

**NEW MEXICO BAR ASSOCIATION**

**INTERVIEW – JUSTICE DANIEL SOSA, JR.**

**APRIL 22, 2008**

**INTERVIEWER: SARAH BRADLEY**

**JUSTICE DANIEL SOSA, JR. INTERVIEW – April 22, 2008**

**JDS:** Thank you, very nice. Yeah.

**SB:** Okay. You can just give me the high sign...

**JDS:** If I forget something, that's because I had a stroke (both laugh, "Okay!") You're supposed to forget things, I guess. Are we ready to go? ("Yeah") Okay.

**SB:** This interview is part of the oral history project sponsored by the State Bar of New Mexico and its Senior Lawyers Division. I'm Sarah Bradley, a member of the Senior Lawyers Division of the State Bar. Today is April 22, 2008, and I am interviewing Dan Sosa in Las Cruces, New Mexico. Joseph, is there anything about your childhood or your early adolescence that influenced the direction of your life?

**JDS:** Probably my, ah, the fact that I liked politics. I got involved in campaigning for (Keleher Mabry?), and also the fact that when I was a kid, I used to sell papers at the old Court House in Las Cruces, and the uncle that reared me was sheriff. I used to go there and sell papers and I used to shine shoes all over the place, and I saw this red, tow-headed young man in court. I'd go and listen to the trials. And I was very impressed with him, and he was a district attorney, and I thought, my lord, if I could ever be district attorney, that'd be the biggest thing in the world for me! So I had started thinking about law at that time. And then that person was Martin Threet and his son, he later served on the Supreme Court after he served as district attorney, but he only served one term and then I guess was defeated.

The thing that really hurt me about this thing was that when I graduated from law school, came back and decided that I was going to run for district attorney, my life-long dream, I was running against Jack Maveety in the primaries, in Doña Ana, Lincoln and Otero counties, and it was going to be a tight race, I knew it, right after World War II, and, behold the guy that was the mentor, the one that was the one that Martin Threet went ahead and openly endorsed Jack Maveety for the position. It crushed me. Well, later on, I used to kid his son, who's an attorney in Albuquerque. I used to tell him the story, and I said, God, your dad sure let me down! And I said, he didn't even know who I was! And he just went ahead and declared that he'd be for Jack Maveety, and it hurt me. But those were the seminal parts of my thinking about law.

**SB:** Did you then grow up in Las Cruces?

**JDS:** Well, I was born here. I was born and grew up here in Cruces, and I spent all my life at Cruces except time in the military service during World War II, time at the law school, (inaudible) to graduate, and the time to serve on the New Mexico Supreme Court. Other than those days, I, this is my home.

**SB:** Did you then go all the way through school here in Las Cruces?

**JDS:** I went through, through high school, I went through New Mexico State, and then I couldn't go any further, I couldn't go to law school here, no law school (chuckles), I had to go to Albuquerque.

**SB:** Did you work before you started law school?

**JDS:** Ah, yes. I taught school, at Old Mesilla. I was a, taught social sciences, and I was also the coach. And then after that first year, this friend of mine who had gotten me the job to teach in the first place and who had graduated from college with me, Haskell Smith, asked me, hey, Stan, if you stay here the next year instead of going to law school, I make you the principal of Old Mesilla. He said, teachers love you and you get along with the kids, so I want to run for County School Superintendent, and if I win, I'll do that, if you and your family'll help me and gain the position of County School Superintendent. And I said, Hack, certainly my family will be for you, but I can't promise you that I'll be back, you know, I want to go to law school. So we campaigned for Haskell and he won!

So when it came to, well, I'm going to go to law school, I asked this uncle of mine that reared me, Dick Triviz said, Dick, here's this opportunity, what should I do? And he said, well, I'd take, I'd take Mr. Smith on his offer, he said, because you're going to be making money here and over there you're going to be losing money because you don't have an income over there and over here you'll ... So he advised against going to law school. And that upset me, so I decided I'd go to law school! So that's it. Interesting things.

**SB:** Yes, it is. You'd mentioned being gone during World War II, was that before or after law school then?

**JDS:** Before, before law school. I went into the service right after Pearl Harbor. I went in and I, I went in before the draft even started, and the reason I went in is because I wanted to choose my branch of service. So I took an exam to be a cadet, an Air Force cadet, and I passed it, so, there again, another thing in my life. All my buddies here said, hey, you're crazy! Look, they promised (inaudible) here, at the ASTP program, that if we stay in school until we graduate, that then they'll call us, but we'll be able to get our commission and we'll go in as commissioned officers. So stick to school instead of going into the service. I said, oh, I want to pick my branch of service. And I did. Well, it wasn't – it was about six months later that they were all called in (chuckles), they were all, you know, they had to register for the draft and they were all called in. So those are the fickle fingers of fate.

**SB:** Which branch did you go into?

**JDS:** I went to the Air Force. I went into the Air Force.

**SB:** Did you fly?

**JDS:** Oh, yes, I was, I flew 35 combat missions over enemy-occupied Europe, in B24s, and interestingly enough, you know, I thought I wanted to be a pilot when I went in, but they gave us some tests at SAC, what they call SACC, San Antonio, San Antonio Aviation Cadet Center, and my aptitude was in being a bombardier! So they shifted me off into bombardiering school, so I became a bombardier.

**SB:** Then you came back and finished school at New Mexico State?

**JDS:** I came back and finished school at New Mexico State under the GI bill. Then I took my GI Bill to law school and ran out of it. Here's an interesting story: I ran out of my GI Bill, and I had met Rita and we were going to get married, and I was going to quit law school because I'd run out of money and I'd run out of the GI Bill. And we were discussing it at the Sun, and this guy Jacob I. Rosenbaum said, hey, Soss, why you gonna quit school? And I told him, Jake, I don't have any more money. And he said, you're going to let money keep you from graduating from law school? And I said, yeah. He said, well, look. There's a lot of others that would love to be in law school. They don't have the aptitude or they don't have the ability. And you do. Look, promise me that you won't quit school and I will pay for your tuition, I'll buy your books, and I'll give you some money every month. And I said, Jay... He said, yeah, go ahead and get married, put your wife to work – where's she working? I said, she's working at the bank in Santa

Fe. He says, well, you get her to work at the bank at Albuquerque and then that'll help you get through law school. And I did.

What he did, his family had wanted to set up some kind of a scholarship for law school, but they went and – he had gone into the service, had never seen combat, and he wanted to help somebody. So he saw me and knew that I had been through combat, and he went ahead and gave me his GI Bill. In other words, he put in for the GI Bill and every time he got his monthly – it was a \$65 – he'd give it to me (chuckles) and he'd pay for my books and my tuition.

**SB:** That's an amazing story!

**JDS:** Yeah. And the good lord blessed old Jay, he, the last time I saw him – I guess he still is in Cleveland, Ohio. I went to Cleveland for the funeral of my wife's sister, in Akron, and I called Jay and we got together. So I've seen him just maybe three or four times since law school.

**SB:** Was he a classmate of yours then?

**JDS:** He was a classmate of mine and he was from Albuquerque. Jacob I. Rosenbaum. He was one of my big first angels.

**SB:** Were there any professors in law school that were of particular influence to you or a role model?

**JDS:** I guess they all were, they were all pretty... ah... very interesting individuals who had made a life of their own before law school, and they had transferred over here and come over here in retirement, you know, so they came over. I did have one talk with the first dean of the law school, name (Gauzowitz?). He... They had started out so strictly and stir, ah, they were flunking everybody out right and left. And... George Long, the only Black in our law school, had transferred over from Georgia or Alabama, some place in the south that wouldn't accept him at their law school, so they would let him go any place he wanted to go, so he came to New Mexico. He went to law school here. I told the dean, I said, look, I discuss law with George – George Long was his name... see, I keep forgetting some of these things, I have to think about it, because of my stroke, I (inaudible)...

But in any event, I talked to the dean about George, and I said, he knows the law. He may not be able to put it down in writing or something, there's something wrong, but he'd be a darn good lawyer, and he'd go back and help those people (inaudible) in the south. And he said, well, (inaudible), he said that we don't want to lower our standards. He said, we want to be sure that the ones that graduate from our law school are not only good but that they're the top, that they're the best, and I said, yeah, but you're flunking a lot of others who could be adequate lawyers. He said, well, he never changed his mind, and George never made it, he flunked out. And I used to ask, when I became the Chief Justice, I used to ask the Dean of the law school, I said, hey, how many guys do you flunk out nowadays? Because we started out with... I think it was something like 76, and graduated 26, and of the 26, 21 passed the Bar the first time, and 5 didn't. So, in any event.... And the deans used to say, look, when you went to law school all you needed was a college degree. Now we have the other (say-kee?), and we have (a sort of big guide by?), so we take the best ones and they're adequate, they're ready for school, and in your class they just, just college graduates, so that's the reason, he said, why so many (chuckles) in the early classes flunked out, you know/

**SB:** What class were you in at the law school?

**JDS:** Well, I would have been in the first class if I hadn't taken one year off to teach school. I was in the second graduating class in 1951.

**SB:** Were there any other members of your family that were lawyers or...?

**JDS:** Well, (Ed Triviz), a cousin of mine, went to law school, but he did it up East. He went to, I guess, George Washington or Georgetown, (inaudible) the other schools. He was the only other member of my family.

**SB:** So it was really your experience at watching the district attorney that influenced you?

**JDS:** Oh, yeah. Martin Threet, yes, absolutely. I loved when he was – and later on I wanted to be a DA and I became a district attorney (chuckles).

**SB:** Well then obviously you must have gotten involved in politics along the way.

**JDS:** Yes, I did, I came back after World War II and decided that, I guess, when I got out of law school, I was looking for a job and I came down and interviewed several firms, and they said, well, you've got a child and you got a wife, and you'd have to get so much and I don't think we can afford to hire anybody right now in our school. So, I thought, my God, what am I going to do? So, anyway, I went back to Santa Fe at that time, and Tom (Canavel?) was a district attorney here, called me and he said, hey, Dan, how would you like to be my assistant? He said, you'll be my only assistant and I'll pay you so much – oh, wow! So I came back and I was Assistant District Attorney. But unfortunately, I was only Assistant District Attorney for about six months because Tommy ran and lost the next election for District Attorney, and C. C. Chase followed him and I was out of a job. So when I left the DA's office, I looked at the city judges' race here and decided that I'd run for City Judge. You didn't have to be a lawyer to be a City Judge, so I ran on that platform. I'll be the first attorney on your courts, I think it's about time to upgrade our courts. And I was elected and I served there two terms, and then I ran for District Attorney and won. So that's the history (inaudible).

And then I had three counties – Doña Ana, Lincoln and Otero – and that gave me an edge when I was running for, for the Supreme Court after I had been appointed, because in those days, in '75 when I was appointed, we were appointed and the next election you had to run for it. So I, I was appointed, and then, lo and behold, the presiding judge of Albuquerque, Harry Stowers, decided that he was going to run against me, you know? Well, actually, that wasn't true, he didn't decide he was going to run against me, he decided that he's going to run for the Supreme Court, but a strange thing occurred: while I was on the court, Justice Sam Montoya, who was a member of the court, told me, hey, Dan, I know you're going to run for office, for the Court, and why don't you just declare for my position, which is an eight-year term. This way you'll serve as Chief Justice. Here, he said, I've served and I've never served as Chief Justice because I was never elected for a term that would, ah, for a full eight-year term. So I said, that make sense, since I am going to run, I'll have to – I want to be appointed – I mean, I'm going to be contested in either for the four-year term that I will run, or for the eight-year term, so I'll go for the eight.

So Harry Stowers had made up his mind that he was going to go for the full eight-year term, and he winds up finding out that I had decided to run for that, too! (Chuckles). So he ran against me, and I was concerned that he was the presiding judge in Albuquerque, but, no, I won very handily. But that's an interesting situation as to how – and then Harry Stowers later came on the Court.

**SB:** Well, you were in practice before you went up for the Court.

SB – Sarah Bradley (Interviewer)  
JDS – Justice Daniel Sosa, Jr.

**JDS:** 24 years I practiced.

**SB:** Is that here in Las Cruces?

**JDS:** In Las Cruces, right.

**SB:** What sort of a practice did you have?

**JDS:** I had a very general practice. I practiced personal injury litigation, divorces... anything, probate matters, anything that came into the door I'd handle. The fact is, you know, I'd travel all over the eastern part of the county. There were no Hispanic attorneys in this area, so they'd call me from Carlsbad to come over and represent somebody, and I'd go over there and I'd represent people all over the east side.

**SB:** I assume you're bilingual.

**JDS:** Yes. Yes, I think I can make it to heaven, because I believe that even if this guy that we (inaudible) is St. Peter winds up being San Pedro and he won't let us in because we don't speak the language, I can speak to San Pedro, he'll let me in. (laughs) You better learn it!

**SB:** Yeah, I ...

**JDS:** (laughs)

**SB:** Backing up to you were the Assistant District Attorney and then your District Attorney got defeated, so you became the

**JDS:** City Judge.

**SB:** City Judge, then where did you go from there?

SB – Sarah Bradley (Interviewer)  
JDS – Justice Daniel Sosa, Jr.

**JDS:** I became District Attorney.

**SB:** You had to run for that position.

**JDS:** I had to run for that in three counties, because in those days, the Third Judicial District was Doña Ana, Lincoln and Otero. Now it's just Doña Ana.

**SB:** And how long were you District Attorney?

**JDS:** Eight years. Two terms.

**SB:** And did you just decide that you were ready (inaudible) –

**JDS:** I decided when I was ready to get out, yeah.

**SB:** When you were the District Attorney, did you have any assistants?

**JDS:** Yes, I had – Glen Newmeyer was my assistant here in Doña Ana County, and Lalo Garza, who later became District Judge here, was my assistant in Otero County, and Dick Parsons, who later became District Judge in Lincoln, was my assistant in Ruidoso.

**SB:** Did you have to travel a circuit then?

**JDS:** Three counties.

**SB:** Oh. When you went into private practice after your two terms, did you do any criminal defense?

**JDS:** Oh, my, yes, I did. I had... One of the most interesting cases that I had was... the lady that shot and killed the five-times mayor of TorC, Maria Heffertin, came to see me to represent her. She'd been charged with murder and I decided that I'd represent her, sure. She came from a very wealthy family in Oregon, and she could afford to pay attorney's fees and (inaudible), you know, and I figured, hell, I want to charge, but, hell, I'm going

to have to be out of here. And... she had shot and killed T. B. Williams because she was scared to death of him. She was – and she shot him, but she shot him through the screen door of the house he was trying to come in. And, well, anyways, the long and the short of it, she was acquitted, and so I did have some criminal law practice.

**SB:** And of all the cases you had as a private attorney, which were your more, most interesting?

**JDS:** Criminal or civil, you mean?

**SB:** Well, just (inaudible)

**JDS:** Well, anyway, the practice of law made me think about the Supreme Court and what I would do to change the practice of law. When I practiced law it was horrible in that if a person that you were representing was 5 percent negligent and the other person was 95% negligent, that you'd get nothing. And I said, well, where's the fairness in this? So I wanted to abolish contributory negligence and set up some kind of a comparative degree of negligence (inaudible). So that was one of the first things I did, when I got on the court. I was, I think I was the vote that changed the court in that respect, and there was some other things, I forget, let's see... contributory negligence and... Oh, I forget what other things, but, ah, I thought that it was bad enough that people were hurt and they were minimally at fault or the jury felt that they were minimally at fault and they'd get nothing in spite of their horrendous damages. So, anyway, that made me think of the Court.

**SB:** Were there other people in practice here in Las Cruces that were influential to you?

**JDS:** There were 40 attorneys practicing law when I was here in Cruces, and...

**SB:** How many are there now?

**JDS:** Oh, over a hundred. There's many, many, many more. So young. There were other attorneys here. The one that took me under his wing, Tom (Havel?), he was the DA, criminal law, and then when I went out to practice privately, Wayne Whatley, he was strictly a personal-injury attorney, and Jess Wier. All of those guys that are now dead, you know? And then I... it's just strange. The five members on the Court when I went up there, Sam Montoya, [LaFel] Oman, [John] McManus, and [Donnan] Stephenson, they're all dead! I'm the only survivor from that Court. You know, and that, ah, the

Clerk of the Court now [Kathleen Gibson] used to clerk for me, and she reminded me of that when I went up to swear in Ray Ortiz as a District Judge in the 1st Judicial District. Ray clerked for me, and it's an interesting thing, and the Chief Justice now clerked for me. Ed Chávez. So, I must have done something right. The Chief Justice, the Clerk of the Court, both the Court of Appeals and the Supreme Court, and several judges, all clerked for me, so I've obviously done something right!

**SB:** They clerked for you when you were on the Supreme Court?

**JDS:** Uh-huh (affirmative)

**SB:** Other than – you've mentioned the issue about going from contributory negligence to comparative negligence as influencing your decision to run for the Supreme Court, what else made you decide to go for a state-wide (inaudible) position –

**JDS:** That was also a (happening?). I was in federal court, trying a wrongful death. I was representing this guy, Falcon, who was shot and killed in Otero County, at a service station. (And so I called and said?) (inaudible) he went to get some water and he got involved in a hassle with the person that owned the station and they shot and killed him. Well, I filed suit in federal court and we were trying the case here in Las Cruces in federal court, and the presiding judge at that was Ed Beacham. He was trying the case. He, and during one of the recesses he called me into chambers, and he said, what (are the?) (inaudible). And he throws the *Albuquerque Journal* in front of me, and I looked at it. Big headlines: Justice Martinez Resigns.

So I read the article and then Ed said, you're going to be appointed to that. And I thought... I didn't think anything about it, but I considered my practice. I had been in Carlsbad all day trying the case and as I was coming back home I figured, I wondered why he said that? Well, anyway, I came back home and I told Rita: Rita, you know, there's a opening on the Supreme Court, and... do you think I should apply for it? And she says, well, you know, you've been trying to feel the good lord has in store for you, and go ahead and apply. She said, you've got to make yourself available. And, she said, but don't be disappointed if you don't get it. And I said, oh, no, I can only be disappointed if I don't get it. So I thought, I wonder why Ed Mecham said, and (inaudible) he's a Republican, I'm a Democrat! And he said that I was going to be appointed to this court.

Well, I started writing letters to the to the Judicial Selection Committee. Top of the list was Russell Man. Dear Russ. Well, I've been in court against these people, so I, I was on the first-name basis with them. Then I wrote to the Governor. Dear Governor Jerry [Apodaca]. And I thought, oh, my God, that's what he meant. He meant that I know the Governor, I supported him, and that I've been practicing law sufficiently, and sure enough, that's what it was. The Governor called me during – shortly after I submitted my application, and he said, hey, Dan, I'd like to talk to you about this. You made an application for the Supreme Court, and he said, could I see you Tuesday? And I said, no, Jerry, I'm in court Tuesday. How about Thursday? And he said, okay, I'll see you Thursday. (Chuckles).

So I drove up to Santa Fe to go see him, and that's what he wanted to talk to me about. He said, are you kidding? Are you, are you willing to cut down your practice and quit your practice Cruces and come up here? And I said, well, I'm willing to if you want me to, if you think that I... Cut out the bullshit, Daniel, it's yours if you want it. And I said, well, Jerry, yeah, but give me a lot of time to wind up my practice cause I've got a lot of cases on board. He said, well, they've been without a justice – at that time it had been a few months, so he said they can wait a little bit longer, and I said, okay. He said, I will make my announcement that I'm appointing to you to the Supreme Court on the 4th of July, Independence Day, and then you can keep it quiet until then or do whatever you want. And I said, okay.

So he did. He appointed me and I – he appointed me on the 4th. But then McManus got on my back. McManus was the Chief Justice. He wanted me on the Court right away! And I said, I can't, Mac, I just cannot, I can't.... Well, anyway, I went on board in August of that year, so that, that's my story as to how I went to the Supreme Court. It was a happening.

**SB:** Back then, did you fill the unexpired term?

**JDS:** I went up to fill the unexpired term of Justice [Joe] Martinez, who had had a hell of a fight with, with... [John] McManus and with [Donnan] Stephenson and with LaFel [Oman]. They couldn't get along at all. He called 'em SOBs, in front of the cameras and everything, you know? It was a turmoil on the Supreme Court. I went up there, I didn't know how things were – I, I quieted things down, I mean, they found out I wasn't the same and [we?] started getting along and fine. So I settled down and did my work there.

**SB:** How long was that term before you had to run?

**JDS:** It was a four-year term, but I had to run for that four-year term immediately. I was appointed in August, and then I had to run the following year, and instead of running for a four-year term, I ran for an eight, see?

**SB:** I see.

**JDS:** Strange things. And it was because the law as it was then, it used to be that whoever is serving on the Supreme Court who has been elected to a full, eight-year term, who has the least number of years to run on that term, will be the Chief Justice, so that's why I became the Chief Justice, right after I was elected.

**SB:** You must be probably the earliest in terms of, term-wise, Chief Justice that they ever had then?

**JDS:** No, I served the full – oh, yeah, that's right, because they'd already changed it to whereby it's up to the court to appoint. Yeah, so I served as Chief Justice in the 70s, the 80s and the 90s (Chuckles).

**SB:** How long altogether were you on the Supreme Court?

**JDS:** Sixteen and a half years, and at that time I looked at all that had served the Supreme Court and, heck, I had served longer than all but five, so I go, my gosh, it's time for me to leave, so I decided not to, not to stick, and by that time it was just accept or not, so, ah, it wasn't even fun any more.

**SB:** Retention election then, in other words?

**JDS:** Yeah, and you can't, you can't even defeat anybody on a retention election unless they're so damn terrible, horrible... so I campaigned against the constitutional amendment, but all the judges were for it! So I thought, well, what could I do? So it passed, and we're stuck with it. But I always felt that... it was a little bit... making you a little bit more humble to go out and talk to the people, and solicit their support. Tell 'em why you wanted to be there, tell 'em why you felt it was necessary. So, but, John Brennan and, here, Joe Galvan and even Lalo Garza, they changed their minds that had before told me no, no, that's elitist, this retention situation. Make it, make it (inaudible) – well, they say it's

otherwise, Lalo. They say that that – under the retention or rejection, that it'll be better for minorities to serve them now, but I disagree with it. Well, anyway, that, that's a story.

**SB:** What would you consider some of the more significant cases that you decided in your tenure up there?

**JDS:** I knew you were going to ask me that, and I figured, well, since I had my stroke and I had difficulty remembering, what am I going to say? Well, anyway, one of the significant things was, ah... when we were talking about the death penalty. Ah... there was a case where in this individual, McGee, I think his name was, had been killed. He was a guard at the penitentiary and he got killed. Two, two guys just accosted him, pummeled him and just... killed him, and they were tried for first-degree murder in Santa Fe, but they were tried – they were charged jointly but tried separately. The first jury found the first guy guilty of murder in the first degree and found the aggravating circumstance, that the guy that was killed was a corrections officer, so they gave him death. Guess what they did to the second one? The second one they found guilty of murder in the first degree, but they refused to find the given. They refused to find the given, that the guy that he killed was a corrections officer. So they gave him life in prison. Now, I figured, well, how can that comport with due process, with a constitution, with treating everybody fairly? It can't. So I was against the death penalty from that time on.

And interestingly enough, the last time that I ran for office, I was accosted on the east side with TV cameras and all of that, telling me that one of the justices that I was having difficulty with, [William] Riordan, and [on the?] court, he had endorsed his buddy, Tom Mescal, from the Supreme Court against me – he was running against me. He said, Justice Reardon says that we should elect Mescal for the Supreme Court because he's a conservative and he is for the death penalty. And he said that you are not a conservative and that you are against the death penalty. And I said wait a minute. I said, listen, you're wrong on both sides. I am conservative on some issues, liberal on others, but as far as the death penalty, yes, I'm against it, not because I don't think that there are some guys that have committed such grievous offenses that they should forfeit their lives. It's because of the way it is applied, and I told them the story about what happened in this particular case. And they said, well, that make sense to me, too. I understand why. So I didn't have any problem, I went ahead and won. (Chuckles) (inaudible) the stories of my life...

**SB:** But you enjoyed going out and campaigning?

**JDS:** Absolutely, absolutely. Made lots of friends there.

**SB:** You then, once you're on the Supreme Court, you had to travel the entire state.

**JDS:** All over the state, right. I did, and made friends all over the state.

**SB:** Were there any other major controversies that came up on the Court during your tenure there?

**JDS:** Oh, well, there was the Bar Test. The Bar Test was a controversy as to... there was an allegation that it was slanted against minorities, and that is when we started testing, (inaudible)... we brought in some experts to look at the test, and we changed it from passing at 80 or 90 to a 1, 2, 3, 4, 5 so that it would be possible if you could fail one part of the test and still pass the Bar if you got good high grades on the others. So the Bar Test was... but that wasn't a case, that was just administratively that we did that, yeah.

**SB:** Well, a good part of what the Supreme Court involves administrative issues, doesn't it?

**JDS:** Yeah, yeah, that's true, that's true... (struggles a moment) because of my stroke I can't remember (chuckles) I can't remember other significant things, and there certainly were others, I know, but...

**SB:** What would you say was one of the most difficult cases you had to decide?

**JDS:** Ah, that case where some kids were coming in from Texas, they were coming in here, I guess, with the Glorieta Baptist Center, and they were coming through Ft. Sumner, where the bridge narrows, and they had a big bus and they met another one and boom. Some of the kids were killed. And there was a suit against the state for negligence, and first of all, it was or we had decided that it was, but then Donnan Stevenson changed his mind on the Court, and wound up deciding that it wasn't, because Tony Anaya, who was the Attorney General then, argued before us that the state was going to go bankrupt because of all the kids that had been killed and were suing the state. And I wrote a dissent in that case that I'm very proud of, where I said that... who we spoke... parents are going to be sitting in the, at the graveside and saying, hey, they couldn't do anything (inaudible), they have no right, they have no remedy, and their child was killed through the negligence of somebody else. I forget the name of that case. But it was my dissent in that one that was significant.

**SB:** Yes. (inaudible) it's of course at the appellate level. What would you say makes for good lawyering at the appellate level?

**JDS:** Being articulate. Being concise in what you argue. Not referring to your darn briefs all the time. Looking at the court while you argue instead of looking down at the briefs. Basically that's it. You know, I used to even tell 'em, when I was the Chief Justice, do not refer to your briefs. I said, we've read your briefs. We've read what you've submitted and we're conversant with that. We understand that. So we're cognizant of it. Just argue to us, don't just tell us what you have in your briefs since we know. And, no, they'd still go back and argue that.

**SB:** How does it differ in terms of what makes for a good appellate lawyer versus a good trial lawyer, since you did both?

**JDS:** I think a good trial lawyer could be a good if he agrees that somebody else may handle a brief for him and is only conversant with what he's got in the brief, when he sees it, and he can go up and argue the case. So... I used to do both, I used to do all my trial work, all... Even though I had two guys with me all the time, I did all the trial work and all the appellate work. So I think it's possible for a good trial lawyer to be a good appellate lawyer, too.

**SB:** Are there different, any different characteristics for being a good trial lawyer? You outlined what you thought made for a good appellate lawyer...

**JDS:** I guess a trial lawyer needs to know and understand people. Needs to know and understand where he's at, who he is... that's very difficult, Sarah, to go ahead and pull out what you think would be this or that.

**SB:** Do you think that the jury system itself has changed over the course of your career?

**JDS:** (chuckles) Oh, yes! When I was practicing law, I handled the first case where... women were allowed to serve on a jury. That was an – on a change of venue in Chavez County, we went up there to try this first-degree murder case, and I was in the DA's office, and Mrs. [Po?] Corn was the first lady that served on a jury in New Mexico, and I asked the District Attorney then, Pat Hannigan. I said, hey, Pat, do you think we ought to keep this lady? He said, oh, if she gets selected, she's [hotter/harder?] than a [cop?], she'll be tough, sure, keep her – and we did. So she was the first woman to serve on a jury –

**SB:** What year was that?

**JDS:** 195... 54... I do believe, so the women can now serve on a jury. Now they're as smart as men. Now even running for president, so... how about that? Things have changed.

**SB:** Was there a statute then that prohibited women from serving on juries?

**JDS:** I don't know whether it was a statute or whether it was... just... I think it must have been. It must have been, because women could not serve on a jury, and they never called 'em to serve on juries. They were never put on the jury wheel, you know? So...

**SB:** What other changes have you noticed?

**JDS:** In the jury? Well, there's a lot of tendency and some things to go to a six-man jury, fashioned after the Federal courts....

**SB:** As a practitioner, do you think that's good or bad?

**JDS:** Well, as a defense attorney in a criminal case, I think it's terrible (chuckles). Because you can get unanimity among six a lot easier [than you can?] among twelve. As a prosecutor, I think it's terrible that we don't have six-man juries. Basically that's it.

**SB:** Which judges would you say are at the top of your list in terms of your respect for them, their legal abilities, that sort of thing? And I'm just talking about over your entire career, not necessarily currently sitting judges.

**JDS:** Yeah, yeah... Well, Lafel Oman was a very smart and intelligent justice, and a very smart and intelligent lawyer.... The judges on the east side that I practiced before, oh my God, what are their names? I can't even think (inaudible) now... The 5th Judicial District had some real good judges on the bench.... Sam Montoya was a good judge. He was a judge in the 1st Judicial District.... I should be able to roll off like that when I can't think, I can't think about it right now.

SB – Sarah Bradley (Interviewer)  
JDS – Justice Daniel Sosa, Jr.

**SB:** Okay. You had mentioned your wife Rita. How long have you been married now?

**JDS:** 102 years (both laugh) No, we've been married 57 years this, this August.

**SB:** Tell me a little bit about your family.

**JDS:** Oh, God, I have seven children... 27 grandchildren, eight or nine great grandchildren, and [one/more?] coming.

**SB:** Any more lawyers in your family? Any of your kids?

**JDS:** Well, yeah, Dan and Steve are lawyers, and then some of the grandchildren have indicated that they want to be lawyers, but I don't know whether it'll happen (inaudible) there'll be 3, 3, and 3 boys who want to go to law school.

**SB:** What are your primary interests now, outside of law?

**JDS:** Rest and relaxation.

**SB:** What do you do for rest and relaxation?

**JDS:** That's hard to come by. Ah... I do as much reading as I can, and we used to travel a lot, but now that Rita is kind of... she's having difficulty walking, we don't travel as much as we used to. We used to go all over Mexico, we used to go all over the world in fact. You know, we went all over Europe, but we don't do that any more.

**SB:** You write as well, don't you?

**JDS:** No. Rudy does. You're thinking of Rudy Apodaca. Yeah, he's written two or three novels, yeah. No, I don't write.

**SB:** Fly fish, any of that sort of thing?

**JDS:** No, I do – I used to do some fishing but I don't do any more of that, either.

**SB:** Are you still involved in the law in any respects now? On committees, or...?

**JDS:** No, I am not – Oh, wait a minute, I guess... I'm going to complete my fourth year as a member of the Judicial Standards Commission. I've been on it for four years, and my term is up at the end of this – next month, and we have a meeting on the 16th of June, and that'll be my last meeting, then I – and I told them, I says, please do not submit my name again for reappointment, I will not serve. I, I've had it. You know, it's difficult to get from here to Albuquerque and serve intensively on those cases. We don't do it that often, but when we do, when we're in there, we're there from 8 o'clock in the morning sometimes until 6 at night, and just to go through the docket [dealing with?] stuff. So I'm not going to serve any more.

**SB:** How would you say that the legal community has changed during your career?

**JDS:** Has changed me?

**SB:** No, how has the legal practice of the legal community changed, as you've seen it,

**JDS:** Well, since I am now on inactive status, I can't tell you because I'm not practicing. I see my son practicing, and I can see the changes. He's on the computer all the durn time! He's online on the computer and... never did that when I was practicing, you know? Other than that, I don't know. Then he's got his printer that prints forms for him. We never had that.

**SB:** For instance, when you were in practice in Las Cruces, was it pretty compatible bar? I mean, did you socialize with other lawyers in the community? Did you get along? Or was there still some animosity which there seems to be present now?

**JDS:** I guess that – there, there was some problems. I know that... Well, you know, most of the lawyers that were here in Las Cruces earlier, they're from the south, ah, Rufus Garland, Forrest Sanders, ah, the Camels. They in, they came in from Tennessee, they came in from Arkansas, and they came in with their own thoughts, so I know that the Bar was very delighted one time, and I was so upset because I thought the Bar had been the epitome of everything that was wise and smart. We were having a meeting and the Bar, the local Bar had been asked to get a contribution to the University – I mean to this

individual who was going to go to the university, and he was an athlete from Cruces High, but he was Black. And one member of the firm, of the... Sanders Firm said, hell, if, if that's – if the contribution goes to him, my firm's not contributing, and Rufa – and Forrest Sanders said mine, neither, and so, God, you have all these people – so I said, to hell with it, I quit! I didn't go there any more for the Bar. Because of those feelings of bigotry and... I couldn't believe that you would withhold an athletic scholarship to somebody who athletically had proven themselves, you know? So we did have a... on that basis, but other than that. Personally, no.

**SB:** I would assume what you're talking about has changes as well over the years.

**JDS:** Yes, I'm sure that has change. Hopefully. Yeah, we've got a black man running for president, too. Just like the woman who serves on a jury and is now running for president.

**SB:** [You haven't said?] what you consider your most significant contribution to law?

**JDS:** (chuckles) I thought you were going to ask for life! I mean, for my family. To law.... That'll be a hard one. I don't know. I, I served long on the Supreme Court... I served more terms as Chief Justice than anybody else that has served, you know? And... maybe that was my contribution.

**SB:** I gather you must have been a calming influence...

**JDS:** Yes, I was.

**SB:** to serve that long.

**JDS:** Yep, I guess I was. And I had very, very little difficulty with anybody except... one Justice, and he left, he didn't serve too long, and he later ran for District Judge in Albuquerque and was defeated. Strange, coming from the Supreme Court to District Judge and then being defeated.

**SB:** Do you have any particular words of wisdom that you'd like to pass on to young lawyers?

**JDS:** Don't become so involved in thinking of self that you forget others, because really it's in helping others that you're helping yourself become a better person and a better individual. I used to tell people after they were being sworn in, don't get so involved in making money, don't go after that almighty dollar so hard that you forget to smell the roses or you forget to spend some time with your family. That's about it.

**SB:** And is that sort of what you would consider to be your legacy to the legal profession or is there something else that you would pinpoint as your legacy?

**JDS:** You know, when you talk about a word legacy, it implies somebody that has done something *Great!* And I don't feel that I have to where I would leave any kind of a legacy. My legacy to life has been my family, and I'm very, very proud of my grandchildren. I've got three beautiful girls, three grandchildren. Two of 'em are teaching school in Albuquerque, and the other one is getting ready to go to college and possibly also be an educator. So, anyway, it's my children and my grandchildren. That his my legacy.

**SB:** Okay. Is there anything else that you'd like to leave since you're making a record this and...

**JDS:** Well, I'd like people to forgive me for not putting a tie on and wearing proper clothes, since I didn't know it was going to be this intrusive. I didn't know I was going to be on, on camera! I didn't – I just, I thought you were going to sit down and just talk to me about, oh, how was life in Cruces in the 50s when you practiced, and I didn't think that it was going to be this... elaborate. If I had known that, I'd have dressed, and please forgive me for not dressing.

**SB:** Well, are there any other aspects, such as life in Las Cruces in the 50s, (he begins to laugh) ah, anything like that, then, that you'd like to go into in more detail? I mean, some of the these things we just sort skimmed over, I think, and maybe some things that you feel had a greater influence on you or that you had a greater influence on, and I want to give you a chance to talk about that.

**JDS:** It is difficult, Sarah, to go out and single anything in particular. I know the practice of law to me was very satisfying. I, like any time else, we used to [sweat?], worrying about going before a jury when the case so big. But there's after I did I felt great. You know, it's, it's very satisfying, and I guess that something that you can tell the lawyers: not to be afraid of the practice of law, that it's very gratifying. It's... it feeds you, it feeds you.

SB – Sarah Bradley (Interviewer)  
JDS – Justice Daniel Sosa, Jr.

I fact, I don't mean monetarily (chuckles), I mean it feeds you and makes you a better person.

**SB:** Okay.

**JDS:** That's it, that's it. And thank you very much for thinking of me.

**SB:** Well, I thank you very much for spending your time.

**JDS:** I'm very sorry that I confused Sarah Bradley with Sarah Singleton. You two are really very different (chuckles)

**SB:** No problem. Thank you so much!

**JDS:** All right.

(end of recording)