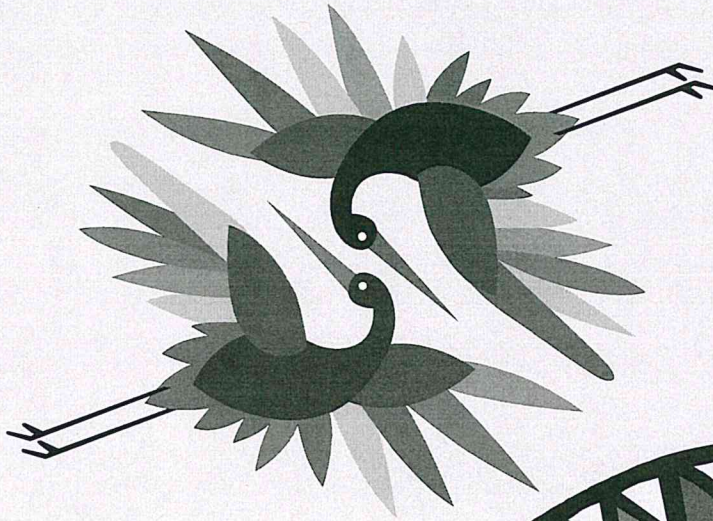




SIDE BAR

Newsletter of the District of New Mexico Court Family October 2004



The Honorable Robert C. Brack

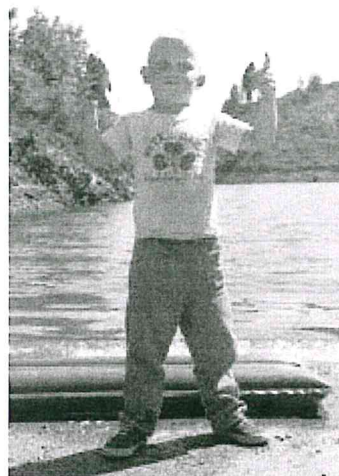
Tell us about your background.

I was born May 2, 1953 to Bill and Marge Brack in Lynwood, California, where my father was employed by the Santa Fe Railroad. My father's work took our family from Southern California to Chicago, Illinois when I was 3. I lived there until I was 12, at which time our family was transferred to Clovis, New Mexico. I attended junior high and high school in Clovis, where I graduated in 1971. My parents returned to Chicago in the spring of 1971. I had fallen in love with the Southwest and decided to stay.

I misread the memo about future judges needing to go East for a quality education so I attended and graduated from Eastern NM University in 1975 with a B.A. (Justice Chavez of the NM Supreme Court, also a ENMU grad., gets credit for that joke.)

I married way over my head when the former Sheila K. Massey and I tied the knot on May 24, 1975. Sheila is bright and beautiful and charming and witty and

has the sweetest spirit of anyone you'll ever meet. We have been blessed with 3 beautiful, healthy girls. Katy Brack Morrow, my eldest, is in her third year of law school at Baylor. Christy, who will be 21 in November, is in her third year of undergraduate work at Arizona State University. Carly, our 10 year old, is in the fifth grade at Desert Hills Elementary in Las Cruces.



*Displaying the Big Catch,
Lake Shasta, CA, 1958
(Go, Irish!)*



Katy's First Plunge, 1983

Describe yourself.

Hmmm... Loving husband, doting father, faithful friend, Christian, 6 foot 2, eyes of blue, baby federal judge, golf and travel nut.



The Adventure Begins, May 24, 1975

Any Pet Peeves?

The new maddeningly-frustrating self-check-outs at Albertson's.

When did you decide to practice? What are your likes/dislikes of the practice of law?

I spent my first year of law school at Tulane in New Orleans, Louisiana and transferred to UNM, where I graduated in 1978. Sheila and I moved back to Clovis, where we had spent many of our formative years, believing it would be a great place to raise a family. I practiced for a very short time with Teddy Hartley, who is now a NM State District Judge in the Ninth District, and then conducted my own practice with the occasional associate or two for the next 18 years. I love the practice of law. The competitive, adversarial nature of the practice, the client contact, the intellectual stimulation and the opportunity to learn a lot about a different subject matter every day were the pluses. The pressure associated with making the payroll every Friday, the inability to take any significant time off and the occasional pain-in-the-butt adversary were definite negatives. The most memorable moments associated with my career are my successes in a class action representing 9,000 federal retirees against the State of NM, and representing a young college athlete against the NCAA.

What will you miss most about your previous position in Clovis?

Becoming a federal judge has been one of the most gratifying and exciting things that could ever happen to a lawyer, but the position came with a great cost in that I had to leave Clovis, where I had spent all 25 years of my professional career and the associated relationships with family and friends.

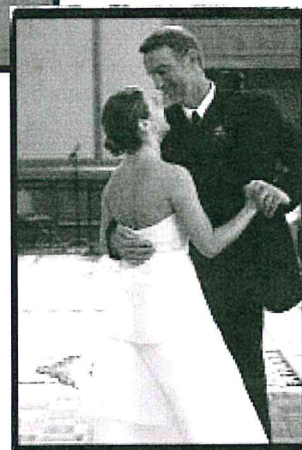
What made you decide to become a federal judge and were you surprised by your selection?

After spending 18 years as a trial lawyer, I was appointed to the State District Court bench by NM Governor Gary Johnson in 1996. I had never aspired to be a state judge, let alone a federal judge, but felt called to the bench following a dear friend's suggestion that I consider concluding my professional career with public service. It was another friend's suggestion that I consider applying for one of the two vacancies in the NM District Court. Prior to that comment from my friend, I had never given one moment's serious thought to becoming a federal judge. I know that many people's reaction to finding out that I had been nominated and confirmed in this position was: "who?"; followed by the second question: "why?" All I can say to those folks is no one is more surprised than I am.



Katy and Jon Begin Their Adventure August 9, 2003

I was completely composed until I danced with my first born at her wedding reception.



What was the process of becoming a federal district judge like?

I found the nomination/confirmation process to be fast-paced (contrary to the experience of many of my colleagues), exciting, interesting, educational and humbling. To have the guards at the White House greet you with "yes, Judge Gonzales is expecting you, Judge Brack" is an experience I won't soon forget. Meeting with Senators Domenici and Bingaman on a one-on-one basis was a great honor and opportunity to get to know these two men that have served our country and our state so well and for so long. I will always remember my appearance before the Senate Judiciary Committee as one of the great highlights of my professional career.

Overall, the experience has given me a greater insight and appreciation for the role of the independent



With Katy and Christy, Malibu, Circa 1986



Cabo San Lucas, 1996

judiciary in the most successful, constitutional democracy ever known to man. When one considers what an historic anomaly an independent judiciary is, one can only stand in awe of the founders' inspiration.

Have there been any particular challenges you have faced since taking the bench? Any surprises? Any disappointments?

Challenges? In Las Cruces? Come on..... Okay, yes, there are some challenges associated with the huge criminal docket in Las Cruces. Recent statistics say that the District of NM is No. 1 in the country in terms of felonies handled per judge and 70% of the felonies in

NM are filed in the Las Cruces Courthouse. I am pleased to report that, with the great help of my staff, the Clerk's Office and the monumental and very professional efforts of the U.S. Attorney's Office, the Public Defender's Office, the CJA Panel, the Marshals Service, Probation, Pretrial, the best corps of Magistrate Judges that anyone could ask for, the visiting judges and everyone else associated with this process, we have managed to plug the holes in the dike, but the dike is still under enormous pressure.

I am surprised and amazed at the resilience of the many constituencies that I mentioned above in dealing with an unrelenting flood of cases and the ability of all of those constituencies to treat cases not as cases, but as individuals.

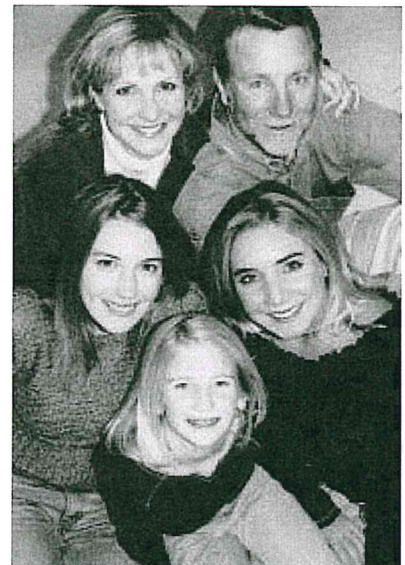
Having grown very fond of my colleagues on the bench, I am disappointed that I don't get to have more daily interaction with them.

What do you hope to achieve as a federal district judge? What do you look forward to?

In the short term, I hope to be a significant part of relieving the strain of this docket on all concerned and on our limited resources. In the long term, I look forward to being involved in the construction and completion of a new courthouse and, ultimately, hope to be remembered as a judge who strived every day to be worthy of this great calling.



With my Dad, now deceased, Clovis, 1998.



Dad and His Girls, Christmas, 2002



With the Family, August 21, 2003