

# JudgeBaldockInterviewJudgeBrackApril2023

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## SUMMARY KEYWORDS

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## SPEAKERS

Judge Bobby R. Baldock

Senior Judge Robert C. Brack

SPEAKER		Time Stamp
<b>Judge Bobby R. Baldock</b>	Good morning. This is Bobby Baldock, and we're in Las Cruces. I'm getting ready to interview His Honor, Robert C. Brack, United States Federal District Court for the District of New Mexico – just taken senior status. We are trying to get started to make sure I know what I'm doing.	00:01
<b>Judge Bobby R. Baldock</b>	Good morning, Robert. My favorite saying is good morning Rapid Robert. How are you doing this morning?	00:27
<b>Judge Robert C. Brack</b>	I'm great, Judge, just great. And I just called you Judge, and I have been calling you Bobby for so long. I don't know, which is appropriate. But it's good to have you here. Oh, my goodness.	00:33
<b>Judge Bobby R. Baldock</b>	It's still just Bobby. And we're doing this for the Historical Society of the Tenth Circuit. They did this same thing for me. And the only thing I can figure out is that they must be assuming that we're going to die pretty soon, so they want it to be a history. So, you and I both are going to be in the history books. But Robert, I'm going to take you through and ask you questions and if you don't feel like answering, just say I'm not going to answer that. But I want a good answer, whatever we do. So, tell me when and where you were born.	00:46

<b>Judge Robert C. Brack</b>	<p>I was born in Lynwood, California, a suburb of LA, May 2, 1953. My parents were living in Los Angeles at the time, my dad worked for the Santa Fe Railroad. And that's why we happened to be there.</p>	01:22
<b>Judge Bobby R. Baldock</b>	<p>Now, tell me, where did you start school?</p>	01:38
<b>Judge Robert C. Brack</b>	<p>So, in 1957, my dad was transferred by the Santa Fe Railroad from LA to Chicago. So, before I turned four years old, I was already in Chicago, and started school there.</p>	01:43
<b>Judge Bobby R. Baldock</b>	<p>Well, we're talking about your mom and your dad, and particularly your dad, but tell us a little bit about your father and about your mom and what they did. And so just tell us a little bit about that.</p>	02:05
<b>Judge Robert C. Brack</b>	<p>My dad, William E. Brack is one of my heroes. One of the greatest men I've ever known. He was born in Missouri, raised in LA, and was a high school graduate. Never went to college. Neither did my mom, but my dad was a great baseball player. He was drafted and went into the Navy. This is during World War II. My dad was born in 1920. 1940ish, you know, he went into the Navy, and he was on the All Navy Baseball Team. He would have finished out the war doing exhibition baseball games all over the country, but I guess it was June of 1945, he smarted off to a commanding officer. The next day, he was on a boat headed for Japan. At that point, the allies were planning the invasion of Japan, and my dad was on an attack troop transport and went from San Diego to San Francisco to Seattle. He was in port in Seattle for 10 days, on shore leave before the big crossing over to Japan. He went to a USO dance on the first night of shore leave and met my mom. When he left there, 10 days later, they were engaged. He went from there to Hawaii and all the way across the Pacific. He was in Okinawa when they dropped the bombs and at that point, his mission, this troop transport, they weren't taking troops to Japan anymore. Now they were picking up prisoners of war and bringing them home because the war was over. He was in Okinawa. His ship had been hit, it hit a floating mine. They were in for repairs in Okinawa. He got word that his oldest sister, who was a nurse... She was on Pearl Harbor during the bombing. She had survived that and was back in LA and was involved in a real serious car</p>	

	<p>accident. They got word to my dad, that it didn't look like Mary was going to survive. He went to his commanding officer and said, "I'd sure like to get home." He had enough points at that point to get out. So, the commander said, "You've got my permission to leave, but you're going to have to find your way home." So, he hitchhiked from Okinawa, to Guam, to Midway to Hawaii, to San Francisco. Flying with anybody that would give him a ride. He got to San Francisco. He made his first call to his mom, checking on Mary's status. Mary had died. He made a second call to my mother to be, Marge. She didn't know about this development, that he was back in San Francisco. So, he said, "Marge, it's Bill." She said, "Bill who?" He hitchhiked to Seattle. They got married and took a short little honeymoon to Vancouver. Then packed her up and went to LA, where they lived with my grandmother and aunt. Dad went back to work on the Santa Fe. He worked for them before the war. So, the two of them got married December 11, 1945. When my dad died in 2000, they had been married 55-years and had raised five children. My dad ended up in vice president-level management after a 40-year career. He was in LA, got transferred to Chicago. By that time, he had a couple of kids, my older brother, sister, and me. We were six years in Chicago. He was then transferred to Clovis, NM. That's how we came to be in New Mexico. Clovis is the headquarters of the New Mexico division for the Santa Fe Railroad. He was made the superintendent of the New Mexico division.</p>	
<p><b>Judge Bobby R. Baldock</b></p>	<p>What grade would you have been in when you moved to Clovis?</p>	<p>09:01</p>
<p><b>Judge Robert C. Brack</b></p>	<p>I was in seventh grade. My dad was a man of great faith, raised Catholic and a man of prayer. We were always in church, Catholic Church and Catholic schools. When we came to Clovis was my first introduction to public school because there wasn't a Catholic school there. My seventh grade through senior in high school. When I was a senior, my dad was transferred back to Chicago. I stayed in New Mexico and have been here ever since with a few brief exceptions.</p>	<p>09:06</p>

	<p>My mom graduated from high school. She went to a secretarial college. She was working at Fort Lewis as a clerk on a military base in Washington State. And I think a lot about that I, you know, she met my dad, for these 10 days, then she's engaged. He comes back several months later and moves her away from her family to Southern California, where she's never been and what an adventure and, you know, crazy time that must have been for her. She had a rough childhood. Her father was an alcoholic, he abandoned the family. My grandmother, her mother, was a stern woman, businesswoman, and she raised my mom with a little grocery store and hotel that they had out on the coast in Westport, Washington. My dad had lost his father when he was in high school. Loved his mom. His mom's name was Annie Ryan, very Irish. Dad doted on his mom and his two sisters. That was all of them.</p> <p>He just got a job on the Santa Fe and he wanted to advance in the company. He was working one night late as a switchman. Guy with a suit came by, and my dad asked one of his buddies, "Who's that?" They said, "That's JW Murphy, superintendent, just leave him alone. He's a tough old bastard." My dad, not willing to take advice, went over and introduced himself and he said, "I want to get into management." Mr. Murphy said, "What kind of experience you got, punk?" Called my dad a punk. My dad was Big Bill. He was 6'3" up to 270 pounds at his biggest. He's a big guy. He didn't care much for being called "punk", even if it was by the superintendent. He said, "Well, I don't have any experience. But how'd you get your first experience, Mr. Murphy?" That was the start of a lifelong friendship and mentorship. Mr. Murphy gave him a job on the management side of the railroad. My dad and the President of the Santa Fe Railroad, Ernest Marsh, went to JW Murphy's funeral years later. So, my dad had some hutzpah about him, you know? I don't know that he would have ever called it that being a Catholic boy.</p>	
<p><b>Judge Bobby R. Baldock</b></p>	<p>Permissible.</p>	<p>13:21</p>

<b>Judge Robert C. Brack</b>	<p>Sure. So, I don't remember what the question was, now.</p>	<p>13:22</p>
<b>Judge Bobby R. Baldock</b>	<p>We're talking about your mom and dad, and how they met and that's it really, but also now, you? You have five brothers and sisters counted up. How about telling me a little bit about your brothers and sisters in the order and because you said you were born in Los Angeles. So, you had two that were older than you? Were they born in Los Angeles also?</p>	<p>13:27</p>
<b>Judge Robert C. Brack</b>	<p>Yes. Yes, they were. So, my parents were married. December 11, 1945. My first, my oldest brother, was born. December 1, 1946. There were a lot of those. Those war babies. He was W. E. Brack, III. Went by Bill. My older sister, her name is Patty, she was born on Valentine's Day, 1949. Her married name is Cantwell. She is a pharmacist. She lives in Portales. She graduated number one in her class from pharmacy school, brilliant woman, loves the Lord. She has a Master's in Hebraic studies and a doctorate in Biblical Archaeology. About two weeks ago, she was diagnosed with dementia. It's one of the most tragic things you can imagine. Because that mind, oh my goodness, it was a wonderful thing. So, she still lives in Portales. My younger sister, Kathy, was also born in Los Angeles in 1954. She lives in Seattle, just north of Seattle. Edmonds, Washington. She was a cardiac care nurse before she retired. She lives part time in Seattle and part of the time in Mazatlán, Mexico. The youngest of us, Brian, born in 1967, is a lawyer. He lives in El Paso, practices there. He was born in Clovis. He came along later in life. He was one of those blessings.</p> <p>In 1996, my dad showed up at my office, my law office in Clovis, one Saturday morning, with a pained look on his face. He had a piece of paper in his hand, and his face was as white as a piece of paper, or your shirt or mine. I said, "What you got there?" He just put this sheet of paper on the desk, and it was a letter addressed to him. It was from a guy named Bill Munster. He said, "My adoptive parents have just recently died, and I'm trying to, because of health concerns, I'm trying to find my natural parents. An investigator has told me that my father was 19 years old, working at a Texaco gas station in LA. His name was Bill Brack, might that be you?"</p>	<p>13:54</p>

<p><b>Judge Robert C. Brack</b></p>	<p>I looked up at my dad and I said, “Well, you old dog.” He didn't have a sense of humor about it. No.</p>	<p>17:05</p>
<p><b>Judge Robert C. Brack</b></p>	<p>It turns out he had sired a child and had never known it. He never knew that this woman was pregnant. She went off by herself to have the baby. But in LA. His name was Bill Munster. We didn't need to do a DNA test. He was a dead ringer for my dad. That became a source of a wonderful set of positives. There weren't any negatives. This was several years before he met my mom, that he had sired this child. There weren't any abandonment issues because my dad had never known that the lady was pregnant. Bill was not looking for a handout. Certainly. He was the commodore of the San Diego Yacht Club, at the time and had done very well in business. He had been adopted by some wealthy people. So, he was, oh my gosh, he was a bon vivant, you know, a man that just loved life. Larger than life. He was bigger than my dad. He and Dennis Conner, a name you might know, used to sail for the America's Cup. He, Dennis Conner and another guy, were world champions in an Etchells class boat, which is a 10-meter boat. So, Bill, became a part of the family in 1996. My dad developed a great relationship with him for the four years between finding Bill and my dad’s death. My mom was wonderful about Bill. She said, “If he'd have been 45 instead of 55 when we met him, I might have felt differently. But as it is, I had my fifth child when I was 45 and it turns out, I’ve had my sixth child when I’m 75.” She adopted Bill and he was such a welcome addition to the family. So, I have five siblings as it turns out.</p>	<p>17:13</p>
<p><b>Judge Bobby R. Baldock</b></p>	<p>Now. Tell me about the school. You were in the seventh grade you said when you moved to Clovis. Now tell me about your junior high and high school years in the big city of Clovis.</p>	<p>20:17</p>
<p><b>Judge Robert C. Brack</b></p>	<p>Moving to Clovis was a culture shock. Chicago to Clovis. But I thrived. I really enjoyed it. I participated in all sorts of sports, and I was a good athlete. I was good at everything but, I wasn't great at anything. But I played basketball, football, baseball and track, just whatever season it was, that's the sport I was playing.</p>	<p>20:31</p>

<b>Judge Bobby R. Baldock</b>	But let me interrupt a minute. Because did you play with Bubba Jennings and Nelson Franse? In Clovis? Well, Nelson Franse is a lawyer in Albuquerque. Bubba Jennings, he was an Artesia boy of course.	21:03
<b>Judge Robert C. Brack</b>	No, Bubba was from Clovis.	21:18
<b>Judge Bobby R. Baldock</b>	Right. But he coached in Artesia. I wanted to go back because I was thinking about this last night. And Bubba scored 66 points against Roswell, Goddard High School. And I think you were on that team.	21:20
<b>Judge Robert C. Brack</b>	I know exactly what game you're talking about. So, Bubba and Nelson are several years younger than I. I played basketball with them in city leagues and summer leagues when I'd be back. But I graduated from high school in 1971. Nelson in '78. And Bubba in '79. They were several years younger.	21:40
<b>Judge Bobby R. Baldock</b>	When you were in the dynasty with Clovis and Hobbs being hit all the time.	22:05
<b>Judge Robert C. Brack</b>	You know, we were. Yes. And that dang Hobbs. You know, the only time we ever got close to beating them was at Clovis.	22:12
<b>Judge Robert C. Brack</b>	We were up one point. A Hobbs kid had a half-court shot at the buzzer, which was a two-point shot than (didn't have a three-point line) to beat us by one. When I was a junior.  I think, Bubba scored 75 that night you are recalling. Oh, man 75! That was before a 3-point line. Right? And if you go back and add how many of those shots (we've all looked at the film) if you go back and see how many of those, eight or nine would have been threes. He'd had 84.	22:23
<b>Judge Bobby R. Baldock</b>	We went to the high school state championships every year. Of course, Clovis and Hobbs were always there. We got to go every now and then as runners up in the conference. But anyway, go ahead and go back. I wanted to hear about your high school.	22:59

<p><b>Judge Robert C. Brack</b></p>	<p>So just a side note, Nelson and I are dear friends. His son's name is Colson Brack Franse. Nelson called to tell us the morning that Colson was born that he named the child that. I said, "That sounds more like a law firm than a little boy. But all kidding aside, that's a great honor. Thank you." And he said, "Don't get the big head. We wanted to name him after Sheila (my wife), but that wouldn't be fair to a male child." You'd have to understand Nelson's sense of humor.</p>	<p>23:21</p>
<p><b>Judge Robert C. Brack</b></p>	<p>And the name came from Nelson's basketball coach at UNM. Gary Colson. Oh, yeah. Gary is a dear friend of all of ours. And we're going to surprise him next weekend in Santa Barbara for his 89th birthday. Nelson and I and Sheila are all going to be there. Oh, we're kind of excited about that!</p> <p>So, junior high and high school. I loved this little town environment and all of a sudden, I was exposed to kids of color. You know, I grew up in a lily-white suburb of Chicago. All of a sudden, I had friends that were Mexican and in fact, you know, one of my dear friends from that class, Judge Jimmie Reyna, is on the Federal Circuit Court of Appeals.</p>	<p>24:06</p>
<p><b>Judge Bobby R. Baldock</b></p>	<p>Who by the way is from Dexter, you know, New Mexico. That's where he was born.</p>	<p>25:11</p>
<p><b>Judge Robert C. Brack</b></p>	<p>He and Dolores were here, two weeks ago. We had lunch on the patio at our house. He was going back to Washington, from a stint at Pepperdine, that you set up for him. You circuit judges. An interesting historical fact. I've inquired of the AO about this. They can't find any instance, in the history of the federal judiciary, of best friends in high school, both becoming federal judges, except the class of '71, Clovis, New Mexico. I love that distinction. If it's true, you know. Sure, it is, but even if it isn't true, it's a pretty great distinction. He and I have been friends since that first day of junior high football. You know, before school started, we started junior high football. This dusty, old practice field there at Marshall Junior High in Clovis. I met Jimmy Reyna and we're best friends to this day.</p>	<p>25:17</p>

<p><b>Judge Bobby R. Baldock</b></p>	<p>Now, when, and where did you meet Sheila?</p>	<p>26:34</p>
<p><b>Judge Robert C. Brack</b></p>	<p>So, my wife of 48 years next week, next month, sorry, she's from Clovis. She was born and raised there. I went to school with her older sister. She was a classmate of mine, Becky. Sheila was two years younger. And in high school, when I was a senior, Sheila was a sophomore. Between first and second periods, my path and her path intersected, you know, she was headed one way and I was headed another. I was always walking with my girlfriend at the time, but Sheila would come around that corner and it was like the sun started shining. She was just the most beautiful thing. I'd say, "hi" to her every morning. My girlfriend would, you know, give me the elbow in the ribs every morning. "You don't have to speak to that girl every day." I knew it was Becky's sister, but that was all I knew. After I was a senior in high school, I ran into Sheila in the airport in Chicago. My parents lived back in Chicago. I was visiting. She was coming back from a school trip in Europe. It just happened that there were a bunch of other kids from Clovis there that I knew and saw and talked to. I tried to finagle things so that I could sit with her on the way home, you know, the flight from Chicago to Amarillo. Didn't work out. I went off to college. In January of 1972, I was at my parents' home. I was working on the railroad between semesters, first and second semester. I dreamed about Sheila three nights in a row. I've always paid attention to my dreams. You know, Scripture tells us, Joel says, that old men will dream dreams. Well, this young man, I was young then. I dreamed about this beautiful girl, and I made note of that. I made a mental note of that, you know, the second night and then the third night. So, six weeks later, I was in Clovis for spring break. I went to Clovis to set things right with my former girlfriend. I tried. It became very obvious that wasn't going to work. She was angry and she had every right to be angry. I had been a bad boy, but I was trying, but she wasn't having any of that. And I don't know how much of this needs to be in here or not. Well, is this just between us or is this going to be on official record?</p>	<p>26:40</p>

<p><b>Judge Bobby R. Baldock</b></p>	<p>Robert take out anything you want to.</p>	<p>29:43</p>
<p><b>Judge Robert C. Brack</b></p>	<p>Anyway, that didn't work out. I was playing basketball while I had several days now in Clovis. So, my dear friend came by, he was dating Sheila's sister. And he said, "How are things going with ____?" and I said, that's a bust. And he said, "You ought to ask Sheila out." And I said, "Sheila, that's the girl I've been dreaming about." And on April 1, 1972, one of the great days of my life, I went out with Sheila, our first date. And we talked about Jesus on our first date. She would say later that she knew there was something different about this guy. I was smitten. That was 1972. We married in 1975. I transferred back and ended up graduating from Eastern in 1975. A couple of weeks later, we got married.</p>	<p>29:49</p>
<p><b>Judge Bobby R. Baldock</b></p>	<p>Okay. Now from that, you have three wonderful daughters. So now tell us about the girls.</p>	<p>31:06</p>
<p><b>Judge Robert C. Brack</b></p>	<p>I have three daughters. The first, Kathryn Joy Brack, was born March 20, 1980. And I remember when the doctor said what Sheila's due date was going to be for that first baby. I said, "That's the first day of spring." You know, with the coming of spring, we're going to have this new life. It was pretty exciting. She lives here in Las Cruces. She is an attorney. She has her own firm. She and Scott Mann, a lawyer from Kemp Smith. They broke off from Kemp Smith and formed their own firm. She married Jon Morrow, a kid she knew from Clovis, the son of a vet. He is also a vet. And they have two children, Atticus and Amelia. Atticus is 14, Amelia 11. I got to see Millie yesterday, you know, and I'll go to her volleyball tournament this weekend. Atticus just got braces yesterday. They're bright, shiny kids. They're beautiful. We have a pool at our house. For the longest time, they were at our house all the time. They've just recently built their own house. They have their own pool now. So those days will be fewer and farther between. Second daughter is Christen Claire. Ryan is her last name. She went to college at ASU and met a boy there, Andrew. They have two children. Luke Robert Ryan, and Bridget Claire. He is 14, she's 10 and shiny, bright kids. So, I have three daughters, as I've said, but I've</p>	<p>31:15</p>

	<p>got three of the greatest sons-in-law you could ever have. You know, I love every one of them. And they love each other. And the daughters love each other. And they love spending time with each other. So the three boys love them dearly. I always thought God knew best giving me daughters. I might have been too hard on boys. But God gave me three great sons-in-law. I love them dearly. My daughters and my sons-in-law all love the Lord. Real special deal. Do you know what the Emmaus walk is? You're familiar with that, right? Two years ago, I got all three of my sons-in-law on the Emmaus walk. I was working the walk. I was on the prayer team. I didn't have to twist any arms. They all just said it sounded great. It was a life changing sort of thing for them. You know, I mean, it really focused on their faith.</p>	
<p><b>Judge Bobby R. Baldock</b></p>	<p>I might interject right now, for any listeners, if you don't know what the Emmaus Walk is, look it up, because it has a great deal of religious background, pointing us to the Lord Jesus. So, giving you a little heads up, but go research it yourself.</p>	<p>35:05</p>
<p><b>Judge Robert C. Brack</b></p>	<p>So, Christie and Andrew live in Phoenix. In August, two years ago, they owned and operated a printing company. Really successful, hard work for Andrew. Andrew ran it and was working six days a week, 12 hours a day. There was a gas explosion. It blew that business off the planet. Andrew and his brother, who was an employee and co-owner, and another employee were horribly burned. They have made miraculous recoveries, all of them. But the injuries were significant. The business was destroyed. It's in the midst of what seems a never-ending litigation to me. They didn't even have gas in the business. Platinum Printing is the name of the business. If you look up Platinum Printing and Explosion, you can see there were security cameras all around that caught the explosion. They're doing well. But in fact, I talked to Christie yesterday afternoon, and they're blessed. They're doing well.</p> <p>My third daughter, Carly. Now it'd be really easy to just tell you Carly's my third daughter and she married Devon and she's a Christian therapist and Devon's a nurse. Sheila and I had multiple miscarriages. Had a child, had a miscarriage. Had Christie, had another miscarriage. The doctor said</p>	<p>35:25</p>

	<p>.500 is a good batting average, you know, in baseball, but it's not much for baby making. "You shouldn't have any more children. It's hard on you."</p> <p>Nine years later Sheila came to me, and she said, "I think we're supposed to have another child. I'm convicted. The Lord's leaning on me about this, you know, it's an obedience thing." And I said, "Well, I haven't been similarly convicted." By this time, I thought we were out of the baby making business. I said, " Let's pray about it. We'll see." I did and a couple of days later I said, " Well, let's just see what the Lord would do if we gave him a chance." We conceived that night. And that's Carly. People think Carly was an oops. Carly was the most intentional child ever. She and Devin don't have children yet. (They have just given us our first grandchild, Winry Anna, born 02/28/2024.) I performed their wedding. Which was pretty exciting. At Alto. Out by the pond. She's a Christian Therapist. He is an emergency room nurse. They live in Las Cruces.</p>	
<b>Judge Bobby R. Baldock</b>	<p>Speaking of Alto, for those who are listening, Alto is a beautiful resort in Ruidoso New Mexico. And as a matter of fact, I think that was the first place you and I ever met. I can't remember the story. But were you with your dad?</p>	39:05
<b>Judge Robert C. Brack</b>	<p>No, I was up there with friends. I went over to Alto just to play golf, and they paired me with you and whoever you were playing. Okay. You had just gotten, maybe your son had given you some golf clubs. They were Beryllium headed Pings. Now for the record, you know, those are some copper colored golf clubs that were the rage. And then there was some suggestion that maybe they weren't legal. Whoever else was in our group said, "Well, Judge Baldock. I think those clubs are illegal." This was the first I knew of your sense of humor. You said, "Not 'till I say they are." That was the story. Yeah.</p>	39:27
<b>Judge Bobby R. Baldock</b>	<p>I think of that every now and then. And that's right. I said, "They're not illegal until I say they're illegal." That's kind of arrogant for a judge, but nonetheless, it worked for me. Let me see. Tell us a little bit more about Sheila because I enjoy Sheila immensely. And I know you do, so tell us a little bit about what she's up to.</p>	40:22

<p><b>Judge Robert C. Brack</b></p>	<p>Sheila was born and raised in Clovis. Her father was born and raised in Clovis. Her grandfather and grandmother were pioneers. They came by covered wagon to eastern New Mexico, from Erath County, in 1908, “Ought eight”. That's how her grandfather described it to me when I interviewed him one time. Came by covered wagon. A cousin had a homestead and had relinquished it. Sheila’s grandfather was getting the relinquishment. They lived in a dugout. They just carved out a hole in the side of the hill. We thought about them a lot this last January, because we have a dear friend in Stephenville. We went to visit him. He's just turned 90. I'd never been in the Erath County. I looked around there and I thought, “Why in the world did they leave here to go to Field, New Mexico?” Field is northwest of Clovis. There's nothing there. And that's where they had this relinquishment. They were out there; they had a child living in that hole in the ground with them. At some point, it was just too harsh. They moved to town. To Clovis. So that was Sheila's paternal grandfather and grandmother. They lived in Clovis. Raised six children. Arno, her father was the youngest of the six. He was a delightful man, real character. A trader. He would trade for everything and anything. He got in the car business. At some point, he quit a job with the railroad and people couldn't believe that he quit a job with the railroad because that was the best paying job in town. He opened a used car lot. It was a very successful business. Genius as it turns out.</p> <p>On our first date, April 1,1972, I went to get Sheila and she wasn't ready. I’m sitting there on the couch, you know, kind of awkward in front of this man that I don't know. He was sitting in his big lounge chair there with an ottoman. I was just sitting there watching All in the Family, because that's what was on TV Saturday night. All of a sudden, I felt something plop on my head. He had taken his dirty socks off, put them in a ball and threw them on my head. I just took them off my head and put them down next to me. I wasn't going to give him...I wouldn't give him the satisfaction, you know, so he didn't get a rise out of me that day. He was that kind of guy and I loved him. I loved him dearly. That was our Arno Massey. He</p>	<p>40:47</p>
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	<p>developed dementia late in life. His girls bought him out. So, Sheila and her sisters still own and operate that business.</p> <p>Arno was never demonstrative, and he never ever said, “I love you.” That was not part of his make-up. We never doubted that he loved us. But he never said it. In the fall of 2018, Sheila and I went on a trip to Italy with some friends to track down one of the friend's relatives in a tiny little village way up in the mountains in Calabria. We found his relatives. We were with them for hours. Sheila couldn't wait to tell her dad that story. I said, “ We’ll tell him when we get home.” She said, “No, I'm going to tell him now.” I said, “Great.” We called him up, told him that story. He loved it just like we knew he would. At the end of the conversation, I did what I had been doing for years, because I knew it bothered him. You know, I'd say, “I love you.” Usually there would just be silence, you know. But on that particular day, he said, “I love you too. I love you both.” First time he ever said it. Two days later, he had a series of heart attacks. We made it home in time for Sheila to be at his bedside when he died. The last words he ever spoke to me were, “I love you, too.”</p> <p>My mother-in-law is 93 years old. She lives by herself. She was a woman of the plains. She was born in Sweetwater, Texas, and a lot like my mom, she had a really tough upbringing. She worked in the fields. Her father, also an alcoholic, also abandoned them. We call her Saint Margaret. She is a delight. She's bright and clever. She's got this rapier wit, you know, and I'm her favorite target. She skewers me every chance she gets. The more she does it, the more I love her. We spend a lot of time on the road between here and Clovis going back to see her.</p>	
<p><b>Judge Bobby R. Baldock</b></p>	<p>Got out of high school. You told us about how you were thinking about Sheila, but now where did you go to college? Well, you said you graduated from Eastern? And then where did you go to law school?</p>	<p>47:45</p>
<p><b>Judge Robert C. Brack</b></p>	<p>So right out of college, I went to Tulane in New Orleans. Sheila and I both studied French in college, which is unfortunate, given that I've spent all my professional life now on the border. I should have been speaking Spanish,</p>	<p>48:01</p>

	<p>learning Spanish, but we both studied French. Thought it might be, you know, just had this romantic notion of living abroad. We thought about living in France. Tulane in Louisiana is one of the only, well is the only state in the country that has the civil law as opposed to the common law, you understand. We thought Tulane, you know, being steeped in the civil law might be a good steppingstone for living in Europe. We got married in May and went on our honeymoon, which is another great story. We returned from our honeymoon early because I was twitchy. I was ready to go, and we loaded up the car and drove to New Orleans. Got jobs, both of us. I drove an ice cream truck in New Orleans in the summer and it rained 19 inches the month of June, 1975 in New Orleans. There's not a lot of ice cream sales when it's pouring down rain all day. You know, kids don't come running to the ice cream truck. So, then I went to work painting houses, exterior houses. Sheila got a job. I started at Tulane in August. By then we had figured out that New Orleans was as exotic as we ever needed. We were both missing New Mexico and thought about it and so we applied to UNM. Got in there, didn't lose any credits in the transfer. I mean, it was great. It was a great move for us. We came back. So, I finished at UNM.</p>	
<b>Judge Bobby R. Baldock</b>	<p>Now the University of New Mexico is what we're talking about. For those who might be listening.</p>	50:05
<b>Judge Robert C. Brack</b>	<p>1978, graduated there.</p>	50:11
<b>Judge Bobby R. Baldock</b>	<p>There was another story. Of course, this is between you and me, but you worked on the railroad, and come to find out after we were visiting one time, you laid the track behind my house, which was about a mile, well, less than a mile away, less than a half a mile there in Roswell. That was about when I think you injured your back?</p>	50:16
<b>Judge Robert C. Brack</b>	<p>So, in the summer, my dad would help me get jobs on the railroad because they were better paying jobs than you could get anywhere else. He always gave me the hardest, the dirtiest, and the sloppiest jobs because he wanted me going back to school in the fall instead of being enamored with big wages. So, the summer you're talking about was the summer of '74. I think</p>	50:45

that's right. I was part of a trackcrew that came from Clovis on Sunday afternoon, and we stayed at the Cactus Motel. Do you remember where the Cactus Motel was on Main Street right there? There were two Anglos on the crew, and the rest, Hispanic. Just a few days in, as a practical joke, we were moving a 30-foot piece of rail, which weighs over 1500 pounds. You did it with rail tongs. You had to straddle the rail, use the tongs, lift, and then kind of duck walk the rail wherever you wanted it. And they said, "When we say go, you go, you hit it with everything you have because if you don't, somebody gets hurt." As everybody has to, you know, lift at the same time. I was young and strong and thought they're not going to accuse me of not carrying my share. When they said, "Go." I went with all I had and they as a practical joke, didn't do anything, and I broke my back. I'm feeling it right now. It's been one of those. So, I've never been a fan of practical jokes since then. But I worked. I went through X-rays, and they said, you know, they weren't clear about the diagnosis then. My dad had already said, "If you get hurt on the job...", he was a big advocate for safety, "You get hurt on the job, just crawl in a hole and die because you know, you don't go reportable when you're working for me." I stayed on the job, and they gave me light duty after that. I didn't have to lift anything. I was just hobbling around, you know, for the rest of the summer. It was later that I actually got the diagnosis and got treatment. That track went from the line that went to you know, like Carlsbad out to the TMC Plant? There was a big bus plant, you know, at the old base, right? Right. That's the one we're talking about.

Every morning about 7:30, a blue Mustang would go by with two beautiful girls in it. And every day about noon, that same Mustang with those two beautiful girls would head back to town. It was obvious they were going to some summer class or something out at ENMU, Roswell. So, after watching these girls go by, one day some of the track guys were going, "Oh, man, those girls are so pretty. Oh man, wouldn't it be great, you know, if we could ever talk to them?" Just going on and on about the girls. I said, "You guys put \$50 together in this hat and I'll talk to those girls before the end of the day." "Oh, what are you talking about?" They put the

	<p>money in the hat, five bucks each from 10 of them. When the girls came back by at noon that day, I went out there with a flag, and I just flagged them down. This doesn't reflect on my Christian character very well, but I went over, and I said, "You got to wait just a minute. We're doing some blasting up ahead." Got the \$50. They were twins. They were related to Robert O. Anderson.</p>	
<p><b>Judge Bobby R. Baldock</b></p>	<p>No, I don't remember the twins. Let me ask you, you graduated from law school. Now, where was your first practice and setup?</p>	<p>56:04</p>
<p><b>Judge Robert C. Brack</b></p>	<p>In Clovis, New Mexico. I went to work for a lawyer named Ted Hartley. You may know Teddy. In the spring of my third year in law school, a dear friend, who was the president of a bank in Clovis, Eddie Pullman was his name. He was the President of the Western Bank, one of Teddy's clients. He called me at my little apartment in Albuquerque, and said, "Teddy is representing us, representing the bank. But Teddy needs help. Teddy is not clear on the fact that he needs help yet, but he does. I want you to think about coming back." I interviewed with Ted and Sheila was fit to be tied with me because she thought I was her ticket out of Clovis. And here we were going back home. Teddy is one of my dearest friends who recently got a 40-year coin from Alcoholics Anonymous. He hired me. Within just a few months, he left to go work in Texas with his good friend, Mark White, who had just been elected Attorney General. Then subsequently, the Governor of Texas. So, at 90 days out of law school, I inherited Teddy's law firm. Allsup's was a client, Allsup's convenience stores. Western Bank. It was getting thrown into the deep end. Turns out, you know, if you learn how to swim, getting thrown into the deep end is not a bad deal. If you don't drown, yeah. So, I had Teddy's practice. I bought him out a year later. I practiced law in Clovis for 19 plus years, before I was appointed to the state court. My practice was I specialized by way of exclusion. I didn't do bankruptcies and I didn't do some stuff that I didn't enjoy. No Criminal. No juveniles. No domestic relations. I represented a car dealership, couple of banks, personal injury, plaintiffs and defense. I represented my friends. I loved practicing law. I had a trial practice. I tried a lot of cases and one of the real downsides of being appointed to the state</p>	<p>56:26</p>

	<p>court was the change in relationships with all my friends. I didn't see those people as much. I used to have people just stop by in the morning and have coffee on their way to work, you know, the clients. I loved it. Had a flagship sort of event, you know, along the way. A friend just happened in and said, "I've got an interesting tax case I want you guys to think about." The state of New Mexico was taxing federal retirees on their retirement benefits. We ended up suing the state of New Mexico. At that time, we didn't have in New Mexico, the classic opt out Rule 23. We had Rule 24, which required everybody to opt in. Rule 23 was a lot easier because you only had to, you know, you don't have to concern yourself with individual claims. Rule 24 was tougher. That was the point of the legislation. They wanted to discourage class actions. But we had 9000 plaintiffs, and we had to deal with each of them individually. We won the case and made a lot of money for a lot of people, including us. That was nice. Had some other fun stuff along the way, you know, represented Kenny Thomas, a basketball player, then represented the UNM basketball coach.</p>	
<b>Judge Bobby R. Baldock</b>	Well, that's it. Now, when? When did you go on from the state court to the federal bench? When and what year was that? And how did all that come about?	1:01:17
<b>Judge Robert C. Brack</b>	I was loving practicing law. And a state district court judge that I really enjoyed, a good friend, we played tennis together. Fred Hensley.	1:01:37
<b>Judge Bobby R. Baldock</b>	I don't remember Fred.	1:01:54
<b>Judge Robert C. Brack</b>	His father was a judge, you know. But Fred came to me on a Saturday morning at my office and said, "I'm going to retire. And I've been praying about this. And I think you ought to put your name in the hat for my position." And I said, much to my shame now, "Me a judge, not only no, but hell no." I'd seen what judges did. And I didn't want to do that. I admit, that was disrespectful of him and the way he had served for his many years. I've, in the meantime, apologized to Fred. We are all good. But as he left, he said, "I just ask that you pray about it." And he left and no sooner than the door closed, then a voice said to me, "I don't believe you consulted	1:01:56

	<p>with me about that smart aleck response.” I started thinking about it and praying about it. And I couldn't get away from the thought of it. But I thought I'm just being tested. I was a Democrat at the time. And the governor was Gary Johnson, a pretty conservative Republican. I said, “There's no way he's appointing me.” So, I'm just being tested. I put my name in the hat. I was on the shortlist. We went up to Governor's office, three of us, for final interviews. I was sitting there, just cool as a cucumber because I didn't want the job. I didn't need the job. These other two guys, they wanted the job. When it came my turn to go into see the governor, I've known Gary for years. He and I had been in the Amigos together, used to exercise together. He said, “What are you doing here?” I said, “Hi.” He said, “Why would you want to give up a successful law practice to be a state district court judge?” I said, “With all due respect, Mr. Governor, why would the largest general contractor in the state of New Mexico, why would you want to be governor?” And he said, “Well, touché but you're a D and I'm an R? And that's not happening.” I said, “I get it. I understand. No worries, no.” I left there thinking it was just a test and I'm good. On the way home, he called me and said, “I have no idea why I'm doing this but I'm appointing you.” So, I was six-plus years on the state court. And one day a...</p>	
<b>Judge Bobby R. Baldock</b>	<p>I want to be sure, do you remember, you know, Judge Kelly in Santa Fe? His wife, Ruth, worked for Gary Johnson at that time, and her job was regarding judgeships in the state of New Mexico. I don't know if you've ever known that. And...</p>	1:04:57
<b>Judge Robert C. Brack</b>	<p>I know Ruth and I know Paul very well. But I don't think I ever knew that.</p>	1:05:17
<b>Judge Bobby R. Baldock</b>	<p>She worked for Gary. Now, whether that was at the time that you were appointed, I don't know. But I thought she worked for him because he was the governor.</p>	1:05:23
<b>Judge Robert C. Brack</b>	<p>Yes. This was 1996. But anyway, I'm going to inquire, yeah,</p>	1:05:33

<b>Judge Bobby R. Baldock</b>	<p>I will ask Judge Kelly, the next time you do it. That was an aside for the people who are listening or listening to us.</p>	<p>1:05:42</p>
<b>Judge Robert C. Brack</b>	<p>A young assistant district attorney was sitting in my office between dockets. Just shooting the breeze. His name is David Reeb. He's now a state district judge in Clovis. His wife, Andy, is a recently retired DA. So, David said while we're just sitting there, shooting the breeze. "Do you ever think about being a federal judge?" I said, "Honestly, never crossed my mind. I've never linked my name and one of those positions ever." He said, "That just would have to be the coolest thing. I mean, you know, gosh, what a great way to finish your career." And I said, "Nope, never have thought about it." About an hour later, same morning... We've talked about Nelson already. He called me and he said, "There are two slots open on the Federal Court. And I've been praying about this, and I think you're supposed to put your name in the hopper." I said, "Okay, now you have my attention." Because my memory is not that bad. I remember that same conversation with Fred Hersley. And I said, "Yeah, you know, that's great. But I've done none of the things you're supposed to do if you want to be a federal judge, you know." He said, "You know, you just put your name in the hat. And we'll see what happens." That's the wonderful thing about our positions. We didn't get them because we wanted them, and we set out to get them. Because that's not the way these positions work. It was completely out of our control. I was the least likely candidate ever. You're supposed to get a good Eastern education if you want to be a federal judge. That doesn't mean Portales, Eastern New Mexico. You said earlier that you had to be politically astute. I was politically naive. In that process, I asked Chip Johnson, who I knew from the state court. "What about this federal judge?" He said, "Well, are you a friend of Pete?" And I said, "No, I wasn't any of those things." So, the fact that I became a federal judge surprised everyone, but no one more than me. I had worked on a big case with Pete Domenici, Jr. He called me after Nelson said, put your name in the hat. He said, "I don't ever get involved in these, because if I did, I wouldn't have anything else to do. People would be hounding me. But if you're interested, I'll go to my dad about it." I said, "I am. I would</p>	<p>1:05:52</p>

	<p>appreciate that.” I had met the senator a couple of times, but he didn't know me from Adam. And okay, there was another aside here. I don't know how much of this you know.</p>	
<p><b>Judge Bobby R. Baldock</b></p>	<p>Not much.</p>	<p>1:09:31</p>
<p><b>Judge Robert C. Brack</b></p>	<p>So, okay. I had a call one night, from a lifelong friend, former classmate from school, Pat Lyons, who was at that time, the State Land Commissioner, and he said, “I hear your names in play for this thing.” I said, “Yep, it is.” He said, “I'm going dove hunting with the Senator in the morning. Is it okay for me to talk about that?” I said, “Yep, it's okay.” Not long after that, a lawyer that I had known for 30 years at that point, had been friends with him in spite of all of the things people say about this man, you know, he was a friend, Billy Marchiondo. He called me at home one night and he said, “Understand your names in play for this thing. I'm having dinner with the Senator. And I want to know, if I can put my support behind it, you know, a lot of people don't want me associated with that.” I said, “God bless you, Billy, if you're interested, you just, you know, you say whatever you want.” He went back in there and put in a good word. This crazy combination of dear friends and people that I had associated with all of a sudden kind of rose up to support my nomination. And yeah, nobody's more surprised about it than I was. But no, Pat Rogers, a dear friend, a Clovis kid, who was politically astute like no other and involved with Republican politics, like no other at that point. He called me and said, “How can I help?” I had grown up with him and played basketball with Pat, you know. All of those things, but all of a sudden, things that I never could have thought, pieces to the puzzle. So, I went to the senator's office and Steve Bell his chief of staff, when I left there, Steve said, “Go find Senator Bingaman and get your blue slip signed, because you're the guy.”</p> <p>I was scheduled to go to the White House for my interview. I had gotten into Washington, DC late at night. It was in January. It was cold. There was a bunch of snow on the ground. I had a miserable cold, sick as a dog.</p>	<p>1:09:34</p>

	<p>I got up the next morning, my appointment was at 11:00 at the White House, and I was staying just down the street. I got up, got ready, and it was still hours away. I was exhausted. I was really anxious. What I have done historically on anxious moments is to go to the first chapter of Joshua. Because in the first nine verses, Joshua, chapter one, the Lord says to his new go to guy (he's taken over from Moses). What does God tell him three times in that first nine verses, “<i>You be strong, and have great courage. You go because I'm with you.</i>” But I had left my Bible at home. So, I got the Gideons out of the nightstand. It was the old King James. I don't read the Old King James, but I found the wording interesting, you know, because “<i>the Lord thy God is with thee whithersoever thou goest</i>” that stuck in my mind. I napped with the word open on my chest, I woke up a little while later. It's time to go. I went and it couldn't have gone better at the White House. As I was walking back from the White House couple hours later, traffic stopped me and I looked up at the side of a building and there was a 40-foot banner hanging on the side of this building with Joshua, 1:9 in the original King James, I thought, “nobody's going to believe that story.” I went next door and bought a little disposable camera. Took the picture. When was the last time you saw a Bible verse on the side of a building, a 40-foot banner? So, all of that came together, you know, beautifully and then. No, I'm probably going on more than I should.</p>	
<p><b>Judge Bobby R. Baldock</b></p>	<p>That's how you got sworn in. You were told you were going to be in Las Cruces. I remember that, as I don't think they gave you a choice, that they just said, you were going to be in Las Cruces.</p>	<p>1:15:10</p>
<p><b>Judge Robert C. Brack</b></p>	<p>I know, that's actually not quite right. Well, I was in Jim Parker's office. He's chief judge at that time. And he said, “We've got two slots and your first up. You can have your pick, Albuquerque or Las Cruces?” I said, “Where's the work?” He said, “Well, that's Las Cruces.” I said, “Well the other judge that was in the process with me, lived in Albuquerque.” I said, I was living in Clovis at the time, it's going to be a big move for me one way or the other. I said, “I'll go to Las Cruces.” Boy, never ever second guessed that decision. Got down here. Got to build a courthouse, you know, that I didn't even know was in play.</p>	<p>1:15:25</p>

<p><b>Judge Bobby R. Baldock</b></p>	<p>Well, I know this, that from the standpoint when you came to Las Cruces it helped out the whole circuit immensely, and particularly in the District of New Mexico. So again, I've always felt like whether you were ordered or not, it was a blessing to us from the Lord.</p>	<p>1:17:23</p>
<p><b>Judge Robert C. Brack</b></p>	<p>But you know what? It was a blessing to me. I got to build the courthouse. There wasn't another District Judge here. There hadn't been a resident District Judge in Las Cruces. The numbers were just such that no one should have ever given me that choice. They should have said go to Las Cruces because this is where the work was. You want to talk about baptism in fire. Remember Bernadette, how she was my CRD? You know, oh my gosh, she worked me like, like a dog.</p>	<p>1:17:41</p>
<p><b>Judge Bobby R. Baldock</b></p>	<p>Well, okay, now, we've got you down here. You're working on a brand-new courthouse? Because now the one across the street named Mechem Courthouse, or the old one I'm talking about, or was it?</p>	<p>1:18:36</p>
<p><b>Judge Robert C. Brack</b></p>	<p>No, no, it's not Mechem? It's, oh, good grief. It's right over there, Harold Runnels Federal Building.</p>	<p>1:18:52</p>
<p><b>Judge Bobby R. Baldock</b></p>	<p>Yeah. But I know that you were thrown into the fire -- building this building and everything. But tell us about it because I remember I came over one time. And as I recall, they ran into some huge plumbing or something in the digging of the foundation. Tell us that story.</p>	<p>1:19:03</p>
<p><b>Judge Robert C. Brack</b></p>	<p>My second day on the job down here, Judge Bruce Black, one of my colleagues from the district, showed up. I didn't know he was coming. He had a bunch of construction documents in his arms, and he plopped them on the desk, and he said, "You're in charge." I said, "I'm sorry, of what?" He said, "The new courthouse." I said, "You're kidding me. I couldn't build a doghouse, what do you do?" He said, "You don't have to build it, you just have to manage it." From that day, until, well, I'm still working on the courthouse these 18 years later.</p>	<p>1:19:32</p>
<p><b>Judge Robert C. Brack</b></p>	<p>Yeah, what was there was a big phone trunk line, right between the Runnels Building and the new building that wasn't properly designated on the construction documents. That trunk line actually fed all of the local phone networks, including the NASA site. One day when they were digging around down there on this trunk line, and it just happened to be</p>	<p>1:20:44</p>

	that the space shuttle, was in space, and ready to come down, it was going to land out at White Sands. All of a sudden, all the lights in the courthouse went out. My first thought was, “What about the shuttle?” We just cut off access to NASA. They got down fine.	
<b>Judge Bobby R. Baldock</b>	I was over here what? You were telling me? Oh...	1:21:57
<b>Judge Robert C. Brack</b>	<p>My goodness, we thought we'd lost them. Yeah, that was funny. I would get through with my docket in the morning. I was on the third floor right on the corner of the Runnels Building. I'm looking out here on the construction site, my office did. I'd look at what they were doing and look at the construction documents, and seeing if everything looked good, as well as I could tell. I got to know all the construction guys and the construction superintendent. We all got to be friends and we'd go to lunch together. I take off my dress shoes, put on my work shoes, and they gave me a hard hat. It was a black cowboy hat. Because I was trouble, you know, when I came out there. I called them one day and I said, “Jim, I see you're putting up the steel for those second story windows right across from where I am and I'm looking at the sketches and it looks like you've missed a window. You know, it looks like there's not as many windows over there as they're supposed to be.” He said, “Judge, do I come to your court and tell you how to do your business?” “ No, you don't, Jim. And I'll tell you what, just indulge me. Would you just come over and tell me why what I'm seeing is not right.” He said, “I'll be right over, judge.” He comes over and he looks at the documents and he looks outside, looks at the documents. He said “Shit! They missed two windows.” I had that kind of relationship with them.</p> <p>I had just had two new hips put in about six weeks earlier, and I got to climb the 152-foot crane, and I got to be up in the crane with Moose, the crane driver. I don't know what his real name was but that was his nickname. Which is funny because that was my nickname as a kid. I got to drive the crane. Oh, that was so cool. I got to do a lot of fun stuff while we were building the courthouse.</p>	1:22:02

<b>Judge Bobby R. Baldock</b>	How many years were you the active judge here in Las Cruces?	1:24:23
<b>Judge Robert C. Brack</b>	From 2003 until 2018, so 15 years. I was the only one here until 2013 when Judge Gonzalez came. From 2003 to 2013, I was here by myself.	1:24:30
<b>Judge Bobby R. Baldock</b>	Now, I know you tried both civil and criminal and you were on the line you say what 40 miles from the border? Something like that. Can you share with us what you felt like, you don't necessarily have to say names. I can't remember the names. But what was your most difficult case, civil or criminal, that you recall you had to try?	1:24:43
<b>Judge Robert C. Brack</b>	Well, that's actually an easy call. In 2011, I tried the first ever federal death penalty case in New Mexico. The defendant's name was Larry Lujan. We were 20 weeks in trial. Ultimately, they ruled 10 to 2, to put him to death, but it had to be unanimous. He got life without parole. Terrible set of facts. So, that was 20 weeks, starting in June, going through October. The actual trial, prior to that, all of the pretrial stuff was going on for months. In January of the same year, I had back surgery that I had put off for way too long. But then... I said, "So how long is it going to be 'till I get back to work?" He said, "Three to five." I said, "Weeks?" He said, "No, months." I said, "I can't give you three to five months." I was out for three weeks and then my mom died. So, 2011, you know, I have a lot of memories about that. The trial was hard, because every decision you made you thought it's life and death potential. "You've got to get this right." I didn't have a lot of help, because this was the first one ever in New Mexico.	1:25:10
<b>Judge Robert C. Brack</b>	And I, I thought I was handling all of that stress, you know, the surgery and my mom and the trial, and I won't name the lawyers names, but some of them added to the stress. We took a break in August. I went up to Ruidoso to play golf with some friends. We played Rainmaker, a really tough course. I had a breakdown on the golf course. I lost it, I got angry, I threw my clubs, I cursed at my friends. And that's not me. I don't do that. They still recall it and won't ever let me live it down. I had thought until that moment, I was handling all the stress really well. I mean, I just went off. I was okay the next day, but I don't think you can ever fully appreciate	1:27:48

how stress impacts you physically, emotionally, any number of different ways. I hadn't dealt with that level of stress before. It was just a real combination of factors. Leading up to the trial.

I've just been asked to tell some favorite stories from before I was a state judge. A humorous story comes to mind. This isn't, you know, by any stretch one of the all-time greats, but I was defending a local bank, in a case that involved a security trader. He did it all. Just a good old boy from a longtime pioneer family, from the area. His name was Benny. He was going to be deposed as a witness in this case. He came into my office to do deposition prep for the next day. He was as nervous as a longtail cat, you know, in a room full of rocking chairs. He was sweating bullets. I said, "Benny, what's wrong?" He said, "I just don't know if I can do this. I don't know. I just hate to be put on the spot." He was twisted around the axle. So, I said, "Well, listen, you just take a deep breath, listen to my rules about taking depositions." I told them the regular stuff. Listen to the question. Only answer the question that's asked. Don't presume anything. It's okay to say, you don't remember, or you don't know. He looked at me, and he said, "I can say, I don't remember?" "If that's true, yes." All of a sudden, he kicks back, he's sitting in his chair, a big smile on his face. He didn't have another anxious moment during our hour of prep.

So, the next day, the lawyer on the other side, his name was Don Graf, from a Lubbock law firm. He asked Benny his name and he told him, and he asked him what his date of birth was, and he told him, and for the next 50 questions, Benny said, "I don't remember. I don't remember. I don't remember." After a while, as you can imagine, Mr. Graf is a little frustrated with Benny. He says, "Benny, since the incident, you know, the date of the incident, have you had a serious brain injury." Benny never skipped a beat and said, "I don't remember." Don was a good friend, and over the years, whenever we would see each other, he'd say, "How's my favorite deponent?" That was a funny story.

1:30:25

	<p>About practicing law, I've said it earlier, I loved every day of it. I was never bored a day. You never knew what the day was going to bring, you never knew who was going to walk in that door and what sort of issue they had. All of a sudden, you're in this position where you have to bring yourself to speed on any question, whatever it happens to be. If I had a... I represented a contractor that built highways, I don't know anything about building highways, but by golly, you have to become an expert and learn about base course, and, you know, all of the things that go in it. It was the same with banking, it was the same with commodities trading. Whatever my client needed, I had to learn. So, I was getting paid to learn stuff and to come to speed in order to help people that I really cared about. There's nothing better. It was a wonderful way to make a living. I had been in front of a lot of judges, and I never wanted to be a judge. That was obvious from one of my answers earlier. Never wanted to be a judge, and I never could have imagined myself being a judge. So, the fact that I'm sitting here now after 27 years, whatever it's been, it's hard for me to imagine.</p>	
<p><b>Judge Bobby R. Baldock</b></p>	<p>What do you feel would be the most important thing to share with young law students in regards in preparation to the practice of law?</p>	<p>1:35:15</p>
<p><b>Judge Robert C. Brack</b></p>	<p>Keep in mind, I was in college in the early '70's. That was not a great time for the perception of lawyers in our country. Watergate had happened. Nixon and other lawyers being caught up in lies. I think when I went to law school, somebody said that a study had shown that lawyers were just right above used car salesmen in terms of public perception, in terms of their being known for their integrity. I had a really simple goal as I started practicing law. It seems pretty modest now, I suppose. But, of course, I wanted to make a living and support my family. That's what I was called to do but I wanted people to be able to say, "I knew an honest lawyer once." And if they can say that about me, then I would think I've done one of the things I set out to do.</p> <p>It's a wonderful profession. It's an opportunity to be of service to help. I didn't want my daughter to go into law because when I was in law school, and even leading up to that, the law was hard on women. We all know the</p>	<p>1:35:46</p>

	<p>stories about Sandra Day O'Connor and Ruth Ginsburg. They were offered jobs as legal secretaries after they graduated at the top of their class in law school. I was in a deposition once when a guy, just another lawyer was just being outrageously disrespectful to a woman lawyer on the other side of the table. I thought, I didn't want my daughter subjected to that. I wanted different, better for her. She, said, forever, you know, "I wouldn't be a lawyer, I wouldn't be a lawyer on a bet." Then she called me one night from college and she said, "I'm sitting in stall 42 at Sonic drive-in, and I've just decided I'm going to go to law school." I got nauseous. "Whatever you choose to do. We will support you 100%."</p>	
<p><b>Judge Bobby R. Baldock</b></p>	<p>That's good. But let me kind of move you into this because now after all these years, you've taken senior status, your age became 65. And your number of years of service totaled 80? So that's the rule that they have in the court. Shifting gears now, as senior, you can pick and choose your cases. How much workload you want to take. What do you and Sheila plan to do?</p>	<p>1:39:41</p>
<p><b>Judge Robert C. Brack</b></p>	<p>You know, for the longest time anybody that would ask, I would tell them that there's never been a better job than being a federal district judge. With all due respect to circuit judges, of course, but I was wrong. I've been quick to correct that mistake. The best job ever is Senior Status Federal District Judge. I continue to enjoy interacting with the lawyers and staff and defendants for that matter. In court, on the criminal side of things, I have been able to wean myself from the horrible stuff. I won't do child porn cases anymore. But I didn't understand before I became a judge just...</p> <p>We have to be really careful about our inputs, about what goes into our mind. I was a state judge a few days and it was a child porn case. They brought me an eight and a half by 11, manila envelope that was an inch thick with photos. I started looking at those. Those images are indelibly burned into your mind. I looked at a few of them and I said, "I'll never look at anymore. I'm done." They said, "What do you mean you're done? You have to, this is evidence, you have to look at it." I said, "No, I don't." The fact is, I have a real active imagination. If you want to describe what's in these photos, that's fine but I'm not going to look at those photos because</p>	<p>1:40:21</p> <p>1:41:36</p>

	<p>I'm afraid that stuff is not going to go away. It's going to be in there. I was able to stay with that approach for all of my years, my very last, my last child porn case. They said, "Well, Judge, you have to look at these DVDs." A father had produced porn involving himself and his infant child. I said, "Not doing it, not doing it." They said, "You have to judge because there's a factual question about what happened." I went down into the basement in the courthouse with a designated laptop, then went into a room by myself. When I turned on the video, and looked into that screen, it was as if that was a window into hell. It made me physically ill. The point is, obviously, there are some downsides to being judges. Your heart gets broken, and you have to deal with, you know, things that no one should have to study and lean into. I don't have to do that anymore.</p> <p>For people that are called, see this as a calling, see it as an opportunity to serve. To be able to share hope with people that have not known hope is a really great thing. I've seen 25,000 defendants and I've only seen a handful of really evil people. The rest of them are just... somebody told me recently that good people and bad people is a lie from hell. We're all just broken, and we are all loved. That's been my experience on the court dealing with defendants.</p> <p>So, senior status we enjoy traveling a lot. Someone told me that, relative to travel the decade of your '60's is the go-go decade. When you're 70, that's the slow-go decade. In the '80's is no-go. I took that to heart. I'm going to be 70 in two weeks, we're traveling a lot. We're spending lots of time with family. We're in this sandwich generation, Sheila's mom is still alive. We have grandkids and life's good, life's blessed.</p>	1:44:41
<p><b>Judge Bobby R. Baldock</b></p>	<p>What else? We're down to the point of where I'm out of questions almost. I just want to give you the opportunity to share from your heart. And there will be at some point in time somebody will listen to this, which they will enjoy immensely. But anything you want to share.</p>	1:46:24
<p><b>Judge Robert C. Brack</b></p>	<p>I never wanted to be a judge. I said that. That was my credo for the longest time. You know, no, I love being a lawyer. And it was I was a surprise pick, you know, by a Republican governor back in the day when I was still</p>	1:46:52

a Democrat. I think even more surprising pick for the district court, federal district court. I mean, no false modesty here. But I'm the least impressive federal judge anybody will ever know. In terms of qualifications, in terms of building a resume to get to this point. I'm a surprising candidate. A lot of people, when I was first nominated going through the process, they would ask two questions. They'd say, "Who?" And then they'd say, "Why?" Those were fair questions to have asked because I didn't seek it. Because it is not there to be had just because you want it. And because of all of the wonderful, disconnected things that had to come together to make it happen. When I went before the Senator, the Senator and I walked over together. My wife and my kids were there and, and Jimmy Reyna was there, and the place was packed. Lindsey Graham was chairing the committee that day. He said, when it came time, he said, "I've never chaired the panel before, you know, but I'm up today." "This is a non-controversial panel." he called us. "But I guess I want to ask you at least one question. Let's start with you, Judge Brack, what's your judicial philosophy?" And I said, "Senator, I take it from an Old Testament prophet named Micah." He said, "I know Micah." I said, "You know, oh man, what is required of you. Do justice, love mercy walk humbly with your God." I said that, and then I said, "That's what judges are called to do." "Do justice, justice, justice alone," Deuteronomy, says. "And love mercy. Because justice tempered my mercy is a gift from God. And walk humbly. I don't have any problem walking humbly, because I'm humbled by this position, I'm humbled by this opportunity to serve. And I'm the least of people that should." He said, "That's going be a hard act to follow for the rest of these people on the panel." Some people approach the federal bench as if it's meant for them. They check off all the boxes, they're politically astute. Go to an Ivy League school. I was none of that. I never felt like I was worthy of this job. But this was one of the greatest blessings of my life, having been able to sit in judgment passing sentence on people in crisis, day after day, and trying to be something other than the face of judgment, the face of hope.

1:53:21

<p><b>Judge Bobby R. Baldock</b></p>	<p>But just a comment for those of you who might be listening to this, if you've not ever looked at the book of Micah in the Old Testament, that's where you're going to find it. And read for yourself Micah 6:8.</p>	<p>1:53:22</p>
<p><b>Judge Robert C. Brack</b></p>	<p>Bobby, I was on a golf trip just not too long ago with some friends. We passed a little church that had the quotation from Micah 6:8, but it had Micah 8:6, on the little message board down below. I said, "Stop the car." I got out, and I went over, and I switched the six and the eight because I knew what the cite was. Whoever put it up there got mixed up. I knew that because there aren't 8 chapters in Micah. You know Bob Doughty, didn't you, Bobby?</p>	<p>1:53:39</p>
<p><b>Judge Bobby R. Baldock</b></p>	<p>I knew Bob well, because his sister was my courtroom deputy when I went on the district court.</p>	<p>1:54:15</p>
<p><b>Judge Robert C. Brack</b></p>	<p>I had no idea about that connection. Bob's judicial philosophy was Micah 6:8 and shared that with me. I hadn't been a state district judge 20 minutes, I guess. I heard that and I thought, you know, good enough. So you asked me earlier about my hardest case as a district judge, state district judge, and that is not hard to remember either. A 16-year-old kid who had been adopted by a sweet, sweet woman. He was troubled. Very, very troubled past. She adopted him. Welcomed him into their home. She had a daycare in her home. He raped his adoptive mother in front of those kids and then beat her to death. Wow. As a silk stockinged country club lawyer before I went on the court. I didn't know that there was just unbridled evil in the world. I never had experienced it. But you know what, it opened my eyes. And my kids? Oh, my gosh, they would say the lessons just kept flowing because I kept coming home and telling stories.</p> <p>I had a little prayer group. I still pray with those guys by phone every Tuesday morning at 6:30. You know but had been on the court just a short time. I said, "I don't think any of us appreciate just how bad things are out there. The families, you know, the families being destroyed. Drugs are rampant." This was in 1997. Certainly, got a better sense. I said, "We've got to do something about this." In 2001, right after the towers came down... Do you know who Tony Evans is?</p>	<p>1:54:24  1:54:53</p>



<p><b>Judge Bobby R. Baldock</b></p>	<p>I might mention, today is April 20, 2023. I said we were here in Las Cruces. And it's been a joy and a pleasure for me. Of course, I've known you ever since you came on the bench practically as a federal judge. I didn't have the privilege of trying a case before you in Clovis when you were a state court judge, but I tried one or two cases before Judge Hensley. Fortunately, won them both. I want to thank you for this time. Your stories are real life's happenings. And anybody who wants to be a lawyer, he or she needs to recognize you accumulate these stories. Anything else that we need to talk about before we end this interview?</p> <p>Well, they're going to have to go with what happened today. And, Robert, thank you so much for your time, and everything is a blessing, for me at least, to get to visit with you and have lunch today and with Greg, but I don't know who's going to get to transcribe it, but they're going to enjoy it.</p>	<p>2:01:23</p> <p>2:06:15</p>
<p><b>Judge Robert C. Brack</b></p>	<p>I hope they do. Thank you, Bobby, thank you. You and I did meet just as soon as I came. Well, other than the Golf Course that one time. You and I sat next to each other on a bus that was going up to Yellowstone. Our First Judicial Conference, and that's when we really got to know each other and know each other as brothers in Christ.</p>	<p>2:06:35</p>
<p><b>Judge Bobby R. Baldock</b></p>	<p>Well, the one thing that we have in common is that we are brothers in our Lord Christ. So anyway, I'm thankful for that. And with that, we'll conclude this.</p>	<p>2:07:03</p>
<p><b>Judge Robert C. Brack</b></p>	<p>Good enough.</p>	<p>2:07:14</p>
	<p><b>[End of Interview]</b></p>	