

# An Interview with the Honorable Karen McGlashan Williams, United States Magistrate Judge

by Maureen T. Coghlan

(Editor's Note: This issue features our first interview with a magistrate judge for the United States District Court for the District of New Jersey.)

The Honorable Karen McGlashan Williams was appointed as a magistrate judge for the Camden Vicinage on May 1, 2009. Thus, this past May marked Judge Williams's fifth year sitting in Camden. Judge Williams sat down recently to share some personal history and practical advice for successfully navigating the federal court system.

## Where did you grow up?

I grew up in Freeport, New York, on Long Island. I grew up in a blended family with four siblings. I am the oldest. I graduated from Baldwin High School and attended college at Penn State University.

By the time I graduated college, my family was fully blended. My mother had remarried, and three of my four siblings were in high school, while the other was in middle school.

My mother and stepfather moved to South Jersey in 1986, when my mother took a position handling labor relations at the Golden Nugget in Atlantic City.

I did not initially relocate to South Jersey with the family, opting instead to stay in New York, working in human resources as an employment recruiter and wage and salary analyst at New York University Medical Center. After two years in that position, I decided it was time to go to law school. I moved to Egg Harbor Township with my family and attended Temple University James E. Beasley School of Law. It was an easy move for me because I had a few very close friends from Penn State who lived in the Philadelphia area.

## What inspired you to become a lawyer?

It is hard to say exactly what, or even who, inspired me to become a lawyer. My career actually is a merger of my parents' professions. I know that my mother's career in labor relations influenced my decision about practice area. I also recognize that my father's educational

background introduced me to the law. He received a law degree from New York University and a Masters in Business Administration from Columbia, although he never practiced law. Instead, he worked in the telecommunications industry.

Even though I took a three-year break between college and law school, I knew—or should I say hoped—that law school was in my future, and in fact took the LSAT before I graduated from college. My years at Penn State majoring in the administration of justice and being a student athlete are an integral part of who I have become. I attended Penn State on a track scholarship, and being a student athlete enabled me to develop the self-discipline and fortitude required to succeed in life. I chose not to compete my final year at Penn State and focused solely on academics, taking undergraduate courses that I thought would prepare me for law school. Honestly, mentally and physically I needed a break. I did not know how long of a break I needed, but before my LSATs expired, I applied and was accepted in law school.

## Why did you choose Temple?

I chose Temple because of the reputation of its evening program.

## Is there a person or mentor whom you credit with helping you with your career?

Many people helped me with my career. However, there are two whom I must give the most credit—my mom and David Jasinski. My mom is the person most responsible for the person I have become, and she opened doors for me to her professional network, which led to my first clients. David took me in as a law clerk the summer before my final year of law school. David, having tired of the big-firm environment, had just started a boutique employment and labor firm and hired me as a summer associate. After I graduated from Temple,

I began working for the firm full time and continued to work with David for the next 17 years—until I took my current job. David taught me most of what I know about being a trial lawyer and a businesswoman. I should mention that David and my mom were friends.

### **What do you count among your most notable life events or proudest professional accomplishments?**

My most notable life events are provided by my children. My husband and I have been married for 26 years. Our daughter is 19 and a junior in college. Our son is 16 and a junior in high school. My daughter aspires to be an attorney, while my son has an entrepreneurial spirit and is constantly trying to think of his own business. Given their ages and the work my husband and I still have to do as parents, I hope most of my notable life events are still to come.

Professionally, my whole career has been an accomplishment. I attribute most of my professional success to having clients that trusted me to handle significant cases in the early years of my practice. One of those cases was *Karins v. City of Atlantic City*, 152 N.J. 532 (1998). This case involved an off-duty Atlantic City firefighter who directed a racial epithet toward an Atlantic City police officer. The fire chief disciplined the firefighter for his conduct, suspending him without pay. The Merit Board System reversed the fire chief's decision, and the New Jersey Appellate Division affirmed. I argued the matter before the New Jersey Supreme Court on behalf of Atlantic City. The Supreme Court reversed the Appellate Division, holding that the First Amendment did not protect a racial epithet, and the chief properly disciplined the off-duty firefighter for his conduct. This case merged my interests in employment law—the relative rights of employees and employers—with my defense work.

In addition, my representation of numerous municipalities in Atlantic County negotiating collective bargaining agreements enabled me to utilize all of my professional experience to essentially keep labor peace.

Of course, selection for my position as a magistrate judge is now my greatest professional accomplishment. I believe my current role represents the culmination of all of my life's experience—the discipline of a student athlete, the compassion of a human resources professional, the skill and experience of a trial lawyer, and the ability to negotiate over important issues required of a labor lawyer. Former Magistrate Judge Joel Rosen piqued

my interest in pursuing the position of magistrate judge in Camden. A few other people whispered in my ear about pursuing the opportunity when it presented itself. Then the final call came from Chief Judge Brown. I was with a client on my cellphone, I think Judge Brown's exact words were "it's yours if you still want it."

I think Denzel Washington is credited with saying "luck is when an opportunity comes along, and you're prepared for it." The magistrate judge opportunity presented itself, and my life's experiences prepared me for it.

### **What advice would you give to lawyers appearing before you for the first time?**

Always be prepared, know the rules governing this court, and understand the nature of your appearance. When I was practicing law, I was overly sensitive about being unprepared. Fear of the embarrassment, of others thinking I was not prepared or not knowing a file caused me to over prepare. I figured, win, lose or draw, no one could say that I was not prepared. Figure out what it is that drives you to excel and use it.

Generally speaking, the best advice that I can give to a lawyer is to find someone with whom you can work and develop as a professional. I had the opportunity of working with a partner who did not care if I was preparing for a deposition at 2 a.m., as long as I was prepared and ready. I would work in the middle of the night while the kids were asleep, and that was an acceptable professional accommodation for my life's requirements. Every lawyer needs to find the right fit.

Finally, exhibit professional courtesy at all times. Lawyers should treat both friend and foe with respect.

### **What would you caution a lawyer practicing before you not to do?**

Don't not show up. Surprisingly, this happens way too frequently. Don't be discourteous toward opposing counsel.

### **How would you describe your ideal settlement memorandum?**

An ideal settlement memorandum is forthright about the client's position. I allow memoranda to be submitted confidentially. I believe the best way for me to help the parties settle a case is to know the client's true position. Only then can I discern the actual compromise position and move the parties toward that compromise.

### **How would you recommend an attorney prepare for a settlement conference with you?**

Perform a cost-benefit analysis for the client. Know the facts of your case; know the law. Be prepared to have a frank discussion about both. Counsel must know whether his or her client wants to settle the case or not. Some clients want to settle; some clients want their day in court. You need to have spoken with your client to know where your client stands with respect to settlement.

Next, the attorney should determine at what particular juncture the case should or should not settle. Some cases present significant legal issues that need to be decided before settlement discussions should be undertaken. For example, settlement discussions may only be fruitful after a summary judgment motion is decided.

Finally, do research to support your valuation of the case. For example, don't tell me that the case is worth \$5 million when a similar case settled for \$5,000. Give me the reasons for your number, and support that number with concrete facts. In this day and age, settlements and verdicts are easily available on almost any type of case. You will need to provide some basis for your number.

### **What is your preferred procedure for settlement discussions during a conference?**

I require clients to be present. I outline for clients what their expectations should be with regard to a settlement conference with me. I explain that settlement is the only way that a litigant achieves control and finality. Resolving the case any other way means that someone else dictates the result, be it a jury or a judge. A settlement is also the only outcome that cannot be appealed.

I also explain to the client that he or she does not have to worry about settlement discussions hurting his or her case because I won't be the judge ultimately deciding the matter.

So typically, after I explain how the conference will work, I have a brief discussion with the attorneys. Then I have a discussion with each side's attorney and client alone. I typically rotate between the parties, and I may or may not include clients in those discussions. In a final session, if the matter has come to resolution, the parties exchange material terms of a settlement. If the parties were unable to resolve the case, a final session provides a foundation for further discussions.

### **How would you describe your ideal brief?**

A plain and concise statement of the issues to be decided, clearly setting forth how you would like me to decide. I prefer letter briefs because they force attorneys to be succinct about the issues, law and facts. Of course, attorneys must seek permission before submitting a letter brief. Also, attorneys must comply with Local Rule 37.1, and state that the parties have conferred and now seek permission to file a letter brief.

### **How would you recommend an attorney proceed if he or she thinks oral argument would be helpful to the court?**

An attorney can ask for oral argument, but the court will only hear oral argument if there is a need for it. I typically try to grant requests for oral argument. But an attorney should not ask for oral argument and then repeat the arguments in the brief. Oral argument should help explain why I should rule in your client's favor.

The request for oral argument should be part of the brief. Attorneys can send a separate letter requesting argument if something new comes up.

### **With regard to a motion to seal, do you prefer that materials subject to the motion be submitted to chambers in addition to being filed with the court?**

Materials should be sent to chambers. Only certain documents can be sealed. Attorneys should follow Local Rule 5.3, and there should be a notation on the docket indicating that sealed materials have been filed with the court.

### **What do you think are the most important attributes for a successful federal practitioner?**

Professionalism, being over-prepared, and the ability to articulate clearly your client's position.

### **What common mistake(s) do you see practitioners make and what remedies would you suggest?**

The most common mistake I see is not following Local Rule 37.1. For example, an attorney will file a motion to compel or present discovery disputes to the court without having first met and conferred, either formally or informally. Or, an attorney will bring up a dispute for the first time on a telephone call without having conferred with his or her adversary.

### **Is being a judge what you thought it would be?**

And more! Honestly, I don't know what I thought it would be but what I have learned is that every day poses a different set of challenges.

### **What do you find challenging about being a judge?**

The most difficult part of managing the responsibilities of a magistrate judge in New Jersey is the breadth of substantive law we have to be familiar with, coupled with the number of cases we have to manage. Sometimes in a single day I will address discovery issues that have arisen in a motor vehicle accident case, a patent case and an employment discrimination case. The scope of substantive law that federal judges have to be familiar with would make your head spin. Nonetheless, we are always prepared and ready to go, but it is a challenge to transition between such differing areas of law.

My goal is always to help move the case to the district judge for disposition. I want to make sure attorneys have everything they need to either settle the case or try it. To help parties do that requires me to understand or at least be conversant on a wide variety of substantive law.

### **What do you find rewarding about being a judge?**

I love that in my current role, I have the opportunity to work for a greater good and have a broader impact on our community than my law practice afforded me. As a practicing lawyer, I could achieve a good outcome for a single client at a time. As a judge, I can work to achieve good outcomes for many. ■

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