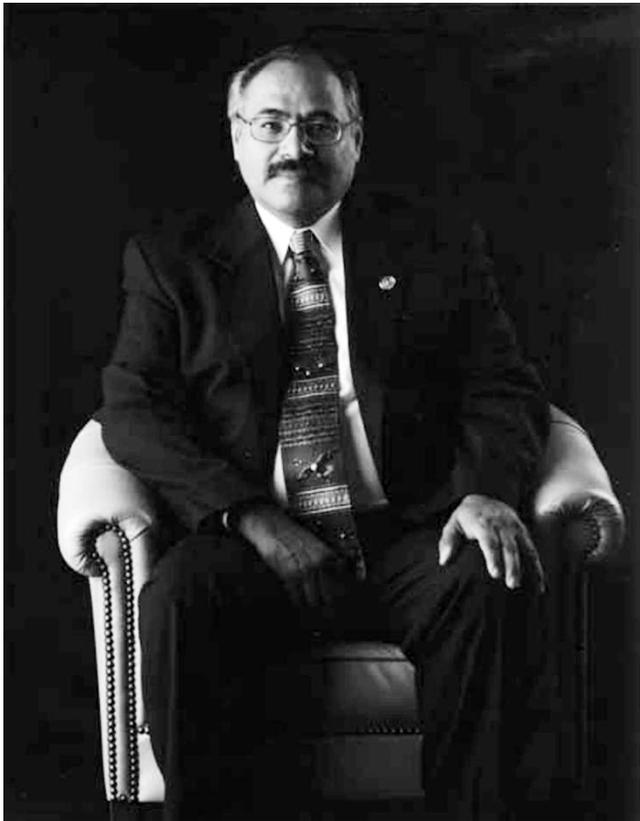


# ***An Interview With Former Chief Justice Richard Barajas***

**Tana J. Petrich**, Associate Director, Texas Center for the Judiciary, Austin

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**Questions by:**

**Tana J. Petrich (TP)**

**Answers by:**

**Chief Justice Richard Barajas, formerly of the Eighth District Court of Appeals (El Paso) (CJB)**

**TP:** It is a pleasure to be with Chief Justice Richard Barajas. Chief, in preparing for this interview, I found your background fascinating in that it is so diverse. Given your background, what I would like to explore with you today are the defining moments in your life, those events that helped shape your life and make you the person you are today. Tell me, where were you born and raised?

**CJB:** I was born and raised in El Paso, Texas. I am the seventh of ten children born to Roberto and Carmen Barajas, both of El Paso. There were six boys and four girls. Over the years, I have lost

three brothers and one sister. My dad passed away at the very young age of 42, when I was twelve years old.

**TP:** With such a large family, those years after your father's death must have been particularly difficult.

**CJB:** There can be no doubt that the years after my father died were extraordinarily difficult for my mom. Within a year of losing her husband, my mom saw my three older brothers enter the military, right at the height of the Vietnam War. I certainly remember my mom's prayers, anxiety and tears. As for me, I would say that I grew up in a deeply religious, extraordinarily happy and close family. What I have found most interesting as I progressed in life was that my relationship with my dad grew stronger with every challenge. The young tend to take the wisdom of those older for granted. But as I've grown older, especially in my professional life, I've met people that went to school with my dad, served with him on the battlefields of WWII, and even people who admired and respected him, but never met him. I have discovered things I never knew about my father. He was the valedictorian of his high school class; he lived in deep South El Paso with relatives who spoke no English. Yet, he spoke impeccable English, wrote with perfect penmanship, was a romantic, loved a good shot of tequila, was a snappy dancer, and above all, placed the greatest emphasis on education. Although I would say I never really knew him, he has always guided me; he has really been my conscience.

**TP:** Was education still the focus, even after your father passed away?

**CJB:** Absolutely. My parents, regardless of their modest level of income, always dreamed that we would all be formally educated. I think the difference in my family was that it was hard to dream beyond high school. I specifically recall my dad telling my oldest brother, who went on to

become a doctor, that if he could afford to provide him with the best education, it would be where he would send him to high school. He believed a good high school would provide him with the foundation to succeed no matter what. Given the religious influences, we all attended parochial schools in El Paso. After my dad died, my mom raised us on social security death benefits and still managed somehow to pay tuition for the five of us still at home. It took me some twenty years before I knew we grew up poor. I never knew it.

**TP:** Where did you attend high school?

**CJB:** I attended Cathedral High School in El Paso, the all-boys Catholic school. I graduated in 1971. All my brothers went to school there, as did my two sons. As of today, sixty-nine members of my extended family have gone to Cathedral. It's a guy thing, and obviously a family thing. [Wink and laughter]

**TP:** I would say so! [Laughter] Where did you attend college and law school?

**CJB:** I attended Baylor University and graduated in 1974 with a degree in sociology and moved on the Baylor Law School where I graduated in 1977. I went to Baylor Law for one reason only and it was to be a litigator.

**TP:** Sociology? So, what did you glean from studying sociology that you brought into the law?

**CJB:** I learned to discover my strengths and deal with my weaknesses. I learned to be patient. Patience is a difficult thing to learn, and a more difficult thing to teach. Wouldn't you agree? I think my Baylor undergraduate education has served me well.

**TP:** I would agree, patience is not one of my virtues. After your graduation from Baylor Law, what did you do?

**CJB:** Well, before graduating from law school, I was commissioned as an Ensign in the Naval Judge Advocate General's Corps. Among the most significant periods in my life was in the

summer of 1976, when as a young JAG officer, I went on active duty as an intern. This was during our Bicentennial, if you will remember. On active duty I was shipped off to Newport, Rhode Island, to what's called Officer Indoctrination School. There, lawyers, doctors, nurses, dentists and the like are taught how to put on the Navy uniform and how to hold a fork so you won't embarrass the Navy. Lawyers have a tendency to do that you know. [Laughter] I returned to law school after that summer to finish up and later entered active duty as young dashing Naval Officer.

**TP:** What role did your naval service have on your later professional life?

**CJB:** The six years I served on active duty in the Navy JAG Corps really were the most significant years of my life. My first tour of duty was in Norfolk, Virginia, where I served as a criminal defense counsel and later as a prosecutor. I was quickly exposed to an unbelievable docket as well as complex litigation.

**TP:** Was there any particular case that stands out?

**CJB:** One case involved my representation of a young seaman who was accused of disabling his ship, a capital offense in the Navy. He was charged with dropping a six-foot long crescent wrench down into a nuclear reactor. I had never seen one that big.

**TP:** On purpose?

**CJB:** [Laughter] Well yeah. This was about two weeks after the Three Mile Island meltdown. As you might imagine, the press was everywhere on this case. So being the young, prepared, dashing Baylor lawyer, I subpoenaed then Admiral Hyman Rickover, who was recognized as the father of the Nuclear Navy. Right after the Three Mile Island incident, he was on ABC News claiming that Navy nuclear vessels were so secure, so well made, that nothing could happen to them. My theory was simple. If a Navy nuclear vessel is so damn safe that nothing could disable one, then a big a[\*\*] wrench couldn't hurt it.

**TP:** Did he answer the subpoena?

**CJB:** You're kidding. I did meet with him though. He called me a few names, insulted me on the length of my hair, and left the room. The Navy ended up dismissing the case.

**TP:** What did you do after working in Norfolk?

**CJB:** After Norfolk, I was transferred to a joint military staff in the Azores, Portugal. There I worked for an Air Force General. One of the most dynamic leaders I had met to that point. His boss was a Navy Admiral, so he treated me pretty good. Grew my hair a little longer too. I was assigned to the American Embassy in Lisbon, Portugal where I worked with the State Department negotiating labor agreements with the Portuguese Air Force. Pretty heavy work for a young, dashing Navy Lieutenant. My last two years were spent as a legislative attorney on Capitol Hill. This was clearly the defining moment of my professional life to that point. I was assigned to the Office of Legislative Affairs where my job was to develop, and coordinate relationships between representatives of the Navy and Members of Congress. In addition, I served as the advisor to the Deputy Assistant Secretary of the Navy for Manpower and Reserve Affairs on issues relating to Hispanic Affairs. Needless to say, I worked with and met some of the most influential men and woman in our country. I certainly saw the greatness and perhaps some of the seediness of political life. I promised myself that I would never run for political office and left the Navy for Texas.

**TP:** Your first broken promise?

**CJB:** Ouch! I was drawn by the aura of public office, public service in particular. I think those who influenced me dramatically while I was on Capitol Hill were in public service for the right reason. They had a very deep dedication to those people they represented. Remember, this was the late 70s, still the post-Watergate era, idealism was the political platform.

**TP:** So from the Navy you went into private practice?

**CJB:** After six years in the JAG Corps, I went into private practice in El Paso and Pecos County before settling in Fort Stockton where I inherited a thriving practice. I was the only Spanish-speaking attorney in an eight county area. I certainly wasn't lacking for work.

**TP:** From my reading, your professional life clearly appears to have been shaped by personal tragedy. Please tell us about these circumstances.

**CJB:** In January 1987, one of my older brothers was murdered in Albuquerque, New Mexico. He and some friends were at a Howard Johnson after working a golf tournament in Albuquerque. Two men entered the lounge through a back door, took a waitress as a hostage, and attempted to rob the place at gunpoint. The two men had been released from San Quentin State Prison in California less than a week earlier. My brother, in attempting to come to the aid of his friend who was being held, was shot several times. He died while TV cameras showed footage of the scene. That was clearly a defining moment in my life.

**TP:** What impact did the murder have on your later decision to run for District Attorney?

**CJB:** Well, it changed the direction of my life in two respects. First, the murder of my brother, who was a prominent businessman in Albuquerque at the time, brought a lot of press coverage. Given the facts of the case and the extensive criminal backgrounds of these two men, I and my brothers and sisters were obviously thinking death penalty, although no one ever said as much. Unbeknownst to us, my mother in her grief, was having a private interview with a news reporter. The next morning we read in a newspaper that my mother had already forgiven her son's killer, since in order for her to someday be forgiven and enter heaven, she had to learn to forgive. Her bravery inspired us all, although we may have disagreed. The statement taught me balance and patience. The trial was uneventful, given my criminal defense background, but I was

forever touched by the care and tenderness of the Albuquerque District Attorney's Office crime victims unit. I decided that crime victims in Texas should be so lucky to have such care during the most difficult periods of their lives. I decided to run for District Attorney of the 83rd District, a difficult task at the time since there had never been a Hispanic win a multi-county office in all of West Texas. I won, becoming the first Hispanic ever elected out there, and took office in 1988. My entire campaign centered on furthering the rights of the crime victim. I continue to dedicate myself to that cause to this day.

**TP:** Your background clearly shows you have left your mark in the area of crime victim legislation.

**CJB:** During this time the crime victims' movement was in its infancy in this country. Only six states at the time had any kind of statutory teeth behind the rights of crime victims. The entire focus of my effort has been to improve the manner in which victims of crime are treated within the criminal justice system. In Texas, thanks to State Representative Pete Gallego from Alpine, who served as my first assistant district attorney at the time, I had my hand in most of the post-1988 laws in Texas regarding victims of crime. I consider that part of my legacy. I will always be indebted to my good friend Pete Gallego.

**TP:** How did you come to the appellate bench?

**CJB:** Back in 1989, Ann Richards was running for governor. Her opponent was Clayton Williams, who was from Fort Stockton, where I was practicing law. Clayton was of the busting rocks mentality, so it was no surprise that Ann Richards could not find any prosecutors in the State of Texas that would campaign with her. I agreed to campaign with her and I was her spokesperson for issues of crime victims during one of her campaign swings through Central Texas. It apparently touched a chord in many people. Governor Richards won and eventually appointed me to the El Paso Court of Appeals in

1991. I was 37 years old at the time. Governor Richards appointed me Chief Justice in 1994, making me the first Hispanic Chief Justice on that court. I was elected Chief Justice several times after that.

**TP:** In preparing for this interview, I talked to your good friend, Chief Justice Bud Arnot who retired from the Eastland Court of Appeals. Chief Arnot said you were a great administrator and that you absolutely led the state in computer technology. He noted that through legislative friends and relationships, you were able to work the legislature to fund the courts and you were absolutely a pioneer not only in Texas, but in America.

**CJB:** Bud Arnot is a great friend. He told you exactly what I told him to. [Laughter].

**TP:** One of the things I've heard you talk about is the importance of building relationships. That seems to follow you wherever you go and whatever you've participated in. When it came to Republicans and Democrats, you didn't necessarily see either side.

**CJB:** I served Texas at an interesting time. When I sit back now, I am in awe of the great minds that were around the table as chief justices of the appellate courts. The combination of chiefs during my tenure was such that they were nonpartisan jurists and true believers in the rule of law. These were great times for me. For a period, eight of the fourteen chiefs were Baylor Law grads. Great minds such as Chief Justice Al Chapa from San Antonio, Tom Ramey from Tyler, John Boyd from Amarillo, Paul Nye of Corpus Christi, Bill Cornelius of Texarkana, Phil Hardberger of San Antonio, Austin McCloud, and Bud Arnot of Eastland all taught me about building relationships. I know that the successes of the chiefs and in turn the judiciary was such that funding was sought and obtained due to the respect that the Texas Legislature had for the chiefs, as individuals, who were nonpartisan in their thinking and demeanor. I benefitted from those great minds.

**TP:** In your career as chief justice, you authored many opinions.

**CJB:** I understand some were read too!

**TP:** What judicial opinions really define you?

**CJB:** Without question, my judicial opinions as a result of my service on Review Tribunals which are appointed by the Texas Supreme Court to sit in judgment of a Texas judge facing formal proceedings for removal from office due to misconduct. I authored the first two decisions interpreting provisions of the Texas constitution. I am proud that collectively, my opinions set standards on judicial impartiality, ethics, and standards of judicial conduct. I hope my legacy to the State Judiciary was the setting of those standards.

**TP:** So, in retirement, what do you hope you have left behind at the Eighth Court of Appeals that has defined you?

**CJB:** I would hope a new state of collegiality. We worked very hard to develop a court that would be a model in the State of Texas for its organizational structure. I had the privilege of working with great minds. Justice Susan Larsen for her independence, Justice Ann McClure who I honestly believe to have been the best prepared individual to come to the appellate bench in generations, and Justice David Wellington Chew, a man with unparalleled organizational skills and a true friend. The court, described at the time said to be the youngest in the United States, blew open the doors of judicial diversity. We had a tremendously loyal staff. The fact that we had four justices that genuinely liked each other set the highest standards.

**TP:** Chief, you have now moved away from the law. You've got a new love?

**CJB:** Yes, an undying love and a burning passion for education. I served the State of Texas, made my mark as a District Attorney, and Chief Justice. It is education that defines me today. When I retired, I retired to return to my alma mater, Cathedral High School in El Paso, a

Christian Brothers institution. I am the Director for the Center for Advanced Studies, a program that oversees the implementation of college classes for these young men. The program has met with unbelievable success in that the average graduating senior starts higher education as a college sophomore. The opportunity to take average students and watch them grow into our future leaders is truly satisfying.

**TP:** How would you like to be remembered?

**CJB:** The absolute crowning jewel of my life has to be to have been recognized by the President of the United States as a recipient of the Presidential Award for Victim Services. Individuals who have been victimized have to know that there are judges in this country that genuinely want to see a balanced criminal justice system. When I die, I don't want to be remembered for the opinions I wrote, or the classes I taught. I want to be remembered for the way I treated people. I want to be remembered for the lives I helped repair.

**TP:** I am sure you will. Thank you, Chief.