

## **The Ultimate White Horse Job**

- AG Gary King talks about the greatest job a lawyer could ever have.

*By Kimberly Alderman*

*New Mexico Attorney General Gary King was interviewed just two days after he gave his arguments before the U.S. Supreme Court in the case of *Bullcoming v. New Mexico**

**AG King:** I just got back yesterday from making my first argument in front of the Supreme Court.

**Alderman:** How'd it go?

**AG King:** I think at the Supreme Court level you never know if your argument is persuasive. You have to make the best argument that you can. It was fun for me to be a lawyer again. My Criminal Appeals Division had written the briefs, and we all worked together on the argument, but I got to give the argument.

**Alderman:** Were all the justices there?

**AG King:** They were. The report that I saw said that seven out of the nine judges asked questions. Justice Thomas did not, of course, because he apparently hasn't asked a question in five years. Justice Kagan tried to ask a question but got eeked out a couple of times by more senior justices.

**Alderman:** Who asked the most questions?

**AG King:** Probably Scalia. The Sixth Amendment is his specialty. He has often written the majority opinions in the Sixth Amendment cases. Although we're sort of hoping he will not be in the majority on this one because his view on the Confrontation Clause is more strict than our view in this case. Justice Soto-Mayor asked quite a few questions. Justice Breyer is sort of on the state's side in this one so he gave me some easy hypotheticals. Once we were in the argument phase, I really felt like I was having a good legal conversation with those nine justices, because you're close enough to them that you can really look them eye to eye.

**Alderman:** Did you get a chance to do any sightseeing in DC?

**AG King:** My wife came out and we had intended to go to a couple of museums together on my off hours, but I didn't have any off hours. We actually had a monkey wrench thrown at us; the Court had another Sixth amendment case in front of them this term [*Michigan v. Bryant*], and they decided to hand down their opinion on that on the Monday before our argument on Wednesday. So, we spent the last 48 hours working that opinion into our argument.

**Alderman:** When was the last time you worked so hard on an argument?

**AG King:** It probably was when I was in private practice 20 years ago. As the Attorney General, we had a case in the New Mexico Supreme Court about two months ago and the lawyer who was going to argue it had a death in his family and so rather than assigning that case, I just decided I would argue it myself. So, I only had three days to prepare for that argument, and I worked pretty hard for those three days.

**Alderman:** How would you describe what an Attorney General usually does?

**AG King:** I am the lawyer that represents the state, so I have a variety of civil and criminal duties. I have three prosecution divisions and my criminal appeals division. I have my consumer division, which is the largest division I have; we're working really hard on the mortgage foreclosure issues right now because those are impacting New Mexico consumers heavily. Last year they handled 50,000 calls and probably opened and closed a couple of thousand files. I have my civil litigation group, my group that represents rate payers in front of the PRC, and then a group that represents state agencies that does opinions for legislators and the governor.

I'm creating an environmental crimes unit that will prosecute environmental crimes. We're also looking at whether we can be a little more aggressive at pursuing criminal actions that relate to consumer issues.

**Alderman:** What does your average day look like?

**King:** Most of my day is administrative work. I have my division directors that I work with. I work with the Legislature when they're in session. The next thing I have after my call with you is to go meet with several bankers from around the state because we're introducing legislation that deals with changing some of the way that foreclosures are done to require more consideration of loan modification before you pursue a foreclosure.

I'm currently the chairman of the Western AG's association. We have a project that started in New Mexico where we're working with the AG's office in Chihuahua [Mexico]. They're changing their criminal justice system from an inquisitorial system to an advocacy-based system, so we're training their lawyers and investigators to gather evidence and put it on at trial, to do cross examinations and all those things you do in an advocacy-based trial. That training has expanded to all of Mexico and the Western AG's association is pursuing that training. So I travel to three or four of the Mexican states to make presentations on how the adversarial system works and what benefits we think it might bring to the Mexican criminal justice system.

**Alderman:** What does an inquisitorial system look like?

**King:** Under the previous system in Mexico, if you were accused of a crime, the police officer or police agency that was assigned to investigate would go interview all the witnesses, gather affidavits, and then they present them at a three-judge panel and the panel reads the materials that the police officer submits to them and then they decide whether you're guilty or not.

**Alderman:** So, you grew up in a ranching family?

**King:** My family are known as ranchers. My father's parents got married in Texas, drove a Model T Ford to New Mexico, traded their Model T Ford for 160 acres and three cows and started a little dairy. My dad and his two brothers were born in New Mexico. When my dad was in the army, he sent his paychecks home every two weeks and encouraged his brothers to buy land. So they started a ranch and they ended up, over the course of time, having one of the largest ranching operations in New Mexico. It was about half a million acres at the largest.

So I grew up on the ranch, riding horses and working on the farm. On the summers when I was in school, I drove a wheat combine.

**Alderman:** Do you miss the ranching?

**King:** I live on the ranch, but my brother manages a lot of the ranching operation, and another cousin. My father passed away about a year and a half ago and his two brothers still are on the ranch, and they still every day get out and go around, and are still involved in the management. So, most of the family still lives on the family ranch.

**Alderman:** When you were driving that wheat combine, did you know you wanted to be a lawyer?

**King:** When I was ten years old, if people asked me what I was going to be when I grew up, I told them I was going to be a scientist. I have made my living sort of crossover. My wife has a Ph.D. in chemistry and she still makes her living as a chemist.

**Alderman:** Did you meet her in school?

**King:** I met her when she was working on my dad's campaign for governor. I said my dad was a rancher, but he was also a state legislator for ten years, and he was the governor for three terms in New Mexico. So, he was the governor for four years while I was on the Legislature.

**Alderman:** How was it working with your dad?

**King:** People ask me that question and I say, “It was great. He only vetoed two of my bills during that four years.” He did, but we had a really good working relationship.

So, in 1978, I was a graduate student in chemistry. I had already decided by then that I was going to go to law school as well. I took a leave of absence and came back and worked on my dad’s campaign. That’s where I met my wife. She was a graduate student in chemistry at the University of New Mexico, but she was volunteering on the campaign in the evenings.

**Alderman:** Where was your first date?

**King:** I still remember it. We went to a trendy restaurant in Albuquerque called The Roxy, and they even had gotten the organ from the original Roxy out in California. So we had dinner at the Roxy. We’ve been married for – I have to know the answer to this – 24 years.

**Alderman:** So what’s next for you?

**King:** Well, there’s some speculation currently as to whether I might head into the ring to run for the vacant Senate seat. I haven’t had any time to think about that because I was immersed in my Supreme Court case, but I’ll have to give that some thought. But I’m just extremely happy being the AG. I think it’s the greatest job that a lawyer could ever have.

**Alderman:** Why’s that?

**King:** It’s sort of the ultimate white horse job. Every day I spend time protecting senior citizens from scammers and going after internet predators and trying to help people keep their houses. It’s a great honor to be able to represent your state. From a lawyer’s perspective, since the state is my client to some extent it’s my constitutional authority and job to decide what’s in the best interest of my client. Most lawyers’ clients will either take your advice or not take your advice. Having the final say as to what’s in the best interest of my client is a really interesting perspective for a lawyer to have. Part of what people have elected me to do is to exercise my judgment to do things that are in the best interest of the state.

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