



Hon. David Briones

Judge, Western District of Texas

by Ricardo Gilb



Ricardo Gilb is a litigation associate at Krevolin & Horst in Atlanta, Georgia. He went to law school at the University of Texas after a decade as a teacher, musician, and freelance editor. His clerkship with Judge Briones brought him back to El Paso, the city where he grew up. He lives with his wife and their two young sons, who are now lifelong fans of El Paso.

Judge David Briones is known for his efficiency on the bench. I've even heard him tell a joke about himself that goes something like this: "Okay, attorney, you need 10 minutes for your opening?" To which the attorney says yes, and he, the joke-Judge Briones, replies: "Okay then, you've got five." Yet, Judge Briones is never in any rush when telling stories about his hometown or about all the twists and turns in his impressive career. That career has been marked by bits of luck, converted into opportunities by his unquestioned intelligence, ability, and affability.

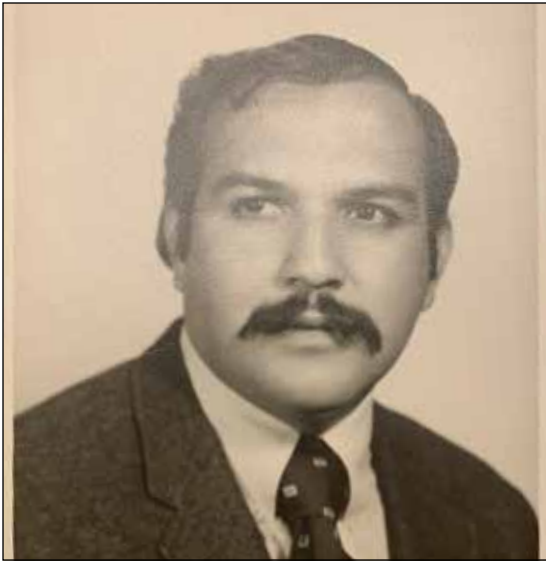
Judge Briones can, from his grand seventh floor office in El Paso's federal courthouse, still see the spot where his family lived when he was born in 1943. He was the second oldest of 10 children born between 1941 and 1960, all of whom would go on to graduate from college. His mother, a homemaker, attended Bowie High School, and his father, a bookkeeper, attended Cathedral, both in El Paso. Briones himself attended El Paso High School, deterred by the fact that Cathedral, a private school for boys in El Paso, had "no girls and a bad football team." Briones proudly declares that as a lineman for the El Paso High football team he was All-District, "offense *and* defense," even though he was, he says, "the smallest guy on the team." His yearbook features him in a dapper pinstripe suit, Senior Class Favorite for the graduating class of 1961. While in high school, El Paso elected Raymond Telles as its first Mexican American mayor, a major moment for a Mexican American community woefully underrepresented in the city's government and legal establishments. But Judge Briones, who would later become the city's first Mexican American federal judge, says he was too busy having fun to think much of it.

He was, by his own description, a "partier" during high school and during his first year and a half at Texas Western College in El Paso, frequenting the bars in Juárez where—unlike Texas before 1969—liquor could be served by the glass. But the threat of the draft changed his course, if not in a predictable way. Judge Briones volunteered for the draft and knew he would soon, though not immediately, be headed into



the army. In the interim he headed to the beaches of California, and even, for a short time, into Mexico. A chance encounter at a Santa Monica beach with a young man wearing a Texas Western sweatshirt, who turned out to share some friends with Briones, would lead him into his career. Briones returned to El Paso briefly before being called up to fulfill his two-year commitment to the US Army, and during that time started working with a brother of that man on the beach. That brother was Paul Moreno, an attorney in El Paso who would be elected to the Texas Legislature in 1967 and stay there for 40 years, and with whom Briones began a lifelong partnership.

After his service, Briones returned to El Paso to finish college at Texas Western, which had just etched its name into history by winning the NCAA Men's Basketball Championship with an all-Black starting lineup, and which would within a year change its name to the University of Texas at El Paso. Before he obtained his degree, Paul Moreno, newly elected to the Texas Legislature, hired Briones as an aide during the 1967 legislative session. Briones took a few classes at University of Texas at Austin while working for Rep. Moreno, then returned to El Paso to graduate from UTEP in January of 1969. He returned to Austin to continue working with Rep. Moreno, who encouraged



him to attend law school. Briones was initially denied admission, but after a meeting with a law school dean was allowed to take summer classes to prove he was capable. He proved more than capable, and he was admitted and then excelled during the two and a half years it took him to graduate as one of a miniscule number of Mexican American students at the school. Judge Briones persuaded Rep. Moreno to put another of those students on his legislative payroll to help him with financial difficulties that threatened to prevent his graduation.

After graduating from law school in 1971 and passing the bar, Briones became Moreno's law partner in El Paso and took on all kinds of cases, civil and criminal, probate and murder. He even worked on a multitude of competency determinations, taking one all the way to a jury. Judge Briones recalls that during that time, he tried a case—and repeatedly objected to decisions—in the courtroom of Judge John Wood. Briones defended—successfully, after an appeal to the Fifth Circuit—an attendee of the La Raza Unida Presidential Convention, held in El Paso in 1972. Judge Wood's seat would eventually be occupied by Briones. He remained in private practice for more than two decades, during which time Judge Briones also started a family, raising a son who would later follow in his footsteps, attending the University of Texas Law School and becoming a lawyer.

Briones ran unsuccessfully for the position of municipal judge in 1979, but in 1991 another opportunity to join the bench appeared. County Court at Law Judge Philip Martinez—later a close friend and colleague on the federal bench—was appointed by Governor Ann Richards to fill a vacancy on the state district court in El Paso. County Judge Alicia Chacon, herself the first Mexican American woman to hold that office, asked Briones if he was interested in the seat. Soon after, Judge Robert Galván, who'd been doing double duty on the county court, excitedly administered the oath to Judge Briones, inaugurating his decades of distinguished service on the bench.

Judge Briones would keep that seat through two elections. Then, in 1994, he was nominated for a seat on the federal bench by President Bill Clinton. Judge Briones was helped through the slow and somewhat opaque process of confirmation by Judge Lucius Bunton. Judge Bunton passed Judge Briones advice and assurances from a mysterious friend named "Joe," who Judge Briones only later understood was the Joe who was then head of the Senate Judiciary Committee and would later become President. At the time of his confirmation, Judge Briones was responsible for cases in El Paso and Pecos, Texas as well, while Judge Royal Furgeson, a friend and big supporter of Judge Briones's career, was responsible for El Paso and Midland, Texas. Briones fondly remembers that his first trial, in Pecos, featured "400 pounds of marijuana in a concrete mixer" and resulted in an acquittal. When the Fifth Circuit, six months later, determined that El Paso and Pecos needed resident, full-time district judges, he graciously volunteered to move to the latter region, allowing Judge Briones to become, as he was perhaps destined to be, a full-time El Pasoan.

Judge Briones is quite content with his work as a trial judge. He recalls overseeing the nine-week *Bieganowski* trial with a mix of pride and horror as something he doesn't think he could do again. He credits the quality of the lawyers that have practiced before him and his clerks—once of his favorite perks of being a federal judge—with making his job as a judge easier. By 2018,

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Judge Briones had tried some 371 jury trials and disposed of a further sixteen thousand criminal and three thousand civil cases. It was once suggested to him that he seek to fill an opening on the Fifth Circuit, but Judge Briones wasn't the least bit tempted: "I'm a trial judge," he said. "I can't picture myself reading briefs and records for the rest of my career. So, I'll stay with trial."

In addition to handling cases, Judge Briones oversaw the selection of a plan and the building of El Paso's current federal courthouse, the Albert Armendariz Sr. Federal Courthouse. When it was suggested to him that the selection be left in the hands of architects, Judge Briones said, with a confidence gained from living up to just about every challenge he's faced, "I know a good building when I see one." Judge Briones took senior status in 2009, leading to the appointment of Judge David Guaderrama. As a Senior District Judge, he has maintained a steady load of cases, though he has, to some sadness, had to give up golfing. He was also able to give up certain administrative duties, but says he's kept responsibility for swearing in new attorneys because he enjoys seeing all the new faces.

His decades on the federal bench have created a full roster of former clerks who've moved into all kinds of legal careers and remember working for him with great fondness. And Judge Briones's decades in El Paso have made it difficult to find anyone in town who doesn't have some connection to him or to his wife Delia Briones, the El Paso County Clerk. He is a regular at many of the city's restaurants, though even with new places popping up regularly, his favorite remains the enchiladas at L&J's, filled with onions and topped with two eggs.

Although Judge Briones's career has earned him immense respect and numerous accolades from colleagues and coworkers, one honor stands out. In 2018, the Fifth Circuit dedicated its Judicial Conference to Judge Briones, citing "his consistent fidelity to the rule of law, his strong commitment to equal justice under the law for all citizens, and for the numerous professional and voluntary ways he has enriched the entire legal community." Judge Briones counts the dedication as his proudest moment, saying that there's nothing better than "to be recognized by your fellow judges." He remains, decades after those photos in the yearbook, a favorite among those who know him. ☺