Hon. Janis van Meerveld

U.S. Magistrate Judge, Eastern District of Louisiana

by Peter M. Mansfield



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reat bodies of water shape, define, and bind the Greater New Orleans area. The Mississippi River meanders with gentle, crescent-shaped bends and curves in its southern-flowing march to the Gulf of Mexico. Lake Pontchartrain, the second largest saltwater lake in the United States, borders to the north, providing horizon-touching scenic beauty and recreation alongside its ever-present threat of Gulf-fed flooding. Culturally, the area is an international gumbo, with French, Spanish, Irish, Italian, African American, Caribbean, Native American, Creole, Cajun, Greek, and Vietnamese influences permeating its food, music, and people.

Given that context, it is particularly appropriate that an internationally raised federal jurist with a Dutch last name meaning "of the lake fields" would end up living, practicing, and eventually judging in the water-encased mashup of New Orleans. And like that inimitable city, U.S. Magistrate Judge Janis van Meerveld of the Eastern District of Louisiana is a product of varied influences and life experiences. She's held (or still holds) a number of titles: immigrant, naturalized citizen, emergency medical technician, litigator, Biglaw partner, wife, mother, grandmother, globetrotter, multi-linguist, cancer survivor, hurricane evacuee, fitness enthusiast, fine-arts aficionado, non-profit board chair, author, mentor, teacher, mediator, and, of course, federal judge.

To be sure, her biography isn't lacking the many accomplishments in life that one is accustomed to find in a federal judge's profile. But that's just part of the story. Her full tale also includes major, even life-threatening, adversities and countless instances of unseen impact and influence on young, vulnerable, and overlooked individuals in the New Orleans community and bar.

But the story first starts across the Atlantic Ocean, with Dutch and English immigrants to Canada.

Before the Bench

Judge van Meerveld was born in Toronto to a Dutch father, Jan, who had emigrated from Zunderdorp, the Netherlands, and a London-born mother, Kathleen Casey. Jan and Kathleen had two other girls, Karen



and Kristen. Unfortunately, Kathleen succumbed to breast cancer when the three girls were still young. Jan remarried a New Orleanian, Joy Maria Boudreaux, and eventually had a fourth child, a son also named Jan.

A number of international moves bookmark Judge van Meerveld's early years—first to Hamburg, Germany, at age 2, then to New Orleans at age 5, eventually landing for the longest stint in Brussels at age 8, where Jan worked for the Dole Food Company in international fruit imports. While overseas, she mastered French and picked up conversational Dutch. She also studied German and Spanish. Anticipating another imminent overseas move, Judge van Meerveld attended the International School in Brussels. But the next international move did not occur until she left Brussels and returned to New Orleans to attend Newcomb College of Tulane University.

At Tulane, Judge van Meerveld studied international relations. As a weekend night job, she drove an ambulance as a licensed emergency medical technician for Charity Hospital in downtown New Orleans. As she later recalled, "It was pretty wild. I delivered three babies before I was 21—one at home in bed, one in the back of the ambulance, and one on the floor of a grocery store."

Despite those experiences (or, perhaps, *because* of them), a career in medicine was never the plan. As an undergrad, Judge van Meerveld always had an eye toward law school, aspiring to an eventual career as a diplomat. She left New Orleans for law school at Boston University, but like the song Louis Armstrong and Billie Holiday made famous,² she immediately missed New Orleans and returned to Tulane after her 1L year. New Orleans has been her home ever since.³

As a law student, the eventual federal judge appeared in federal court for the first time. She arrived not as an advocate or for moot court, but to become naturalized as a U.S. citizen. "I had no inkling then that I might one day work in that building as a United States Magistrate Judge," she recently shared. The judge remembered the solemnity and importance of the event, but also a humorous anecdote: "I was introduced by the staff as Janis van Meerveld from 'Cambodia' instead of Canada. Everyone looked at me in amazement. I just smiled and took the oath and the certificate anyway! It must have all been legal and valid because in 2016, I went through a pretty exhaustive FBI background check and here I am."

Despite participating in international moot-court competitions in law school, Judge van Meerveld lost interest in a career in international diplomacy. She turned her attention to law firms in the New Orleans area, eventually joining the general-litigation group of Adams and Reese, LLP, a *National Law Journal* and *American Lawyer* top 200 lawfirm. While "Biglaw" has become a pejorative term in some circles, Judge van Meerveld enjoyed the "mentorship, experience, expertise, and wisdom that was readily available next door, down the hall, or in another regional office." She continued: "Varying perspectives and opinions are also really useful because the practice of law is an art, not a science; there are almost always strategic choices to be made in how to proceed."

While in private practice, Judge van Meerveld began litigating maritime cases, but eventually developed a client-base and expertise in defensive employment litigation. This practice also included non-litigation-based employment work, like preparing or revising handbooks, training employees, and counseling clients on federal laws and termination issues. But it was her original stint in maritime practice that had the greatest impact on her personal life.

In 1993, the same year she made partner at Adams and Reese, Judge van Meerveld married Charlie Cerise, another New Orleans-based maritime defense lawyer. As she related the meet-cute story: "We actually met on a maritime personal injury case representing co-defendants. The out of town treating physician said he wouldn't operate on the plaintiff, but then he did. We had to re-depose him. That one-hour car ride together was all it took!"

Though Cerise eventually joined Judge van Meerveld in partnership at Adams and Reese, their respective practice areas diverged. But that's not to say there was a



Judge van Meerveld and family in historic Jackson Square in New Orleans, July 2021.

strict separation between work and home life: "Charlie was then and is still now a great resource for me. We both love the law, love litigation, and are perfectly happy hearing about each other's cases, helping strategize, commiserating, whatever." The couple has found mutual support in their common professional calling: "I actually think this job would be much harder if your mate didn't understand the pressures, the issues, the personalities, the hours, and the deadlines," she observed. They are proud parents to two sons: Andrew, a graduate student in history at the University of Chicago, and Robert, a junior at Boston College, who plans to continue the family tradition in law. The judge also has a stepson, Adam Cerise, who is a general surgery resident and, with wife Maggie, is raising the judge's two "hilarious" grandchildren.

Since her employment law practice was largely in federal court, Judge van Meerveld appeared frequently before U.S. magistrate judges in settlement conferences. Through those experiences, she began to inventory her skillset as an attorney against that of an effective jurist. "I admired the judges and liked their role in the court system," she shared. "I also thought I'd be good at it. I'm fair and even keeled; I can see both sides. Having been a litigator for so long, I understood the parties' needs, but also the lawyers' needs, and the system's needs. I was always on the hunt for practical, cost-effective solutions."

But that's not to say that the road to the bench in New Orleans was quick or easy—from the time she first considered a future with the court, "a magistrate judge job did not open up in New Orleans for almost 15 years!" Also, by 2016, Judge van Meerveld had to wind down nearly three decades in private practice. She reflected: "I was not eager to leave my practice. I really enjoyed being an advocate, and I was developing a significant book of business which was fun to grow." But, ultimately, "the draw of the federal judiciary was even more attractive."

Judge van Meerveld took her judicial oath on July 29, 2016.⁵

Overcoming Obstacles

The patience and perseverance necessary to reach a federal judgeship in New Orleans was likely second nature to Judge van Meerveld by 2016. Her life and career have been marked by overcoming adversities.

She readily admitted that "[t]he work life balance issue is a hard one for professional women" at law firms. After tying to juggle a household of two small children and two law-firm partnerships, Judge van Meerveld went "part time" for a while. But, she cautioned, "I put 'part time' in quotation marks because it was only 'part time' by Biglaw standards. You take an enormous pay cut and damage your career path for what is usually a pretty modest reduction in hours." The judge cited "long hours, inflexible schedules (without a business justification for keeping them inflexible), traditional notions, and im-





Top: Judge van Meerveld and family at the Fushimi Inari Taisha Shrine, Kyoto, Japan, 2017. Bottom: Judge van Meerveld and family at Peterhof, St. Petersburg, Russia, 2018.

plicit biases about working mothers" as factors that "are proving very hard to overcome; the statistics bear this out." The judge has incorporated her own experiences and analysis into regular lectures to lawyers on implicit bias, "hoping to get people to start thinking differently about some important issues holding back women and people of color."

The judge has overcome obstacles not just to her livelihood, but to her very life. In 2000, she tested positive for a gene mutation indicating a substantially heightened risk for breast cancer, which had taken her mother's life. Despite prophylactic surgery, she was found to have breast cancer and underwent preventative chemotherapy that year. Another tumor developed in the chest wall in 2005. In August of that same year, Hurricane Katrina struck the Greater New Orleans area, requiring a twomonth-plus relocation to Baton Rouge, La. Judge van Meerveld was lucky that her house avoided the catastrophic flooding that affected most streets in her city, but continuing chemotherapy and starting radiation for cancer in post-Katrina chaos carried its own challenges.⁶

Cancer returned a third time in 2009. While Judge van Meerveld was fortunate each time to have avoided any metastasis, this good news was tempered when breast cancer claimed the life of her older sister, Karen, in 2010 at just 51 years old. Reflecting on these events, the judge reported, "I'm pleased to advise I have been cancer free since 2009, though I am extremely vigilant. I take excellent care of myself, eat right, and I exercise a lot; at least once a day, but often twice."

Discharging Duties

Like most jurists who grace these profiles, Judge van Meerveld considers it "an honor and a privilege" to serve in the federal judiciary. But she particularly credits her "gifted, generous, and collegial" colleagues on the Eastern District of Louisiana bench: "Our judges readily share their experience, guidance, and wisdom. All the judges work well together and show mutual respect." Those warm feelings about her fellow jurists are reciprocated. Eastern District of Louisiana Chief U.S. District Judge Nannette Jolivette Brown commented, "It is such a pleasure to work with Judge van Meerveld. I have known her for over 30 years. She brings the same energy and commitment to the bench as she did to her clients in her private practice. Her diversity in thought and practice serves the legal community well from whichever side of the bench she appears." Judge van Meerveld is also effusive in her praise of the local bar. She noted, "It's big enough to be varied and interesting, and small enough to know a lot of the frequent flyers and develop relationships with numerous lawyers." She further praised the "high degree of competence too-lots of good lawyering, good brief writing, and a high degree of professionalism."

The Eastern District of Louisiana's five full-time U.S. magistrate judges are all on the assignment wheel for new civil and criminal cases. Thus, all five work with the 14 district court judges. Like other districts, local

rules in the Eastern District of Louisiana automatically refer certain non-dispositive motions to the assigned magistrate judge.⁷

Judge van Meerveld estimates that she spends anywhere from a quarter to a third of her time conducting settlement conferences, usually around 120 a year. "I really enjoy my settlement function and I'm extremely invested in my settlement conferences," she said. She reads required preconference position papers long before the conference, and seeks further detail and clarification from the parties in advance if necessary. In the conference itself, she first invests time just listening: "I know it is an important part of the process for the parties to feel heard so I allow them to tell me their story for quite a while. That way, too, they don't think I prejudged everything and walked in with my mind made up about winners, losers, value, and the like." But she'll frequently pivot to a more evaluative model: "The impact of the 'black robe' is palpable on the litigants when trying to reach a resolution. A mediator can tell a party she has a weak case; it's far more powerful coming from a judge." The judge also utilizes organizational charts she's developed for complex cases: "I started out creating the charts for myself, but they are so useful I now print everyone a copy and hand them out at the settlement conference." She continues to broker further negotiations in almost every case that doesn't resolve in the first session.

Judge van Meerveld takes a hands-on approach to her motion docket as well. As she shared, "I hold oral arguments in most of the motions that get filed with me. I know from experience that litigators want court time; so do I." She invests time preparing for motion hearings and expects the same from counsel. The biggest mistakes she encounters in motion practice and hearings? "Some lawyers want to tell me what they were prepared to say and don't adapt to the questions." She also counsels against boilerplate objections, outdated forms, invocation of pre-2015 revision discovery standards, halfhearted attempts at pre-motion resolution, and the occasional bullying and abuse. Notably, however, not every discovery dispute requires a motion and open-court hearing to get the judge's attention. She offers an open door for less formal resolution of discovery disputes, usually in a teleconference. "We resolve a tremendous amount of disputes this way-faster, cheaper, and more collaboratively," she noted.

On the criminal side, the judge confesses to some initial intimidation at the prospect of criminal duties, given her exclusively civil-law background. But that trepidation soon dissipated after observing the recurring nature of the criminal docket and receiving some helpful scripts from fellow judges. Indeed, the judge cited a decision arising from a criminal matter as her most memorable from five years on the bench. In *Matthews v. Cain*, Judge van Meerveld found that a life sentence without parole under a Louisiana recidivism statute handed down to a 21-year-old for simple



Judge van Meerveld and family at Kamakura, Japan, 2017.

burglary constituted an Eighth Amendment violation. Her opinion exhaustively surveyed Supreme Court and Fifth Circuit precedent on excessive sentences, and further cited legal scholarship synthesizing the relevant principles. The state eventually resentenced Matthews, making him parole eligible.

Like her peers across the country, Judge van Meerveld has had to adapt to new ways of moving her docket during a global pandemic. In fact, New Orleans was among the early hotspots for the COVID-19 outbreak in spring 2020. She credits court staff and leadership for quickly recognizing the seriousness of the issue, and then proactively finding novel ways to keep the gears of justice moving. "Judges were immediately given the option of holding proceedings virtually, while at the same time, the court took steps to create safe courtrooms, jury rooms, elevators, common areas, etc. in case it was feasible to hold live proceedings," she remarked. The court's technology team secured needed hardware and apps, and even arranged for masked, drive-thru handoffs of equipment in a parking garage. Within a short time, it was typical for an Eastern District of Louisiana judge to serve as a Zoom host, create breakout rooms, screen-share, sign warrants and complaints electronically, and hold virtual civil and criminal court proceedings, settlement conferences, status conferences, and even bench trials.

Mentor, Teacher, and Servant

Judge van Meerveld has always had a strong desire to mentor the next generation of lawyers. As she explained: "There are so many pressures on younger lawyers and I do have a lot of advice for them based on things I did right along the way, but especially, the things I think I did wrong." One such lawyer is Margot Want, who has worked for Judge van Meerveld over the years as a summer law clerk, associate attorney, and now, as a career law clerk. Want recalled:

When I was a summer law clerk, she made a point to get to know me and the other female law clerks and to talk to us about how women can make it at a law firm, even if they also want to raise a family. Throughout my career, she has been a champion for me. I know that she has played this same role for countless other female attorneys, and we have all grown and advanced further as a result.

Former judicial extern Tu Phuong Vu Huynh agreed: "During the externship, she always made herself accessible to me, which allowed me to be comfortable in asking questions." Recent law-school graduate Journee Berry originally met the judge through their mutual involvement with the Boys Hope Girls Hope nonprofit. In her interactions, "the judge has connected me with practitioners, prepared me for job interviews, edited my legal writing, encouraged me when I was studying for the bar exam, recommended skills to focus on developing as a young attorney, and suggested ways to gain relevant trial experience." Berry concluded: "Without her mentorship, I likely would have dropped out of law school."

In addition to one-on-one mentoring, the judge frequently appears on the CLE and speaking circuits, averaging almost 20 presentations annually since taking the bench. She is particularly passionate about a well-received course she developed on implicit bias. The judge cautioned that some implicit biases "aren't against a particular group; many implicit biases are in favor of the in-group." Also, somewhat counterintuitively, "even people negatively impacted by implicit biases harbor those same biases to their own detriment." She summarized: "In my presentations, I especially want to shine a light on its impact on legal careers, to try to break the cycle of the in-group promoting the in-group." Amanda Kaiser, the executive director of the New Orleans Chapter of the FBA said she would "best describe Judge van Meerveld as forever in motion with the next steps and what more can be done to break down barriers in the local legal community." As one practical example, the judge's standard order setting oral argument contains a proviso allowing two attorneys to argue for a party if one is a younger member of the bar. 10

Outside the courtroom, Judge van Meerveld has served the New Orleans affiliate of Boys Hope Girls Hope in various capacities for the past 21 years, including a recent stint as board chair. The late U.S. District Judge Adrian Duplantier, Eastern District of Louisiana, 11 co-founded the New Orleans branch more than 40 years ago and originally recruited her to the organization. Judge van Meerveld explained the mission and method: "We take a select group of kids who are academically promising but have difficult home lives, place them at partner schools—the finest in the city—and provide them with a residential home life that gives them support, structure, tutoring, guidance, and a college path." Boys Hope Girls Hope's network president and CEO Kristin Ostby de Barillas noted that "Judge van Meerveld is not only a brilliant and persuasive leader, but she is al-

ways willing to roll up her sleeves and put in the tireless work needed to effect change." The New Orleans affiliate's executive director, Chuck Roth, echoed similar sentiments: "Judge van Meerveld has been instrumental in supporting this program as a fierce advocate for all program participants." In addition to her longstanding work with Boys Hope Girls Hope, the judge has also served on the board of the Susan G. Komen Foundation in New Orleans for much of the past decade.

Free time is at a premium for this busy judge, but the wanderlust of her formative years is never far from her mind. She confessed that "traveling is an obsession for me; so much so I was afraid my FBI background check would get derailed by the list of countries and dates I had to provide." Just two months before international travel ground to a halt amid initial COVID-19 outbreaks, the judge's family took a "bucket list" trip to Vietnam and Cambodia. The judge remarked, "It was a gift in so many ways because the memory of it has sustained me through the rest of the lock down." As time permits, she also enjoys a vibrant and affordable arts scene in New Orleans, including the opera, ballet, art galleries, touring Broadway shows, and a variety of local productions.

Conclusion

In reflecting on her five years of service to the bench and bar in the Eastern District of Louisiana, Judge van Meerveld recalled a quote from the late Justice Ruth Bader Ginsburg, who stated, "I consider federal judging the best job a lawyer can have. You are beholden to no client, your obligation is to strive to get it right, to rule as the law and justice require." And Judge van Meerveld agreed: "It's kind of the best of all worlds; I'm still an advocate but now for the law rather than a client." \odot

Endnotes

¹Or, as she remembered one lawyer's attempted translation: "Janis of Sea World."

²LOUIS ARMSTRONG & BILLIE HOLIDAY, *Do You Know What it Means to Miss New Orleans?*, *on* New Orleans (Original Motion Picture Soundtrack) (Jasmine Records 2017 ed.).

³Which is not to say that she totally lost her affinity for Dutch food and culture: "Even after moving to the U.S. I made a lot of trips back, seeing my parents in Brussels and my Oma and tantes and ooms in and around Amsterdam. I like a lot of their delicacies and can pop a head off a gerookte paling—smoked eel—peel the skin and pick the meat off like a native. And I definitely eat my frites with mayonnaise—no exceptions."

⁴Adams and Reese LLP, LAW.COM, https://www.law.com/law-firm-profile/?id=1&name=Adams-and-Reese-LLP (last visited Feb. 19, 2021); *Recognitions*, ADAMS AND REESE LLP, https://www.adamsandreese.com/about?tab=recognitions (last visited Mar. 1, 2021).

⁵Sitting on the bench that day for her investiture was Eastern District of Louisiana Senior U.S. District Court Judge Peter Beer, who had administered her naturalization oath 30 years earlier.

⁶Judge van Meerveld reflected on these experiences in an article titled *The Continuing Anguish of a Lucky Evacuee*, 25 HEALTH AFFAIRS 489 (2006).

⁷EASTERN DISTRICT OF LOUISIANA LOCAL RULE 72.1 (Dec. 3, 2018), https://www.laed.uscourts.gov/sites/default/files/local_rules/New%20CIVIL%20RULES%20LAED%20%20FINAL%20

w%20Amendments%2012.03.18.pdf.

⁸337 F. Supp. 3d 687 (E.D. La. 2018) (Brown, J., adopting in its entirety as the opinion of the court the report and recommendation of van Meerveld, M.J.).

9Id. at 694-706.

¹⁰The full proviso, originally adapted from federal judges in New York, is: "The Court strongly encourages argument by junior attorneys, particularly where the junior attorneys drafted or contributed significantly to the underlying motion or response.

Accordingly, if a junior attorney (i.e., a lawyer practicing for less than seven years) argues a motion or opposition for a party, the Court will allow multiple attorneys to argue for that party so that issues can be split between attorneys or a more senior attorney can offer clarification, if necessary."

¹¹For more on this late legal legend, *see Adrian Guy Duplantier*, U.S. DISTRICT COURT, EASTERN DISTRICT OF LOUISIANA, https://www.laed.uscourts.gov/court-history/judges/duplantier (last visited Feb. 25, 2021).

Laurer Profile continued from page 37

to them, even in a highly complex technical area of the law. They should be able to understand our decisions and so we should not use legalese unless it's absolutely necessary.

Once the global pandemic is over, Judge Laurer looks forward to traveling again. Until then, he enjoys anything outdoors—gardening, hiking, and pistol shooting. He is an avid reader of history. He espouses the benefits of exercise and physical activity, crediting it with helping him stay healthy throughout the pandemic and helping him to stay sane through his job change. ⊙

Endnotes

¹Skype Interview with Hon. Scott J. Laurer, Ct. of Appeals for Veterans Claims (Mar. 26, 2021).

²Woodbury, N.J., had a population of 10,174 in 2010. *Woodbury City, New Jersey*, U.S. CENSUS BUREAU, https://www.census.gov/quickfacts/woodburycitynewjersey (Apr. 1, 2010).

³Student Program, U.S. NAVY JUDGE ADVOC. GEN.'S CORPS, https://www.jag.navy.mil/careers_/careers/opportunities_sp.html (last visited Apr. 27, 2021).

⁴Veterans' Judicial Review Act, Pub. L. No. 100-687, 102 Stat. 4105 (1988) (codified as amended in 38 U.S.C. §§ 7251 to 7299).

⁵See Veterans' Programs Enhancement Act of 1998, Pub. L. No. 105-368, 112 Stat. 3341 (codified in scattered sections of 38 U.S.C.).

⁶Judges, U.S. Ct. of Appeals for Veterans Claims, http://www.uscourts.cavc.gov/judges.php (last visited Apr. 26, 2021).

⁷See 38 U.S.C. § 7257.

⁸Equal Access to Justice Act, Pub. L. No. 96-481, 94 Stat. 2325 (1980)

(codified as amended at 28 U.S.C. § 2412(d)(2)(F)). 938 U.S.C. § 7292.

faq_general.aspx (last visited Apr. 26, 2021).

¹⁰Monk v. Shulkin, 855 F.3d 1312 (Fed. Cir. 2017), class certification denied en banc sub nom. Monk v. Wilkie, 30 Vet. App. 167 (2018), aff 'd, 978 F.3d 1273 (Fed. Cir. 2020).

¹¹See Rules 22 and 23 of the Court's Rules of Practice and Procedure. U.S. VET. APP. R. 22, 23, U.S. CT. OF APPEALS FOR VETERANS CLAIMS, RULES OF PRAC. AND PROC. (Nov. 10, 2020), http://www.uscourts.cavc.gov/documents/Rules11-10-2020.pdf.

¹²CAVC received 872 appeals in March 2021. Chief Judge Margaret Bartley, U.S. Ct. of Appeals for Veterans Claims, Address at the Quarterly Virtual Employee Recognition Ceremony (Apr. 8, 2021).

¹³The Supreme Court receives between 7,000 and 8,000 petitions for a writ of certiorari each Term. *FAQs—General Information*, SUPREME CT. OF THE U.S., https://www.supremecourt.gov/about/

¹⁴The National Veterans Legal Services Program (NVLSP) provides free legal representation to veterans and active-duty military personnel before the Department of Veterans Affairs, the Board of Veterans' Appeals, and the Court of Appeals for Veterans Claims. It also publishes advocacy and training materials for attorney and nonattorney advocates who represent veterans in their efforts to secure veterans benefits. *What We Do*, NAT'L VETERANS LEGAL SERVS. PROGRAM, https://www.nvlsp.org/what-we-do/ (last visited Apr. 26, 2021).

¹⁵United States Court of Appeals for Veterans Claims, YouTube, https://www.youtube.com/channel/UCkhT0OvwPHFaX-d0ZEFup0g (last visited Apr. 26, 2021).

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