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REMEMBRANCES

MARVIN H. SHOOB

*Kevin Conboy**

The late Judge Marvin H. Shoob, United States District Court Judge for the Northern District of Georgia, Atlanta Division, 1979-2016, will be remembered by the world as a distinguished, brilliant, and hard working jurist who always tried to do the right thing. He will be remembered by his family as a loving husband, father, grandfather, and member of his larger family. And to the Atlanta community, he will be remembered as a wonderful example of a good man. But to a fortunate cadre of twenty-five or so lawyers, his law clerks over the years, Judge Shoob was the best “boss” we ever had. There is no better way I know to share the good fortune of his law clerks than by telling some of my stories.

Brilliance. Until reading Judge Shoob’s obituary I am not sure I knew of his background in engineering. Looking back, however, I should have. In an early case, perhaps the first case I observed in court, Judge Shoob displayed his characteristic keen mind, careful reading, and kindness. The case involved a contract dispute over the purchase and sale of a valuable parcel of real estate. It was not a jury case, but there were clients in the courtroom for the beginning of the case, which would usually have begun with “opening statements” from the attorneys. Instead, the Judge asked the attorneys to approach the bench. I could hear the discussion. Judge Shoob said, “I was reading the case information and the pleadings before trial, and your real estate parcel doesn’t

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close!" In real property, a particular parcel's "legal description" is typically a series of lines beginning with latitudinal and longitudinal coordinates, perhaps supplemented by a reference to an iron pin, a large tree, or some other noteworthy physical item. The last line should lead back "to the point of beginning." The legal description of this parcel lacked that last item; the parcel did not "close." The mortified attorneys asked for an adjournment and the case was settled that afternoon. Judge Shoob, who always had a soft spot for hard-working attorneys in private practice, did not embarrass the attorneys in open court, but left it to them to make satisfactory explanation to their clients for their oversight.

Kindness; Efficiency. We all have our good days and bad days, and even good human beings can be moody. Judge Shoob had a way of dealing with such human imperfections that brought out the best in the people in his chambers. When he observed that someone was having a bad day, he would privately inquire whether there was something really wrong (typically not) and then find an assignment that would permit that person to do quiet, solitary work for the day rather than sour the mood of his chambers or expose visitors to an ill-tempered employee. In a similar way, Judge Shoob saw that I had an inclination towards pretty painful introversion. During what is perhaps his most newsworthy case, a case involving Cuban detainees at the Atlanta Federal Penitentiary (the "Marielitos"), Judge Shoob made a point of asking me to be the point person with the press. That assignment compelled me to come out of my shell, communicate effectively and interact with the often-difficult reporters interested in the case.

Professional Mentorship. Judge Shoob mentored me in dozens of different and important ways. In addition to helping me overcome my tendency towards introversion, he took the time to teach me how to become a more efficient and productive young lawyer. One of the most important ways he did so was by insisting that I learn how to use dictation. Our typing assistant was gifted at dictation and during my years in chambers I learned how to be immensely more productive.

Profanity; Humor. Judge Shoob did not use profanity, at least not in the presence of his law clerks or in chambers. He also had a wicked sense of humor, which he frequently directed at both himself and the favorite people in his life. He never used his sharp wit to hurt, however. I was working on a pre-trial discovery motion that had been submitted to the Judge for a ruling. Typically, the law clerks would divide the work and the cases. The clerk working on the case would review the pending motion and the file, review the other side's response to the motion, review the briefs in support, do any necessary legal research and prepare a draft order for Judge Shoob's review. If the motion was not routine, we law clerks would typically supply a cover memo explaining the motion, the briefs, the status of the case, and why we had reached the conclusion that we had. But this particular discovery motion had me stumped. It was obvious the moving attorney was upset about something, but little else was clear. There was no clear recitation of pertinent facts, no rational argument, and an entirely confusing conclusion. At a loss, I went to discuss the case with Judge Shoob. He listened carefully, asked a few questions, and was similarly stumped. Then he asked: "who is the attorney for [the moving party]?" When I told him the name of the attorney, he winced, looked away and said, "Oh no! Not that asshole!" I learned from that experience with Judge Shoob that profanity should be used sparingly, if at all, to be effective.

Gentility; Wisdom. Law clerks, like other human beings, are frequently deadline-driven and often leave the most challenging tasks for last. I once had to finish working on a dispositive motion in a habeas corpus action (death penalty case) because I had a Christmas trip planned. I submitted a very lengthy draft order to Judge Shoob and recommended setting aside the death penalty; my rationale is shrouded in the mists of time. This was more than two years into my clerkship, and by this time (I am sorry to be immodest) I often knew the Judge's mind on legal questions submitted to him. While Judge Shoob had a reputation for being liberal, he was not opposed to the death penalty in all cases. When I got back from vacation in early January and greeted Judge Shoob, he greeted me with: "Sorry, I reversed you!" On matters of life and death, Judge Shoob knew where the buck stopped.

Gravity. Judge Shoob used his law clerks primarily to assist with his civil case docket, and used us to a lesser extent on criminal matters. One duty Judge Shoob never delegated was sentencing. He struggled with sentencing because he took the responsibility so seriously. He disliked the federal sentencing guidelines, which he believed imposed a rigidity he thought was, at times, inconsistent with justice. Preparation for sentencing was one of the few times that Judge Shoob would work with the door to his office closed and an understanding that he was not to be disturbed.

Friendships. Judge Shoob had a number of close friends (in addition to the close relationships he had with family members). He visited with Senator Nunn frequently, had good relationships with his fellow members of the bench (especially those who joined with him in 1979), and kept up with former law partners and those he had met in politics and the media before becoming a judge. He spent a lifetime making friends, not enemies.

Equanimity. Judge Shoob did his best to remain calm, friendly, and happy under all circumstances. He maintained this attitude through some terribly difficult personal challenges and very significant and painful health challenges (especially during his later years on the bench). Having been through World War II and its horrors, he had a terrifically positive toward his life!

Personal Mentorship. In addition to the professional mentorship Judge Shoob provided his law clerks, he also mentored us in our personal lives. Detecting a serious “workaholic” tendency in me, before I left his chambers, he told me that “Nobody ever got to his deathbed wishing he had worked harder.”

The federal judiciary has seen many brilliant and distinguished jurists since the founding of the Republic. I doubt it has seen a better man. Rest in peace, Judge Shoob.