

Judicial Profile

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Hon. Frank Montalvo U.S. District Judge for the Western District of Texas

AS THOSE WHO have had the opportunity to speak with him know well, Judge Frank Montalvo places utmost importance on his role as a public servant. Public service is what drives Judge Montalvo and what originally led him to the bench. A remark often made by Judge Montalvo stresses the importance of his philosophy: “We are here to serve the public. We must not bring an agenda to decision-making. My ultimate goal is to get the answer right and to serve justice.” This philosophy spills over to his chambers, where the judge has mentored numerous sets of law clerks and other court employees over the years. In addition to his dedication to public service, Judge Montalvo’s commitment to mentoring is unmatched.

Dedication to Public Service and Mentoring

According to Judge Montalvo, his desire to serve the public was born when, as a young child, he witnessed the power of public service. The judge describes his visit to a public hospital in Puerto Rico where a friend was receiving care. Judge Montalvo remembers the busy public hospital as a place where the employees were full of pride and kept their modest hospital in pristine condition. Most important, he distinctly remembers hearing one of the workers proudly exclaim that they were “there to serve.” This experience stood out for Judge Montalvo, because he saw public servants supplying needed medical care to others in need of help—individuals who needed assistance through no fault of their own. While still a child, the judge assisted others with charity work and youth activities. This duty to serve, adopted at a young age, has guided the judge through the years.

Background

Judge Montalvo was born and raised in Bayamon, Puerto Rico. As a young student, the judge excelled at science and mathematics. After he obtained his B.S. (with honors) from the University of Puerto Rico in 1976, he earned an M.S. in bioengineering from the University of Michigan in 1977. Judge Montalvo then



worked as an automotive safety engineer for both General Motors and the Chrysler Corporation. During his time working in the private sector, the judge realized that he needed to follow his heart and find a way to serve the public. He quickly recognized that law school would be the best vehicle to get him into public service. He applied for, and was accepted into, the evening law program at Wayne State University. It was not an easy transition, because he was married, had two children, and held down a full-time job.

The effort that the judge put into his studies in law school further demonstrates his commitment to his family and the profession. A typical day entailed a 40-mile commute to work at General Motors, a drive to law school, and the evening commute home. After getting home at night, putting the kids to bed, and eating a late meal, the judge could be found buried in his textbooks, studying at the kitchen table until the morning hours. Of course, the next day would be the same.

Following graduation from law school in 1985, Judge Montalvo was recruited by the prestigious San Antonio law firm of Groce Locke and Hebron (which subsequently merged with Jenkins & Gilchrist). At the time, the firm was the largest in San Antonio. Taking a leap of faith, Judge Montalvo found his way to Texas. Focus-

ing his practice on automotive products liability defense, Judge Montalvo found he had a talent for trial work.

After seven years as a trial lawyer in private practice, Judge Montalvo decided that it was time to make the move to public service. He launched an election bid for the state trial court bench in San Antonio. Running as a Republican, Judge Montalvo was liked across the board and found support among attorneys who belonged to both parties. Through three contested elections and one contested primary—all of which resulted in electoral victories—Judge Montalvo has fond memories of his campaigns and of the people who supported his candidacies.

The Federal Bench

In 2003, President George W. Bush nominated Judge Montalvo to be a U.S. district judge for the Western District of Texas in El Paso. Following a move from San Antonio to El Paso, Judge Montalvo quickly developed a love for his new city. He built a positive judicial reputation, which he continues to enjoy to this day.

Judge Montalvo is known for his work ethic on the bench. In one of the busiest divisions in the entire country, Judge Montalvo works “smartly” and “efficiently” to get the job done. Lawyers have commented that Judge Montalvo’s docket reflects his work ethic: there is nothing languishing, and all cases receive the quick attention they deserve. In fact, Judge Montalvo is a stickler for preparation and he knows his cases inside and out. Probably as a result of his own philosophy of preparedness, he expects attorneys who appear before him to show the same respect. For the well-prepared lawyer, appearing in front of Judge Montalvo is a great experience.

As a federal district judge, Judge Montalvo has presided over some of the most high profile cases in the region, including several wide-ranging public corruption cases. The judge has repeatedly exhibited an extremely sharp mind and ability to break down the most intricate legal issues into their simplest form. This is likely the result of his highly analytical training as an engineer (and the late-night study sessions at the family dinner table during law school).

According to the judge, following the law is most important. However, in doing so, one thing stands out about Judge Montalvo: he gives superior respect to those who show respect to his court. This philosophy again reflects Judge Montalvo’s mantra: remove ego and agenda—he is the ultimate public servant.

Another example of his commitment to public service is his contribution to the re-entry court program, “Project Sendero,” that Judge Montalvo initiated in El Paso. Modeled after state “drug courts,” Project Sendero was developed to assist criminal defendants, who are identified as likely to fail in completing their terms of court-ordered supervision, by closely working with them to reduce recidivism. Using a team approach—which includes probation officers, a public defender, prosecutor, and Judge Montalvo working together—the program is

designed to provide a coordinated network of services by engaging community members and service providers to successfully re-integrate the participants back into the community. The program is unique in that all defendants selected to participate in the program have mental health disorders as well as substance abuse problems or dependencies. The program’s success is attributable in no small part to the judge’s tireless efforts.

Judge Montalvo is consistently recognized as an authority on a variety of legal topics. Indeed, he is routinely called upon to speak about the American judicial system at international forums—including conferences in Colombia, Ecuador, Peru, and Thailand.

Away from the Bench

Even with his diligent work ethic, Judge Montalvo is widely known as a devoted husband, father, and grandfather. There is no greater joy in his life than his family. He proudly gives his extremely supportive wife of 33 years, Maria, credit for his professional achievements: “I could not do what I do without the love and support of my family.”

It is not surprising that Judge Montalvo has a loyal and dedicated staff, all of whom admire him and appreciate his work. Alex Neill, currently a lawyer with the Neill, Strelitz, and Moore-Duarte firm in El Paso, clerked for Judge Montalvo and fondly recalls the great learning experience he gained from his clerkship. According to Neill, “While obtaining knowledge of the inner workings of a court was an important first step for me as an attorney, I will always value and appreciate Judge Montalvo’s fundamental sense of fairness in his approach to the cases.” Considering Judge Montalvo’s devotion to public service, it is not surprising that he takes more than a passing interest in the careers of his law clerks. It is not uncommon for the judge to check in with his former law clerks after their clerkships have come to an end as Judge Montalvo’s mentoring continues beyond his chambers.

Besides the law, Judge Montalvo’s interests are many. Although it is not apparent when he is wearing his robe, Judge Montalvo is in great shape and dedicated to his exercise regime. Always available to supply advice on health and physical fitness, you can count on the judge to supply a suggestion for an expert combination of cardio exercises and weightlifting. In addition to fitness, the judge’s interests include reading, cars, jogging, and boxing. He also has a passion for international diplomacy.

Judge Montalvo’s sharp legal mind, unyielding work ethic, mentoring, and sense of duty to the public have been, and remain, the hallmarks of his impressive career. **TFL**

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