



THE HISTORICAL SOCIETY OF THE TENTH JUDICIAL CIRCUIT

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Chairman's Notes • *By Paul Hickey*

As these are my last few months as your Chairman, I want to thank all of you for your support of this Circuit's Historical Society. It has been my pleasure to serve as Chairman these past two years. Thank you for this opportunity. We have much to share from activities of the Historical Society and some of our members.

This past Summer marked the 30th anniversary of Judge Bobby R. Baldock's appointment to the Court. A celebration of this milestone was held with former law clerks of Judge Baldock, and other friends and family. Congratulations Judge, and thank you for your distinguished service to the Court and to the Country. Please see the group photo of this celebration in the "current news" section of the Historical Society's website.

The Board of Directors held a planning meeting at the Penrose House in conjunction with the August 29-31 Bench/Bar Conference. The meeting was facilitated by Justice Rebecca Love Kourlis, who assisted the Board in setting goals and objectives for the Historical Society. The meeting was important and will help to focus our activities in the coming years. It was clear that our Board needs to meet once a year in person. While quarterly conference calls offer convenience to our geographically diverse board, a "real meeting" once a year seems essential to build consensus and commitment to our goals and objectives.

The Board intends to plan another "Dinner at the Court," expanded to include all members of the Historical Society. Judge Robert Henry suggested such an event several years ago and a dinner was held at the Byron White Courthouse while he was Chief Judge. Plans are developing with incoming Chairman Alleen Van Bebber for dinner at the courthouse in conjunction with a term of court in 2014.

Other items of discussion included appointing state vice presidents of the Historical Society in each state to encourage younger members to join the Society. This suggestion will require a by-law change and will be addressed by the Board of Directors in its first 2014 meeting. Many other suggestions were made at the planning meeting.

In closing your Historical Society is in excellent financial condition. Alleen Van Bebber, our incoming Chairman, will do an outstanding job in leading this organization. She, and all of the officers, have my full support and appreciation. Thanks again for this enjoyable opportunity to serve as your chairman.

News from the Bench/Bar Conference • *By Paul Hickey*

Supreme Court Associate Justice Sonia Sotomayor shared stories of her family and her career during the Historical Society's Fireside Chat at the Bench/Bar Conference held this past August. Judge Stephanie Seymour and NBC News Correspondent, Pete Williams engaged Justice Sotomayor in a lively and entertaining discussion that highlighted her extraordinary journey of self determination and courage that led her to the nation's highest Court.

As the first woman appointed to the 10th Circuit Court by President Carter in 1979, Judge Seymour's questions had insight and perspective which Justice Sotomayor related to as she addressed being the first Hispanic and third woman to be appointed to the Court.



Pete Williams' wit and wisdom as NBC's Justice Correspondent was evident in his thoughtful dialogue with the Justice. He asked "Is it true that you told Vice President Biden that you were not available to swear him in after the 2013 Presidential election?" He suggested that might be another "first" in the history of our Country. Justice Sotomayor laughed and related that she had made many commitments in January of 2013 for appearances to present her recent biography, "Sonia Sotomayor, My Beloved World" and that the time suggested for the private swearing in of the Vice President conflicted with an appearance that could not be canceled. She also quickly related that an acceptable date was immediately found and that it was a great personal honor to swear in the Vice President.

Justice Sotomayor's warm and engaging personality was evident throughout the evening, as was her love of the West. She brings an amazing background and a compelling personal story of courage and commitment to the Court. Please see our website for a link to the video of the Fireside Chat if you were not able to attend the Conference. This Circuit is very fortunate to have Justice Sotomayor participate in its Conference and other events throughout our six states. *(Photo: Collection of the Supreme Court of the United States)*

DISTINGUISHED JUDGES' BIOGRAPHIES

Judge John E. Conway • *By Judge Richard L. Puglisi*



An accomplished athlete, scholar, jet pilot, legislator, lobbyist, and lawyer, John Conway has brought a diverse skill set to the United States District Court for the District of New Mexico where he has served as a district judge for over 27 years. Born in Joplin, Missouri in 1934, John spent the bulk of his formative years in the small town of Paola, Kansas. John's family moved to Paola to be close to grandparents. He was co-captain of Paola High School's first undefeated and untied football team. A record that stands firm today. This was the first among many leadership roles John embraced throughout a varied and colorful career that took him from the steps of Bancroft Hall at the U.S. Naval Academy to the top floor of the U.S. Courthouse in Albuquerque.

Despite his grandfather's misgivings about attending the U.S. Naval Academy in lieu of a University of Kansas education, John graduated from the Naval Academy in 1956. He continued his football prowess while at the academy and became one of sixteen midshipmen out of 680 in his class to letter in a sport for three years in a row. Upon graduation, John accepted a commission as a 2nd Lieutenant in the U.S. Air Force and ultimately was selected for flight school. When asked why he chose a commission in the Air Force instead of the Navy, John said, "After four years at the Naval Academy, I wanted out of the Navy and stood a better chance of becoming a pilot in the Air Force!" After narrowly being accepted to flight school due to poor eyesight, John flew numerous airplanes, including the B-47, the primary long range bomber for the Air Force at the time.

After his stint in the Air Force that lasted 4 years, 3 months and 12 days, John returned to Kansas to attend Washburn University School of Law where he graduated magna cum laude and first in his class. During law school, John was editor of the Washington Law Journal, a member of Phi Alpha Delta and president of the student bar association.

Upon graduation from law school, John's next move was westward. John had flown all over New Mexico in the Air Force and initially he decided to practice law in Santa Fe, New Mexico. After a few months in Santa Fe, John wanted to return to his small town roots and moved to the small southern New Mexico town of Alamogordo. John acclimated quickly to Alamogordo and began his career as the City Attorney (1966-1972). Thereafter, he practiced law with his partner Charlie Durrett, where he had a wide and varied practice that included cases all over New Mexico. In addition to a thriving law practice, John was elected to the New Mexico legislature, where he was the first Republican to be elected to District 38 in Otero County, New Mexico. Although success as a Republican candidate was a long shot in Otero County, John campaigned door to door, and shook about every hand in the county, sometimes twice. He was the Republican Minority Floor Leader in the Senate from 1973 - 1980. Although he was a Republican, John got along well with Democrats. In fact, his best friend in the New Mexico Senate was Ike Smalley, a conservative Democrat from southern New Mexico, who was the longest serving President Pro tempore in the New Mexico Senate's history. This friendship lasted a lifetime and explains many of the Senate's accomplishments during this time, including legislation that modernized the states' criminal code, the eminent domain code, and the probate code.

After spending almost 15 years practicing law in Alamogordo and 10 of those years in the state legislature, John moved to Albuquerque to join the law firm of Montgomery & Andrews. John relocated to Albuquerque to open the Albuquerque office for the firm as its managing partner. The firm later expanded to over 60 lawyers with offices in Santa Fe, Albuquerque, Farmington, and Los Alamos. Although John resigned from the state senate after joining the Montgomery firm, his resume of public service continued to lengthen. He was Chairman of the New Mexico Judicial Council, member of the National Conference of Commissioners of Uniform State Laws, Chairman of the Disciplinary Board of the New Mexico Supreme Court and Chairman of the Governor's Organized Crime Prevention Commission. Given his knowledge and experience of New Mexico politics and the workings of state government, John was also a sought after lobbyist.

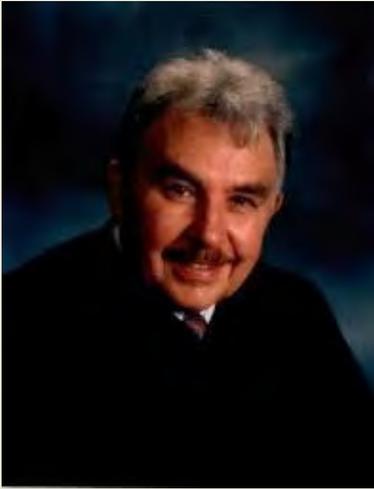
After twenty-three years of practicing law in New Mexico and having tried hundreds of cases throughout the State of New Mexico, John was appointed to the U.S. District Court in Albuquerque by President Ronald Reagan on June 16, 1986. The District of New Mexico is one of the busiest courts in the nation. It was not unusual for John to sentence dozens of felony cases during a single daily sentencing docket. On a particularly busy day in the Las Cruces courthouse, John sentenced 62 admitted felons, a record for the court. During John's tenure as Chief Judge of the district, he is credited with planning the district's two new courthouse projects in Las Cruces and Albuquerque. The new Albuquerque courthouse was opened and dedicated while he was the chief judge. The Las Cruces courthouse was completed and opened in 2010. John is also credited with the increased utilization of magistrate judges in the district and the expansion of the number of magistrate judges from four judges to ten judges (five in Albuquerque and five in Las Cruces). In addition to his regular duties as a district judge, John was also appointed to the Foreign Intelligence Surveillance Court located Washington D.C. by Chief Justice William Rehnquist, serving from 2003 to 2008. John continues to serve as a senior judge in the Albuquerque Courthouse.



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Senior Judge Monroe G. McKay • *By Judge Keith A. Kelly*



From youthful experiences herding sheep in Northern Utah's mountain valleys to humanitarian service in Africa, Judge Monroe G. McKay has brought a wide breadth of experience to the Tenth Circuit. Judge McKay was born in 1928 in Huntsville, Utah. Raised as part of a committed, loyal and humble family, he and his brothers supported each other financially in college and in performing volunteer missionary service for their church. He served in the United States Marine Corps from 1946 to 1948. Later he served as a missionary for the Church of Jesus Christ of Latter-day Saints in South Africa. His experience in South Africa led to a great love for the people and land of Africa, but also to a strong concern about the great inequalities under the then-developing system of apartheid.

Judge McKay attended Brigham Young University, graduating in 1957. He then attended and graduated from the University of Chicago Law School in 1960. In 1960 to 1961, he served as a law clerk for Justice Jesse A. Udall of the Arizona Supreme Court. Following his clerkship, he elected to stay in Arizona and practice with the firm of Lewis and Roca. After several years of successful law practice, he surprised his professional colleagues by stepping out of the practice of law to serve as the Director of the Peace Corps based in Malawi, Africa, where he served from 1966 to 1968. To the pleasure of his law firm colleagues, he then returned to Lewis & Roca, where he continued the practice of law.

In 1974, Judge McKay accepted an invitation to become a member of the founding faculty of the J. Reuben Clark Law School at BYU, where he served as a professor until the time of his appointment to the Tenth Circuit in 1977 by President Jimmy Carter. Upon joining the Tenth Circuit, he quickly became an active and important member of the court. In 1987, on the tenth anniversary of Judge McKay's appointment, one commentator explained his role in elevating national respect for the Tenth Circuit:

Judge McKay is not solely responsible for the enhanced reputation of the [Tenth Circuit] court, but his role has been significant. Combining a scholar's interest in theory with an experienced litigator's ability to cut quickly to the heart of a complex legal problem, the Judge has been a leader on the court in many areas of the law and has become a jurist of national prominence.*

Judge McKay served as Chief Judge from 1991 to 1993. He assumed senior status in 1993, but has continued his service as an active senior judge. He has, however, taken time out from his service as a senior judge to perform additional full-time volunteer service in South Africa. In recent years, he has balanced his work on the bench with time spent with his beloved family and his avocation for birding.

I first became acquainted with Judge McKay in the mid-1980s, when I was given the opportunity to serve as one of his law clerks. I found Judge McKay to be warm and unassuming. He did not take himself too seriously, but he took his judicial work very seriously. He brought to his chambers a strong concern for people, and inquisitiveness about legal and societal issues affecting his work. He often came into his law library, where his clerks were working, to debate and explore relevant social and legal issues. He became an influential mentor over the years for his many clerks, and he brought warmth and collegiality among his Tenth Circuit colleagues. Current Utah Chief Justice Matthew Durrant served as one of Judge McKay's clerks, and he notes Judge McKay's openness and willingness to understand other people, no matter what walk of life they come from.

I am now serving as a Utah State District Court judge. Each day that I enter the courtroom, I try to emulate Judge McKay's example of sincerely seeking to understand others, and of taking my work as a judge very seriously – while trying not to be too serious about myself. I was fortunate to begin my legal career serving as one of his clerks. The Tenth Circuit is fortunate to have the service of such a skilled and compassionate judge.

* Erik M. Jensen, *Monroe G. McKay and American Indian Law: In Honor of Judge McKay's Tenth Anniversary on the Federal Bench*, 1987 B.Y.U. L. Rev. 1103, 1103-04.

COURTHOUSES OF THE TENTH CIRCUIT

Alfred A. Arraj Courthouse • *By Jeff Kelson and Gregory Kerwin*

The Alfred A. Arraj United States Courthouse in Denver is the most recent addition to the group of four federal courthouse buildings on the eastern edge of downtown Denver. The courthouse was opened on October 16, 2002, and houses most of the judges of the United States District Court for the District of Colorado. Adjacent to the Arraj courthouse is the Byron G. Rogers courthouse and the Tenth Circuit's historic Byron White Courthouse, both of which house additional judges of the district court. One block away from the Arraj courthouse is the United States Custom House, which houses the bankruptcy court.

The courtrooms of the Arraj courthouse have the latest technology for trial presentations, including monitors for use by jurors. The spacious jury deliberation suites include basic kitchen facilities and bathrooms reserved for the exclusive use of the jurors. The courthouse has a large jury assembly room on the main floor, just inside the attractive two story entry atrium. The jury assembly room, which seats more than 150 people, is used frequently for a variety of programs, including regular continuing legal education lunch seminars sponsored by the Faculty of Federal Advocates.



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The tall, narrow shape of the Arraj courthouse allows for wonderful south-facing views of downtown Denver from hallways with large windows, where members of the public enter the courtrooms. The judges' chambers on the opposite side of the building afford excellent views for the judges and their staff members. Designed after the 1995 Oklahoma City bombing, the Arraj courthouse includes many security features which have become common in courthouse design.

The courthouse is named after Judge Alfred A. Arraj (1906-1992), who had a distinguished legal career in Colorado and served as a federal district judge from 1957 to 1992. Judge Arraj helped the court get its case load under control, but "retained his keen sense of humor and the characteristic 'twinkle in his eye.'" He was personable and friendly with judges, lawyers, and court staff, and is described as a "gentle servant of the law who was prized locally and praised everywhere." See K. Nalty, J. Kane, S. Brink, *Alfred Albert Arraj: A Judicial Life* (available at 10thcircuithistory.org/pdfs/Arrajbrochure.pdf).

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