



# Hon. Margaret Catharine "Casey" Rodgers

## U.S. District Judge, Northern District of Florida

by Ashley Keller



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In 2003, President George W. Bush nominated Margaret Catharine "Casey" Rodgers for a judgeship on the U.S. District Court for the Northern District of Florida. The 38-year-old nominee took the bench a few months later at 39, making her the then youngest woman ever to become a federal judge. In the ensuing 21 years, she has earned a reputation as a dedicated, meticulous, and no-nonsense jurist who is guided on issues big and small by an unyielding commitment to the rule of law.

But Judge Rodgers felt a deep sense of duty to her country many years before her nomination. She swore her first oath to the United States in 1985, aged 19, when she enlisted in the Army. She was not the prototypical Army grunt. Born and bred in an affluent neighborhood of Pensacola, Fla., Judge Rodgers grew up horseback riding—English style, of course—and was enrolled in college at the University of West Florida prior to joining the military. Up to that point in time, military service, and more specifically an enlisted enrollment, were far from her mind. It was only after her father's diagnosis with a terminal illness that Judge Rodgers says she became determined "to do something honorable and productive with my life." Wearing the uniform of the United States, she surmised, ably fit the bill. She could have pursued ROTC and become an officer in the Army, but instead she chose the path of "more resistance"—a path she would choose time and time again throughout her career.

That is not to say Judge Rodgers knew what she was getting into. Far from it. When her mother dropped her off for her first day of basic training at Fort McClellan—then the headquarters for the military police—Judge Rodgers was sure that her equestrian background meant she'd be riding horses for Uncle Sam. So she came with a trunk full of her ornate dressage habit, from boots to breeches, to haul to her barracks. Her drill sergeant could barely contain his laughter when he chortled: "Where's your Army gear? Your mom can take all that stuff home. You won't be needing any of it here." Word got around, and Judge



Rodgers was quickly known as "Private Benjamin" after Goldie Hawn's pampered title character in the 1980 hit comedy, a nickname that, much to Judge Rodgers' chagrin, followed her to her first duty station in West Germany.

The Army did for Judge Rodgers what it has done for countless servicemembers: pushed the outer boundaries of her physical, mental, and emotional limits. And it did so with enlisted men and women from all walks of life, training highly diverse people across every dimension for the singular purpose of strengthening our national defense. Judge Rodgers still wears the "good scars" from the experience. And she imposes some good scars of her own on practitioners in her courtroom, whom she expects to keep up with a disciplined litigation cadence they may have previously thought infeasible. Reflecting on her military service, Judge Rodgers shares: "Outside of parenthood, it was the most difficult and most rewarding experience of my life. It left me with a new sense of honor and pride in myself and my country that I hadn't had before."

After Judge Rodgers was honorably discharged, she finished college at the University of West Florida before enrolling in law school at the California Western School of Law. She was a quick study, and her military background opened important doors to showcase her legal acumen. Judge David Thompson on the U.S. Court of Appeals for the Ninth Circuit created an extra externship in his already-full chambers for Judge Rodgers because he admired her service to the Army. Judge Lacey Collier—himself a decorated Navy veteran whom Judge Rodgers replaced on the Northern District of Florida—offered her a clerkship. And the White House made sure to tell Judge Rodgers that President Bush was proud to be nominating a veteran to the federal bench.

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While Judge Rodgers was the first, and remains the only, woman on her court, she recalls that her age rather than her gender was the biggest challenge she faced early in her judicial tenure. The point was exemplified by a seasoned lawyer whose argument did not appear to be resonating with Judge Rodgers. He observed during oral argument: “I’ve been practicing law since before you were born.” (Perhaps his extensive experience should have taught him to keep that fact to himself.) Judge Rodgers responded then in the way that built the reputation she has now: knowing the facts cold

and issuing the decision she felt best comported with her oath to apply the law in an even-handed way. It was in spite of, not because of, the practitioner’s comment that he lost his client’s motion!

Now an experienced jurist with more than two decades on the bench, the biggest challenge Judge Rodgers sees is more systemic. She laments the erosion of confidence in American institutions, particularly our independent judiciary. “The impartiality of the judiciary has never been more important.” Caught in a Catch-22, Judge Rodgers is reluctant to say much more than that lest she be seen as revealing personal views that could themselves undermine the judicial independence she works so hard to maintain. She is willing, however, to remind members of the bar that they too have an important role to play in upholding the rule of law. Practitioners can tell their clients and, in high profile cases, the public at large that Article III judges are doing their best to “administer justice without respect to persons,” especially in the most difficult and complex controversies.

Judge Rodgers has handled more than her fair share of those. The most recent and well known case on point is the 3M CAEv2 multi-district litigation, which is far and away the largest MDL in American history. For perspective, 3M cases represent over a quarter of all

civil actions in federal court. The MDL is composed of hundreds of thousands of veterans who allege that the standard-issue earplugs 3M distributed to servicemembers did not work, causing plaintiffs to suffer hearing loss, tinnitus, or both. “It is an honor to be selected as an MDL judge,” Judge Rodgers says, and every MDL “poses unique challenges.”

3M presented a big one from the very start: the United States government had sole possession of the hearing tests administered to plaintiffs before and after they served in the military. Getting voluminous third-party discovery from the government is not an everyday problem for which the Federal Rules offer an easy solution. So Judge Rodgers took multiple trips from Pensacola to Washington, D.C. with counsel for both sides in tow to meet with officials from the Pentagon, the Veteran’s Administration, and the Department of Justice. With the cooperation of these agencies, eventually, Judge Rodgers negotiated a process to obtain the records the parties needed.

From there, Judge Rodgers managed the litigation with her characteristically hands-on style while insisting that counsel march forward with dispatch. Judge Rodgers eschews the adage that “you shouldn’t sweat the small stuff. On the bench, it’s *never* small stuff. Every decision we make impacts someone.” Minding the details—and sprinting through a marathon—is no doubt how Judge Rodgers brought the first 3M bellwether case to trial only two years after the MDL was formed. Another 15 trials followed over 14 months, along with an ill-fated attempt by 3M to cabin its liabilities and escape the MDL by placing its subsidiary into bankruptcy. After countless hours of mediation, the parties announced a \$6 billion settlement last year.

One could be forgiven for thinking that Judge Rodgers took the settlement as an opportunity to step back from the case that has consumed so much of her professional life these last five years. That is not her style. Between ensuring that settlement thresholds are met, issuing orders required by the terms of the master settlement agreement, and keeping litigants abreast of their rights, “I’ve never been busier with 3M than I am right now.”

But not so busy that Judge Rodgers neglects her personal life. All four of her daughters have moved back to the Pensacola area, so Judge Rodgers and her husband enjoy hosting them and her “seven beautiful grandkids about every week.” Judge Rodgers relishes being the chef de cuisine for these family gatherings. And with her three youngest sous chefs all under the age of three, she is in the familiar position of sweating the culinary details. Her garden is more of a shared endeavor with her husband. She enjoys the design, he prefers the execution. The result, she says, is a “pretty impressive garden.” Anybody who has appeared in her courtroom knows that is the understatement of a very impressive judge. ☉