Latinos and the Law - How to Prepare for a Career in the Judiciary

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Thank you for the kind introduction and for the invitation to share with you my thoughts about our profession and the virtues that will open doors to a career in the judiciary. When Deanza Valencia Sapien invited me to speak to the National Latina/o Law Student Association (NLLSA), I was excited and honored, especially because of the theme: ¡reconociendo el pasado, reclamando el futuro!

I was both excited and honored because this occasion provides me an opportunity to revisit my roots, to rediscover the joys of the past that have helped shape my conscience. When I was a University of New Mexico Law Student, I was a Mexican-American Law Student Association (MALSA) member and served one term as President. We did a lot of good things back then, but our meetings were often an excuse to get together and socialize. We had three major issues facing us each year. When should we have the Matanza? Where should we have the Matanza? Which band should we hire for the Matanza?

Okay that is not entirely true. What did it mean to be a MALSA member 30 years ago? To put this in perspective you need to know that many of us were cautioned that we would be challenged academically and that we were likely to fail. I for one was required to complete a summer law program as a condition to being admitted to the law school.

For that group of MALSA students, I can say without hesitation that together we accepted the challenge. We pledged to one another that we would succeed and we would succeed by helping each other. For every class, for three years, we had study groups. At least one person was assigned to lead the study discussion by going up to the board and summarizing lectures, writing elements of the law, and asking questions. We met the challenge. We did succeed. From my graduating class, we have patent lawyers, successful trial lawyers, leaders in legal aid societies, district court judges, metropolitan court judges, political figures in communities, and as for me, I have been blessed with the responsibility of serving
my native state on the New Mexico Supreme Court.

I cannot stand here and tell you that being on the court was a dream come true because I never dreamed I would go to college, much less to law school. I am the only one in my family with more than a high school diploma. My parents, who grew up in small ranching communities, where I spent most of my childhood, were very fortunate to have high school educations. My grandparents only made it through the third grade.

Growing up, I did not know much about the law; I did not have a family member who was a lawyer, who knew any relevant details of what lawyers did. I was simply fortunate enough to have met a Vietnam veteran in college – an individual who talked to me about his dream of becoming a lawyer. He spoke of his dream with such passion that for the first time in my life I thought about practicing law – about becoming a lawyer. For me in my own youthful way of thinking about it, people needed a voice, someone to speak for them. It was in my heart to speak for people. I did not know the power structure; I was never exposed to the power structure. I was exposed to people, the working class, mostly with less than high school educations, who struggled year after year to make ends meet.

My personal statement for law school emphasized my desire to speak for those who were administratively, economically and politically disadvantaged. Today I think about it in terms of a community responsibility. A responsibility we all have, no matter our station in life, to speak for the less fortunate.

America is about “We the People” – there are no exceptions. As children we were taught to pledge allegiance to an indivisible nation, with justice for all – again, no exceptions. As lawyers we have the legal ability, the thinking ability and the speaking ability, to make this pledge a reality. So our responsibility as professionals is to speak for those who cannot speak for themselves, so that they too can have a voice in our government and avoid political domination; so that they too can have the tools to compete in society and avoid economic exploitation; and finally, so that they too can aspire to better things and make their dreams come true.

With this in mind, I set out to fulfill my desire to speak for others, in a street practice where I handled just about every type of legal problem: domestic relations, defending people accused of committing a crime, writing wills, you name it. I served on various boards and the legal aid society, in efforts to try and promote legal services for the poor. I also served on the UNM Mental Health Center to promote mental health care for the poor. As important and satisfying as those efforts were, I never thought I was fulfilling my desire to speak for others. I felt that I needed to do more.

Then as good fortune would have it I got involved with trial lawyers. Their passion was equal to the passion of my friend, the Vietnam veteran. Their fight was a fight to keep our families safe. It was not only about individual responsibility, it was more about corporate and government responsibility. It was about a commitment to hold individuals, corporations and the government accountable through our jury system.

Through my relationship with trial lawyers I learned that “justice” is a community project. In jury rooms throughout the country, the community directly participates in this community project called “justice.” Indeed, in New Mexico we let all adult citizens participate in our jury system by providing interpreters for non-English speaking jurors, the only state in the nation to do so.
I thoroughly enjoyed being a lawyer representing people and businesses. So why did I pursue a career on the bench? I thought it was important for our Supreme Court, so rich with judicial talent, to have the benefit of the thoughts of someone who had been in the trenches, who saw day in and day out how our system of justice affects people and businesses, someone who saw the worry and fear in the eyes of people who turned to the justice system to right a wrong, the frustration in the business community caused by the delay and inordinate expense of resolving a legal dispute.

I wanted to share this brief part of my history with you so that you will understand the importance of organizations such as NLLSA, the importance of helping each other to succeed, and the importance of building lasting relationships, and also so that you will know that if I could do it, so can you.

As law students you have a tremendous opportunity ahead of you. There are people out there, from all walks of life – rich, poor, educated, uneducated – who will depend on you, who must trust you, who will confide in you things that they may not have even told their best friend. You can act as the voice for those who are inarticulate, muzzled, or do not have the courage to speak for themselves. Robert Kennedy once said that, “Each time a person stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, [they] [send] forth a tiny ripple of hope. . . .”1 You have the tools to send forth a ripple of hope; to make a material difference in the lives of people; to motivate and inspire the next generation. By your example, your footprints, others will believe que “¡Si se puede!”

Unfortunately there are really very few Hispanics in our profession. The ABA Commission on Racial and Ethnic Diversity in the Profession reports that only 3.3% of lawyers are Hispanic and only 4.5% of Judges, Magistrates or other Judicial Workers are Hispanic.2 According to 2000 Census numbers, total minority representation among lawyers is about 9.7 percent, compared to 20.8 percent among accountants and auditors, 24.6 percent among physicians and surgeons, and 18.2 percent among college and university teachers.

This is disappointing. To be at its best, our legal system must reflect the values, priorities, and character of the American people. The legal profession and the judiciary must act aggressively to reflect the socio-demographic changes in our society. More than any social institution, the legal community must be inclusive and diverse. Why? Because greater minority representation will positively contribute to the development of the law, enhance the administration of justice, and diminish the perception of bias. Greater minority representation in the judiciary will promote the public’s confidence in the legitimacy of the legal system and, in a greater perspective, strengthen our society’s sense of community. Respect for diversity nourishes appreciation for the importance of community, the importance of “we the people.” America’s people so eloquently teach that in diversity we find strength, creativity, and respect.

Our profession should truly reflect the diversity of our communities because our profession affords us the opportunity to assure that people from all walks of life are assured basic human needs: housing, food and health care. Indeed, some of you will be fortunate enough to have to represent the unpopular client or take on the unpopular cause. And if you happen to be that lucky, embrace the opportunity. Often times those are the legal battles that preserve our democracy. Those are the legal battles that preserve our system of justice. And finally, those are the legal battles that preserve that most sacred body of law, the Bill of Rights.

Hispanic attorneys have taken on the legal battles that preserve our democracy. Consider, for example, Hernandez v. State of Texas. Just about a week before the U.S. Supreme Court issued its famous desegregation opinion in Brown v. Board of Education, the court issued an opinion in Hernandez which overturned an all-white jury’s murder conviction of Hernandez. He was represented by Hispanic attorneys, the first Hispanics to argue before the U.S. Supreme Court. Their argument was simple: the systematic exclusion of persons of Mexican descent from jury service deprived their client of equal protection of the laws. The State of Texas argued that there were only two classes of persons recognized in the U.S., white and to use their exact word “Negro”; those of Mexican descent were treated as white.

To prove that persons of Mexican descent constituted a separate class distinct from whites, the attorneys showed that Hispanics were essentially barred in Jackson County from serving as jurors despite making up 14 percent of the population. They showed that no Hispanic had served on any jury in a quarter of a century. They pointed to evidence of signs in restaurant windows prominently displaying the message “Mexicans not served.” They even noted in their case that minorities were forced to use segregated bathrooms – in the very courthouse where the state argued Hispanics were treated like whites, where bathrooms for Hispanics and blacks were in the basement, which bore the sign “Colored Men” and “Hombres Aquí.” The Supreme Court held that Hispanics were a separate group deserving of the same constitutional protections as other minorities. In my judgment this was a watershed civil rights case, probably pursued by Hispanic attorneys because of their own sensitivities and how their consciences had been shaped. Indeed, one of the attorneys James DeAnda went on to successfully argue a series of school desegregation cases, created a civil legal services program for low-income families, and was one of the founders of the Mexican American Legal Defense and Educational Fund. He later served as a federal judge.

Hispanic attorneys have made a difference in our system of justice by arguing for full participation by all citizens in this community project we call “justice.” You too have the opportunity to make a difference. Remember that all of us have a dream placed in our hearts – a vision deep inside that speaks to our very soul. These dreams are the things we were born to do. Put simply, they are our destinies, our purposes in life. And this dream starts us on the journey to success. When hard work and ambition form a partnership, you can be successful. Here is what I think the secrets to success must include. These secrets, in my judgment, are the secrets not only to success, but more importantly they are the secrets to a balanced and happy life. Because when it is all said and done, if you do not have

balance in your life between faith, family and community, being successful is much more difficult.

The first secret is that your top priority in life, no matter how demanding your job, must be family. People are never as successful as they can be, if they do not take the time for family. This is so because the family is where we all begin our lives. It is where we have our first learning experiences, experiences that help shape our conscience.

The second secret is that your focus must be on being a person of value, not a person with valuables. Do not measure success by the weight of your purse or thickness of your wallet. If you do the right thing, with compassion for others, the money will follow.

Third, as you grow and learn more about yourselves and your dreams, never be satisfied, and always strive to become better and help others to become better. That's right, true success is about building positive futures for others. Cesar Chavez said it best when he said: "We cannot seek achievement for ourselves and forget about progress and prosperity for our community... Our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own." The fact that this quote is the first statement on your website indicates to me that you know that it is not enough for only you to be successful. It is not enough for only you to accumulate the material things society has to offer. We should never focus only on the progress we make as individuals – while our friends, neighbors and loved ones are left behind. We need the unselfish courage to move others toward success. That is what makes a person of value.

The fourth secret is credibility. Every day you must behave in a way that lets people know that you are trustworthy, that you can be trusted. You must do what you promise to do, and when you promise to have it done. Above all, every day you must demonstrate your honesty. Your word must be your bond. Developing a reputation as someone who says what he means and means what he says is very important if you are to be successful. Remember, your reputation is what will open doors for you. In large part you got to where you are because of a favorable reputation. You earned that reputation by working hard, doing what you said you would do and by being honest with yourselves and others. Your reputation should always be in your thoughts and demonstrated by your behavior.

And perhaps the greatest secret is appreciating who you are and how your past has shaped your conscience. Perhaps this point is best illustrated by a short story.

There was a tree growing in the valley – a healthy tree, large colorful leaves, strong firm branches. But it looked up to the mountains and noticed that the trees up there seemed to be so much taller and much more vibrant. The tree thought, maybe it is the thin air that the trees breath, the greater moisture the trees get, or the fact that the trees are closer to the sun. The more this tree thought about it the unhappier the tree became with itself.

So one day the tree ripped itself out from the ground and moved up to the mountain. Now there it was with all of the big trees, breathing thinner air, having more moisture, and yes it was closer to the sun. But the tree did not grow as fast as it was growing in the valley, its leaves did not seem as colorful, its branches were not

6. Cesar Chavez, Co-Founder, Nat’l Farm Workers Ass’n.
as firm. The tree began to wonder, why? Why am I not enjoying the vibrant life I expected? The answer was simple; the tree forgot its roots.

In closing, although my talk was to be about a career in the judiciary, if the judiciary is not for you, I want to challenge you to give back to your communities. Not only will your law degree give you the tools to speak for others, you will also have the tools to make a difference in the policies of your state and our nation. Your legal education uniquely qualifies you to build a better society, to see the real problems of our society: the need for peace, the need to balance the safety and security of our nation with a stubborn fidelity to the Bill of Rights, and the need to keep pure the environment that God offered us.

Our democracy works best only when everyone is involved. You get what you put into our democracy, and indifference deserves very little. So get involved in any entity that might affect your welfare or the welfare of your loved ones — school boards, benevolent societies such as homeless shelters, crisis centers, organizations where policy decisions are made, where decisions are made on how to improve the lives of people.

If you are not at the table to set the agenda, someone else will set it for you. And when that happens there is no guarantee that those who are at the table will represent or even be aware of your interests.

As I look out at you this afternoon, I see young people who can be our future leaders — in business, in our schools, churches, courts and communities — maybe even leaders of our country. No matter what you choose to do, I hope you will leave law school determined to solve those problems that are within the law’s power to solve. Go out and work tirelessly to regain the day in which law, and not fear —law, and not force —will shape our world.

It has been said that life is like the sport of tennis in that if you serve well you seldom lose. As you serve, remember your roots. Listen to the applause from your conscience. Be ambitious. Never doubt yourselves, and always remember those who say they can and those who say they cannot are both right.

Que dios los bendiga.