College with a Bachelor of Arts in history and in communications arts and sciences (theatre emphasis) and a secondary education teaching certificate.

Judge Spaulding considered applying for law school during her senior year. Her academic advisor persuaded her to try high school teaching first because it had always been her career goal, but she was unable to find a position that

fit her training. Most history teachers were also required to coach varsity sports, and speech and debate teachers were generally also English teachers, a subject in which Judge Spaulding did not have the necessary major or minor. She was fortunate that a position as an instructor in the Theatre Department at Grand Valley State College in Allendale, Mich., became available shortly before the fall semester was to begin. The college hired her to teach introductory theatre classes and serve as the costume and makeup designer for its theatrical productions.

After her first year at Grand Valley, Judge Spaulding learned that she would need to begin a graduate program in fine arts for her contract as an instructor to be renewed. Her thoughts again turned to attending law school, but she needed to find a way to finance that three-year professional degree. She returned to Breckenridge

and took two jobs: substitute teaching in the Gratiot County, Mich., school system and waiting tables at an upscale restaurant in Saginaw, Mich., about 30 miles from her home. Meanwhile, she began applying to law schools. She elected to attend the Northwestern University School of Law both because of its fine reputation and the financial aid package it offered her. She sold nearly everything she owned, packed her bags, and accepted her mother's offer to drive her to Chicago to begin law school classes in the fall of 1977.

With a slight laugh, Judge Spaulding reclines in a chair in her chambers at the George C. Young Courthouse in Orlando, Fla., recounting fond memories of her initial days where a major fear of most law students quickly becomes reality—the fear of not knowing the answer to a question. “While I was sitting in orientation, a classmate turned to me and asked if I wanted to be a ‘litigator.’ I froze because I simply did not know what the term meant,” says Judge Spaulding. Ironically, Judge Spaulding would spend the next 30 years in litigation, as a practitioner and, now, as a judge.

Before long, she settled into her role as a young law student, joined study groups, and adjusted to life in the big city of Chicago. She lived frugally in a dormitory, where she studied while listening to the sounds of traps springing as they captured the mice that infested the building. She became a great fan of the Chicago Cubs, and she enjoyed the free cultural activities the city offered.

After graduating in 1980, Judge Spaulding officially entered the legal profession when she joined Baker & Hostetler, LLP, in Cleveland, Ohio. Her plan was to be either an estate planner or litigator. There were few women litigators at the time, making the task of succeeding in that role quite daunting to the young associate who had never met a lawyer before starting law school. Nevertheless, after

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—Bill Jung**

three years, Judge Spaulding elected to make litigation her career. She decided to seek a position as an assistant U.S. attorney (AUSA) to gain trial experience, something that was not readily available to young civil litigation associates.

She applied for positions in a dozen locations where she thought she would like to live, including Tampa, Fla. In 1983, she received and accepted an offer to become a federal prosecutor in the U.S. Attorney's Office in the Middle District of Florida. In her first five years as an AUSA, she was the junior attorney on corruption and racketeering cases, but she was also the lead and often only prosecutor in bank fraud, tax evasion, money laundering, and drug trafficking cases, among others.

Yearning to return to Michigan to be nearer to her family, in 1988 she transferred to the U.S. Attorney's Office in Grand Rapids in the Western District of Michigan. Her colleagues, being familiar with her experience in money laundering, welcomed her with an assignment to handle a "laundering" matter. She learned when she spoke to the investigating agent that he needed a search warrant for a local motel to recover sheets and towels stolen from the local Department of Veterans Affairs (VA) clinic. Needless to say, the assignment broke the ice and officially welcomed her into the district. While there, she went on to prosecute drug cases, tax evasion, and white collar crimes.

The following year, in 1989, she was recruited to return to the U.S. Attorney's Office for the Middle District of Florida to be the chief of the Drug Trafficking Section. To this day, she is the only woman to have ever held that position. She also worked with the U.S. attorney to establish the Appellate Division and served as its first chief.

In 1992, Judge Spaulding was again recruited by a U.S. Attorney's Office, this time to be the chief of the Fraud Section in Houston in the Southern District of Texas. While there, she chaired the Health Care Fraud Task Force, supervised and trained younger lawyers, and still personally handled her own cases and appeals. She remained there until the end of 1993, when she left the Department of Justice to return to private practice.

During her tenure with DOJ, Judge Spaulding tried more than 30 federal jury and bench trials. She helped to develop training programs in trial and appellate advocacy, and she undertook special assignments on request, including working on the classified information review team in *United States v. Noriega*. She received commendations for her work from the U.S. attorney general, the director of the FBI, the chief of the Criminal Investigation Division of the IRS, the inspector general of the VA, the bureau chief of the Florida Department of Law Enforcement, and others.

Her return to private practice brought her back to Tampa, where Judge Spaulding became a partner at the law firm of Holland & Knight and, later, at James, Hoyer, & Newcomer, P.A. She represented relators in *qui tam* actions, participated in individual and nationwide class action litigation against life insurance companies, and represented individuals and entities in criminal matters. The class action litigation frequently involved hotly contested discovery disputes. These served as fertile training ground

for her upcoming role on the federal bench as a magistrate judge. While at James, Hoyer, & Newcomer, two magistrate judge positions became available in the Middle District of Florida. She applied and received an appointment as a magistrate judge in the Orlando Division of the court in December 1997.

In preparing for her new role, Judge Spaulding says, "I tried to adopt the best practices of the many fine judges before whom I practiced. I learned many lessons from Judge William Terrell Hodges, who was the chief judge in the Middle District of Florida when I began my work as an AUSA. He expects counsel to be prepared, he gives them ample opportunity to explain their positions, and he explains the basis of his rulings clearly. Judge Elizabeth Kovachevich taught me the importance of walking away for a moment if I ever found myself in a position where I was just not sure how to proceed."

Any attorney that has ever appeared before Judge Spaulding undoubtedly knows that she goes directly to the heart of the dispute. Asked about what lawyers should expect at a hearing, Judge Spaulding said, "I do not need a lengthy introduction about why litigants are before the court. Do not read me your brief; I have already read it. Be prepared, and be eager to answer questions."

Other members of the bar highly respect Judge Spaulding. "I have known Karla Spaulding professionally and personally for 25 years. There is no finer person than Karla: she is kind, witty, crackling bright, and a well-rounded fun person to be around. As for her judge qualities, there is no jurist more deliberative, more unbiased, and more hardworking than Judge Spaulding. She enjoys the utmost respect from both bench and bar," says Attorney Bill Jung, who was appointed in February 2013 to serve as chairperson for Judge Spaulding's Merit Retention Panel. Judge Spaulding was recently reappointed for a third term as a magistrate judge.

After more than 15 years as a magistrate judge, Judge Spaulding is accustomed to resolving complicated discovery disputes, including, most recently, disputes about production of electronically stored information. Because she did not encounter e-discovery (ESI) issues while in practice, she knows the learning curve is high. Through her continuing service as a speaker for the American Bar Association, the Florida Bar, and other organizations, she counsels lawyers that their ethical duty of competence requires that they keep up with ever-changing technology. Failure to do so may result in adverse findings against parties and their lawyers, as shown by Judge Spaulding's rulings in *Bray & Gillespie Management, LLC v. Lexington Ins. Co.*¹ In that case, counsel did not familiarize themselves with the manner in which discoverable information was stored by their client, thereby leading to a host of discovery disputes about what ESI existed, how it had been produced, and whether requested metadata had been stripped from the information before providing it to the opposing parties. The opinion is a verifiable study in what not to do concerning ESI.

Central Florida attorneys and members of the public

alike are fortunate to have Judge Spaulding on the federal bench. She continues to believe that a person's word is his bond, as she learned growing up in the rural heartland of Michigan. This belief, and her longstanding dedication to public service, are but two of the many qualities that have shaped her career. Litigants before Judge Spaulding should expect, and will receive, no less than the highest caliber of legal scholarship as she goes about administering the busi-

ness of justice in the Middle District of Florida. ☺

Endnotes

¹*Bray & Gillespie Management, LLC v. Lexington Ins. Co.*, 259 F.R.D. 568 (M.D. Fla. 2009), *aff'd in part and quashed in part*, No. 6:07-cv-222-Orl-35KRS, 2009 WL 5606058 (M.D. Fla. Nov. 16, 2009).