

2017 MAR 24 PM 1:08

KATIE ESPINOZA  
DISTRICT COURT CLERK

1 FIFTH JUDICIAL DISTRICT COURT  
2 COUNTY OF CHAVES  
3 STATE OF NEW MEXICO

4 D-504-MS-2017-07

5 IN RE: MEMORIAL SERVICES FOR  
6 THE LATE HON. RALPH D. SHAMAS,  
7 LINDA, N. FOSTER, ESQ.,  
8 JAMES L. BRUIN, ESQ.,  
9 PHILIP T. BREWER, ESQ.,  
10 HARRY G. WILCOX, ESQ.,  
11 JESSE R. COSBY, ESQ.,  
12 CHARLES T. (TOM) DUNLAP, ESQ.

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
TRANSCRIPT OF PROCEEDINGS

On the 24th day of February 2017 at approximately 3:00  
p.m., this matter came on for hearing on MEMORIAL SERVICES  
before the HON. FREDDIE J. ROMERO, HON. JAMES M. HUDSON,  
HON. KEA W. RIGGS, HON. DUSTIN K. HUNTER, Judges of the  
Fifth Judicial District, State of New Mexico,

At which time the following proceedings were had:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C O N T E N T S

REMARKS	PAGE
By Ian McKelvy, Esq.	3, 32
By Hon. Charles C. Currier Hon. Ralph D. Shamas	5
By Barbara A. Patterson, Esq. Linda N. Foster, Esq.	8
Kelly Mack Cassels, Esq. James L. Bruin, Esq.	11
Rod M. Schumacher, Esq. Philip T. Brewer, Esq.	17
Gary C. Mitchell, Esq. Harry G. Wilcox, Esq.	22
Timothy J. Cusack, Esq. Jesse R. Cosby, Esq.	24
Hon. Alvin F. Jones Charles T. (Tom) Dunlap, Esq.	28

1           THE BAILIFF: Good afternoon, ladies and gentlemen.  
2 All rise please. Fifth judicial court is now in session.  
3 The Honorable Kea Riggs, the Honorable Dustin Hunter, the  
4 Honorable James Hudson, the Honorable Freddie Romero.

5           HON. FREDDIE J. ROMERO: Thank you. Please be  
6 seated. Good afternoon, ladies and gentlemen. On behalf  
7 of the judges of Chaves County, Fifth Judicial District  
8 Court, we want to welcome you to this memorial today. This  
9 memorial hasn't occurred since 2011. We are here today to  
10 honor our colleagues, our friends, and lawyers that have  
11 passed since that time. I want to express my appreciation  
12 to Bob Sabin, Ian McKelvy, Kennon Crowhurst, and the Chaves  
13 County Bar for planning and creating this memorial. At  
14 this time I'll turn over the proceedings to Bar President  
15 Ian McKelvy.

16           IAN MCKELVY: Thank you, Judge. May it please the  
17 court. Judge Romero, Judge Hudson, Judge Hunter, Judge  
18 Riggs, ladies and gentlemen. To paraphrase the wise King  
19 Solomon: It is better to go to a memorial such as this to  
20 consider those who have passed than it is to go to a house  
21 of feasting. For we consider their lives. We consider our  
22 own ends. And as Solomon explains, the living take it to  
23 heart.

24           We have much to take heart in today and to take to  
25 heart. The Chaves County Bar Association is celebrating

1 its one hundredth anniversary this year. It has an  
2 illustrious and well-respected history. And with very good  
3 rates of regularity, part of this history is the tradition  
4 of honoring the members who have gone before us and their  
5 contributions. It is because of the contributions of the  
6 members of this bar, the attorneys like those who are  
7 honored today, that Chaves County and its bar association  
8 has been held in the highest regard both in this state and  
9 across the country.

10 I know that the seven attorneys that we will recognize  
11 today have been remembered elsewhere and perhaps eulogized  
12 elsewhere. Our tributes today will not be exhaustive by  
13 comparison, but we will formally acknowledge each  
14 individual's contribution to both this bar and this  
15 community and give them a measure of honor that is due to  
16 each of them.

17 As I said, the tributes today will be brief, but they  
18 will be made a permanent record of the district court. I'm  
19 sure we all have stories that we would like to share. I  
20 know I do. But time prohibits us from putting all those  
21 stories on the record. But hopefully the tributes that we  
22 have today will preserve and refresh our own memories and  
23 perhaps remind us of others.

24 And hopefully we will take to heart the lives of each  
25 of the members that we recognize today recognizing their

1 unique personalities, their contributions, and the lessons  
2 that they have taught us.

3 With that, we will proceed with the tributes. Without  
4 further introduction, I'm going to ask that each of the  
5 presenters come up here and proceed in the order that we've  
6 established with their tributes starting with the tribute  
7 to the Honorable Ralph Shamas.

8 HON. CHARLES C. CURRIER: Thank you, Ian. It is  
9 certainly my pleasure to be here today and speak on behalf  
10 of my friend, Ralph Shamas. I'd also like to recognize  
11 here today Judge Baldock from the tenth circuit court of  
12 appeals, friend of Neil Gorsuch by the way, and his wife  
13 Spunky. Thank you for being here.

14 May it please the court. Memorial resolution for the  
15 Honorable Ralph D. Shamas, attorney and Chaves County  
16 District Court Judge. February 24th, 2017.

17 Whereas, the Chaves County Bar Association desires to  
18 preserve for its records and for posterity a memorial of  
19 the life of this prominent citizen, lawyer, and judge. The  
20 following facts are hereby recalled:

21 Ralph Davis Shamas, "Ralph," was born in Roswell on  
22 October 30th, 1948. He was the younger or youngest of the  
23 children born to Joseph Bashara Shamas, Sr., from Dudghria,  
24 Lebanon, and Flora Smith Shamas of Melrose, New Mexico.  
25 Ralph grew up in Roswell and attended both Roswell High and

1 Goddard High School, graduating in the first graduating  
2 class from the latter in 1966.

3 Ralph attended the University of New Mexico and  
4 received his undergraduate in 1970. He earned a  
5 scholarship to attend the University of Iowa School of Law.  
6 Ralph received his juris doctor degree in 1973, graduating  
7 cum laude. While at the University of Iowa School of Law,  
8 Ralph served on and was published in the Iowa Law Review in  
9 1973. Ralph returned to his hometown and passed the New  
10 Mexico Bar exam.

11 Ralph began his legal career with, as it was known at  
12 the time, the Atwood, Malone, Mann, and Cooter law firm now  
13 Atwood, Malone, Turner, and Sabin. He became a partner  
14 with that firm and remained there until 1977. In 1977, he  
15 and Tandy Hunt became partners. It was also in 1977 that  
16 he married Elizabeth Anderson Clark out of Valdosta,  
17 Georgia. She was devoted to him and he to her for the rest  
18 of their lives together. She was his soul mate.

19 In 1979, Ralph became sole partitioner, having offices  
20 in Roswell and Albuquerque. In 1985, Ralph concentrated  
21 his law practice again in Roswell and obtained the first  
22 million dollar personal injury jury damage award in Chaves  
23 County history. He formed a law firm with his friends,  
24 Doug Perrin and Phil Brewer. And they were partners until  
25 1991.

1        In 1992, Ralph took a sabbatical from the practice of  
2 law to concentrate on his avocation of training and racing  
3 thoroughbreds. He trained and raced horses for 18 months  
4 in various venues in the southwest and Southern California.  
5 After his sabbatical, Ralph returned to the practice of law  
6 in Roswell.

7        Ralph's law practice included both criminal and civil  
8 cases. He successfully and solely defended four capital  
9 murder cases. Parenthetically: Small change to Gary  
10 Mitchell. He had numerous large jury verdicts for people  
11 who had suffered grievous injuries or death. Anyone  
12 involved in a case in which Ralph was counsel knew that  
13 Ralph was the definition of a zealous advocate for his  
14 client. Ralph had a passion and love for the practice of  
15 law and his clients. Ralph also found time to author three  
16 mystery books appearing on Amazon.

17        In June 2005 Judge Shamas was appointed to the district  
18 court Bench to fill the seat left vacant by the Honorable  
19 Bill Lynch who was appointed to the federal court Bench.  
20 In 2006, Judge Shamas won election to his position and won  
21 retention in 2008.

22        Judge Shamas expected zealous advocacy and excellence  
23 from the attorneys who appeared before him. In return,  
24 Judge Shamas was always totally dedicated in his role as  
25 impartial jurist and habitually did everything he could to

1 be knowledgeable of the issues before him. As he loved the  
2 practice of law, Judge Shamas also loved being a judge and  
3 serving the people of Chaves County. His life ended too  
4 soon on January 17th, 2013, when he lost his battle with  
5 cancer. He was 64.

6 Now therefore, be it resolved that the profound  
7 sympathy, condolences, and respect of the Chaves County Bar  
8 Association be extended to the members of the family of  
9 Judge Ralph D. Shamas and that this resolution of tribute  
10 to him be made a part of the permanent record of the  
11 District Court of Chaves County, New Mexico, and the  
12 permanent record of the Chaves County Bar Association, and  
13 that copies of this resolution be transmitted by the clerk  
14 of said court to the members of Judge Shamas's family.

15 May it please the court. I hereby move the admission  
16 of this tribute into the permanent records of the Court of  
17 Chaves County.

18 HON. FREDDIE J. ROMERO: Memorial and tribute are  
19 accepted.

20 BARBARA A. PATTERSON: Honorable Judges of the  
21 fifth judicial district, members of the bar. Memorial  
22 resolution. Linda Nell Davis Foster.

23 Whereas, the death of Linda Nell Davis Foster on  
24 January 28th, 2013, marked the end of a distinguished  
25 career of an attorney and advocate active in ensuring the



1 rights of families, children, and parents faced with  
2 struggles in the legal system.

3       Whereas, the Chaves County Bar Association desires to  
4 preserve for its records and for posterity and resume of  
5 the life of this prominent citizen and lawyer, the  
6 following facts are hereby recalled:

7       Linda Nell Foster was born May 11th, 1949 in Hagerman,  
8 New Mexico. Linda Foster's parents were Olen Earl Davis  
9 and Anna Christine Harless. Both of her parents preceded  
10 her in death. She followed the path of many young women by  
11 entering into marriage and dedicating her time to the  
12 raising and guiding of her three young children. She lived  
13 the majority of her life in New Mexico with only short  
14 brief stays in the State of Oklahoma.

15       After succeeding to the challenges of motherhood, Linda  
16 Foster received her bachelors in science degree in  
17 sociology in 1998 from Eastern New Mexico University of  
18 Portales, New Mexico. She began working as a private  
19 investigator until she decided to enter into law school.  
20 She graduated from Oklahoma City University in 2001 with  
21 her juris doctor degree.

22       Upon becoming licensed in the State of New Mexico to  
23 practice law, Linda returned to New Mexico and began her  
24 legal career as an assistant district attorney for the  
25 fifth judicial district. A short time after that, she

1 opened her own private practice, the Foster Law Firm, where  
2 she worked until she passed.

3 Linda was passionate about her work and serving her  
4 clients to the best of her ability. She was a CASA  
5 volunteer prior to becoming an attorney. As an attorney,  
6 she continued to provide support to those same families by  
7 representing parents charged with abuse or neglect of a  
8 child. She worked tirelessly to help improve the lives of  
9 our local families by encouraging parents to learn and grow  
10 to improve the family life of their children in our  
11 community.

12 There are numerous individuals and families that are  
13 living testaments to the positive impact that she had on  
14 the people that she served during her lifetime. She  
15 understood that the people involved in our judicial system  
16 are children, mothers, fathers, sisters, brothers,  
17 neighbors, and community members, and that they were  
18 individuals deserving of her best efforts regardless of  
19 economic standing, culture, personal history, or their life  
20 choices. She served all of her clients with zeal and  
21 dedication.

22 Linda was passionate about her family and her friends.  
23 She loved to travel, often sharing those special trips and  
24 moments with those closest to her.

25 Linda is survived by her three children: Her son Greg

1 Hancock and his wife, Lori from Phoenix, Arizona; her son,  
2 Justin Crawford from Artesia, New Mexico; and daughter,  
3 Terri Aguirre of Roswell, New Mexico; and grandchildren,  
4 Brandon Aguirre, Quentin Hancock, Faith Hancock, Andrielle  
5 Hancock, and one great granddaughter Maddison Aguirre. In  
6 2014, grandson, Kaleb Aguirre, joined his grandmother in  
7 death.

8 Now therefore, be it resolved that the sympathy of the  
9 Chaves County Bar Association is extended to the family of  
10 Linda Nell Davis Foster, and that this resolution be made a  
11 part of the permanent records of the District Court of  
12 Chaves County, New Mexico, and of the permanent records of  
13 the Chaves County Bar Association, and that copies of this  
14 resolution be sent to the immediate family members of Linda  
15 Nell Davis Foster.

16 May it please the court. I hereby move the admission  
17 of the resolution into the record.

18 HON. FREDDIE J. ROMERO: The resolution is  
19 accepted.

20 KELLY MACK CASSELS: May it please the court. It's  
21 an honor to be here today on behalf of Mr. Bruin. I would  
22 like the record to reflect that Jim died on June 7th, 2015.  
23 I enter this statement into the record, Judge Romero, for  
24 two purposes. First, the truth of the matter, Mr. Bruin  
25 did pass away about 20 months ago after living all but

1 about four years of his eighty-nine-year life here with us  
2 in Roswell.

3 And the second is to prove that I have the authority to  
4 say that Jim passed away on June 7th, 2005. Mr. Sanders  
5 passed away in 1996. And as we stood around after Mr.  
6 Sanders had passed away and maybe moved by a little  
7 emotion, I asked Mr. Bruin about the fact that everybody in  
8 our office is on a first name basis, Mike and Chuck and  
9 Damon. We all went by first names.

10 So I asked him if I might refer to him by "Jim." And  
11 he looked at me for a second as he always would do. And he  
12 said, "Sure, Kelly. You can call me Jim ..." and I think  
13 he must have seen me smile. And then he said, "... six  
14 months after I've died." Since it's been 20 months since  
15 Mr. Bruin passed away, I want to say publicly that I call  
16 him Jim. I never called him Jim ever in my whole life and  
17 I probably never will other than today.

18 I looked up to Mr. Bruin a great deal and was able to  
19 be in his life for about 26 years, and that's an honor.

20 Whereas, the death of James L. Bruin on June 7th, 2015,  
21 marked the end of a life of a man who lived his entire life  
22 in Roswell, New Mexico, apart from the time he was away  
23 receiving an education or serving his country.

24 And whereas, James L. Bruin served the people of his  
25 county, and this country in particular, with honor and

1 distinction, and lived a life worthy of remembrance as a  
2 member of the Chaves County Bar.

3 And whereas, it is fitting and proper that the Fifth  
4 Judicial District Court of Chaves County and the Chaves  
5 County Bar Association preserve for their records a  
6 testimony of the life of this longtime servant of the  
7 people of Chaves County.

8 Now therefore, the following summary of the life of  
9 James L. Bruin is offered into the record of this court.

10 James Leo Bruin was born March 17th, 1926, in Joplin,  
11 Missouri. In 1930, when he was only four years old, his  
12 family moved to Roswell with his family, a community that  
13 he called "home" for the rest of his long life for the next  
14 85 years.

15 Mr. Bruin was the product of the Roswell Public  
16 Schools. He attended Washington Elementary School, North  
17 Junior High School, which is where the current Roswell  
18 administration building is for the school system. And he  
19 graduated from Roswell High School in 1944, which is what  
20 we know as the Yucca Center today.

21 After graduation in May of 1944, Mr. Bruin volunteered  
22 for service in the United States Army Air Corps and began  
23 his training just a month later in June of 1944, which was  
24 just a few days after the allied invasion of Europe on  
25 D-Day. He volunteered during the midst of World War II.

1 He served as a 50-caliber machine gunner on a B-29.

2 And towards the end of World War II, he trained with  
3 his crew around the country. And he was scheduled to ship  
4 overseas to the Pacific theater of the war against Japan  
5 just when the Japanese surrendered in 1945. He served his  
6 time in the air corps and was discharged in August of 1946.

7 After the war, Mr. Bruin attended college and law  
8 school at the University of Colorado. He chose to go to  
9 law school because his older sister, Geneva, had to go to  
10 work after their father passed away when he was very young.  
11 So she graduated high school and had to get right to work.  
12 She was working at the law office of Colonel Atwood and  
13 Ross Malone back in the late 1930s and early 1940s.

14 Mr. Bruin had an opportunity to visit that office and  
15 to meet those men and he was impressed with them. And from  
16 those days on, he decided he wanted to be an attorney. And  
17 that's why he went to law school. He met Alice, his future  
18 bride, who was a United Airline Stewardess during the time  
19 of his law school.

20 He graduated in May of 1952 and married in July of 1952  
21 in Denver. They had two children: Jay, who predeceased  
22 Mr. Bruin in 2015; and Barbara, who is with us today who is  
23 an attorney in Albuquerque. Alice Bruin predeceased Mr.  
24 Bruin in death.

25 Mr. Bruin joined the law practice of Truman T. Sanders

1 in the JP White Building in 1952 making \$250 a month. Mr.  
2 Sanders referred to him as "Kid." And he said he referred  
3 to him as "Kid" for many years. At that time, there were  
4 less than 20 attorneys in Chaves County. He had a general  
5 commercial practice, and his primary client was Pioneer  
6 Bank where he sat on the board of directors for many years.

7 As time went on, he went by the moniker of "Mr. B"  
8 around our office. And he remained a full-time fixture in  
9 the office and helped oversee its growth to the current 14  
10 attorneys and 26 staff members until the time of his death.  
11 His loss was keenly felt by the attorneys and the staff  
12 alike. He was a stable influence and a solid dispenser of  
13 wisdom. He genuinely cared for every employee in our  
14 office and cared for them for more than six decades. He  
15 always sought to preserve the professionalism and the  
16 integrity of the firm all of his days.

17 In 1967, Mr. Bruin was elected to the New Mexico State  
18 Senate and served as a minority whip for the republicans  
19 and also as the New Mexico State Bar Commissioner  
20 representing Southeastern New Mexico from 1983 to 1991.

21 Mr. Bruin loved the rotary club and the good works it  
22 did in the community and around the world. He was the  
23 longest serving member of the Roswell Rotary Club having  
24 been a member for 58 years. And he was its president from  
25 1962 to 1963. If he missed a meeting, he was always sure

1 to make it up, and maintained a perfect attendance record  
2 for decades.

3 Mr. Bruin also had a great love of music. He was  
4 instrumental in establishing the Roswell Sympathy Orchestra  
5 along with his wife, Alice. For 50 years he served in many  
6 different capacities on the symphony's board of directors,  
7 which included two terms as its president. He remained on  
8 the board of directors until his passing.

9 Mr. Bruin was also one of the founding members of the  
10 Roswell YWCA in 1957. He helped to guide that organization  
11 and assisted it in its first acquisition of property.

12 Mr. Bruin was definitely from the old school. He  
13 thought old school and he worried a great deal about the  
14 public's perception of the legal profession. And he  
15 expected those who worked for him to maintain the highest  
16 levels of integrity. He was the last of his breed. There  
17 are no others like him, and he is sorely missed.

18 So now, therefore, be it resolved that the sympathy of  
19 the Chaves County Bar Association is extended to the family  
20 of James L. Bruin and this resolution be made a part of the  
21 permanent records of the Fifth Judicial District of Chaves  
22 County and of the permanent records of the Chaves County  
23 Bar Association and that copies hereof be provided to the  
24 family of James L. Bruin.

25 Judge Romero, I move the admission of this memorial to



1 the permanent records of the court.

2 THE COURT: The memorial will be admitted.

3 ROD M. SCHUMACHER: May it please the court. Your  
4 Honors. Ladies and gentlemen. Respected members of the  
5 bar. Less respected members of the bar. As I stand here  
6 and look around, I'm overwhelmed by the thought that I've  
7 had better looking juries.

8 I have to tell a Jim Bruin story. I told his daughter  
9 before we got started. I'd been in town about a year and  
10 was doing one of those clean hands foreclosure actions that  
11 we used to do on behalf of Security National Bank, talking  
12 to some poor person out of their house. There was this  
13 long list of defendants, five, six, seven defendants, all  
14 represented by different local attorneys.

15 Now, when you have a foreclosure action, one of the  
16 things you are allowed to do is ask for an award of  
17 attorney's fees. If you had any hope of obtaining those,  
18 you wouldn't be in a foreclosure action. But you are  
19 allowed to ask. So Jim Bruin had one of the other  
20 defendants.

21 He called me up one day and introduced himself over the  
22 phone. I had no idea who he was. He introduced himself  
23 and who his client was. He said, "I see your claim for  
24 attorney's fees." "Yes, sir." He said, "Well, it's too  
25 high." "Okay." He said, "Now, I represent one of these

1 local businesses. A lot of local businesses in this case."  
2 He said, "I sure would think you would cut that award of  
3 attorney's fees. It would help out these local folks."

4 Well, for once in my life, I didn't say anything. I  
5 had no idea what to say. I grew up in a small town. I  
6 know how these things work. Well, the last thing I want to  
7 do is start out ticking somebody off. So we sat there for  
8 probably 20 seconds, nobody saying anything. And finally  
9 Jim said, "Well, I wouldn't." That was my introduction to  
10 Mr. Bruin.. I too called him Mr. Bruin for as long as I can  
11 remember.

12 My responsibility is to speak on behalf of Phillip  
13 Terry Brewer my friend and colleague, a confidant of mine,  
14 and someone I miss very much. From the moment that Phil  
15 entered this earthly life, he was in all respects unique.  
16 Even the date of his birth, 5/5/55, was distinctive and  
17 memorable. Later in life, Phil's green slacks and Looney  
18 Tunes tennis shoes further confirms his disdain for the  
19 conventional and the ordinary. When your wing tips bear  
20 pictures of Bugs Bunny and Tweety Bird on them, you better  
21 be very good at what you do, because you have culled your  
22 silly self out of the herd of normalcy. Phil knew that.  
23 Fortunately for him, he was very good at his craft,  
24 brilliant by any standard and more than worthy to take his  
25 place along side the great lawyers who have found their

1 homes in the finest bar association in New Mexico.

2 Phil was a man of diverse talents. He was a  
3 renaissance man, well-read, educated, a capable athlete,  
4 and an accomplished lawyer. He wasted little time in high  
5 school having graduated in three years. From there he went  
6 on to McMurry University, a place that would capture his  
7 heart and his soul forever. He graduated with highest  
8 academic honors in 1976. Then he was off to law school at  
9 the University of Texas. Roswell took custody of Phil  
10 following his graduation from UT in 1979, and only his  
11 death on November 4, 2015, could take him away from us.

12 Phil initially spent time here with the Hinkle firm, a  
13 great law firm made even greater by Phil's presence. But  
14 that association was short lived. If you think about that  
15 logically, you got a firm with Lewis Cox at one end of the  
16 hall and Phil Brewer at the other end of the hall;  
17 something's got to give. And sure enough it did. And Phil  
18 moved on in his quest for professional nirvana.

19 To be charitable, over time Phil enriched the lives of  
20 many of the lawyers with the association in whom he joined  
21 forces. But at day's end, Phil needed to create his own  
22 realm. He did so by opening his shop on Fourth Street, the  
23 storefront that became known as Pegasus Place. It was a  
24 place of Phil's creation where his genius was in full  
25 display. Walking through the front door of that office,

1 one can only conjure up an image of walking "Through the  
2 Looking Glass," a place where an imagination and creativity  
3 put down roots; and the old winged horse, Pegasus, ruled  
4 the kingdom to the delight of everyone not associated with  
5 Mobil Oil.

6 Phil was an outstanding lawyer, board certified, best  
7 lawyer in America, southwest super lawyer, emblems of  
8 recognition befitting a man of his talent. If we dwell on  
9 those things, those lawyer things, we miss the essence and  
10 spirit of my friend. Phil helped run the Eastern New  
11 Mexico State Fair for many years.

12 And if you ran around with Phil a lot, he had a lot in  
13 common with sheep. So being out at the state fair was not  
14 all that unusual. Phil would grow out his winter coat.  
15 And somewhere around the first of June, he would get shorn  
16 just like a sheep. He would come to the office and have  
17 little sidewalls and the whole thing. He would start that  
18 over the next year.

19 He also gave richly to his talent, organizations like  
20 CASA, to help kiddos out. His love for young people was  
21 extraordinary and nowhere on better display than in his  
22 activities on behalf of McMurry University. He served on  
23 its board of trustees for many years. He was the board  
24 chair from 2010 to 2012. He was named McMurry's  
25 distinguished alumnus in 2002.

1        Those achievements are well chronicled and widely  
2        known, but they reveal little of Phil's true character.  
3        The real Phil Brewer is better seen in the lives of the  
4        many McMurry students whose educational expense was  
5        defrayed in part by Phil's generosity in funding  
6        scholarships at his alma mater. Those who have benefited  
7        from Phil's assistance will carry his legacy forward never  
8        allowing Phil's goodness to leave our memories.

9        Purely personal note. Phil's death probably hit me  
10       harder than any non-family member I can think of. We  
11       provided much support to each other in times of trouble,  
12       and there were many such times. My personal life will  
13       never be the same and neither will this bar.

14       In Phil's obituary we said this: "Our world is made  
15       dimmer by Phil's passing. But in time, our sorrow will  
16       give way to treasured memories of the love and laughter  
17       that Phil gave to all of us. We will miss him always.  
18       John 15:13." For me, I'm ready for the sorrow to pass and  
19       those memories to take over. But as of this writing, I'm  
20       still waiting.

21       I'm no longer allowed to use words like "wherefore" and  
22       "resolved," that sort of thing. So I don't have all that  
23       down at the bottom of my sheet. I would however move  
24       admission of these prepared remarks, and remarks made here  
25       verbally, into the permanent records of this bar

1 association and this district court.

2 HON. FREDDIE J. ROMERO: The remarks are admitted.

3 GARY C. MITCHELL: May it please the court. "Ah,  
4 G'day, mates," the expression of Harry Wilcox to all of us  
5 when he would meet us in the courtroom or on the street or  
6 in a restaurant or wherever it may be.

7 Harry was born in Otero County, New Mexico, in 1947,  
8 and he lived until 2016. He was a lawyer in the United  
9 States having completed law school at Oral Roberts  
10 University, and a barrister in Australia having obtained a  
11 master's degree in law from Melbourne University. His  
12 legal work included a time as a prosecutor in the twelfth  
13 judicial district, a public defender in the twelfth  
14 judicial district, a barrister in the Victorian Bar in  
15 Australia, and he concluded his career as a public defender  
16 in Chaves County, the fifth judicial district.

17 Harry was known for his use of language, his formal but  
18 friendly manners, a strutting walk, and a smiling "G'day."  
19 He was an absolute pleasure to be around. He made lawyers  
20 feel good and made lawyers feel proud of their profession,  
21 a difficult task sometimes in this day and age. As a trial  
22 lawyer, he had his way with juries via his language, his  
23 manners, his analogies, and speaking to them as no other  
24 lawyer could, or would frankly. Harry, also being a  
25 musician and a singer once gave a closing argument in verse

1 while playing his guitar. His opposing counsel did  
2 likewise. That was an amazing day. I'm not certain that  
3 the client felt very well. For those in attendance, it was  
4 a good day.

5 Harry always found something good in every client he  
6 represented particularly those who were in a criminal case,  
7 even if it was to comment that the defendant had a fine  
8 mother who cherished him.

9 When asked by another lawyer how he obtained his  
10 expansive vocabulary, he remarked, "Every day I go to the  
11 dictionary and pick out at least one word, if not more, and  
12 make certain I use it that very day." When asked how he  
13 always seemed to remember something about everyone he met  
14 for a second time, he said, "I listen to them. And they  
15 generally comment about something they like, family, work,  
16 sports. And I always follow up with a question about it  
17 when I see them next."

18 Harry, who pursued seminary studies at Grand Canyon  
19 University, was unafraid to weave a good biblical story  
20 into his closing argument before a jury.

21 Harry was a man of determination and courage. On his  
22 very first day as a lawyer working as a prosecutor, he told  
23 the busiest criminal defense lawyer in the county that no  
24 longer would the criminal defense attorney be the "bull of  
25 the woods." He said it with a smile. But he meant every

1 word of it. Ironically, the two would became great friends  
2 after some tough courtroom battles.

3 To Harry, there was no finer profession than that of an  
4 attorney and no finer attorney than a trial lawyer working  
5 before a jury. Harry Wilcox walked a different path and  
6 was someone very, very special.

7 There are several members of Harry's family here today.  
8 So on their behalf, I, as the person who helped write this  
9 and have now read it to you, would like to say to the  
10 Chaves County Bar, there is a reason why you are the best  
11 bar in this state. It is because of events like this,  
12 tributes like this, in which you get to hear about great  
13 men and women who have practiced law here and given the  
14 benefit of their legal careers to the people of this area.  
15 So we thank you for that.

16 I did not write fancy words at the end. I would not  
17 know fancy words. I'm not Harry. So I would move that  
18 these remarks be made part of the court record. And I  
19 thank the bar. And I thank the court.

20 HON. FREDDIE J. ROMERO: The remarks are admitted.

21 TIMOTHY J. CUSACK: May it please the court. I  
22 picked up a cold from grandchildren. So bear with me. I  
23 didn't get the memo with all the fancy words all "be it  
24 resolved" and all that other stuff, and you know, all the  
25 hoopla and stuff. I guess they left it out because they



1     knew I wouldn't know it anyway.

2             Jesse R. Cosby, born May 24th, 1955, died July 13th,  
3     2016. Jesse Cosby was hard and sharp as flint from which  
4     no steel had ever struck out generous fire; he was secret,  
5     self contained, and solitary as an oyster. That described  
6     Scrooge by Charles Dickens 100 some odd years ago. Beyond  
7     that, it doesn't apply to Jesse.

8             Jesse Cosby was born in Albuquerque, New Mexico, May  
9     24th, 1955. He earned his undergraduate degree in  
10    engineering from the University of New Mexico. He earned  
11    his juris doctorate, JD, from the University of New Mexico  
12    Law School. He passed the New Mexico bar exam on May 17th,  
13    1981. He practiced law in various parts of New Mexico  
14    until he came to Roswell to settle down and practice here  
15    in a civilized manner for the rest of his life.

16            Jesse Cosby practiced criminal defense primarily, but  
17    dabbled in a few other areas of law like domestic  
18    relations. The police officers did not particularly like  
19    him when he had them on the stand. But when divorce came  
20    the police officers' way, he was the first one that they  
21    hired.

22            He sought justice for his clients. And in order to  
23    achieve that, he needed the truth. He was a relentless  
24    pursuer of truth and justice. As KC Rogers, New Mexico  
25    Magistrate Judge, stated, "He made us better officers in

1 his search for truth and justice. But many times in his  
2 pursuit for truth and justice -- many times in his truth  
3 for justice, one felt that he embarked on a march like  
4 William T. Sherman's march to the sea slashing and burning  
5 everything in the way. But all this did was contribute to  
6 the insanity of the judiciary."

7 He was always prepared, worked weekends and nights. He  
8 treated his clients with understanding, loyalty,  
9 preparedness, and sometimes with disbelief. He startled a  
10 judge or two when he would provide a judge with opposing  
11 cases to his own argument, which attorneys are required to  
12 do by the code of ethics, but do not do. His word was his  
13 bond, and do not lie to him in any circumstance.

14 In June 2014, Jesse Cosby was awarded the Charles  
15 Driscoll Award by the New Mexico Criminal Defense Bar for  
16 his statewide contribution in the criminal defense area.  
17 Most of us didn't know it because he was a very humble and  
18 shy man and didn't broadcast it.

19 Approximately 12 years ago Jesse suffered a massive  
20 heart attack that destroyed a good percentage of his heart.  
21 The doctors wanted him to take disability or slow down a  
22 lot. But no, he kept going. Additionally, a few years ago  
23 he got cancer. But like the Everready battery rabbit, he  
24 kept on going, only slower. At one point he was given  
25 three years to live and proved the doctors wrong in that he

1 doubled it. What do the medical doctors know.

2 He kept working until the very end with no complaints.  
3 You can see that he did not look good and walked slowly  
4 with labored breathing. He passed July 13 of 2016 of organ  
5 failure. He wanted to live his life to the fullest instead  
6 of sitting on the sidelines at home observing and thinking  
7 about it.

8 More important than being an attorney, Jesse was a  
9 husband, father, grandfather, avid bird and game hunter,  
10 snake and lizard hunter, fisherman, reader, explorer, and  
11 enjoyer of life. He was humble, private, quiet, shy,  
12 resilient, and witty. He had a great sense of humor when  
13 you got to know him. But he had no smiles.

14 He was married to Sharon Cosby. He raised two sons, RD  
15 and Alex. He had four grandchildren, which he loved and  
16 tried to avoid.

17 Jesse in his hunting could hit almost any type of a  
18 bird: Geese, cranes, ducks, dove, quail. But he couldn't  
19 hit a pheasant. God knows why.

20 He loved reading editorial opinions, letters to the  
21 editors, and comics on Sunday. He was a great reader of  
22 books and was reading the history of the Vietnam war when  
23 he died. His favorite TV shows were Gunsmoke and The Andy  
24 Griffith Show with Andy, Barney, Opie, and Aunt Bee.

25 For his wit and humor, he was not above planting dead

1 snakes on friends' porches at night for them to discover in  
2 the morning when he got out to find the newspaper. As for  
3 my wife who sat on a couple of his juries and convicted his  
4 clients, he made and presented to her at Christmas a small  
5 hangman's noose. He told her he could make it bigger for  
6 me if she wanted.

7 Jesse was a great lawyer and human being who taught us  
8 all through his life.

9 I move for the admission of this into the record  
10 please.

11 HON. FREDDIE J. ROMERO: The tribute is admitted.

12 HON. ALVIN F. JONES: Well, good afternoon. I have  
13 to say I never expected to ever be in this position. To  
14 the extent that I ever thought about this, I thought maybe  
15 Tom might do this for me, but not the other way around. I  
16 was stunned when I learned that Tom had passed, and it was  
17 involved. And I think you can tell as to some of the  
18 others remembering, it lingers.

19 May it please the court. I'll proceed with my memorial  
20 for Tom. And this is my -- I'm responsible for this. I  
21 talked to a lot of people about it, particularly Tim Morgan  
22 and others. But in the end, I'm the party, the guilty  
23 party. Tom Dunlap practiced law as a member of the Chaves  
24 County Bar Association from 1985 until his untimely passing  
25 on December 30, 2016.

1       Tom's grandparents moved to Melrose, New Mexico, area  
2 to farm in the early 1900s. He liked to say that they  
3 arrived in a wagon. Tom's father had a farm near Melrose  
4 that he commuted to from Roswell by his private plane.  
5 Young Tom began learning to fly at the age of eight while  
6 sitting in his father's lap on those trips.

7       Tom liked to say, "in the early days, the Dunlaps were  
8 so poor that even the poor people thought they were poor."  
9 Tom grew up in Roswell and spent a great deal of time in  
10 the home of Jack Cusack, a distinguished member of the  
11 Chaves County Bar. Tom and Jack's son, Tim Cusack, became  
12 friends after Tim threatened to whip Tom at his father's  
13 funeral.

14       Tom attended Saint Peter's Catholic School from the  
15 eighth grade, eventually graduating from Goddard High  
16 School in 1971. He was in the Air Force ROTC. And as a  
17 pilot-in-training, he had the experience of being  
18 supersonic and upside down. He graduated from New Mexico  
19 State University in 1978 with degrees in history and  
20 criminal justice. He did psych graduate study at New  
21 Mexico State University and continued on with his education  
22 earning a juris doctor degree at Boston University in 1985.

23       Thereafter, he joined the law firm of Richard "Dick"  
24 Bean in 1985, and he continued with the firm until December  
25 2009. During his tenure with the firm, Tom learned real

1 estate and probate law from Dick. And in the latter  
2 portion of Dick's life, Tom compassionately managed Dick's  
3 affairs to provide for his care.

4 Tom opened his office, Dunlap Law, Limited, in January  
5 of 2010 in the family home he occupied since the age of  
6 five. Lois Morrison followed him to his new office. In  
7 the course of his practice, he became such a prominent  
8 member of the community of Roswell that his untimely  
9 passing was announced with a banner headline above the fold  
10 on the front page of the Roswell Daily Record.

11 He was a columnist on elder law issues and advice to  
12 the elderly. Tom's articles were run in a number of  
13 newspapers in Southeastern New Mexico. Tom assured me that  
14 the articles would only run after what he called "extreme  
15 editing." During his fierce advocacy on behalf of the  
16 elderly, he pulled no punches alternately skewering the  
17 legal profession, the medical profession, accountants, and  
18 financial advisers in his newspaper columns.

19 Tom's practice of law was a bit unique in that he  
20 avoided matters that appeared destined for litigation or  
21 controversy, confining his practice to those matters that  
22 appeared to be subject to amicable resolution. His fees  
23 were notably modest and predictable; his goal being, as he  
24 put it, "to provide a service to the community and make a  
25 decent living."

1        Tom was an irascible character. As his dear friend  
2 Morgan Nelson commented, "Tom liked to afflict the  
3 comfortable and comfort the afflicted." His Facebook page  
4 featured a portrait of Nick Nolte's mugshot, and his  
5 linked-in profile featured a picture of one of his favorite  
6 humorists, Will Rogers. Tom had a sharp wit, and he  
7 employed it impartially.

8        He was a highly sought after speaker on elder law  
9 issues both in civil and legal functions, and his  
10 devastating wit often had the objects of his skewer roaring  
11 with laughter. He prevailed on the City of Roswell to  
12 create the Roswell Commission on Aging which he chaired for  
13 many years, and to which he remained committed. He was  
14 also committed to the Chaves County Joy Center, which he  
15 supported tirelessly. He worked as a tireless advocate for  
16 non-profit care of the elderly in Roswell.

17        He made himself an expert on legal issues affecting  
18 elderly, not just in terms of wills and trusts, but  
19 especially with regard to healthcare, pensions, and elder  
20 care, the sorts of things that lawyers typically try to  
21 avoid. He was selfless in his willingness to share his  
22 bountiful legal knowledge on these topics with anyone that  
23 would ask for help.

24        As Judge Freddie Romero commented on Tom's passing,  
25 "his service approach to the practice of law made him a

1 true professional." His enduring, deep, loyal friendships  
2 spanned all walks of life in Chaves County. And his  
3 passing is not just a loss for the legal profession, but  
4 for the community as a whole.

5 I move that these remarks of the memorial resolution  
6 for Tom Dunlap be a part of the record. Thank you.

7 HON. FREDDIE J. ROMERO: The tributes are admitted.  
8 The Fifth Judicial District Court of Chaves County hereby  
9 admit the tributes presented on behalf of the Honorable  
10 Ralph Shamas; Linda Foster, Esquire; Jim Bruin, Esquire;  
11 Phil Brewer, Esquire; Harry Wilcox, Esquire; Jesse Cosby,  
12 Esquire; and Tom Dunlap, Esquire. These tributes will be  
13 made a permanent part of the proceedings for the fifth  
14 judicial district.

15 IAN MCKELVY: Thank you, your Honor. We just heard  
16 the formal tributes. I think you would agree that each of  
17 these individuals made a lasting impact on the Chaves  
18 County Bar and this community. And we are thankful for  
19 them.

20 I did have one little personal reflection to add. My  
21 first introductions to a couple of the members, Mr. Bruin  
22 and Mr. Dunlap, reminded me -- and I think it's fitting  
23 that they were recognized here together. The first  
24 Christmas card that we sent out when I joined the firm  
25 pictured Mr. Bruin as Santa Claus, who retained our law



1 firm to investigate an issue. It was a little bit of a  
2 political issue. And Mr. Dunlap and Mr. Bruin were of  
3 different political affiliations if you didn't know.

4 Not to be out done, Mr. Dunlap gave us a response  
5 Christmas card that first lamented Santa's choice of  
6 attorneys. And then some clever and colorful language  
7 rebutted some of the substance of our Christmas card before  
8 concluding that it was time for Santa to get on with the  
9 business of delivering the toys. Because to do otherwise  
10 simply annoys.

11 But he did conclude it with "Merry Christmas and Happy  
12 New Year," signed "Dick Bean and Tom Dunlap." I think that  
13 typifies both Tom and the members we recognize today the  
14 mutual respect and good nature and also the wit that we  
15 have discussed.

16 Before we close, I do want to express thanks. Thanks  
17 to each of you for coming. Thanks to the family members  
18 for coming. It means a lot to the bar and to each of us.  
19 Thanks to the presenters for your effort and your time and  
20 your heartfelt tributes today. Thank you to Bob Sabin and  
21 Kennon Crowhurst who helped organize this. And thank you  
22 also to the judges especially Judge Romero for maintaining  
23 this tradition and putting this spin together. As a final  
24 reminder, there is a reception that follows. There will be  
25 snacks. And you can visit and share other stories I'm

1     sure.

2             Judge Romero also reminded me. For bar members, there  
3     is a permanent book here. If you've never signed a sheet,  
4     please do so. It looks like the last signatures could have  
5     been 2003. And as they say, the wheels of justice grind  
6     slowly. Please sign if you haven't.

7             With that, I would ask Judge Romero that these  
8     proceedings be adjourned.

9             HON. FREDDIE J. ROMERO: The court will be in  
10    recess.

11    (NOTE: Recess 4:00 p.m.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF NEW MEXICO

2 COUNTY OF CHAVES

3

4 I, TILLIE S. TAFOYA, Official Court Reporter for the  
5 Fifth Judicial District of New Mexico, hereby certify that I  
6 reported to the best of my ability the proceedings,  
7 D-504-MS-2017-01; that the pages numbered TR-1 through  
8 TR-34, inclusive, are a true and correct transcript of my  
9 stenographic notes and were reduced to typewritten  
10 transcript through Computer-Aided Transcription; that on the  
11 date I reported these proceedings, I was a New Mexico  
12 Certified Court Reporter.

13 Dated at Roswell, New Mexico, this 15th day of March,  
14 2017.

15

16

17

18

19

20

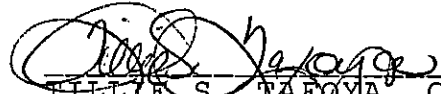
21

22

23

24

25

  
TILLIE S. TAFOYA, CCR  
New Mexico CCR No. 44  
Expires: December 31, 2017

**YOU ARE CORDIALLY INVITED TO ATTEND  
The Chaves County Bar Association  
MEMORIAL TRIBUTE**

Date: Friday, February 24, 2017  
Time: 3:00 p.m.  
Place: Chaves County Courthouse  
400 N. Virginia Ave.

We will recognize and remember the following members who  
have passed since the last CCBA memorial held in 2011:

Hon. Ralph D. Shamas  
Linda N. Foster  
James L. Bruin  
Philip T. Brewer  
Harry G. Wilcox  
Jesse R. Cosby  
Charles T. (Tom) Dunlap

A reception will follow.



Chaves County Bar Association  
**Memorial Tribute**

February 24, 2017 at 3:00 p.m.  
Chaves County Courthouse

Hon. Freddie J. Romero, Hon. James M. Hudson, Hon. Kea W. Riggs, Hon. Dustin K. Hunter  
Presiding

NAME	DOD
Hon. Ralph D. Shamas	January 17, 2013 <i>Charles Curran</i>
Linda N. Foster	January 28, 2013 <i>Barbara Patterson</i>
James L. Bruin	June 7, 2015 <i>Kelly Caswell</i>
Philip T. Brewer	November 4, 2015 <i>Rod Schumacher</i>
Harry G. Wilcox	June 27, 2016 <i>Gary Mitchell</i>
Jesse R. Cosby	July 13, 2016 <i>Tim Casace</i>
Charles T. (Tom) Dunlap	December 26, 2016 <i>Alvin Jones</i>

**MEMORIAL RESOLUTION FOR THE  
HONORABLE RALPH D. SHAMAS, ATTORNEY AND  
CHAVES COUNTY DISTRICT COURT JUDGE**

**February 24, 2017**

WHEREAS, the Chaves County Bar Association desires to preserve for its records and for posterity a memorial of the life of this prominent citizen, lawyer and Judge; the following facts are hereby recalled:

Ralph Davis Shamas ("Ralph") was born in Roswell on October 30, 1948. He was the youngest of the children born to Joseph Bashara Shamas Sr., from Dughria, Lebanon, and Flora Smith Shamas of Melrose, New Mexico. Ralph grew up in Roswell and attended both Roswell High School and Godard High School, graduating in the first graduating class from the latter in 1966. Ralph attended the University of New Mexico and received his undergraduate degree in 1970. He earned a scholarship to attend the University of Iowa School of Law. Ralph received his Juris Doctor Degree in 1973, graduating Cum Laude. While at the University of Iowa School of Law, Ralph served on and was published in the Iowa Law Review. In 1973, Ralph returned to his home town and passed the New Mexico Bar exam.

Ralph began his legal career with, as it was known at the time, the Atwood, Malone, Mann and Cooter law firm (now Atwood, Malone, Turner and Sabin). He became a partner with that firm and remained there until 1977. In 1977 he and Tandy Hunt became partners. It was also in 1977 that he married Elizabeth Anderson Clark of Valdosta, Georgia. She was devoted to him and he to her for the rest of their lives together. She was his soul mate.

In 1979, Ralph became a sole practitioner, having offices in Roswell and Albuquerque. In 1985, Ralph concentrated his law practice again in Roswell and obtained the first million dollar personal injury jury damage award in Chaves County history. He formed a law firm with his friends Doug Perrin and Phil Brewer and they were partners until 1991.

In 1992, Ralph took a sabbatical from the practice of law to concentrate on his avocation of training and racing thoroughbreds. He trained and raced horses for eighteen months in various venues, in the Southwest and Southern California. After his sabbatical, Ralph returned to the practice of law in Roswell.

Ralph's law practice included both criminal and civil cases. He successfully, and solely, defended four capital murder cases. He had numerous large jury verdicts for people who had suffered grievous injuries or death. Anyone involved in a case in which Ralph was counsel, knew that Ralph was the definition of a zealous advocate for his client. Ralph had a passion and love for the practice of law and his clients. Ralph also found time to author three mystery books appearing on Amazon.

In June, 2005, Judge Shamas was appointed to the District Court bench to fill the seat left vacant by the Honorable Bill Lynch, who was appointed to the Federal Court bench. In 2006, Judge Shamas won election to his position and won retention in 2008.

Judge Shamas expected zealous advocacy and excellence from the attorneys who appeared before him. In return, Judge Shamas was always totally dedicated in his role as impartial jurist and habitually did everything he could to be knowledgeable of the issues before him. As he loved the practice of law, Judge Shamas also loved being a judge and serving the people of Chaves County. His life ended too soon on January 17, 2013 when

he lost his battle with cancer. He was 64.

NOW THEREFORE BE IT RESOLVED, that the profound sympathy, condolences and respect of the Chaves County Bar Association be extended to the members of the family of Judge Ralph D. Shamas and that this resolution of tribute to him be made a part of the permanent record of the District Court of Chaves County, New Mexico, and the permanent record of the Chaves County Bar Association, and that copies of this resolution be transmitted by the Clerk of said Court to the members of Judge Shamas' family.

**CHAVES COUNTY BAR ASSOCIATION**

By: \_\_\_\_\_



## **MEMORIAL RESOLUTION**

**LINDA NELL DAVIS FOSTER**

**JANUARY 28, 2013**

**WHEREAS**, the death of Linda Nell Davis Foster on January 28, 2013 marked the end of a distinguished career of an attorney and advocate active in ensuring the rights of families, children and parents faced with struggles in the legal system;

**WHEREAS**, the Chaves County Bar Association desires to preserve for its records and for posterity a resume of the life of this prominent citizen and lawyer, the following facts are hereby recalled:

Linda Nell Foster was born May 11, 1949 in Hagerman, New Mexico. Linda Foster's parents were Olen Earl Davis and Anna Christine Harless. Both of her parents preceded her in death. She followed the path of many young women by entering into marriage and dedicating her time to the raising and guiding her three young children. She lived the majority of her life in New Mexico with only short stays in the State of Oklahoma.

After succeeding in the challenges of motherhood, Linda Foster received her Bachelors in Science degree in Sociology in 1998 from Eastern New Mexico University in Portales, New Mexico. She began working as a Private Investigator until she decided to enter law school. She graduated from Oklahoma City University in 2001 with her juris doctor degree.

Upon becoming licensed in the State of New Mexico to practice law, Linda returned to New Mexico, and began her legal career as an Assistant District Attorney for the Fifth Judicial District. A short time after that, she opened her own private practice, the Foster Law Firm, where she worked until she passed.

Linda was passionate about her work and serving her clients to the best of her ability. She was a CASA volunteer prior to becoming an attorney. As an attorney, she continued to provide support to those same families by representing parents charged with abuse or neglect of a child. She worked tirelessly to help improve the lives of local families by encouraging parents to learn and grow to improve the family life of children in our community. There are numerous individuals and families that are living testaments to the positive impact that she had on the people that she served during her lifetime. She understood that people involved in our judicial system are children, mothers, fathers, sisters, brothers, neighbors, and community members, and that they were individuals deserving of her best efforts regardless of economic standing, culture, personal history or their life choices. She served all of her clients with zeal and dedication.

Linda was passionate about her family and her friends. She loved to travel, often sharing those special moments and times with those closest to her.

Linda is survived by her three children, son Greg Hancock and his wife Lori of Phoenix, Arizona; son Justin Crawford of Artesia, New Mexico; and daughter Terri Aguirre of Roswell, New Mexico; and, grandchildren Brandon Aguirre, Quentin Hancock, Faith Hancock, Andrielle Hancock and one great granddaughter Maddison Aguirre. In 2014, grandson Kaleb Aguirre joined his grandmother in death.

**NOW, THEREFORE, BE IT RESOLVED** that the sympathy of the Chaves County Bar Association is extended to the family of Linda Nell Davis Foster, and that this Resolution be made a part of the permanent records of the District Court of Chaves County, New Mexico, and of the permanent records of the Chaves County Bar Association, and that copies of this Resolution be sent to the immediate family members of Linda Nell Davis Foster.

**CHAVES COUNTY BAR ASSOCIATION**

By \_\_\_\_\_

STATE OF NEW MEXICO  
COUNTY OF CHAVES  
FIFTH JUDICIAL DISTRICT COURT

TO THIS HONORABLE COURT, THE FOLLOWING RESOLUTION IS OFFERED:

**MEMORIAL RESOLUTION  
JAMES L. BRUIN  
MARCH 24, 2017**

WHEREAS, the death of James L. Bruin on June 7, 2015, marked the end of a life of a man who lived his entire life in Roswell, New Mexico, apart from the time he was away receiving an education or serving his Country; and

WHEREAS, James L. Bruin served the people of his Country, and this County in particular, with honor and distinction, and lived a life worthy of remembrance as a member of the Chaves County Bar; and

WHEREAS, it is fitting and proper that the Fifth Judicial District Court of Chaves County and the Chaves County Bar Association preserve for their records a testimony of the life of this longtime servant of the people of Chaves County;

NOW THEREFORE, the following summary of the Life of James L. Bruin is offered into the Record of this Court.

1. James Leo Bruin was born March 17, 1926, in Joplin, Missouri.
2. In 1930, when he was only four, his family moved to Roswell, a community he called home for the remainder of his long life, being the next 85 years.
3. Mr. Bruin was a product of the Roswell public schools, attending Washington Avenue Elementary School, North Junior High School, which was in the current Roswell Independent School District Administrative Building on Kentucky, and graduating from

Roswell High School in 1944, which was located in what we now know as the Yucca Center on South Richardson.

4. After graduation in May of 1944, Mr. Bruin volunteered into the United States Army Air Corp and began his training just a month later in June of 1944, just a few days after the allied invasion of Europe on D-Day. He served as a 50-caliber machine gunner on a B-29 at the end of World War II. He trained with his crew and was scheduled to ship overseas to the Pacific Theater of the War against Japan when the Japanese surrendered in 1945. He was discharged in August of 1946.

5. After the war, Mr. Bruin attended college and law school at the University of Colorado. He chose to go to law school, because his older sister, Geneva, had worked as a legal secretary in the law offices of Colonel Atwood and Ross Malone during the late 1930s and early 1940s and he was impressed with them and their offices. He met Alice, a United Airlines stewardess, during his time in law school. He graduated in May of 1952 and they married on July 22, 1952 in Denver. They had two children, Jay, who predeceased Mr. Bruin in 2015, and Barbara, who is an attorney in Albuquerque and in attendance in the Courtroom today. Alice Bruin preceded Mr. Bruin in death.

6. Mr. Bruin joined the law practice of Truman T. Sanders in the J.P. White Building in Roswell in 1952, making \$250 a month. Mr. Sanders referred to him as “kid” for many years. At that time, there were less than 20 attorneys in the Chaves County Bar. He had a general commercial practice and his primary client was Pioneer Bank, where he served on the Board of Directors for years. As time went on, he went by the moniker of “Mister B” around the office. He remained a full-time fixture in the office and helped oversee its growth to the current 14 attorneys and 26 staff members, until his death. His loss was keenly felt by the attorneys and staff alike. He was a stable

influence and solid dispenser of wisdom. He genuinely cared for every employee of the firm for more than six decades and sought to preserve the professionalism and integrity of the firm all of his days.

7. In 1967, Mr. Bruin was elected to the New Mexico State Senate and served as the Minority Whip for the Republicans and also served as the New Mexico State Bar Commissioner, representing Southeast New Mexico from 1983 to 1991.

8. Mr. Bruin loved the Rotary Club and the good works it did in the community and around the world. He was the longest serving member of the Roswell Rotary Club, having been a member of the Club for 58 years, and was its president for the 1962-1963 term. If he missed a meeting, he was always sure to make it up and maintained a perfect attendance record for decades.

9. Mr. Bruin had a great love for music and was instrumental in establishing the Roswell Symphony Orchestra. For over 50 years, he served in many different capacities on the Symphony's Board of Directors, which included two terms as its President. He remained on the Board of Directors until his passing.

10. As one of the founding members of the Roswell YWCA in 1957, Mr. Bruin helped to guide that fine organization and assisted in the acquisition of its first property.

11. Mr. Bruin was from the "old-school" of thinking and worried a great deal about the public's perception of attorneys and expected those who worked for him to maintain the highest levels of integrity. He was the last of his breed. There are no others like him, and he is sorely missed.

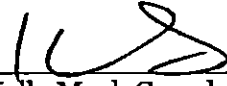
NOW THEREFORE, BE IT RESOLVED that the sympathy of the Chaves County Bar Association is extended to the family of James L. Bruin, and that this Resolution be

made a part of the permanent records of the Fifth Judicial District Court of Chaves County, and of the permanent records of the Chaves County Bar Association, and that copies hereof be provided to the family of James L. Bruin.

Respectfully submitted,

SANDERS, BRUIN, COLL & WORLEY, P.A.

By: \_\_\_\_\_

  
Kelly Mack Cassels

Post Office Box 550  
Roswell NM 88202-0550  
575-622-5440  
[kmc@sbcw.com](mailto:kmc@sbcw.com)

## TRIBUTE TO PHILIP TERRY BREWER

Chaves County Bar Association

February 24, 2017

May it please the Court:

From the moment he entered this earthly life, Phil Brewer was in all respects unique. Even the date of his birth---5/5/55---was distinctive and memorable. Later in life, Phil's green slacks and Looney Tunes tennis shoes further confirmed his disdain for the conventional and ordinary. When your "wing tips" bear pictures of Bugs Bunny and Tweety Bird, then you'd better be very good at what you do, because you have culled your silly self out of the herd of normalcy. Phil knew that, and fortunately for him, he was indeed very good at his craft, brilliant by any standard, and more than worthy of taking his place alongside the many great lawyers who found their homes in the best Bar Association in New Mexico.

Phil was a man of many diverse talents. He was a Renaissance man---well-read and educated, a capable athlete, and of course an accomplished lawyer. He wasted little time in high school, graduating in three years, and from there he went on to McMurry University, a place that would capture his heart and soul forever. He graduated with highest academic honors in 1976. Then he was off to Law School at THE University of Texas. Roswell took custody of Phil following his graduation from UT in 1979, and only his death on November 4, 2015, could take him away from us.

Phil spent time initially with the Hinkle firm here, a great law firm made even greater by Phil's presence, but that association was short-lived. If we stop and think about it logically, it is easy to see that when a firm has Lewis Cox at one end of the hall, and Phil at the other, "something's gotta give." So Phil moved on in his quest for professional nirvana.

Over time, Phil enriched the lives of many other lawyers with whom he joined forces, but at day's end, Phil needed to create his own realm, and did so by opening his own shop on 4<sup>th</sup> Street, the storefront that became known as Pegasus Place. It was a place of Phil's creation, where his genius was in full display. Walking through that front door, one conjured up an image of "Through the Looking Glass," a place where imagination and creativity put down roots, and the old winged horse, Pegasus, ruled the kingdom, to the delight of everyone not associated with Mobil Oil.

Without belaboring the obvious, Phil was an outstanding lawyer. Board certified, Best Lawyer in America, Southwest Super Lawyer, emblems of recognition befitting a man of his talent. If we dwell on that, however, we miss the true essence and spirit of my dear friend and colleague. For example, Phil helped run the Eastern NM State Fair, while at the same helping to direct CASA, the premier organization here that assists children in difficult circumstances.

Phil's love for young people was nowhere on better display than in his activities on behalf of McMurry University. He served on its Board of Trustees for many years, and was the Board Chair from 2010 to



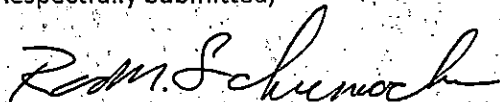
2012 He was named McMurry's Distinguished Alumnus in 2002. Those achievements are well chronicled and widely known, but they reveal little of Phil's true character. The real Phil Brewer is better seen in the lives of the many McMurry students whose educational expense was defrayed in part by Phil's generosity, in helping to fund scholarships at his alma mater. Those who benefitted from Phil's assistance will carry his legacy forward, never allowing Phil's goodness to leave our memories.

If I may be permitted a purely personal note, I am remiss in my responsibilities if I fail to say that Phil's passing hit me harder at the time than any other loss, save a family member or two. We provided support to each other in times of trouble, and there were many such times. My personal life will never be the same; neither will this Bar. In Phil's Obituary, we said this:

Our world is made dimmer by Phil's passing, but in time, our sorrow will give way to treasured memories of the love and laughter that Phil gave all of us. We will miss him always. John 15:13

For me, I am ready for the sorrow to pass. I'm still waiting, as of this writing.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Rod M. Schumacher". The signature is fluid and elegant, with a prominent initial "R" and a long, sweeping underline.

Rod M. Schumacher  
State Bar No. 2406

## **HARRY WILCOX, JR.**

**Harry Garfield Wilcox, Jr. was born in Otero County, New Mexico in 1947 and lived until 2016. Harry was a lawyer in the United States, having completed law school in the United States at Oral Roberts University and a barrister in Australia, having obtained a Master's Degree in Law from Melbourne University in Australia. His legal work included a time as a prosecutor in the Twelfth Judicial District, Lincoln County, New Mexico; a Public Defender in the Twelfth Judicial District, Otero and Lincoln Counties; a Barrister admitted to the Victorian Bar in Australia, and finally, concluding his career as a Public Defender in Chaves County, Fifth Judicial District, New Mexico.**

**Harry was known for his use of language, formal but friendly manners, a strutting walk and a smiling G'day. He was an absolute pleasure to be around. He made lawyers feel good and be proud of their profession. As a trial lawyer, he had a way with juries via his language, his manners and analogies, and speaking to them as no other lawyer could. Harry, also being a musician and singer, once gave a closing argument in verse while playing his guitar. His opposing counsel did likewise.**

**Harry always found something good in every defendant he represented, even if it was to comment that the defendant had a fine mother who cherished him.**

**When asked by another lawyer how he obtained his expansive vocabulary, he remarked, "Every day I look in the dictionary and pick out at least one word, if not more, and make certain I use the word that day." When asked how he always seemed to know something about everyone he met for a second time he said, "I listen to them and they generally comment about something they like, family, work, sports, and I always follow up with a question about it when I see them next."**

**Harry, who pursued Seminary studies at Grand Canyon University, was unafraid to weave a good biblical story into his closing argument to a jury.**

**Harry was a man of determination and courage. On his first day as a lawyer/prosecutor, he told the busiest criminal defense lawyer in the county that no longer would the criminal defense lawyer be the "bull of the woods". He said it with a smile but meant every word. The two would become great friends after some very tough courtroom battles.**

**To Harry, there was no finer profession than that of an attorney and no finer attorney than a trial lawyer working before a jury.**

**Harry Wilcox walked a different path and was someone very, very special.**

## MEMORIAL

JESSE R. COSBY  
( May 24, 1955-July 13, 2016)

JESSE COSBY WAS HARD AND SHARP AS FLINT, FROM WHICH NO STEEL HAD EVER STRUCK OUT GENEROUS FIRE; SECRET, SELF CONTAINED, AND SOLITARY AS AN OYSTER(Charles Dicken describing Scrooge) Similarities end there!

JESSE R. COSBY was born in Albuquerque, New Mexico on May 5, 1955. He earned his undergraduate degree in Engineering from the University of New Mexico. He earned his Juris Doctorate(J.D.) from the University of New Mexico Law School. He passed the New Mexico Bar Exam on May 17, 1981. He practiced law in various parts of New Mexico until he came to Roswell to settle down and practice here in a civilized manner for the rest of his life.

Jesse Cosby practiced Criminal Defense primarily, but dabbled in a few other areas of law like domestic relations. The police officers did not particularly like him when he had them on the stand. But when divorce came the officer's way they personally sought out Jesse Cosby's services.

He sought justice for his clients and in order to achieve that he needed the truth. He was a relentless pursuer of truth and justice. As Judge K. C Rodgers, New Mexico Magistrate Judge stated " He made us better officers in his search for truth and justice. But many times in his pursuit for truth and justice, one felt that he had embarked on General William Tecumseh Sherman's slash and burn march to the sea. This contributed to the insanity of the judiciary!

He was always prepared, working weekends and nights. He treated his clients with understanding, loyalty, preparedness and sometimes with disbelief. He startled a judge or two when he would provide the judge with opposing cases to his argument which attorneys are required to do by the Canons of Ethics. His word was his bond and do not lie to him in any circumstance.

In June of 2014, Jesse Cosby was awarded the Charles Driscoll Award by the New Mexico Criminal Defense Bar for his state-wide contribution in the criminal defense area.

Approximately twelve(12) years ago, Jesse Cosby suffered a massive heart attack that destroyed a good percentage of his heart. The doctors wanted him to take disability or slow down a lot. But no, he kept on going! Additionally, he got cancer a few years go but, like the “Ever Ready Rabbit” kept on going, only slower. At one point he was given three(3) years to live and to prove the doctors wrong he doubled that. What do medical doctors know!

He kept working until the very end, with No Complaints. You could see that he did not look good and walked slowly with labored breathing. He passed July 13, 2016 of organ failure. He wanted to live life to the fullest instead of sitting on the sidelines at home, observing and thinking about it.

More important than being an attorney, Jesse was a husband, father, grandfather, avid game hunter, snake and lizard hunter, fisherman, reader, explorer and enjoyer of life. He was humble, private, quiet, shy, resilient and witty. He had a great sense of humor when you got to know him. BUT NO SMILES!

He was married to Sharon Cosby.

He raised two sons- R. D. and Alex.

He had four(4) grandchildren which he loved and tried to avoided.

If there was a hunting season for one of God’s living creatures and he was drawn for it, he tried to hunt it. He could hit geese, cranes, ducks, doves, quail. But he could not hit a pheasant! Only God knows why!

He loved reading editorial opinions, letters to the editors, and comics on Sunday. He was a great reader of books and was reading the history of the Vietnam war when he died. His favorite T.V. shows were Gunsmoke and Andy Griffin show with Andy, Barney, Opie and Aunt Bea.

As for his wit and humor, he was not above planting a dead snake on a friend's porch at night to be discovered by the person in the morning. For my wife, Susie, who sat on a couple of his juries and convicted his clients, he made and presented to her at Christmas time a small hangman's noose. He told her he could make a larger one for me.

Jesse Cosby was a great lawyer and human being who taught us all through his life.

Respectfully submitted.

## **MEMORIAL RESOLUTION FOR TOM DUNLAP**

Tom Dunlap practiced law as a member of the Chaves County Bar Association from 1985 until his untimely passing on December 30, 2016. Tom's grandparents moved to the Melrose, New Mexico area farm in the early 1900's, he liked to say they arrived in a wagon. Tom's father had a farm near Melrose that he commuted to from Roswell by his private airplane. Young Tom began learning to fly at the age of 8, while sitting on his father's lap during these flights. Tom liked to say "that the Dunlap's were so poor, even the poor people thought they were poor". Tom grew up in Roswell, and spent a great deal of time at the home of Jack Cusack, a distinguished member of the Chaves County Bar Association. Tom and Jack's son, Tim Cusack, became friends after Tim threatened to whip him at his father's funeral.

Tom attended Saint Peter's Catholic School through the eighth grade, eventually graduating from Goddard High School in 1971. He was in Air Force ROTC, and as a pilot-in-training had the experience of being supersonic and upside down in high performance Air Force trainers. He graduated from New Mexico State University in 1978 with degrees in history and criminal justice. Tom did Psych Graduate Study at New Mexico State University, and continued on to earn his Juris Doctor Degree at Boston University in 1985. Thereafter, he joined the law firm of Richard ("Dick") Bean in 1985, and continued with the firm until December of 2009. During his tenure with the law firm, Tom learned real estate and probate law from Dick, and in the latter portion of Dick's life, Tom compassionately managed Dick's affairs to provide for his care.

Tom opened his own office, Dunlap Law, Limited, in January of 2010, and setup his office in the family home which he had occupied since the age of five. Lois Morrison loyally followed him to his new office. In the course of his practice, he became such a prominent member of the community of Roswell, that his untimely passing was announced with a banner headline, in an above the fold, front page story of the Roswell Daily Record. He was a columnist on elder law issues and advice to the elderly. Tom's articles were run in a number of newspapers in the southeastern New Mexico area. Tom assured me that the articles were run only after "extreme editing". During his fierce advocacy on behalf of the elderly he pulled no punches, alternately skewering the legal profession, the medical profession, accountants and financial advisors in his newspaper columns. Tom's practice of law was a bit unique in that he avoided matters that appeared destined for litigation or controversy, confining his practice to those matters that appeared to be subject to amicable resolution. His fees were notably modest and predictable; his goal being, as he put it, "to provide a service to the community and make a decent living".

Tom was an irascible character. As his dear friend Morgan Nelson commented, Tom liked to afflict the comfortable and comfort the afflicted. His Facebook page featured a portrait of Nick Nolte's mugshot, and his linked-in profile featured a picture of one of his favorite humorists, Will Rogers. Tom had a sharp wit, and he employed it impartially. Tom was a highly sought after speaker on elder law issues, both in civil and legal functions, and his devastating wit often had the objects of his skewer roaring with laughter. He prevailed on the city of Roswell to create the Roswell Commission on Aging which he chaired for many years, and to which he

remained committed.. Tom was also committed to the Chaves County Joy Center which he supported tirelessly. He was a tireless advocate for nonprofit care for the elderly in Roswell.

He made himself an expert on legal issues affecting elderly, not just in terms of wills and trusts, but especially regarding health care, pensions and eldercare, the sorts of things that lawyers typically try to avoid. Tom was selfless in his willingness to share his bountiful legal knowledge on these topics with anyone who would ask for help. As Judge Freddie Romero commented on Tom's passing, "his service approach to the practice of law made him a true professional." His enduring, deep, loyal friendships spanned all walks of life in Chaves County, and his passing is not just a loss for the legal profession, but for the community as a whole.