

JR – John Robb – Interviewee
Q - Anita Miller – Interviewer

**State Bar of New Mexico
Senior Lawyers Division
Oral History Project**

**Interview — John D. Robb
October 4, 2006**

Interviewed by Anita Miller

John D. Robb Interview – Side One

Q: This is the first interview of the Oral History Project of the Senior Lawyers Division of the State Bar of New Mexico and we hope that we will interview so many of our prominent attorneys who have given so much to the legal profession in our state.

Our interviewee today is John Robb, who is a founder of the law firm of Rodey, Dickason, Sloan, Akin and Robb and--

JR: May I correct you right there---I didn't found it in 1883!

Q: Okay---as a member or a partner of the law firm---

JR: I'm not that old, really.

Q: Okay, Rodey, Dickason, Sloan, Akin and Robb---and this will be the first in the series and they're honoring John Robb because of his contributions to the legal profession both in New Mexico and nationally. John, when were you born?

JR: I was born on January 11, 1924.

Q: And so how old are you now?

JR: I am 82 years old---but I feel more like 62!

Q: Okay. Well, that's wonderful. And where do you live?

JR: I live on North Rio Grande Boulevard in Albuquerque.

Q: How long have you lived there?

JR: 45 years.

Q: Could you tell us a little bit about your parents?

JR: Yes. My father was a New York lawyer. We lived on the East Coast in a suburb of New York City and he practiced law there for a number of years but his interest in music—he was a composer for many, many years—as a sideline became a dominating interest in his life and in 1941, he made the decision to come out to the University of New Mexico and head up the Music Department there. And after having studied with a lot of noted composers before then who had encouraged him to give up this law practice and to go ahead and do that—so at the age of 49, he pulled up stakes, scrapped his law practice and we came out here.

Q: *And how about your mother?*

JR: My mother? She was born and reared in Peoria, Illinois, and she came from a merchant's family there. She attended Smith College and she met him during World War I and they had a brief

courtship and he was going overseas, she—he proposed to her and she delayed answering him and finally, she sent a telegram to him in care of the commanding officer of the Port of New York, so he was summoned from his troop ship to the office of the commanding general thinking he was going to be disciplined for something and the wife said, “I love you and will marry you. Harriett.” So that’s how they came—she was very interested in music and very interested in the arts. She established a music school in Pelham, where we were—pointing up to the—being involved with the Diller Quayle School in New York City, which is a very well known school. She was very active there. She was an athlete; she played tennis; she was kind of an all-American woman.

Q: Do you have siblings?

JR: Yes.

Q: Would you tell us about your brothers and sisters?

JR: Yes. I have two sisters. My elder sister is in St. Louis, Priscilla Robb McDonald, and she is a singer of some note. She was also quite an athlete; she was involved with diving, which was a particular sport she had, figure skating---she even went into some of the Olympic tryouts. And she also had a noted career in New York City as a singer and studied with (inaudible), who was a wonderful singer at Julliard School of Music. And then she married Sandy McDonald and moved to St. Louis and she continued with her career. She soloed with the St. Louis Symphony Orchestra and the University of New Mexico Symphony Orchestra and---well, she had a noted career.

Q: How about your other sister?

JR: Nancy? Nancy is my younger sister. Nancy is a very talented singer, as well, although she didn't have the career that Priscilla had. Nancy attended school in Pelham with me and came to the University of New Mexico and then transferred to Smith College, where she graduated. And then she has lived in New Mexico, Albuquerque, all her life and she married Bill Griggs. They had several children—two children—and she has been involved in various civic activities. Mostly, she is interested in music and art.

Q: Where did you go to elementary school?

JR: I went to the Colonial School in Pelham, New York, which was just four blocks from our home. I walked to school every day.

Q: And high school?

JR: Pelham Memorial High School

Q: And where did you go to college?

JR: I went to---I started at Yale. I spent my first year at Yale and then my parents moved to New Mexico and my father wanted me to try---to get acquainted with our new home, so I transferred out to the University of New Mexico and I was supposed to stay one year but I actually ended staying two

because the Navy wouldn't let me transfer back. (I was in the Naval ROTC.) So, I spent two years at the University of New Mexico and then I finally finished---and then I went away in World War II in the Navy and then after the Navy, I decided to go directly to law school after only three years in college. And there was only one law school in the country that would accept me under those conditions!

Q: Where was that school?

JR: It was the University of Minnesota---where they would take you and give you four years of law in lieu of your senior year of college.

Q: What---you were in the Navy in World War II.

JR: Yes.

Q: Did you see any combat?

JR, Yes. Um-hum, in the South Pacific---yes, I was on a destroyer and we were involved in a number of naval engagements, which were very tough. The worst thing that happened to us was during a typhoon when we lost three of our destroyers right in the same screen we were in. We were getting ready to protect the aircraft carriers and the battleships on General MacArthur's landing on Luzon, as he had returned to the Philippines---and this typhoon hit and it wiped out a lot of the ships. They lost most of the 800 sailors that were on those three destroyers---it was a tough thing. We rolled 70° in one roll and I thought for sure we were going to capsize---110-knot breeze with 70-foot waves---it was just unbelievable.

Q: So that was a memorable.

JR: Yes! That was a very memorable occasion. And then there were some funny things that happened too and that is, I was in charge of the smoke screen generators, which were supposed to emit smoke and screen our ships when they got in battle and one of them blew unexpectedly during a rendezvous we had with all the battleships and the carriers and it plastered the bridge of Admiral Halsey's flagship--and we got some terse messages back and forth, "What are you doing? Get rid of that smoke!" But our skipper had to make a choice as to whether he was going to abandon this tank and three others that they couldn't detach it from or let it go because we were going to need it when we went into action and so he gutted it out and we got a bad reputation and got assigned to almost a suicide mission shortly after that! So I was blamed for that because I was the torpedo officer in charge of the ---.

Q: Did you see action?

JR: Oh, yes. Yeah. On the suicide mission, we had to go within 400 miles of the Philippines, where they had 600 Japanese bombers and pretend as though we were Admiral Halsey's fleet with a lot of deflectors and various kinds of radar events indicating we were a big-carrier task force which the big force was actually not with us at all. We were the only ship and they were going up north to make a foray and they didn't want to let the Japanese know they were doing that. So, they were inviting all of those 600 bombers to come after this one little ship! And we were lucky because the Japanese sent

out an airplane to scout us---a sea plane---and they saw that we were one dinky little destroyer, so they didn't bother to go out and bomb us but we came very close that time.

Q: Have you ever been involved in any veterans' activities?

JR: Not really, no. We have a reunion with the graduates. We trained with the Naval ROTC at the University of New Mexico and so we have a lot of friends there. Every year, we get together--- usually over the Homecoming weekend---and so we exchange war stories and what has happened and that's been really the limit of my activities.

Q: Why did you choose to go to law school?

JR: Well, that's a good question. My father had been a lawyer and I had always thought of becoming a lawyer but when I was at the University of New Mexico, I had a teacher teaching law who was not a lawyer and I got the worst grade I had ever gotten in college! And so I decided not to become a lawyer but then I was going to be a Navy lawyer since I was in the Navy until I found out I had to do seven years of sea duty! So, in Charleston, South Carolina, Peggy and I one night decided she didn't want me gone all that time in the Navy and maybe I should just go on to law school because then I was thinking at that time I'd really like to go into law. So, 'we made that decision and that was right after World War II.

Q: And you went to the University of Minnesota?

JR: Yes, exactly,

Q: And how many years did it take you to complete your law degree?

JR: Well, I went full time so we did four years in three years.

Q: Okay.

JR: And we had an interesting experience in the beginning. The dean of the law school, who was a very stern man, in the first freshman lecture, he said, "Look at the person to the left of you and to the right of you. At the end of the first year, NONE of you will be here."

Q: It looks like you survived.

JR: Well, yeah. I was a survivor. In those days, the standards were not as tough and so a lot of students actually bilged out at the end of the first year.

Q: Now, you mentioned Peggy. Can you tell me about when you married and who you married?

JR: Yes. Yes. Peggy Hight was a gal from Gallup who came to the University of New Mexico and I met her at a freshman mixer the first night I was there and I was overwhelmed. She was such a beautiful gal but I could hardly dance with her because there were too many guys cutting in and that started our acquaintance. We dated a few times and then I went off to the war and when I got back from the

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war, I knew she was the gal and I proposed and she waited three days before she told me she'd marry me!

Q: Now, was she a native of Gallup?

JR: Yes, her grandparents actually came to Gallup in a covered wagon so she's really a pioneer.

Q: How many children do you have? Could you tell me about each of your children`

JR: We have six children. The eldest is our son, John. He is a worldwide missionary who travels all over the world on various prayer ministries. He's ministered in 120 countries and in fact, he's just coming back from Malaysia where he headed up two conferences. He got in just last night. He went to Yale and went to Seminary and he's been active in the Ministry since that time.

Q: What denomination is he a minister in?

JR: Well, he's sort of nondenominational. He works for World Vision, which is an international relief and development agency and they have a strong prayer effort.

Q: Where did he go to Seminary?

JR: He went to Trinity Seminary outside of Chicago.

Q: And your other children?

JR: Yeah. Our daughter, Lessie, our eldest daughter, she's a physician in Boston. She graduated from Harvard and went to Duke Medical School and now is involved in internal medicine and practices at the Massachusetts General Hospital. She has also achieved some renown nationally because she's the editor of the *Harvard Woman's Health Watch*, which is a generic health letter for women and it's a--in fact, she was featured in *Newsweek* magazine last year and got the article with the Harvard Medical School this year. And they have four daughters. Then we have a daughter who teaches at a Christian school in St. Louis and she is a wonderful teacher. She invests her life in her students; she does more than just a classroom experience. She has two children. Then we have a son who is a banker and who lives in Austin, Texas. His name is Brad and they have six children. That's the biggest family, we have and he works for the Bank of America there.

Q: Names?

JR: Oh. We have a son, David, who is our youngest. He is a venture capitalist and lives in Los Angeles. He went to Yale and graduated from the Harvard School of Business and has been active in raising capital for various ventures. And then we have a son just ahead of him, Jeff, who is a lawyer in San Francisco and who practices Maritime Law and that's the size of our family. Six.

Q: How about grandchildren. How many grandchildren do you have?

JR: Oh, you don't want to know!

Q: Yes, I do.

JR: Grandchildren—we have 19 and we're hoping to get 20 but we're not quite sure!

Q 20 would be a lovely number.

JR: Yes, it would be great.

Q: Could you tell me about your legal practice?

JR: Yes. My legal practice has varied quite a bit. When I first started out, I was involved in real estate work, reading abstracts. That was before the title companies did all that. I was involved in trial work defending insurance companies largely in connection with our insurance practice and that's for the first few years I was in practice. And then it shifted pretty dramatically a little bit after the mid 1950s when uranium discoveries were made in New Mexico. I began shifting---I got involved with some major litigation and continued with a series of major litigations for quite some time. So, uranium became a focus of my practice for quite a number of years during the late 50s, the 60s and the 70s. Since that time, I've been involved in continuing with mining work and environmental work and then with counsel of my firm back in 1993, although I still actively practice law.

Q: Have you always been with the same firm?

JR: Yes.

Q: Tell me about the firm and how. . .

JR: I've always been with the Rodey Law Firm and I practiced law on my own---oh! I forgot to tell you. I practiced law on my own for a year and it was 1950. There weren't many jobs available and I had a great time! I tried seven felony cases as appointed counsel, which was a lot of fun and it was a learning experience for me. I'm not so sure it was so good for the defendants who were---well, I got two acquittals, so it was an interesting time and I had some interesting experiences there. And then the Rodey Law Firm asked me to join them, Bill Sloan primarily. So, I've been with the Rodey Law Firm ever since.

Q: When was the Rodey Law Firm founded?

JR: Back in 1883 by Bernard Rodey, who was some kind of a noted gentleman. He was a U.S. attorney in Alaska for a while; he was a United States district judge in Puerto Rico for a while but most of his time was in New Mexico where he was a member of the Legislature and a member of the Territorial Congress and was one of the chief sponsors of the University of New Mexico bill in the State Legislature. So, he has received---well, the Rodey Theater is named after him. So, he was quite a noted gentleman.

Q: Was the Rodey Law Firm a prominent law firm in New Mexico?

JR: Well, I considered it so. That was the only firm I was really interested in joining when I came to New Mexico after law school. At the time, they had no openings so I waited and then I finally got--- the two largest firms then were the Simms firm, which is now called The Modrall Firm and The Rodey Firm. And when I say large firms, we had six lawyers and they had five!

Q: How many lawyers does Rodey now have?

JB: We have 72 or 73.

Q: And where are the offices of the firm:

JB: We're located in the First Plaza downtown in the big tower next to the Hyatt Hotel.

Q: And do you have other offices in the state:

JB: No. No, we just have one.

Q: You mentioned you were active in uranium cases. Did you have any particular experience in your uranium specialty?

JB: Oh, lots of them! There's probably not enough time to tell all of them. The first one we had was kind of a Titanic case because it determined what later became the largest uranium deposits in the United States in the Ambrosia Lake area, and it was a fight between two ranchers over the construction of a deed. The question was whether the deed reserved the minerals—and the deed seemed to say that it reserved the minerals in favor of the other family, the Mulholland family. We represented the Berryhill family and a mining company that had acquired their rights. When we got the case, we wanted to find out what had happened during this meeting where the deed was signed. So, we ran down a woman near San Francisco who had been the notary public (they didn't have a lawyer; they just had a notary public) and she remembered distinctly that our client had said, "Now, you understand that I'm keeping the minerals." Well, that sounded pretty good to us but the deed didn't really seem to say that. So, we had quite a Titanic battle over that with a lot of lawyers involved and, because there was a lot of uranium, they just started drilling and they knew there was a lot of uranium and we finally settled it before Judge Rogers. We were ready to fight it out but we knew we were on the losing side or were probably going to lose it if we went to trial because the testimony of our witness was 35 years old! And you know your recollections are not that strong 35 years later. We were afraid that Judge Rogers, who was a great person for the printed word, was going to say, "I can't go by somebody's recollection 35 years ago. I'm going to have to go by what the deed says." And so we settled it on the courthouse steps when the judge called us into chambers just before the trial and said, "Somebody is going to win this case and somebody's going to lose EVERYTHING." Now, he said it in graphic language. I am being very kind in saying that somebody was going to lose everything. He said, "There are no grays in this case. I've read the depositions and it's either black or white." So he said, "There isn't going to be any compromise if this case goes to trial, so you better go out and try to settle this case." And so we did!

Q: What year was that?

JR: Let's see. It was in the 60s, the 1960s in the early days of the uranium business. And then I had a lot of interesting cases after than in the uranium business. They were really quite interesting for me.

Q: And just for the recollection of our viewers, what happened to the uranium industry in New Mexico?

JR: Well, it ran out of gas when they stopped building nuclear reactors and after, you know, Three Mile Island really had a big, big impact on the whole industry and the need for uranium just dropped out. The government support had dropped; the uranium industry was propped up during World War II and for many years after that by government purchasing. And then that stopped, so the uranium business just basically stopped. Our client had the biggest mill in the country, I believe. It certainly was the biggest one in this area.

Q: Who was your client?

JR: Kerr-McGee. We had been against them in one of the cases and they liked what we did, so they hired us after that and they. . . so we did a lot of work for them and a lot of major litigation, which was kind of fun.

Q: There was a very famous case during the 70s with United Nuclear. Were you involved with that?

JR: Yes.

Q: Will you talk a little bit about that case?

JR: Yeah, that was by far the biggest case I had ever been involved in and we---

Q: The case---tell us---

JR: Yes. The case involved a uranium supply agreement. We represented the middleman, who had acquired the rights to buy uranium from a mining company at \$13 a pound. What happened was after we had this long-term contract, the price of uranium went from \$13 to \$30 and the supplier said, "We don't want to supply any more! It's commercially impractical for us to do that." So, they sued us. And that was a huge case. There were probably 20 lawyers on our side. Our firm was involved; the Modrall firm was involved and we became chief counsel for the case and it was a----one of the longest cases in terms of manpower hours I think in the history of New Mexico. It involved one billion cold dollars because the difference between \$13/lb and \$30/lb was one billion dollars! So if the mining company won, they were basically going to get the benefit of that billion dollars. So a lot of resources went into that case and it unfortunately had a bad result for our client because of some discovery problems that developed during the course. We had eight lawyers from our firm working on it and we didn't---we got the Modrall Firm involved in it and the Montgomery Firm in Santa Fe involved and so---well, it was a big, big thing.

Q: Wasn't Ann Bingaman involved in that?

JR: Yes, she was.

Q: And was she on---Ann Bingaman?

JR: Yes, And she ended up playing a rather permanent---Ann Bingaman was involved in the case and she played a prominent role in what turned out to be an antitrust case. It started out as a plain supply case, a uranium supply case. It turned out to be an antitrust case when discovery indicated that one of our defendants had been involved in an international uranium cartel, which they said had affected the issues in our case and that became a very, very big thing. At that point I, being involved as a uranium lawyer and a mining lawyer, really had to almost step aside for the major issues and Jack Eastham in our firm took over a major responsibility for that and then the oil companies did not want to use local counsel entirely. The stakes were too high, so they brought in a firm from the east to handle the discovery and there were some discovery problems that developed with a judge in Santa Fe who was trying the case. And the thing that really did our side in was the fact that this same firm had represented the same defendant in Chicago before Federal Judge Marshall and they had, in the discovery on the same issues, produced a whole cabinet full of documents that they did not produce in New Mexico when the same issues were involved and the same questions were asked. And the trial judge just couldn't understand that, so six months into the trial, the judge granted default judgment against our clients. We went seven times to the New Mexico Supreme Court, two times to the U. S. Supreme Court; we won the issues before the U. S. Supreme Court twice in the same term but when the final votes were counted, we couldn't get the Supreme Court to reverse the default judgment and so---anyway, that was a very interesting case.

Q: Now, after the uranium business fell off, what did you specialize in?

JR: Well, I did a lot of things. You might say that I didn't specialize in anything. I did some land work; I got involved in public utility law, which I had been involved in for some time. We represented a large utility company from California that had a large plant here in New Mexico and we did a lot of work for them. I did real estate and just a variety of things, but I didn't, of course, spend a lot of time on uranium from then on.

Q: Are there any other cases, in your memory, that were particularly significant in your career?

JR: Oh, sure! Lots of them---I've got a lot of significant cases! Some of them are embarrassing, too. -- I remember one time we tried in federal court a case in which we represented a prominent realtor. And he had been involved with a land developer who developed some land up near Taos. And this was the time when Bobby Kennedy was attorney general and he had all these land fraud cases he was bringing in, and this was one of those. So our client was really on the periphery, the edge of it. Bill Sloan and I represented him; Bill Marchiando represented the main defendant and they called all kinds of distinguished witnesses, including Raymond Burr, who was Perry Mason of the television series (going way back). He didn't harm us very much. He just said he had an art gallery in Taos and had read some articles in the newspaper there that had talked about the merits of this subdivision and---he didn't say very much but it was just kind of a grandstand play by the U.S. attorney. So, I went to cross-examine him and I said, "So aren't you, Mr. Burr, also known as Perry Mason, the great lawyer?" And he said, "Yes, I am." So I started a line of questioning like that and Judge [] Bratton, who was presiding, said, "Mr. Robb? Where is this line of questioning going?" And I said---nd the courtroom was packed. I mean, with Perry Mason testifying, everybody came. So I said, "Well, you know, Judge. I'm not really going anywhere with this. The bottom line is I couldn't go

home and face my kids and tell them I didn't cross examine Perry Mason." The courtroom just erupted with laughter.

Q: Can you tell us the name of your client in that case?

JR: No, I'd rather not. He was a leading realtor and we had great---they accused him of fraud and we had an ex-chief justice of the New Mexico Supreme Court testify and an ex-governor who testified as character witnesses for him. We finally got him off, but it was a very interesting case.

Q: Are there any other cases that come to mind that were as exciting as that one?

JR: Well, some of them. You know, I've had some embarrassing experiences. One time, we went back to Washington and we had a ranching client who had bought some land from the Bureau of Land Management. They had a public sale; they declared him the winner; he paid his money; all we were waiting for was the deed from the government (they called it a patent) and they delayed for two years and then the government decided to cancel the sale. We had some U. S. Supreme Court decisions that said that couldn't be done and of course in modern days, you can't cancel a sale when you've paid the price and have been declared the winner. But the secretary of the Interior had a regulation that seemed to say that he retained jurisdiction over the sale until the actual patent was issued. So we decided to sue him back in Washington and we got a distinguished law firm back there to help us. They did most of the brief writing and we came for summary judgment. I went back there for the argument and two days before, the lawyer back there said, "You know, we've got a real bad deal here in this judge." And I said, "Well, why is that?" And he said, "This judge," who was the chief judge in Federal court there, "has spent his career as an assistant United States attorney defending the government in these very cases. He's going to blow us out of the water but you're from the country and he might be kinder to you." So what he was really saying was, "You're a rube from the country and you can get away with this." So I got up to argue this case and it was a case that involved a lot of uranium and in New Mexico, the judge probably would have allowed all day for it because this was going right to the merits. The judge gave us 45 minutes. I got up to speak and the first question out of the box was, "Why are you here, Mr. Robb?" And I said, "Well, we feel we've been turned down illegally by the Bureau." And he said, "No, I mean what is the basis of the Court's jurisdiction?" And I was pretty nervous because everything was depending on my oral argument and I couldn't remember what the basis of jurisdiction was! And finally, the lead lawyer from Washington had to prompt me on it but that was one of my more embarrassing moments when I should have of course known that it was the very basis of what was going on. So, I've had some funny experiences like that in my lifetime.

Another interesting time was when we had quite a large uranium case over Ambrosia Lake. It involved the first two uranium mills built there and involved the Homestead Mining Company, very notable people. Donald McLaughlin was the president of Homestead and was the former head of the Geology Department at Harvard. He was chairman of the board of the University of California and was on the board of regents. He was a very imminent guy. We had a general from New Mexico (I won't say who it was) who also had distinguished himself as a former secretary of war and ambassador to China--

Q: Can you tell us who that was?

JR: Well---

Q: It would be nice for history.

JR: It was General (inaudible) Hurley, a very imperious but very commanding figure and he had hired me in the lawsuit and then there was a gentleman, I can't remember his name exactly, a well-known financier who had about 50 companies that owned---we all had interest in this mill and it was called the Homestead New Mexico Partners Mill and then Homestead, the general partner, went ahead and built a mill that really was in competition with this mill, right back to back with this one, and used some of the facilities of the first mill. So a lawsuit was brought on two counts. First of all, the group from New York, headed by General Hurley, were interveners. The main antagonists were Homestead on the one hand and the other group that had a large amount of uranium that it had committed to this mill but the mill couldn't handle it all and so they wanted to get loose from the contract and so there were a couple of main issues. And the gentleman, when he hired me, summoned me to his palace up in Santa Fe and said, "Now, we're going to win this case on my testimony. I talked to Dr. McLaughlin when they had the big celebration for the Homestead stake (and this was the competing partnership) at the La Fonda in Santa Fe." And he took me aside and said, "I want you to know that we're getting into this deal here." And the General said he told McLaughlin, "You're breaching your fiduciary obligations by having this competing partnership and you shouldn't do that." So, the idea was---that was notice to the Homestead that they should not be doing this and they were going to have to answer for it. We got into this long trial and they brought in counsel from New York. I learned how to try the big lawsuit in that thing. They had lawyers from New York and five secretaries. They rented a house and really went after this. This was the group that was trying to break the contract so they could divert their ore to another mill and didn't because the first one didn't have sufficient capacity. So it was a big, big deal. And we had, in this trial---it turned out to be sort of a (inaudible) victory. The court held (Judge Hatch was the judge) that basically they could get some of the ore loose but not all of it and there was a violation of the obligations that the general partner had. The damages were very small but in the middle of it, they had this Titanic settlement conference and they brought in all the big wheels. I had never seen all these big wheels, you know. I was just a lawyer from Albuquerque and here were these giants and all the partners. We had dinner at the LaFonda and after that, they presented their settlement proposals and General Hurley stood up when it was his turn and said, "You know, if this settlement was approved, we wouldn't have any chance in this partnership of getting our ore produced. The settlement is off!" And there was no more discussion and no more talk; we just went to trial after that. It was a very interesting trial.

Q: What the result of the trial?

JR: The result of the trial was sort of a (inaudible) victory for our clients and for the group from New York because Homestead was held to be in violation of its fiduciary obligations. It's a reported case and it's in the Tenth Circuit and so I can speak freely about it, but some of the ore was released but not all of it. But to me, that's how I learned to try the big lawsuit. When these lawyers came in there and their lead counsel was a guy who was (I won't give his name), but he was a party guy so at night---but a brilliant, brilliant---but a party guy so at night---

Q: This is a New York lawyer?

JR: Yeah. Yeah, he would go out and spend his evening having a lot of fun, carousing a little bit and having a lot of fun and he had these other five lawyers working like crazy to put together the testimony for the next day and so they would get him out of bed and sometimes---well, they'd get him out of bed in the morning, get him going---give him a couple of cups of coffee and put the script in front of him and he'd go into court and he did fine. He did great! He was a---

Q: Can't you give us his name for--

JR: No. I'd rather not. I don't think so. He later on became the personal lawyer for Howard Hughes, so he was quite a guy. So anyway, it was a lot of fun being involved with these big-timers for a small country boy from Albuquerque.

Q: Do you have any other cases or experiences in your practice that you want to share with us?

JR: Oh yeah, I want to tell you about Tall Chief. My first year, when I had all these cases, there was an Indian, an Oklahoma Indian, by the name of Tall Chief. He was a one-armed Indian and he was accused of forging a check. He was an allotment Indian—he got a government allotment—so he knew all about allotment checks. So he had produced a phony government check made payable to a phony United States district judge. He endorsed it on the back and went to a used car dealer on East Central and said, “I want to buy a car.” This was for \$5,000, which was a LOT of money in those days, 1951. So he bought a car for \$1500. The used car dealer said, “Okay, I’ll take your check,” but he didn’t give him the cash or a check in response. He gave him an IOU, which was kind of the first tip off in the case. The moment the car left the used car lot, he calls the U.S. attorney and finds that the check is phony. They picked up this guy before he’s gone 10 miles and---so now, he’s been in jail. Well, when we looked at Tall Chief—I was appointed pro bono counsel to represent him—we found that he had been convicted three other times for forgery, but he wanted to go ahead and try the case. So I represented him. We went through the trial and I tried to laugh the case out of court. I said, “Nobody got fooled by this! This used car dealer, imagine giving him an IOU rather than a check and calling the U.S. attorney before the car had hardly left the lot. The U.S. attorney is just playing games with us by going after this thing.” I really kind of ridiculed the whole thing and when it went to go to the jury, the judge gave the instructions (this was Judge [] Hatch) and then he gave an instruction nobody expected. He said, “Somebody on the jury had asked us about whether the jury has the right to recommend clemency.” Oh, I should’ve told you an important fact—I didn’t put Tall Chief on the stand because I was really worried about all these convictions. The U.S. attorney had blown it. He didn’t have certified copies of Judgment of Conviction, which he needed and the only chance he had of proving that would be if I put my client on the stand. And I gambled that maybe they didn't have those things and the gamble paid off because Tall Chief goes to the jury clean as a whistle! Judge Hatch didn't like that at all. He liked to see those guys get convicted, so he gives long instruction on clemency. “Now, I want you to know that clemency is the fountainhead of justice. It started in England and you have the right at any time in any case to recommend clemency to the judge.” I was furious because that was basically telling the jury, “You convict him and I'll go easy on him. You can just recommend clemency.” Well, I knew that wasn't going to happen. Anybody who had three prior convictions—it made him habitual—and so I was furious. I got up when the judge was finished and I said, “Counsel takes the most vigorous exception to the unsolicited instruction of

the trial judge." So Judge Hatch then spins around on the bench and says to the jury, "I want you to understand that under no circumstances will you recommend clemency in this case," at which point, I jump up again and say, "Your Honor, we object to that instruction." And so he dismisses the jury. He's furious. The color is rising in his cheeks. He comes back when he's calmed down about 15 minutes later and said, "Now, Mr. Robb, I did what you asked me to. I withdrew the instructions." I said, "No, Judge. You didn't withdraw them. You just told the jury that anybody is entitled to clemency and the last instruction said except this guy. This guy is so bad, don't you dare give him any clemency." So he goes ahead and calls the jury back in and starts all over again. He said, "Ignore all my instructions." So he instructs them from the beginning. They acquitted Tall Chief. That was the last appointment I got from Judge Hatch.

Q: Whatever happened to Tall Chief?

JR: I don't know.

Q: Was he ever convicted on---?

JR: Oh, he probably was. I don't think justice was done in that case, but the bottom line was that it was kind of an interesting experience for me.

I had another one that was somewhat embarrassing. They used to be able to remove cases on Workman's Compensation to the Federal court and the statute permitted it. And then Congress decided to change it and adopted a law that said (this was in January), "Starting July 1, no more cases can be removed from the state court to the federal court." So we went around—we figured we had a bunch of cases pending up there that had been removed and to our astonishment, in February comes an order from both judges, Judge [] Hatch and Judge [] Rogers, remanding all the cases to the state court. Well, I kept waiting for the Defense Bar to rise up and say, "You can't do that. The counter says it doesn't happen until July." Nobody did, so I decided I was going to be the hero. So I filed a motion to reconsider because the law said that a decision to remand is not reviewable by the Court of Appeals by appeal or otherwise. In other words, what they did was, nobody could challenge it. So I decided I had to challenge it. So I get up there and make a motion to reconsider and Hatch presides. So I said, "Judge, it says here in plain English, it says this is not effective until July and yet Your Honors have gone ahead and remanded these cases. That's in violation of the statute. The statute is clear." And then I made a mistake. I said, "Even federal judges have to [inaudible] the law." The judge stammers for a minute and then says, "Mr. Robb, Judge Rogers is on vacation now in California. When he comes back, I'm going to review your conduct with him." So I go back and talk to Don Dickinson, our senior partner, and said, "Look, here's what has happened." "Well," he said, "you were perfectly right to tell the judges that they were wrong and had no right to do that. There was a violation of the law and it was. But---you went too far when you said that even federal judges have to do that. You can stick with this, but you'll probably be held in contempt." So he persuaded me that I had to go over and apologize to Judge Hatch, which I did. But anyway, I'm sort of an impetuous guy sometimes and that was one of the times I was impetuous.

Q: You seem to have had a lot of experience with Judge Hatch.

JR: Yes, I did. I did.

Q: And he was a what?

JR: Federal judge. He was a former U.S. Senator; in fact, he was the author of the famous Hatch Act that many of us know about. He was a very good judge but was very stern. He really ran his courtroom and those were interesting experiences. I could tell you a lot more experiences but I know I'm using up your time so I'll stop there.

Q: Okay. Well, what I'd like to do now is to go into your career in legal services because you have been honored by the ABA for your legal services, so would you tell us a little bit about your interest in legal services and what you have done in that area?

JR: I'd be delighted to do that because that has been one of the most important areas of my life. It started in Albuquerque back in about 1955 when Dean Al Gausewitz and my brother-in-law. . .

Q: Who was Dean Gausewitz?

JR: Dean Gausewitz was the first dean of the [UNM] Law School and had founded the Albuquerque Legal Aid Society and we had a part-time lawyer, Margaret Bailey, who worked in the Society and they persuaded me to join the board. And I had been struck by my law practice about the fact that I had had two cases in which the other side was not represented by counsel or was represented by counsel who didn't really do much of a job to represent them. And these were all cases with people who really couldn't afford much of a fee and in one case, not at all. And I saw what chance they had in court—very little against a large law firm (large in those days). They had no chance really and I could see that poor people really didn't have any chance under the law. And I was really struck by that. And I thought to myself at the time when I debated whether or not to go there, "I ought to join this Legal Aid Society because I really believe that I'm an officer of the court. I have an obligation to see that the justice system works for poor people as well as for rich. We represent rich people, largely, and I don't have a chance really to do that and this is an opportunity maybe to see if we can make the wheels of justice work a little more fairly." So, I joined them and was impressed by the work they were doing but they were so over-manned we could hardly go to court because we didn't have the time, the energy or the money. We just had a small pittance for support and then something interesting happened. The fellow who was the executive director of the National Legal Aid and Defenders Association (Julius Allison) came to Albuquerque and visited our Society. I had dinner with him and we sort of struck it off really well. To my amazement, about two years later, he engineered an invitation for me to join the board of the National Legal Aid and Defenders Association, which was the national organization that had the functions of setting up standards for legal aid agencies and also for promoting legal aid. At that time, legal aid had 240 programs around the country but all of them were struggling because they had very little funding. And so I went to my first meeting of the board and met lawyers of tremendous commitment for the poor. I was blown away by what I saw. The first meeting was at the Association of the Bar of the City of New York and lawyers of the first rank began arriving that I had never thought of before—White & Case, Cravath, Swaine & Moore, and Simpson, Thatcher & Bartlett—some of the great names in the---and the senior partners were there. I got there a little bit early; I took the subway from my hotel and here these limousines started pulling up with these lawyers, which gave me an idea. What happened was

that three of the lawyers in the room that night on the board became presidents of the American Bar Association.

Q: Can you tell us who they were?

JR: Well, Orisen Marden was one of them and, let's see, I'm trying to think of who they all were. Bernie Segal and I forget the name of the third. I had no idea of the stature of these people and one of them was the founder of one of the great New York firms. And here these men who were at the top of their profession were spending a lot of time directing this national Legal Aid and Defenders Association. They were mostly lawyers from New York, Boston and Chicago and Philadelphia, those four cities. Basically, they were leaders of the Bar in their own areas. And so I was amazed. Here I am, a rube lawyer from Albuquerque sitting around with these giants. I learned something from them about public service that I've never forgotten. And I then served on that board and then Ross Malone, who was not at the meeting but became president of the American Bar Association and appointed me to serve on the committee—the standing committee on Legal Aid and Indigent Defendants—because of my service for the National Legal Aid and Defenders Association.

And then in 1966, President Johnson had initiated the War on Poverty and the question had come up as to whether or not that War on Poverty should include legal services. And there had been negotiations between Sergeant Shriver, who represented the Office of Economic Opportunity, which was the President's main organization to go and help poor people in a way that they had never been helped before. He negotiated with the head of the American Bar Association, who was Louis Paul (who later became a United States Supreme Court justice). And the deal was struck that the ABA would support it and try to get the state bars to go along if the program was completely professional, complied with the ethics and standards of the law profession and if the ABA were given a very strong role in a national advisory committee that was to be formed to basically supervise this organization. That was as strong a position they could get because no advisory board can set policy but they can certainly recommend it. And Sarge Shriver indicated that he would give very strong attention to their recommendations and was as good as his word. So at that point, Orisen Marden, who had been at this first meeting at the NLADA, became president and appoints me as committee chairman of the ABA National Legal Aid and Defender Committee and that started the six most exciting years of my life in terms of legal aid because basically, our committee had the function of trying to implement what had been decided. That meant setting up the standards and guidelines that were going to govern the program; it meant making appearances twice a year before the House of Delegates of the American Bar Association; it meant representing basically that program in the state bars, and many of them did not agree with this and so my job was first to go around the country (mostly in the West) to try and prevent---tell the lawyers and the bar associations there that this was really a good thing. Some of them thought it was going to socialize the legal profession and there was a---and some of them didn't want that system because the system they set up would be one where they had trained, well-equipped lawyers who understood poverty law and practiced poverty law render the services. They wanted to parcel it out among the members of the bar, many of whom had no experience at all with that. And so, that was a big issue in those days and a big issue in Albuquerque. So I went around trying to present the program and I really believed in my heart that this was the answer. The poor deserved to have specialists representing them because most lawyers had no knowledge and practice involving that. And so I got involved in a fight with the Albuquerque Bar Association because they presented an adjudicate program, which was one where all the lawyers

were just going to have a hand in it whether they had experience or not. So Bernie Metzger and I teamed up and had a competing application that we submitted and we won. We got it but I was not a popular figure in the Albuquerque Bar Association. I'd go to meetings and people would shun me like crazy.

Q: Now was this the Legal Services Program?

JR: No, it wasn't formed until 1975 and---but that started it. The Legal Services Program started in 1966. And it was interesting. I had to go and testify in Congress twice a year along with the president of the American Bar Association. It was routine for the first year and then problems began to develop that have plagued the program ever since. Some of the people getting sued didn't like it; the farmers didn't like it: some of the ranchers didn't like it because some of the rural legal services programs were insistent that migrant workers be treated properly and federal standards that governed that sort of thing had to be observed and weren't being observed by the farmers, who had made a living. And to their credit, they couldn't have survived if they had to go ahead and observe those standards. So it was a life and death struggle for them. So the first struggle we had was in California and there the farmers (who had been a potent political force in electing Governor Reagan) persuaded him that the program was no good and that there were a lot of violations. And so, they made an investigation under Governor Reagan and found there were 300 serious violations and these were supported by affidavits and all kinds of statements from all over and I thought, "Oh, my goodness! What have we done," because our committee had voted the California Rural Legal Assistance Program the year before the outstanding program in the country! And here they were saying it was a crazy program! They were doing things they shouldn't do and so the Governor had the right to veto a program but it was subject to be overridden by the director of OEO. What happened was the director of OEO---

Q: OEO---could you explain?

JR: Yeah, the Office of Economic Opportunity. That was the group that was charged by President Johnson in carrying out the War on Poverty. So, he appointed three retired state Supreme Court justices to preside over a panel to hear the evidence and so many people testified. I went to San Francisco and testified before the panel, too, that we considered it an excellent program and that we thought there were questions about the evidence they presented. What happened in the meantime (I wasn't privy to all of this) was that the California program had done a very good job of running down these affidavits and they found, to their amazement, that many of the affidavits were phony, that people who supposedly signed them said they didn't sign them or they didn't understand it when they did sign it. And so the case kind of collapsed. So, I go to San Francisco to testify as to why we thought this was a good program and our experience was that it should be supported and to my amazement, I wasn't cross-examined! The Reagan Administration had decided not to show! The evidence showed their affidavits had been so discredited that they didn't do anything, but they would issue press reports after every day's proceedings saying what took place but they didn't defend their case. That was the first attack.

And then the second one was when Senator George Murphy of California, who was one of Governor Reagan's close political supporters, filed a bill in Congress saying that the governor should have absolute veto power over these programs. In other words, the state would basically control it. Well, that would have killed the program in California and in many other states where we didn't have the

political support that was necessary. So, that was the first big fight we had in Congress and we were right in the center of that. The ABA helped to marshal some of the state bar associations and we had some fights in the Congress. We testified in Congress; we lined up supporters and we won. And the Murphy Amendment was defeated. And then we began getting these bills every year that would trim this power or that power off the Legal Services Program and, well, we had a fine program set up. These were not just government lawyers who had been there 30 years and who were bored and had 9 to 5 jobs (which sometimes takes place). These were young lawyers who were really eager to take up the cause of the poor. We had the most amazing young men—some of them honor graduates from the largest law schools in the country—that came and became volunteers for us, some of them and who were paid staff.

So we were trying to defend what was really a very good program and we really began running into trouble in 1969 and 1970. At that time, Donald Rumsfeld was the head of the OEO and he had developed a program to regionalize the program. We had established an elaborate system whereby the head of the Legal Services Program, who had really been hand-picked by us (a wonderful trial lawyer from Baltimore) would have decisions made that were supposed to be made by him by politicians at the state level and we knew that that would politicize the program in a way that the professional standards and all the objectives that ABA had made wouldn't be met. And so, that was a mammoth, mammoth struggle because the President (under Rumsfeld) was determined that they were going to regionalize the program and prevent us from---we could hold accountable one national figure who was heading up the program; we could not do that with regard to every region in the country! There was no way we could police that. Well, we had---Donald Rumsfeld has made himself well known today and we know he's a very strong advocate and he doesn't cave in easily but he didn't recognize the fight he was going to get. And we got many of the state bar associations coming to Washington and we made him---we basically made him withdraw the regulation but then he tried to do something else that was not quite as bad but much the same and we fought him on that and then what he did was he did something that to us was absolutely incredible. He fired Terry Lenzner, who was the director of Legal Services—he was one of the people we had handpicked—and his deputy. That really brought down the roof! The bottom line was that we finally made Donald Rumsfeld back down and we won that battle. And then we decided that because there were so many issues they were raising—they wanted to deny us the right to lobby; they wanted to deny us the right to have class actions, which had been very important because it was not only individual cases that were involved but the system was set up so that the poor had no real chance in many situations—and so the solution had to lie in getting the adverse laws changed. And the routes of lobbying and class actions were the routes that had been followed in other areas and we thought that that should be done for the poor.

But then we started getting some arguments about that and we decided that being in the Office of the President, which was where the OEO was, was not going to do it. So we started a survey and studied a new home for Legal Services that would not be quite so politically sensitive. We looked at the Department of Justice; we looked at HEW that had a fledgling legal services program; we looked at the Office of the Courts, the administrative offices of the federal courts and didn't find any of them suitable, but we finally came up with a solution, and that was to set up an independent corporation, which is now known as the Legal Services Corporation, which would have a separate charter, a board appointed by the President but would not have quite the same immediate political interference that we had been encountering in the Office of the President. And that started about a three- or four-

year battle—actually, we got President Nixon on our side during that struggle. And finally after about three years, we got the Legal Services Corporation started.

Then we had the Titanic battles in 1994 when the Republicans took over the Congress and a number of conservative congressmen set out to destroy the program with President Reagan's support and that was a BIG, BIG titanic battle where we almost lost because the House, several times, had all their committees voting to cut down appropriations and eventually kill the program in three years. And each year, we had to go and overturn the recommendations of the Appropriations Committee, which controls the pork—so nobody wants to fight them—but we managed to get majorities and each year, President Reagan had zero money in his budget for legal services and each time, we had to resurrect the program. The only thing that saved it was the American Bar Association and the state bars that stepped up and said, “NO, YOU CANT DO THAT!” We came and had massive campaigns in Congress when the state bar presidents and people would come. We'd lobby. We span out over Capitol Hill and we won it. But that was a tough battle. It was a tough battle.

Q: And what is the status of the Legal Services Corporation today and what is your involvement in it?

JR: Well, today it's reduced in scope of what it can do because as a result of those struggles, it became evident that Congress would not support some of the conditions, proposals and programs we had going that looked as though they might be over-reaching. They didn't like the lobbying; they didn't like the class actions; they didn't like the back-up centers that provided help to the local programs and so those were eliminated. So some of the greatest supporters—Senator Pete Domenici is credited largely with having saved the Legal Services Program in these fights when he bucked his own party and his own President in order to lead the charge in Congress. I had the fortune of having worked with Senator Domenici over the years and was very much involved with him in this effort. And so we lost some of the things—they were stripped from the program by Congress. But in the process, by doing that, we began to gain bipartisan support. The bargain was, “If you will modify the program somewhat, then we'll go ahead and get you support from more Republicans.” So that's what happened and now we have a—finger up—is that the end?

Q: Do you have a tape?

END OF SIDE ONE
SIDE B

Q: . . . legal services. I want to know about the award you won and I'm interested in the Christian Legal Society that you're involved in and any other community activities.

JR: We've got a ways to go, then. Okay. Well, I better not talk so much.

Q: Yeah. Well, I Googled you so I'd have all of this stuff. And then my, last question is going to be what you think your legacy to the legal profession of New Mexico. So we have about another half-hour or so.

JR: I'm too young to leave a legacy. Yeah.

Q: Okay. Why don't we walk around a little bit?

JR: Sure.

Q: We talked about your testifying in Congress and we left off with basically the status of legal services today. You did mention it so I'd like you to repeat it for the benefit of the program here that as other social programs have been cut, legal services has managed to survive. Do you want to comment on that?

JR: Sure! I mentioned earlier that sort of a trade-off that was made in cutting back some of the programs was to gain bipartisan support, which the program has had ever since that time and nowhere was it more important than this year because this year, the domestic programs, as is well known, are getting cut back because of the war on terrorism. The war in Iraq and Afghanistan has sopped up so much money that the President's budget cut almost all the social programs, including legal services. The current status of the matter is that the House has come up with a version that will not only eliminate the \$20 million cut that the Administration proposed but will also provide for a \$10 million increase. And the Senate now has come up with an even more generous appropriation of \$30 million, so now the two Houses will have to get together but either way, it looks almost certain as though that during this year of declining revenues and declining support for social programs, legal services is going to come out ahead and will probably wind up with about a \$20 million increase over what it had last year.

Q: Are you currently involved in any legal services activities?

JR: Oh yes! Yeah, I've been heavily involved in that effort.

Q: What are you doing now?

JR: I was back in Washington in May at the ABA Day and I called on all of our Congressional delegation at that time, including Senator Domenici—I had the shortest stand-up conference I ever had with the Senator and with Judge Nan Nash, who was with me and the Senator was so crowded that he only had time for a stand-up conference, but he agreed to support us and he was a key figure in getting the \$30 million increase from the Senate. So—and Heather Wilson was very supportive; Jeff Bingaman was extremely supportive. He was so supportive that even though he was on the Senate floor, he brought his chief of staff and his chief legal counsel in a conference room he has there in the Capitol, and he spent 30 minutes with us. That was almost unheard of—for a senator to spend 30 minutes. So Senator Jeff Bingaman was very supportive, as well as Senator Domenici.

Q: Are you currently doing any legal services representation?

JR: Yes.

Q: Could you tell me a little bit about that?

JR: Yeah, the---I'm involved with the Christian Legal Aid Program in terms of everyday service—face-to-face meetings with people. We have---the concept started about 20 years ago when---my

experiences with the national program, the Legal Services Program, which was federally funded--- was that encountering many times clients who had repetitive problems. Often they were relationship problems—a person would come in and he had a problem with his wife—that got resolved. And then he had a problem with his next-door neighbor. And then he was having problems with his boss. It was obvious that something was going on in that person's life that couldn't be dealt with by the Legal Services lawyers who couldn't be involved in spiritual matters or matters that were other than bare legal problems. And they couldn't, of course, because they were federally funded. And a---kind of a--well, we began to experiment here in Albuquerque with the program: when we got the Christian Legal Society, a national society of Christian lawyers and judges and law students, to give us some support, a small grant to get us started on an experiment to see, does God have some kind of a defined place in a legal services program? And so, Albuquerque was picked as the site to do this and so I was heavily involved in that effort and we found some remarkable things that took place in a number of areas, but the domestic relations area probably was the most important area because what would happen was people would come for counseling and we would ask questions about, “Well, what have you done to save your marriage?” And as Christians, we would say, “Well, do you have Biblical grounds,” which were things we were interested in. And if the answer was “no” to either one or both questions, we would then try to say that, “Well, we think that. . . .” Often they had not really done everything they could to save the marriage. These were marriages that were on the rocks. I mean, these people didn't come for counseling; they just wanted to know where to sign the divorce papers. I mean---so these were the toughest kinds of people. Even the pastors had sent most of them to us because they had given up. But we decided that with God's help, it might be possible to save some of those marriages and so we would start counseling with them. We would invite the pastor to come in, the elders of the church to come in and talk with the couple. We had a Christian conciliation service that was starting and we referred some of them there for counseling. I would say we might have saved five to ten percent of the marriages.

Q: Is this a denominational effort:

JR: No, it's interdenominational. We call it the Christian Legal Aid Program because it's mostly staffed by Christians but there are no limitations on who we serve. We serve everybody. They don't have to be Christians. We serve Muslims; we serve Jews; we serve people from all stripes. The lawyers who serve are predominantly Christian and we use Biblical principles often. But domestic relations was a good example of just one area where we demonstrated that God really had a place to play. Through this counseling and through collaborating with other groups, 60 percent of those people, we had almost 500 people carry across---well, came to our office for help and were what were almost hopeless cases and of those, approximately 300 of those marriages were saved. And it wasn't anything we did; it was God doing it! It was using Biblical principles where they were--- where they talked about how important marriage was and that it's not just one of these temporary things---it's a permanent---it's a lifetime thing and there needs to be much effort made in saving those marriages. We were stunned. We could not believe the results that took place, but that was happening in the business world too. We mediated disputes in a Christian manner and many of the people who were not even Christians said, "We like this," because what was happening was not only were the disputes being settled, which courts were doing a reasonably good job with, but the relationship was being restored. That was the important thing because people emerge from litigation often with terrible, terrible anger and frustration that they carry with them for the rest of their lives. It literally destroyed some of their lives because of the anger that they felt. But the Christian approach,

the Biblical approach was to try to reconcile those disputes. It's amazing what God did to reconcile those disputes—business disputes, as well as domestic relations. And we had people in those sessions coming out arm-in-arm who had been bitter enemies when they started. And that was the big difference—the relationship. The object was not just to handle the dispute but to restore the relationship between the parties.

Q: Has this program spread elsewhere in the country?

JR: Yes, the program has spread actually rather dramatically in recent times, not at first. After we finished the five-year pilot program, we wrote up our findings; we published them and there wasn't a whole lot of interest. There were a few programs that got started in the late 1980s and the early 1990s, but they weren't founded on adequate funding. They weren't founded on basic principles; they just decided it was a good idea to start doing something like this and a lot of those efforts failed. But the watershed event for me and the Christian Legal Society occurred in 1996---1997---I take it back. It was 1997. President Clinton called a volunteer's conference for Philadelphia and it was a huge conference. Over 5,000 people came there. All of the living ex-Presidents were there and the message was clear. Welfare reform, which had been in dispute for a long time, has now been adopted. Congress has spoken. The issue is no longer are we for it or against it; the issue is how are we to implement it because it's the role of Congress to do this. So, the volunteers were encouraged to go back to their communities and have the communities start organizations, have community organizations get involved with this rather than just federal funding. Their statement was, "The federal government is stepping back. The communities, the churches and the organized groups have to step forward and fill the vacuum."

I attended the part of the conference that was dealing with religious organizations, mostly Christian organizations, and all the major Christian denominational groups. The people who came were amazing. Not only were they mostly the CEOs or the presidents; they were decision makers who came to that conference, which absolutely surprised me. And the convener, Jim Wallace, in his opening statement said, "You know, we have different views of many of these things. We have different theological views; we have different programs; we differ on all sorts of things, but can we agree on one thing—that poverty needs to be eradicated. Poverty is a stain on all of us. We all have commitments; almost every major religious denomination has something to say in its governing papers about the duty of people who do this to provide help for the people who cannot afford lawyers." And we were amazed about that and we went---I was with the president of the Christian Legal Society---we went right back to the board of directors of the Christian Legal Society and said, "You need to be the spark plug to get this going." At that time, we only had eight programs that had survived the 1980s and early 1990s and we needed to tell the story, starting with the Albuquerque story, which pioneered this thing around the country. And so they said (since I had gone to the council earlier that year) that since I had this vast legal aid experience, I should head up the effort.

So---I had a great time doing this. We got a little bit of money from them; we began to get groups together that were interested---we had---we started a national conference and we have had one every year now for the last 8 years where we brought people together who were interested in this sort of approach. I still---I am still a great supporter of the secular legal service program. It's like I mentioned—I'm still actively involved in lobbying the Congress for that but I think this has a different dimension. We don't have nearly the number of lawyers we need to do this job. We don't

have nearly the amount of federal funds we need, and we need more volunteers. And here's a whole body of volunteers, religious organizations that have charters already in whatever, whether the Bible or whatever their governing bodies are. Their instructions are that God is telling all of them that they have to have a responsibility for this. And so here's a big army of volunteers and we're starting to volunteer some of them. We're starting to mobilize some of them and we now have gone from eight programs to 52.

Q: Is there one in every state?

JR: Not quite, but---

Q: But some states have more than one.

JR: Yes. Yeah, some places like Chicago have several and so it's---but we're in over 30 states now.

Q: Do you have a set of guidelines?

JR: Yes, we do. We have national guidelines that we developed so that we would be on the same page so we could try to take advantage of our experiences that we had earlier. And I would say that probably the principles that we developed that were published and adapted as national standards have been used in probably as many as 40 of the 52. Some of them have gone their own way and done other things, which is fine. Everybody needs to draw on their own experiences and go down the path on which they're led but we were astonished at the growth of this as an addendum to the National Legal Services Program. It was not as a substitute and not in any way in competition with it but as an addendum dealing with certain problems that they could not deal with---and we cooperate with the bar association programs and the legal services programs; we are a member of a group in Albuquerque, for example, that goes and has monthly meetings of the legal services providers, the secular ones and we meet with them. We cooperate with them; we have interview sessions and I'm actually involved as a volunteer. I don't think I can direct a program if I don't know what's going on on the ground floor. So, I'm a volunteer and we have weekly sessions at the Noonday Ministries, which is located right near downtown on the grounds of the First Baptist Church (but it's not a ministry of the First Baptist Church—it's broader than that.) So we interview clients there every Wednesday at 1 p.m. and we have a group of 30 regular volunteers that serve in these programs. Then every two weeks, we go down to the Albuquerque Rescue Mission and we go down to Joy Junction and we hit pretty much single men in the two downtown programs but Joy Junction has families. So we deal with families there and the issues are somewhat different.

And now, we're starting a preventive law program. Our premise is that the system simply cannot handle all the problems of the poor and if you can keep people from getting in trouble with the law in the first place or getting in trouble legally, what you're doing is you're removing all that group from the system and also the tremendous, tremendous disability that results from getting involved in the legal system. It is very, very damaging to the immediate family, the extended family and not just to the person involved. So we deal mostly with homeless people. The ordinances in the City of Albuquerque, like most cities, are really targeted to homeless people. The merchants don't want them around. A lot of the businesses don't want them around and so you can't loiter—whatever loitering means—criminal trespass, urinating in public, drinking in public, many of these minor

offenses. And what's happening is that sometimes people who receive citations for these things don't understand them. Often, they lose the citations and so they miss the hearing. Sometimes they're stoned at the time. Quite a number of these people are on drugs and so the officer stuffs the citation in a pocket and it's gone and then something very serious happened. These are minor offenses. If they went to court and talked to the judge, they'd get probably, you know. They'd get maybe a little bit of volunteer time, but nothing really would come of these things. But now, they didn't show up for the hearing and they get a bench warrant and the bench warrant is something else. That is a very serious thing. That will keep them, when they get their act together and begin to get reunited with their families or begin getting jobs. They cannot get a job because most businesses now run a background check on them and this is a killer. You can't get an apartment; you want to get your family back together. The mom has been with the kids staying with her family and now they want to get the family back together than has broken up. They can't get an apartment because the apartment owner won't rent to them. Some of the public benefits are denied. So we're dealing with all those problems.

And, we're involved with the Homeless Court, which is a wonderful thing that very few people know about. And it's not just for the Christian program. A lot of other programs are involved in that but that's a situation where if someone is making a sincere desire to change their life and get away from the street, to get away from the drugs and to get away from the lifestyle they had and get involved in some kind of a program, a rehabilitation program of some kind, you can go to the court, the Homeless Court clerk, and you can say, "We have this evidence we're ready to present," but that person is scared to death that they're going to get nailed and arrested for one of these bench warrants. So they immediately suspend or quash the bench warrant. It's gone. And nobody has ever gone to jail, up to now, and then later when they appear in Homeless Court, the judge rules on them and often they get dismissed or many times they have to do something, some volunteer service. But nobody has ever gone to jail as a result of this court. It's a wonderful thing for people who are serious about getting their problems dealt with. And the social workers come and testify that the person is a good candidate, and they come from all agencies all over. And it's a great thing and we're involved in that, which we're excited about.

Q: Are you involved in mediation and dispute resolution?

JR: Not as much. Not as much, no. We train. We have a training program for our lawyers. In fact, we just finished one 10 days ago. We have seven new volunteers. They've got four new lawyers and three new law students and we train people on the principles of mediation. Because we're Christian, we emphasize Christian mediation and Biblical principles for doing that. So we do get involved to some extent, but mostly we rely on pastors or elders of the church. Mostly, we rely on trained people, counselors, in Noon Day or---actually, Noon Day doesn't have much of a staff there but Albuquerque Rescue Mission does and Joy Junction does, so we try to get them involved with good counseling that will help them along in solving some of these disputes. It's amazing how often those disputes get resolved when they sit down with trained counselors and go through that. So, we train our lawyers on some of the things but we don't have enough time to do real training of that---

Q: It's very exciting and very promising.

JR: Well, I really enjoy that. Just to be able to sit down face-to-face with some of these people and hear their problems. And sometimes you can't do a thing for them. I mean sometimes the programs are hopeless. But you can give them hope. That's the thing I really like about this program. These people mostly are very discouraged. Nobody wants to hear their stories. Nobody wants to deal with them. They're a pain in the neck, a lot of people, and they're so used to being rejected that the fact that lawyers who are successful will come down and spend their time interviewing them—and we go down. We interview on site. We don't interview in our law offices. We go down on the site in the barrios or the place where these people hang out and we get them right there on the grounds where they feel at home. And we show them that we care for them and we care for their problems and that alone, if we did nothing else, that gives them some hope that we say, "Now here's some things you can do to change your life or to get involved with some of these problems. Lawyers can't always help you but here are some of the things you can do with lawyers and here's some of the things you can do with others, with your family. And you can do it. You can do it." And by giving them that hope, that may be the most important thing we do, although I like to think we give a lot of legal help, too.

Q: So that's very, very exciting. Now you just received an award from the ABA. Can you tell us that that award was?

JR: Well, yes. It was a---the award I received was the Advocate's Award. It was the first ever awarded by the Government Affairs Committee of the ABA primarily for services in connection with the national program lauding efforts in the things we discussed going way back to the 1950s and 1960s. It was a very humbling experience. The president of the American Bar Association was there, all the members of the Board of Governors, many members of the House of Delegates and many from the state. There were about 300 people at that thing. It was ABA day when we were fanning out across the Hill to talk to the representatives and senators about issues that are important to the American Bar Association. And legal aid is at the very top of the list. It always has been. That's what makes me proud to be a lawyer—the efforts of the American Bar Association and the state bars have made to try to deal with this very, very difficult problem is one of the proudest moments I believe will be in the history of the bar association. But anyway, that was an award they gave me. It was very nice. They had me do some televised interviews and Helene Barnett was there and just about all the people I know who were involved in legal services. That was a pretty exciting experience.

Q: What do you think your legacy is to the legal community of New Mexico?

JR: You know, I hate to think of legacy at this point because I feel more like 62 than 82! I really don't think I'm done and I'm actively involved in so many of those things and expect to continue. I hope what I feel called to do, and I have a passion about this, I hope that it would be an example that other lawyers would like to follow. Many are doing this. I'm just one of many lawyers getting involved with this thing, which is a great---it's an unknown history of the legal profession and of the work that's being done by volunteer lawyers and by paid, compensated lawyers that are very much undercompensated. Lawyers are working for \$30,000 a year when they could go into private practice and make \$90,000 or \$100,000. So all of those people are giving volunteer services as far as I'm concerned. And there's a whole army of them. We have, in our Christian Legal Aid Program alone, we have 900 volunteers now all over the country—and the Legal Services has many more than that—and these are only part-time lawyers. They have more than that and they're full-time. But

here's a whole group of things and I think being involved in these things and saying, "This is important! You've got to take time away from your law practice to do this." I've got to say that to me, that's why I've practiced law all these years---one of the main reasons. I think otherwise I probably would've given up practicing law a few years ago but the fact that I can be used, whether it's in a Christian program or a secular program, to help other people. That has been the most satisfying thing I can say. In the 50-plus years I've been practicing law, NOTHING has satisfied me nearly as much as that. It's exciting to do that and I praise the Lord and I praise the bar associations that they let me do it.

Q: Is there anything else you'd like to say in this interview that you'd like to have go down in legal history?

JR: Oh! You bet! Sure! There are lots I'd like to say but let me start with my family.

Q: Okay

JR: I want to express my support for my wife, who has stuck with me. We've been married now for 60 years and she has supported me in these efforts and I could have never done it without her and she has paid a price for that because I was gone a lot, particularly during the years when I was more active than perhaps I am now. And in rearing the children and in doing some of the things around the house that a husband should be doing when I was off legal aiding. And I certainly want to thank her for that.

I want to thank my partners in the law firm. Without their support, I never could have done this because this took major time from the billable hours that I was able to do for the firm. So, I want to thank the Rodey Law Firm for their support. I couldn't have done it without their support and there are a lot of things I'd like to say expressing my gratitude for the fact that I've had the opportunity to do this. Here's an unknown lawyer from Albuquerque, New Mexico, that nobody ever heard of that suddenly got escalated into a position where he could really make a difference. I love one-on-one conferring with clients but the bottom line is the lobbying work, the work that was done in Washington with the Congress and with the Administration. Sometimes you can affect the live of hundreds of thousands of people. And so you have an opportunity, a rare opportunity to be able to have some influence on that process and it's---so to me, that has made my professional life really worthwhile.

I always say that the law practice satisfied me up here, mentally. It's very challenging. I love practicing law, but legal aid does something for me in the heart. This is a heart affair and that's why I love it so much and why I don't ever want to stop doing it. And until the day I die, I hope I'm doing it.

Q: Well, thank you very, very much for I think an incredible interview. We look forward to many more years of your service and your leadership, particularly in the area of legal aid and in helping people get the representation to which every human being is entitled. Thank you so very much.

JR: Thank you for the opportunity.

JR – John Robb – Interviewee
Q - Anita Miller – Interviewer

Q: I think this is going to be absolutely wonderful!

JR: Well, thank you for asking me

Q: Can you talk about how it challenged you mentally by also, because you pointed to your heart and I didn't get your hand pointing to your heart and I would like to get that.

(Clutter conversation between several parties at this intersection.)

JR: The law practice has satisfied me incredibly mentally. I really enjoy the mental processes that we go through. I like being a part of a system of justice. I really think handling cases for clients has been a very rewarding thing but most of that is physical and mental involvement. What happens in legal aid work is you have that, but it's an affair of the heart, too. You have your heart—it's such a satisfying experience for you when you can actually be of help. These are the most helpless of the helpless—the homeless people that we're dealing with primarily and the fact that some lawyer advocate will go and step up and helm them, the fact that you can have a small role in doing this is one of the most satisfying experiences that any lawyer can have.

Q: Got it! It's a wrap, then.

End of Interview