

## Judicial Profile

MICHAEL B. KNISELY

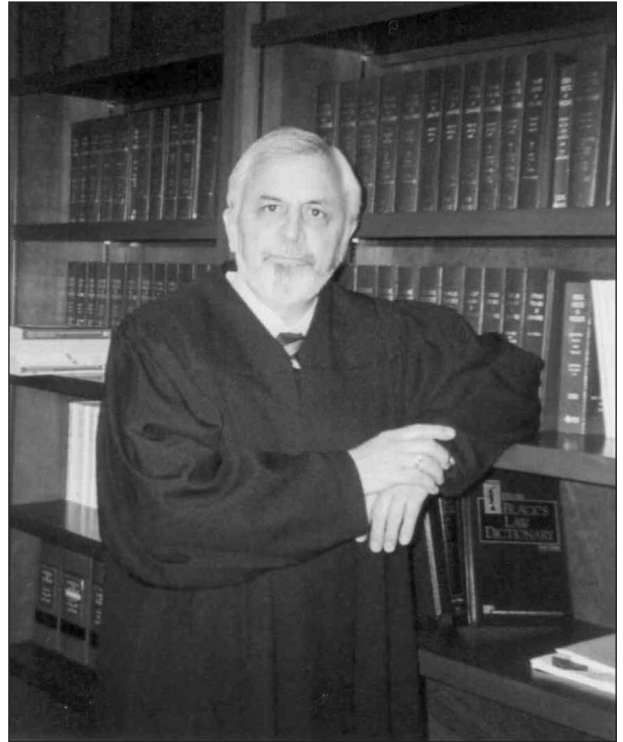
# Hon. Felix Recio U.S. Magistrate Judge, Southern District of Texas

THE CITY OF BROWNSVILLE lies at the southernmost point of Texas, deep in the heart of the Rio Grande Valley. It is a culturally rich and distinct place, with colorful traditions and charismatic people. Brownsville shares the border between the United States and Mexico with its sister city, Matamoros, Tamaulipas, Mexico, which is connected to Brownsville by various bridges that traverse the Rio Grande River.

There is no better way to tour Brownsville than with U.S. Magistrate Judge Felix Recio as your guide. Judge Recio has a deep appreciation for the nuances of his hometown, including its unique history, the architecture of its older buildings, and spots of local cultural significance. A tour of Brownsville with Judge Recio might include visits to various churches of aesthetic interest; a stop at the purported starting point of the Chisholm Trail; a visit to a tree that many believe bears the image of the Virgin Mary; and dining at the best restaurants in Brownsville that seemingly nobody other than the judge knows about. If you are lucky, the tour might even include more personal stops, such as a tour of the neighborhood where he grew up or a visit to the location near the new federal courthouse, where his uncle used to have a television repair shop. Brownsville is a place Judge Recio knows well, and his round-trip journey—away from and back to that city—constitutes a paramount example of the American dream realized.

Judge Recio was born in Brownsville on July 12, 1945. The city was a different place at that time. Like much of Texas, it was significantly more agrarian, and the focus on the shrimping and fishing industries—which naturally pair with the city's proximity to the Laguna Madre and the larger Gulf of Mexico—was more pronounced than it is today.

Judge Recio's father had several different jobs in Brownsville, including positions with Hygeia Dairy Company and Pan American Airlines. He joined the U.S. Army during World War II and later enlisted in the U.S. Marine Corps. After serving in the military, the judge's father returned to school to earn a nursing degree.



Judge Recio attended public schools in Brownsville through junior high school, but his mother believed that her son might benefit from a more structured educational environment. Accordingly, Judge Recio applied to and was accepted at Saint Joseph's Academy, a Catholic high school in Brownsville run by the Marist Brothers. Judge Recio paid his tuition by cleaning classrooms and working as a janitor. St. Joseph's provided a focused, introspective course of study. He often credits the brothers at St. Joe's with being the first of his teachers to encourage him academically.

Unfortunately, as his final year of high school approached, Judge Recio's mother became ill, and the judge was sent to live with his extended family. Those family members were less enthusiastic about Judge Recio's academic career and more concerned with the realities of their economic circumstances. Only 17 years old at the time, Judge Recio decided to strike out on his own, so he left Brownsville to join the Marine Corps.

Judge Recio did two tours in the Pacific with the Marine Corps, including stints in Okinawa, Vietnam, and the Gulf of Tonkin. In August 1966, Judge Recio

completed what had become an extended tour with the Marines. Upon returning to civilian life, Judge Recio began taking classes at East Los Angeles College. He then transferred to the University of St. Thomas in Houston, from which he received his undergraduate degree in political science in 1971. After graduating, Judge Recio began working full time while attending night school at the South Texas College of Law. During his first year of law school, he worked as a teacher, instructing students in the Houston Independent School District's English as a Second Language Program. After teaching for just over a year, Judge Recio accepted a position as a juvenile probation officer for Harris County (a county in the Houston area).

After passing the Texas bar exam, Judge Recio hung out his shingle. He tried his first case only a week after being licensed. Given his previous position as a probation officer, Judge Recio was able to secure appointments in various courts, including an increasing number of federal court appointments. His time in federal court and his past work with the criminal justice system earned him the admiration of Judge Woodrow Seals, a district judge in the Southern District of Texas. Judge Seals took him under his wing and eventually appointed Judge Recio as the executive director of the Court Volunteer Services of Harris County. Judge Recio credits Judge Seals with teaching him the significance of his role as an attorney and as an officer of the court and also instilling in him what it means to be a productive and successful member of the judiciary.

Judge Recio had his own general practice in Houston for 11 years. His work included administrative and corporate law; mainly, however, he tried civil cases of various sorts in federal and state courts across Texas. By 1986, Judge Recio had more work than he could handle. Tired of managing the business side of his law practice, he decided to leave Houston and return to his hometown after being offered a position with the federal public defender's office in Brownsville.

Judge Recio's time as a federal public defender was perhaps the most rewarding experience of his career. Unhindered by the business aspects of operating a law practice, he was free to focus on the elemental issues presented by his work. Approaching his position from this perspective, Judge Recio would measure his victories as a defense attorney by the varying effects he had on his clients. His greatest successes were those involving defendants who he genuinely believed were innocent and who went on to lead successful lives. Judge Recio's tenure as a federal public defender lasted until 1999, when he was appointed to the bench as a U.S. magistrate judge in the Brownsville Division of the U.S. District Court for the Southern District of Texas.

There was no letdown in Judge Recio's schedule when he took the bench. For example, in 2006, Judge Recio heard more than 300 felony pleas in Laredo, Texas, during a five-month period when the judges in



Judge Recio and his staff, along with his current and former law clerks.

that division were shorthanded—and that figure does not include his own docket in Brownsville. Judge Recio has a large criminal docket, in part because of the division's proximity to the border. And yet, while a significant portion of his docket is composed of immigration and drug-related criminal matters, Judge Recio also has a sizable civil docket, consisting of cases assigned by the sitting district judges as well as cases in which the parties have consented to trial before a magistrate judge. His docket rotates with that of the other sitting magistrate judge in the Brownsville Division, with one of the judges serving two weeks on the criminal docket and then two weeks off. Judge Recio's judicial appointment also entails various ceremonial and administrative duties, including one of his favorite activities: participating in naturalization ceremonies for new U.S. citizens.

One of Judge Recio's significant contributions to the legal community is the relationship he establishes with his law clerks and the professional values he instills in those young lawyers. Unlike some federal magistrate judges who rely on career law clerks, Judge Recio prefers to hire clerks for one- or two-year appointments. His time with those law clerks is educational. He not only has helped shape the legal careers of several young men and women during his time on the federal bench but has also helped teach them the importance of being productive, active, and cognizant citizens.

Judge Recio's outreach is not limited to his law clerks; it extends to other aspects of the community. He is a member of the Rio Grande Marine Institute Advisory Group and the Cameron County Bar Association. Since taking the bench, he has worked continuously with the Brownsville Independent School District, administering mock trial programs for students of various ages. He served as producer of a documentary film about the history of both the federal courthouse and the federal judiciary in Brownsville. In addition, he established an ongoing monthly community law school program that puts on legal clinics for Browns-



Judge Recio's original swearing-in ceremony administered by Judge George Kazen, then-chief judge of the Southern District of Texas.

ville's citizens. He also has conducted Law Day activities throughout Cameron County in local high schools, using his own unique history to promote respect for the legal system and the rule of law, and he has participated in Reading in the Classroom programs in several area school districts.

Judge Recio's commitment to the community is also shared by his family. His wife, Annabell Alegria, is a practicing attorney in Brownsville. Annabell is a past chair of the local United Way and immediate past president of the Cameron County Bar Association. Judge Recio is also very proud of his children, including two adult sons, Ryan Michael Recio and Adam Christopher Cavazos. Ryan, an attorney, works for Medallion Oil in Houston, Texas; Adam is a chef, currently working at Bistro M in McAllen, Texas. Judge Recio and Annabell also spend a great deal of time with their two other children: Souther Berry Recio, an eighth grader at St. Joseph's Academy, the judge's alma mater; and the judge's stepson, Christian Daniel Lavios, a seventh grader at St. Joe's.

Judge Recio brings the same commitment and dedication to the bench that he brings to his relationship with his family, his law clerks, and the community in general. His extensive experience as both a civil litigator and a criminal defense attorney provides him with special insight about federal court practice, which is evident in the way he runs his courtroom. Because of the time he spent in the trenches as a litigator, he has created a courtroom atmosphere that is far from despotic and one that allows counsel to represent their clients without unnecessary intrusions from the bench. Practitioners appearing before Judge Recio can expect to be treated with respect and civility. Judge Recio believes in allowing attorneys to try their own cases and sees his role as one that is limited to substantive judicial decision-making; in his courtroom, procedural intervention occurs only when necessary.

Judge Recio is also careful not to legislate from the bench. He believes that his job is to apply the law to the cases he hears to the best of his abilities. That commitment to principled decision-making equates to hours of conversations with his law clerks, careful research, and thoughtful opinion writing. Judge Recio is careful to apply the advice he received when he first joined the judiciary about the importance of acknowledging the individuals appearing before him in court. That advice taught him that his profession requires him to conduct business with each individual so that he or she leave his courtroom with some sense of hope and some tangible positive thought to grasp.

Like many members of our federal judiciary, Judge Recio exemplifies the fulfillment of the American dream; he is proof that hard work, determination, purpose, a friendly hand extended in assistance, and a little bit of luck can lead to success. In March 2007, Judge Recio was reappointed to a second term as a U.S. magistrate judge—a testament to his efforts both on and off the bench. Members of the federal bar around the country can draw comfort from the fact that our judiciary is made up of individuals such as Judge Recio, and hopefully his reappointment means that he will be serving this country for at least eight more years. **TFL**

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*Michael B. Knisely was born in Brownsville, Texas. He is an attorney with Arnold & Placek, P.C., in Round Rock, a suburb of Austin, Texas. Prior to entering the private sector he served as a judicial clerk for Judge Recio.*