



# 60 for 60

**Shaping  
Law in  
New  
Mexico  
Since  
1950**

University of New Mexico  
School of Law

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# The Class of 1950

## The tradition begins

In 1947, the word went out that the University of New Mexico was opening the state's first law school. The admission requirement for New Mexico residents was three years of undergraduate credit, and no one was to be turned away who had maintained a C average. Out-of-state applicants were required to have a college degree and a "valid reason for desiring to come to New Mexico."

A total of 53 pioneers, including one woman, took the risk of enrolling at the fledgling law school, which had only a handful of professors, no reputation and consisted of four rooms on the second floor of the grandstand at Zimmerman Field.

Of that inaugural class, only 20 members made it to graduation. They were joined by seven transfer students, for a total of 27 in the Class of 1950. With 84 percent of them going on to pass the New Mexico Bar Exam, their risk proved well worth taking.

These graduates spread across New Mexico, many becoming leaders in their communities and establishing a law-school tradition of public service. Some served in the New Mexico Legislature, on local boards and were involved in many areas of charitable work.

Others were district attorneys and state judges; many of their children followed in their footsteps, also attending the UNM School of Law.

George Harris and James Brown talked one another into going to law school while studying economics as undergraduates. It was not a tough sell for Harris, whose father had been a district court judge in southwestern New Mexico.

Harris went on to become a renowned Albuquerque trial lawyer and a name partner in what today is Modrall Sperling, one of the state's largest law firms. Brown practiced law in Farmington for 25 years, and became a state district court judge in 1976.

Other members of the class also had law in their blood, including Albert Lebeck and Tom Mabry. Mabry's father had served as chief justice of the New Mexico Supreme Court and was the sitting governor of New Mexico when Mabry began law school. His mother was one of the state's first women to be licensed to practice law.

Lebeck's father was a lawyer in Gallup. Although Lebeck graduated third in the class, he suffered some rocky moments along the way, such as when he was thrown out of class by Professor Henry "Henry the Hawk" Weihofen for being unprepared. After graduation, Lebeck returned to Gallup, where he enjoyed a successful legal practice and business. He also served in the state Legislature, rising to House majority floor leader.

Richard Civerolo founded an Albuquerque firm that still bears his name. In addition to being a leading trial lawyer, he became a major civic leader, devoting many years to the New Mexico Cancer Society and the Medical Review Commission. He was involved in de-





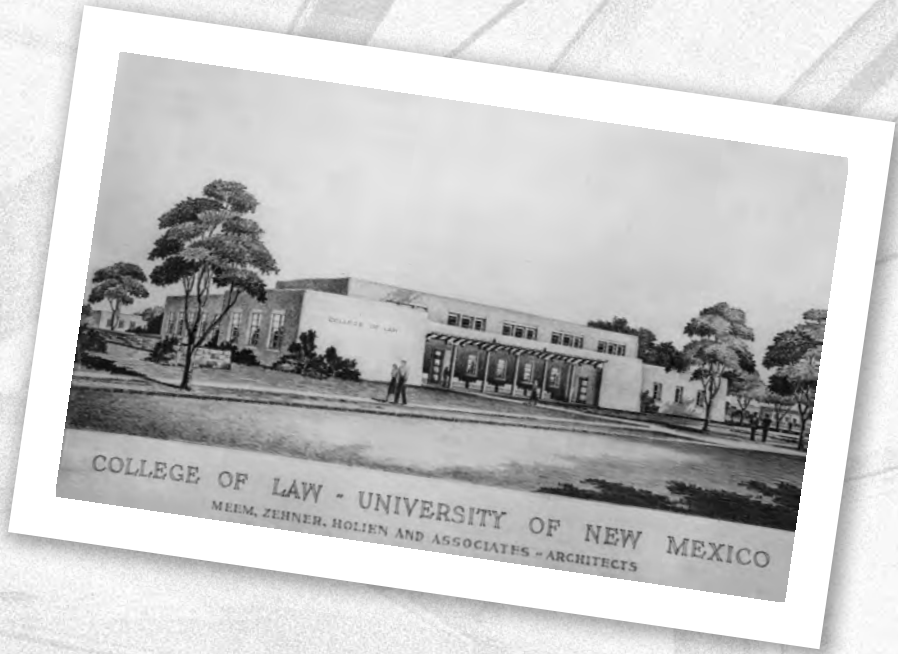
The Class of 1950

veloping the New Mexico Medical Malpractice Act and also served as commander of the New Mexico Disabled American Veterans

Ben Traub followed Dean Alfred Gausewitz from the University of Minnesota to his new job as the UNM School of Law's first dean. Gausewitz suggested that Traub's wife, Alice, who suffered from tuberculosis, would be more comfortable in the dry, high desert climate. In 35 years of practice, Traub became one of the best criminal defense lawyers in the state, devoting much of his time in pro bono representation of people from under-served communities. He also was instrumental in developing the first child support guidelines for the Second Judicial District. And Gausewitz was right about the health benefits. Though Traub passed away in 1985, his wife, Alice, was in good health in 2010. His niece, Anita ('85), and granddaughter, Sara ('08), followed his footsteps through law school.

The class and its progeny have been well-represented in public service jobs: Lavar Burnham was the first full-time city attorney in Farmington. His son, Jay ('75), was one of his successors as city attorney. Paul Robinson (Second Judicial District) and David Douglas (Seventh Judicial District) were district attorneys. Serving on the bench in the 12<sup>th</sup> Judicial District were George Zimmerman and Richard Parsons. Parsons' daughter, Karen ('78), went on to serve as a judge in the same district.

These are but a few stories from the class that started it all. Sixty years later, their achievements remain vivid and their memories well preserved. The UNM School of Law continues to be the only law school in the state and has grown into a well-regarded institution. Nearly 4,000 lawyers have followed the path of these pioneers who took a chance on an unproven school.



# The Faculty...



# The Faculty

## Energizing the classroom with infectious passion

Nothing could be a more fitting opening to a celebration of the UNM School of Law's first 60 years than a description of its devoted faculty. By design, current faculty members were not considered for the book. If it had been otherwise, the book could easily have been filled with present faculty. Their individual achievements are too many to mention, but the collective achievement of the faculty, past and present, in shaping New Mexico and the world, can be found throughout the following pages.

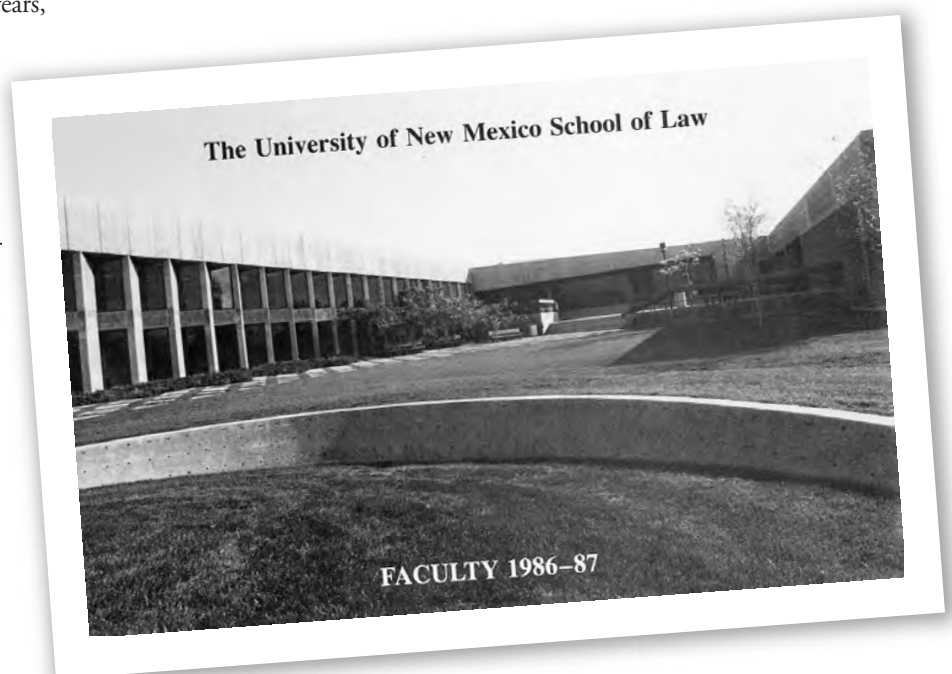
The University of New Mexico School of Law is led by a faculty, a group of people who love the law and love to teach, and who are organized around the common goal of helping students develop some of the same loves. It is these hundred-plus professors who have passed on their knowledge, energized the classrooms with infectious passion and supported students through the past 60 years, making the school what it is today.

Beginning with the first four members: Dean Alfred Gausewitz, John Bauman, Ari Poldevaart and Verle Seed, the faculty has grown to 35 professors, more than half of whom are women and nearly half of whom are members of

various minority groups. Each year, these professors now welcome more than 100 new law students, and in three years of interaction, help them become conscientious, capable and caring lawyers.

Some of the UNM law faculty has been educated by prestigious Ivy League schools and others have been home grown at UNM itself. Each professor brings a distinguished background in his or her field of study, and their own learning continues to develop through interaction with engaged students at UNM.

Students at the UNM School of Law find a challenging, collegial and supportive environment, which makes the school special among American law schools. At the foundation of this unique atmosphere is a faculty that devotes itself each day to helping students succeed.





## Sam Bratton

### Recognizing the need for a law school in New Mexico

Sam Bratton was president of the University of New Mexico Board of Regents at a time when the university was growing, after World War II. A judge on the 10th Circuit U.S. Court of Appeals with a career spent in the law, he recognized the need for a law school in New Mexico.

At first his colleagues on the Board of Regents resisted such a notion, worried that the school would suffer from political influence and therefore suffer in quality. With the assistance of future UNM President Tom Popejoy, whom Bratton called TomPo, Bratton continued to lobby for the school. Eventually, his reputation for honesty and integrity overcame those reservations, and in March 1947, the regents approved the new law school and a \$32,000 appropriation to fund a dean, three professors and a law library. The school opened its doors later that year with 11,624 volumes in the library and 53 students in the classrooms.

Within a few years, the school had outgrown its space on the second floor of Zimmerman Field and in 1951, led once again by Bratton's vision, the Board of Regents approved spending \$295,115 to build a two-story building next door to the president's residence. The school moved into its new building the following year.

Bratton, the patriarch of a family dedicated to the law, was born in Limestone County, Texas, in 1888 and graduated from a local teacher's college. Later, he took a job as deputy county clerk for Parmer County, Texas, and studied law with local attorney John P. Slaton. After passing the bar, he practiced law in Texas until 1915, when he moved

to Clovis, New Mexico, and entered the legal profession there. Not long afterward, he was elected to be a judge in the Fifth Judicial District (later the Ninth). In 1923, he was appointed to the New Mexico Supreme Court.

One year later, Bratton ran successfully for the U.S. Senate and was re-elected in 1930. In the Senate, Bratton served as chairman of the Committee on Irrigation and Reclamation and authored the bill that created the Hoover Dam. He obtained funds for the construction of the U.S. Courthouse and the Veterans' Hospital in Albuquerque. During the Great Depression, he worked closely with longtime friend and close confidant William A. Keleher, an Albuquerque lawyer, to save the bankrupt First National Bank of Albuquerque from closing its doors.

Bratton's consistently progressive record caught the attention of newly elected President Franklin D. Roosevelt, who briefly considered him for a U.S. Supreme Court appointment before choosing Felix Frankfurter. Instead, in 1933, Bratton was appointed to the 10<sup>th</sup> Circuit U.S. Court of Appeals, where he spent the next 28 years. During his time on the federal bench, Bratton maintained a reputation as a fair and impartial justice and observers marveled at his ability to write and speak with precision and clarity.

In 1965, the Board of Regents voted to name the law school Bratton Hall, in honor of Bratton's efforts to establish the school. They also agreed that a plaque with the judge's likeness hang inside the building. His son, Howard, a U.S. District Court judge, was president of the Regents at the time and expressed surprise at the resolution. Five years

#### Bratton Reports Building Plans For Law School

Speaking at the dedication ceremonies for the University of New Mexico College of Law, Judge Sam G. Bratton, president of the University regents, said plans for such a college were begun several years ago, but were interrupted by the war.

As soon as possible after the war, Judge Bratton said, the lawyers of the state and other interested citizens again began working for a law college.

The dedication ceremonies were held Saturday in Rodex Theater.

Judge Bratton, thanked Gov. Mabry, chairman of the dedication ceremonies, and the legislators for providing funds for the college and announced that plans are already under way for the

retired Albuquerque attorney for the creation of a law college building. Bratton pointed out to the members of the college's first class that law "must keep abreast of the other sciences and that lawyers must broaden the scope of their knowledge to include international law and comparative laws of the nations." The task of young lawyers," he said, "is to adapt the whole body of the law to the needs of a just society."

Speaking for the college, Dean Alfred L. Gausewitz emphasized that the law school is primarily for the students. Three factors, Gausewitz said, will go into making a strong law school. They are: students of high quality; the best faculty and its practical training



later, when the school moved into a new building north of Lomas Boulevard, it too, became Bratton Hall.

Howard shared his father's dedication to the law and followed him into the judiciary. After completing his undergraduate education at UNM, he earned his law degree from Yale University Law School. He was 19 when he entered law school, but his legal education was interrupted by WW II.

Following graduation, Howard returned to New Mexico and began practicing oil and gas law in Albuquerque and Roswell. In 1964, President Lyndon Johnson appointed him to the U.S. District Court, where he served until retiring in 1998. Howard displayed the same patience, dignity, reserve, honesty and grace as his father.

He watched more Brattons enter the legal profession; his second wife, Frances ('67), son, Sam ('74), and daughter, Kay ('85), all received law degrees from the UNM School of Law. Even more than their classmates, they had a special relationship with the school, and were reminded of that every time they walked past Bratton's plaque.

## William Keleher

Will Keleher's work with Sam Bratton was typical of this remarkable legal and political leader. Originally a newspaper man, Keleher very early on became fascinated by court proceedings at the Bernalillo County Courthouse. So much so, that he left to earn an LLB degree from Washington and Lee University in 1915. During the next 67 years, until his death in 1972, Keleher was one of New Mexico's most prominent citizens. In addition to founding the Keleher & McLeod law firm in 1931, he served in several multi-faceted capacities for the City of Albuquerque, the State of New Mexico and in the private sector. His close working relationship with Bratton and Governor Clyde Tingley was an important factor in helping to mitigate some of the worst ravages of the Great Depression in New Mexico.

While working full time, Keleher also pursued his avid interest in New Mexico history and became one of its leading authorities. He wrote several books on such subjects as the Lincoln County War and the Maxwell Land Grant. Additionally, he was a very active supporter of higher education and provided wide-ranging support for the University of New Mexico. UNM honored his generosity and support with an honorary master of arts in 1946 and an honorary doctor of laws in 1968.

Keleher's legacy is continued by his sons, William B. and Thomas F. ('74), granddaughter, Joann Keleher Wiley ('85), and grandson, Daniel ('01).

### Sam G. Bratton Retires as U.S. Circuit Judge

**Veteran Jurist  
Ends 43 Years  
Public Service**

By BOB BEIER

Judge Sam G. Bratton, once a U. S. senator from New Mexico, Monday retired from the 10th Circuit Court of Appeals on which he has served since 1933.

In a short announcement, Judge Bratton, 72, said his "letter of retirement was mailed to President Kennedy."

Judge Bratton thus ends nearly 43 years of public service which started in 1918 when he was elected judge of the Fifth District at Clovis. Judge Bratton served four years on the district bench and then was elected to the state supreme court. He served on the high bench until September 1924 when he resigned to accept the Democratic nomination for the U. S. Senate.

He was elected to the Sen-



Judge Sam G. Bratton

#### Several Mentioned

While there could be no reliable speculation on Judge Bratton's successor, several New Mexico names were being mentioned. Among them that of Ross Malone, Roswell, former president of the American Bar Assn. Also being mentioned was Supreme Court Justice David Chavez, brother of the U.S. Senator.

Although retired, Judge



# Thomas Popejoy

## Committed to training lawyers

Anyone connected to the University of New Mexico would be hard-pressed to find an individual who had a greater impact on university affairs than Tom Popejoy, the institution's ninth and longest-serving president (1948-1968).

His nearly lifelong relationship with the university began in the 1920s, when he earned both a bachelor's ('25) and master's degree ('29) in economics and was a star football player. He went on to teach in the economics department, rising to the rank of associate professor. He also served as the athletic business manager and secretary of the alumni association.

In 1937, Popejoy was appointed comptroller of the university and served simultaneously as the executive assistant to UNM President James Zimmerman. The two men shared a desire to turn UNM into a research institution and build high-caliber professional schools. Not long after Popejoy joined forces with Zimmerman, they began pushing the idea of establishing the state's first law school. Unfortunately, the struggling 1930s economy prevented their vision from taking hold.

Popejoy took two leaves of absence from the university to provide public service. In the 1930s, he served as state director of the National Youth Administration and then deputy director on the national level. He returned to UNM in 1939 to step in as acting president after Zimmerman suffered a heart attack. During World War II, he was regional director of the Office of Price Administration, but returned permanently in 1944 when Zimmerman's heart gave out for good.

Popejoy established a reputation as a capable fiscal and financial manager armed with an

outgoing personality. This combination worked well in establishing an effective working relationship with legislators and governors.

This relationship proved critical years later when Popejoy and new UNM President John Philip Wernette joined forces with UNM Regent Sam Bratton to once again push for the creation of a law school. This time, in 1947, the effort was successful, resulting in the UNM Board of Regents approving funding for the state's first law school. That fall, the first class matriculated, given four rooms on the second floor of the grandstand at Zimmerman Field.

Meanwhile, the Wernette administration came under fire. Poor decisions and lack of faculty confidence led the regents to vote against renewing his contract. In 1948, Popejoy was chosen to replace him, becoming the first native New Mexican to serve as president. (He had grown up on a ranch outside Raton and convinced his parents to allow his sisters and himself to set up house in Raton so they could attend high school there.)

The law school quickly outgrew its original space at Zimmerman Field and Popejoy wasted no time lobbying for its own building. In July 1951, he and Bratton convinced the regents to approve construction of a new building. The first Bratton Hall, located next door to the president's house, opened a year later.

Popejoy kept a close eye on the school, now his next-door neighbor. Law students from the early 1950s remember him as a gracious supporter. Dan Davis ('52) and Derwood Knight ('52) attended the school with Popejoy's son-in-law, Loring B. Smith ('52), and the three friends often studied at the

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Enrollment grew by more than 10,000 students during his leadership and the school developed into the state's premier research institution, as he had dreamed. He always considered the UNM School of Law as one of his proudest accomplishments.

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president's house. Davis remembered that the president would regularly check on them, making sure they focused on their studies and not on idle gossip. That encouragement must have worked because all three went on to have successful legal careers. Later, his only son, Tom, Jr., attended the law school, graduating in 1971.

Along with his university-wide achievements, Popejoy remained a football player at heart. One day, when he was still serving as president, he was asked how he liked being president. "Well, the pay isn't so hot, but I sure do get to meet a lot of football coaches."

Popejoy is remembered as one of UNM's most popular and effective presidents. Enrollment grew by more than 10,000 students during his leadership and the school developed into the state's premier research institution, as he had dreamed. He always considered the UNM School of Law as one of his proudest accomplishments.



Tom Popejoy (l) with Dean Thomas Christopher

## Joe Wood

“An astute legal mind.”

Joe Wood hadn't been out of the U.S. Navy for long when he hitchhiked to New Mexico in 1946. Along with a group of military buddies who served with him in World War II, he was convinced the University of New Mexico was the best place to finish his undergraduate studies.

Wood grew up wanting to go to law school. Even back in high school in his hometown of Little Rock, Arkansas, he skipped classes to head downtown to the courthouse rather than attend a baseball game with his friends. “I thought it was the grandest show on earth,” he once said of watching a trial unfold.

In 1947, he became a member of the first class at the UNM School of Law; three years later he graduated at the top of that class. He joined the newly formed Legislative Council Service and for a while was the only bill drafter at the Legislature.

With a growing family to support, he left state government in 1954 and moved to Farmington to join classmate James Brown ('50) in private practice. He then became a partner in the law firm of Tansey, Wood, Rosebrough & Roberts.

In 1966, when the state's first Court of Appeals was being assembled to help deal with an increasing appellate caseload, Wood was appointed. Initially he served with E.T. Hensley, Jr., Waldo Spiess and LaFel Oman. For the next 20 years, Wood served on the court, including 10 years as chief judge.

“He has always had an astute legal mind,” said New Mexico Court of Appeals Judge James J. Wechsler, who worked with Wood after he left the bench. “He was extremely productive as a judge. He had an exceptional ability to distill issues in a case in a terse fashion and get to the bottom of an issue with his opinion.”

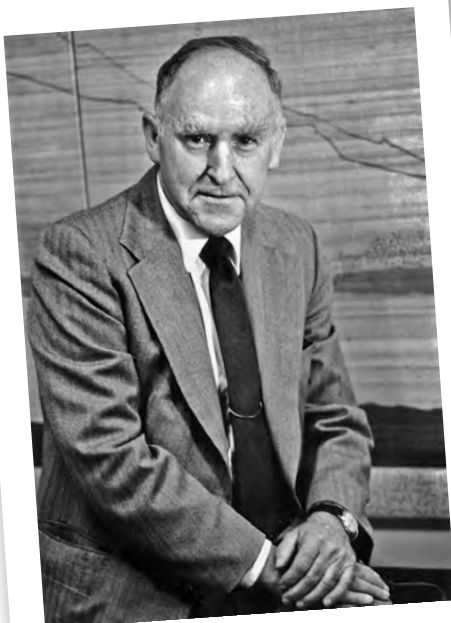
While on the Court of Appeals, Wood rendered many decisions that changed the course of law and life in New Mexico.

One opinion he wrote in 1982 established comparative negligence, which allowed for spreading the responsibility for injury and damages in one event among several parties. “The concept of one indivisible wrong, based on common law technicalities, is obsolete, and not to be applied in comparative negligence cases in New Mexico,” Wood wrote.

One of his longest-lasting contributions was a calendaring system that helped speed cases through the appeals process.

In the early 1970s, the Legislature created the state's public defender system, which ensured that criminal defendants would be provided legal counsel. As a result, criminal appeals increased dramatically. Without Wood's system, a person convicted of a fourth-degree felony could have served the entire minimum sentence – and been discharged – before the paper work in his appeal even reached the appellate court.

Wood chaired the committee that wrote the rules to streamline the criminal appeals process. His calendaring system is still in



place and relies on a triage method for appeals that moves the most important cases forward. For a time, the Court of Appeals maintained a reputation as the speediest appellate court in the country.

“The calendaring system was a tremendous innovation in the court,” Wechsler said, and is still asked about by judges in other states. “This is a tremendous accomplishment and has helped us all for many years, and will continue to help us for many years to come.”

After he left the bench in 1986, Wood became of counsel in the law firm of Hinkle, Cox, Eaton, Coffield & Hensley in its Santa Fe office. He held onto his title and continued to be called Judge Wood wherever he

went. At the firm he contributed his deep knowledge of the law, often pulling out cases from his memory to offer extraordinary insight to colleagues as they prepared their cases for trial.

“Judge Wood is a tremendous asset to New Mexico,” said Judge Paul J. Kelly, of the 10<sup>th</sup> U.S. Circuit Court of Appeals, who worked alongside Wood after Wood left the bench. “The man lived and breathed the law. He was a wonderful jurist and set a great example for young lawyers of what a hard-working judge who really knows the law can do.”



“The man lived and breathed the law. He was a wonderful jurist and set a great example for young lawyers of what a hard-working judge who really knows the law can do.”

—Judge Paul J. Kelly,  
10th U.S. Circuit Court of Appeals



The first New Mexico Court of Appeals,  
(l-r): Judges LaFel Oman, E.T. Hensley, Jr., Waldo Spiess, Joe Wood ('50).