

A portrait of Judge Rich Leonard, an older man with a mustache, wearing a dark suit, white shirt, and blue tie. He is smiling slightly and looking towards the camera. In the background, there are red and white flags with gold fringe, likely the North Carolina state flag and the American flag, set against a dark wood-paneled wall.

# Peers Recognize, Applaud Leonard

Judge Rich Leonard's career contributions to the federal courts have now been recognized by the ABA

..... *By Russell Rawlings* .....

## ***About J. Rich Leonard***

**Current City:** Raleigh, N.C.

**Birthplace:** Welcome, N.C.

**Education:** North Davidson High School, 1967; University of North Carolina, 1971 (A.B.), 1972 (M.Ed.); Yale Law School, 1976.

**Employment:** U.S. Bankruptcy Judge, Eastern District N.C., 1992-present; U.S. Magistrate Judge, Eastern District N.C., 1981-92; Clerk of Court, Eastern District N.C., 1979-92.

***Nationally and in*** many parts of the world, Judge J. Rich Leonard is revered as an innovator and visionary whose contributions have advanced the cause of courtroom technology for more than a quarter century.

Closer to home, the U.S. Bankruptcy judge for the Eastern District of North Carolina is recognized for an incredible tenure in the federal courts that now covers parts of five decades, a remarkable feat considering the fact that he's only 61 years old.

Combined, these experiences fully merit the recognition that Leonard received in Toronto at the 134th Annual Meeting of the American Bar Association. There, before members of the ABA Judicial Division and a sizable delegation of lawyers and judges from North Carolina, Leonard accepted the 2011 Robert B. Yegge Award for Outstanding Contribution in the Field of Judicial Administration.

Judge David Horowitz of Los Angeles who currently chairs the Lawyers Conference presented the award. Attorney Neal Ellis of Wake Forest, a recent member of the NCBA Board of Governors, chaired the conference at the time Leonard's nomination was being considered.

"The award was based on the nomination of Judge Barbara Lynn of Texas, who has been chair of the Judicial Division and the ABA Litigation Section," Ellis noted. "She is a huge name in the ABA and extremely well respected among all judges and anybody who has ever litigated in Texas.

"She's the one who actually filed the nomination for Judge Leonard."



Leonard accepted the award with great humility.

"This award came as a complete stunner to me," Leonard stated. "Apparently, it is a tribute to the fact that if you go to innumerable endless meetings over 30 years, someone eventually notices. I am grateful to the Lawyers Conference for the selection, and especially to two of my federal judicial colleagues, Judge Barbara Lynn of Dallas, and Judge Tom Small, retired from my court, who I understand were instrumental.

"Mine is a career that almost didn't happen," Leonard continued after recognizing the sizeable delegation from North Carolina that was in attendance to see him receive the award. "I am grateful to the dean of the Yale Law School, who when I stopped by with my car packed to tell him law school was a horrible mistake and I was going home, persuaded me to gut out one semester."

Leonard received a resounding ovation when he made reference to those who have been wrongfully imprisoned due to procedural flaws.

"From the day I arrived at the federal courthouse, I have always been as interested in how the place works as in the substantive decisions it makes," Leonard said. "I truly believe rights can be as severely compromised by bad procedures as by wrong decisions. As I have said to many judges here and abroad, if someone is wrongfully incarcerated, it doesn't really matter whether it is because the clerk lost the file or a judge made a corrupt ruling. You are still imprisoned unfairly.

"Courts only work when they are transparent and accessible. It has been my good fortune to play a small part in holding the federal courts of our country true to these goals. It is an effort that I remain involved in every day as we attempt to define what our next generation of case management systems will look like. This award acknowledges the work of those of us who give our time to these efforts, and again, I am extraordinarily grateful."

A native of Welcome in Davidson County and graduate of North Davidson High School, Leonard graduated from the University of North Carolina, where he was a Morehead Scholar, and Yale Law School.

**"I truly believe rights can be as severely compromised by bad procedures as by wrong decisions."**

He is the father of five children, and is married to Dr. Whitney Cain, an associate professor of psychology at Peace College.

His career is unique in that he has spent almost all of it with the federal court system. He clerked for U.S. District Court Judge Franklin Dupree from 1976-78, and returned after one year in private practice to assume the role of clerk of court for the Eastern District of North Carolina at the ripe old age of 29.

"I was always nosy about how the place worked," Leonard said of his clerkship with Judge Dupree, who became chief judge shortly thereafter. "I had been practicing for a year with Sanford Adams when he called and offered me the clerk of court position.

"I said to myself that I could either answer interrogatories from the basement of the firm or run my own court."

In choosing the latter, Leonard set about on a career that has been nothing short of amazing. It wasn't long before he was also offered the position of magistrate judge.

"You have to be out five years before you can serve as a magistrate judge," Leonard said. "I was sworn in on the fifth anniversary of my bar membership. There were two vacancies on a three-judge court, so Judge Dupree just let me go. It was no holds barred!

"The court sent notices of a summary judgment hearing before me to Howard Manning and McNeill Smith, and I doubted they would come, but they both showed up. We had a feisty day, and they became two of

Once received, it was obvious that Leonard was the most outstanding nominee.

"His contributions are clearly outstanding among all of the judges who were nominated," Ellis said. "There were some very high caliber judges who made contributions to the administration of justice, but Judge Leonard stood out amongst all of them this year.

"From private practice to clerk of court to being a magistrate judge, and then becoming a bankruptcy judge for the district, he has a fantastic resume and clearly is dedicated to the administration of justice. The CM/ECF system is used by federal courts literally throughout the country for case filings and case administration in the federal courts, and he created it.

"From there, it has just taken off."

Self-effacing and modest to a fault,



**Judge Rich Leonard, left, accepts the 2011 Robert B. Yegge Award from Judge David Horowitz at the ABA Annual Meeting, Aug. 4, in Toronto.**

my biggest supporters.”

From his joint perspective as a magistrate judge and clerk, Leonard was perfectly suited to represent the Fourth Circuit at the first National Conference on Court Technology in 1985. The experience whet his appetite for developing procedures that would enable the court system to operate more efficiently and with greater transparency, beginning in the early '90s with an automated docketing system that allowed lawyers to dial into the court's computer to access the court docket.

It was also around this time that Leonard moved up to the U.S. Bankruptcy Court following the death of Judge Mickey Moore in 1992. Leonard has remained with the court ever since and served as chief judge from 1998-2005.

Throughout this time, which included his nomination to the Fourth U.S. Circuit Court of Appeals in 1995, Leonard has maintained an active role in the development of technology-based enhancements to the federal courts. The CM/ECF system alluded to earlier, which stands for case management/electronic case filing, is an outgrowth of these efforts and, to date, perhaps his crowning accomplishment in this field.

He was one of but four judges nationwide selected to oversee the development of these procedures. More recently, he initiated and led a two-year pilot project to allow the posting of the digital audio of court proceedings directly to the docket sheet and thus making the hearings remotely available to the public. The pilot originally involved five courts, two of which were district courts

and three of which were bankruptcy courts.

“But it really caught fire when General Motors and Chrysler filed for bankruptcy,” Leonard said. “There was enormous interest in those cases, so we got permission to add the Southern District of New York where they were filed.

“Our team from Wilson set all of this up in 48 hours.”

Last spring, the Judicial Conference of the United States endorsed the pilot and authorized any federal court to join. Leonard's court is providing all of the national programming support.

Leonard, who serves as editor-in-chief of the American Bankruptcy Law Journal, has traveled and consulted extensively throughout Africa and in Romania and Bhutan. He has also provided numerous speeches and articles on these and related matters, including one of his favorite subjects, the Century Station Federal Building which houses the Raleigh branch of the bankruptcy court.

“It's funny how your career turns on flukes,” Leonard said. “In 1976 North Carolina was much more parochial than it is now, so landing a clerkship coming out of Yale Law School was not as easy as one would expect. I received two offers, from Justice Exum and from Judge Dupree. Everyone else wanted someone out of Carolina or Wake Forest.

“I drove from New Haven to Raleigh to interview with Chief Justice Susie Sharp. Fifteen minutes into the interview she realized that I was in law school at Yale and said ‘I don't hire law clerks from Yale; I only hire law clerks from Carolina.’”

Exum would have been Leonard's preference, but he received Dupree's offer first.

“After the interviews, I returned to New Haven and did not hear from either of them,” Leonard said. “Then I was leaving the law school one day and my buddy told me there was a note on the board for me to call this judge in North Carolina.

“I went back in and called Judge Dupree and he offered me the job, and I accepted. I rode back home and there was a letter waiting for me from Justice Exum offering me a job.”

True to his word, Leonard declined Exum's offer and cast his lot with Judge Dupree.

“If he were still alive, I believe he would tell you that I became the surrogate son he never had,” Leonard said. “We developed a shorthand and affection in dealing with each other. He was a fabulous judge; a lot of people will tell you that he's the best trial judge who ever sat in North Carolina.” *NCL*

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