



From the Court to the Courtroom: How Judge Conrad Carries Lessons From Basketball to the Legal Profession

Hon. Robert J. Conrad Jr., Senior Judge, U.S. District Court for the Western District of North Carolina and Director of the Administrative Office of the United States Courts

by Nicholas Lee



Nicholas Lee is a litigation partner at Parker Poe Adams & Bernstein LLP in Charlotte, NC, focusing his practice on complex business litigation matters in federal and state courts. He previously served as a law clerk to Judge Conrad.

On a recent trip to Washington, D.C., Judge Robert J. Conrad Jr. had a couple of important items on the agenda. First, as he does every week in his new role as director of the Administrative Office of the U.S. Courts, Judge Conrad met with the Chief Justice of the U.S. Supreme Court, John G. Roberts Jr. Second on the agenda: Basketball. Always basketball.

On the fifth floor of the Supreme Court building, one can find a court aptly dubbed “the highest court in the land.” With its low ceilings, it was the perfect spot for the judge, one of his daughters, her husband, and three of his 13 grandkids to shoot some hoops.

Judge Conrad has plenty of basketball stories just like this one—and for good reason. A native of Chicago, Judge Conrad moved south to play basketball at Clemson University from 1976-1980. While there, the judge played point guard his senior year (’79-’80) for what could be considered one of Clemson University’s best basketball teams ever. That year, the team made it to the NCAA men’s basketball tournament Elite 8—a feat that hadn’t been accomplished again until this past tournament, 44 years later.

In his college career, the judge racked up plenty of accolades—ranked first for single season steals and first in single season and career charges taken, among others—which led to him being inducted into Clemson’s Athletic Hall of Fame and named as one of Clemson’s All Time Top 25 players.¹ One of his prouder moments came when he went 8 for 8 in free throws to help Clemson beat then-number-one-ranked Duke University in an upset victory in overtime.²

For all these tangible accomplishments, Judge Conrad’s college basketball years have stuck with him for a few other reasons, too. Thanks to a good coach,



the judge learned some important, non-basketball lessons that he’s carried with him throughout a highly successful and decorated legal career that has included stops as an assistant U.S. attorney, the U.S. attorney for the Western District of North Carolina (WDNC), and a federal district court judge.

As a prosecutor, Judge Conrad was tasked with complex and nuanced investigations that had him investigating terrorist organizations and illicit campaign donations during presidential elections. In 2000, he accomplished something few have: He deposed the then-sitting president and vice president of the United States in the same week.

Along the way, the judge has earned the respect of his peers and the wider legal community. In his chambers, the judge also takes seriously his role of hiring and equipping law clerks and treating them like members of his own family.

While his formal playing days are over, Judge Conrad thinks of his work family as a team, one where building strong relationships is a key ingredient to success.

Bigger Than Basketball

It was thanks to his Clemson basketball coach, Bill Foster, that Judge Conrad learned that playing on a team was more than just winning games.

Foster had an approach that the program he was running was bigger than basketball. To start practice, Coach Foster would present a thought of the day. These one-liners were drilled into the players such that even decades later they easily come to mind.

Your attitude will determine your altitude. Have character, don't be a character.

These sayings didn't win basketball games, but they did instill a message in the players that Foster was all about building their character. Judge Conrad bought in completely and has carried that mentality with him throughout his life and career.

For the judge, sports teach life lessons. As a member of a team, athletes deal with adversity, experience defeat, and sacrifice their own personal goals for the betterment of the team. Nearly 45 years later, the judge still holds these lessons close both in his personal and professional life.

Earlier this year, Judge Conrad was asked by Chief Justice Roberts to serve as the director of the Administrative Office of the U.S. Courts (AOC),³ in addition to still serving as a senior district court judge in the WDNC. In this new role, Judge Conrad is the chief administrative officer of the U.S. federal courts, where he regularly deals with various administrative staff in Washington, D.C., as well as judges and clerks across the country.

The AOC has more than 1,000 employees and provides administrative support to 2,400 judicial officers and over 28,000 court and federal defender employees. The role of director also entails Judge Conrad serving as a liaison between the judicial branch and Congress, meaning he works with congressional committees to—among other things—secure the judiciary's annual appropriation and execute the judiciary's budget. As federal judge Robert Dow Jr. recently put it, "He's the point guard of the judiciary."

His message to this large cohort is simple: We're all one team, one branch. And we have a shared mission.

Prosecuting at the Highest Levels

Judge Conrad's success in law goes back to 1983 when he earned his law degree from the University of Virginia and began in private practice for several years.

After moving to Charlotte, N.C., Judge Conrad served from 1989 to 2004 first as an assistant U.S. attorney and later as the U.S. attorney for the WDNC. This career as a federal prosecutor was marked with several high-profile cases.

In 1999, then-U.S. Attorney General Janet Reno selected him to serve as chief of the Campaign Financing

Task Force.⁴ The task force was to investigate alleged illegal campaign contributions to both parties during the 1996 presidential election. During that particular election cycle, it was discovered that money had been donated to numerous campaigns from foreign, non-citizen donors, which is illegal. Judge Conrad helped lead around a dozen lawyers from across the country to obtain convictions of more than 30 people. On this task force, Judge Conrad worked with then-assistant U.S. attorney T.J. Haycox, whom he had first met in the summer of 1988 when T.J., as a just-graduated high school student, worked as a runner at Judge Conrad's law firm. That friendship continued, and T.J. later became Judge Conrad's career law clerk when Conrad took the bench.

As chief of the task force, the judge deposed President Bill Clinton and Vice President Al Gore in the same week. It was one intense week of many for a case that was drawing national headlines—he would sometimes learn things about his case while reading *The New York Times*—plus, there were political sensitivities to navigate besides the cameras.

To help break the ice with President Clinton, Judge Conrad turned to basketball. He had met President Clinton a few years prior at the NCAA Tournament in Charlotte. Clinton remembered the tournament well and went on to recite how Arkansas—no doubt, Clinton was a big Arkansas fan—beat Duke that year. Clinton also rattled off who the leading scorer was in that game.

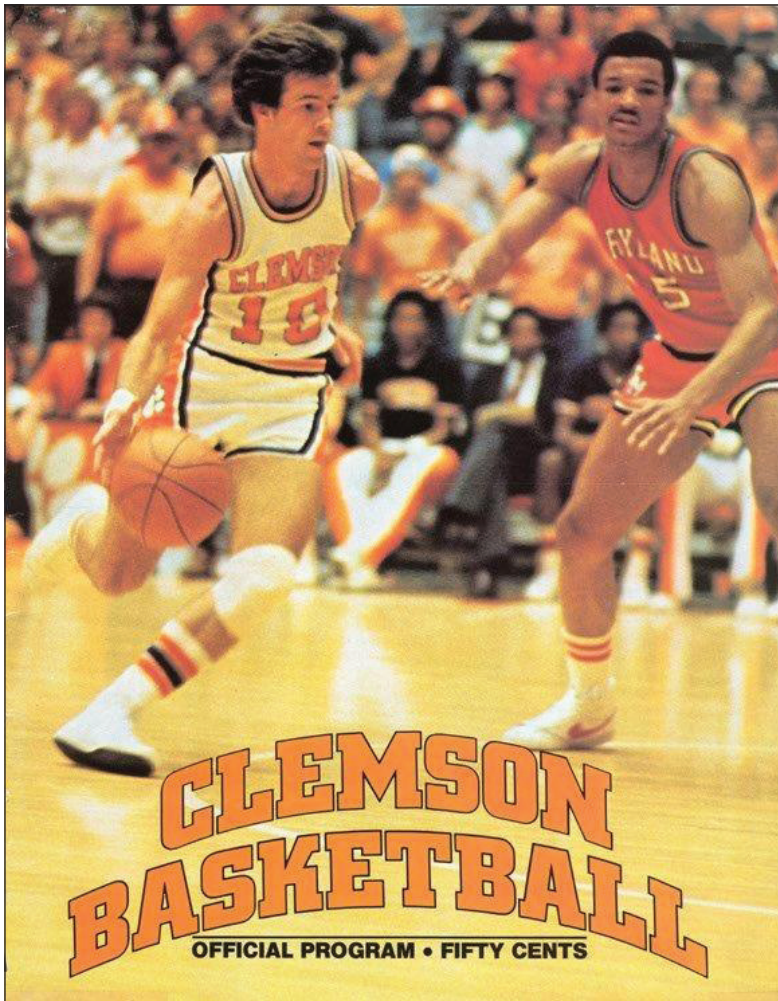
This was the sort of high-profile case work that led to Judge Conrad being appointed to another task force a few years later to investigate terrorism. In 2001, then-U.S. Attorney General John Ashcroft appointed Judge Conrad as co-chair of the Advisory Committee on Terrorism along with Patrick Fitzgerald, who later became the U.S. attorney for the Northern District of Illinois.

This task force involved Judge Conrad's office pursuing Hezbollah terrorist supporters in North Carolina, with then-assistant U.S. attorney and current U.S. District Court Judge Kenneth Bell prosecuting the first jury trial post-9/11 involving a charge of providing material support to a terrorist organization. This helped set the stage for other U.S. attorneys' offices to prosecute terrorism cases.

In 2005, Judge Conrad was nominated and confirmed to the bench as a U.S. District Court Judge for the WDNC, where he then served as chief judge from 2006 to 2013.

During his time as both a federal prosecutor and district court judge, Judge Conrad developed a passion and love for trying cases before a jury. Similar to his days on the Clemson basketball team, the judge enjoyed the adversarial, competitive nature found in a courtroom. For Judge Conrad, attorneys, judges, and others strive for excellence, and there's an unspoken compass that points everyone toward professionalism and displaying decency.

"Jury trials are also fascinating to watch from the bench," he enthusiastically explains. "What you think is going to happen, may or may not happen. It's just a thrilling way to practice law."



Courtroom Innovations

From his unique perspective from the bench, Judge Conrad has also developed a keen eye for a courtroom's functionality. There are no two better examples of how Judge Conrad has helped innovate the court system than the Jury Evidence Recording System (JERS) and the Virginia Revival Model courtroom.

The idea for JERS was born out of the judge's love for jury trials and his witnessing the diminishing number of cases being tried before a jury.⁵ For Judge Conrad, that's a great loss to the Bar because the method of resolving disputes with citizen jurors presents a great dynamic of our country's approach to justice.

JERS was intended to improve the trial process by making the jury trial more efficient and seamless. Decades ago, the presentation of evidence in a jury trial was laborious and cumbersome, and it was difficult for jurors to review the evidence during deliberations. If jurors wanted to review an exhibit during deliberations, they would have to request the exhibit by passing a note to the judge through the court security officer. This was time consuming, and of course, caused everyone in the courtroom to whisper and speculate as to the jury's deliberations. Judge Conrad recognized this antiquated process, which led to him working with the WDNC technology staff to develop JERS. JERS captures all the

evidence electronically and eliminates the need for the jury to request exhibits. Instead, jurors can review the evidence digitally on a screen in the deliberation room with the click of a few buttons. After its implementation in the WDNC, JERS was implemented in courtrooms across the country.

Another innovation came in the recent addition to and renovation of the Charles R. Jonas Federal Building in Charlotte, which was completed in 2021 and for which Judge Conrad served as the project judge. When considering courtroom space and functionality with the design professionals, Judge Conrad was reminded of his time practicing law in Charlottesville, Virginia. While there, he became well-acquainted with the Albemarle County Courthouse, which was designed by Thomas Jefferson and built in 1803 with courtrooms using the Virginia Revival Model courtroom design.

The model puts the two most important persons front and center in the courtroom: the jury and the witness. It seats the jurors directly below the judge's bench in the center of the well facing the witness, who in turn sits facing the jury and judge straight on (as opposed to the jury box being set off to the side). From Judge Conrad's point of view, "Jurors are judges of the facts, and judges are judges of the law. Each shares responsibility for a fair trial, and a courtroom's architecture should speak to that shared responsibility."

This symbolic nature spills over into the functional value: Jurors have a plain view of a witness, allowing them to be a better judge of his or her responses. The judge led the effort to design a courtroom in the Frank G. Johns Wing of the Jonas Building using the Virginia Revival Model. It was the first time a courtroom had been constructed in that model outside of Virginia.

More Than Just a Job

To be sure, Judge Conrad has a long list of accomplishments he's most proud of and has enjoyed most during his legal career. There are many, many more that aren't listed here. At the top of this list, however, sits the relationships he's built with his "Chambers Family." Similar to his Clemson basketball days, his chambers is more than just a place to work. It's family. From his law clerks and interns to the support personnel in the clerk's office to the court security officers and others throughout the courthouse, he treats them all like family and wants to see them flourish and have fruitful and rewarding lives, not just careers.

Judge Conrad has consistently applied this philosophy throughout his career, even in his time as a prosecutor. He seeks to connect on a deeper level with everyone he comes in contact with.

For example, it's not too common for a prosecutor and the prosecuted to develop a personal relationship outside of the courtroom and prison. But that's exactly what Judge Conrad did. After prosecuting one defendant, who later cooperated with the prosecution of numerous other individuals, Judge Conrad went on to

advocate for the release of that defendant from prison, and the two men became lifelong friends whose children would play (you guessed it) basketball together.

When asked how his many accomplishments have shaped his career, Judge Conrad quotes the country band Rascal Flatts: “That God blessed the broken road, that led me straight to” these challenges and opportunities and, most importantly, the relationships he’s formed over the years. It is the relationships and their impact on people’s lives that stand out most to Judge Conrad, and that is the legacy he hopes to leave behind. ☺

Endnotes

¹*Clemson Unveils 25-Member All-Time Men’s Basketball Team*, CLEMSON UNIV. (Oct. 21, 2011), <https://clemsontigers.com/clemson-unveils-25-member-all->

[time-mens-basketball-team/](https://clemsontigers.com/clemson-unveils-25-member-all-time-mens-basketball-team/).

²Sam Blackman, *Big Win Before the Largest Crowd*, CLEMSON UNIV., <https://clemsontigers.com/big-win-before-the-largest-crowd/>.

³Press Release, Supreme Court of the United States (Jan. 23, 2024), https://www.supremecourt.gov/publicinfo/press/pressreleases/pr_01-23-24.

⁴Press Release, United States Department of Justice, Attorney General Reno Names New Head of Campaign Financing Task Force (Dec. 27, 1999), <https://www.justice.gov/archive/opa/pr/1999/December/612crm.htm>.

⁵See The Honorable Robert J. Conrad, Jr. & Katy L. Clements, *The Vanishing Criminal Jury Trial: From Trial Judges to Sentencing Judges*, 86 GEO. WASH. L. REV. 99 (2018).

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decade. He served as national president with distinction and I can affirmatively state that the FBA’s incredible trajectory is due, in large part, to Jonathan’s steady hand. Thank you, Jon! In closing, I look forward to working

with you—the members of our great organization. We are going to work hard; we are going to make a difference; and we are going to have fun! ☺

At Sidebar *continued from page xx*

The final examination also provides real world experience. Students, now working with just one partner, are assigned an entirely new fact pattern. They have a short window to think about and draft motions in limine, which they serve on an opposing team (also of two students). Each group then has one day to draft oppositions to the other side’s motions and prepare for oral argument. The final hearing, which is scheduled for three hours, is styled as a final pretrial conference and the professor acts as a judge hearing oral arguments on the motions in limine. At the end of the final, there is again an opportunity for specific feedback and comment.

I begin each semester by encouraging students to try new things in the safe space of the classroom. As readers know, trying something for the first time in a real-life trial is risky business. In this course, I hope to offer students the ability to practice the art of effective communication, learn to think on their feet, and develop the confidence and poise necessary to succeed in a high-pressure legal environment. As one of my students explained to me, this course is like a boxing spar—a practice round before being thrown into the ring. Students throughout the course face unexpected challenges, but they have the opportunity to navigate these challenges and gain exposure to legal practice before they find themselves in the metaphorical boxing ring of the courtroom. These experiences not only help students refine their oral advocacy skills but also instill in them the importance of preparation, attention to detail, and adaptability in the courtroom. The course and final hearing are grueling, but students overwhelmingly say how much they enjoyed and ben-

efited from the experience. My hope, above all, is that the course teaches my students to trust in themselves and in their legal knowledge. Although early experiences as a young lawyer will always feel a bit like uncharted territory, experiential learning demonstrates that with solid preparation, attention to detail, and adaptability, new lawyers will flourish, not flounder, when confronted with new experiences.

Doctrinal learning provides students with a strong theoretical foundation in the law, equipping them with the knowledge necessary to understand legal concepts, analyze legal problems, and navigate legal issues. Experiential learning prepares students for the practical challenges of legal practice by giving them hands-on experience that develops the skills, judgment, and professionalism needed to succeed in the profession. A combination of both approaches can provide students with a well-rounded legal education, equipping them with the knowledge, skills, and judgment needed to excel in the practice of law. ☺

Endnotes

¹*Standards and Rules of Procedure for Approval of Law Schools*, A.B.A. 15-25 (2017-18), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2017-2018ABASStandardsforApprovalofLawSchools/2017_2018_standards_chapter3_authcheckdam.pdf.