

A series of informal interviews of experienced members of the State Bar will appear in these pages during the coming months. The interviews will be conducted by members of the Young Lawyers Division who selected their subjects because of a connection, a shared experience, or just curiosity.

A Talk With . . .

Charles R. Peifer

By Greg Gambill

Charles R. Peifer is a principal at Peifer, Hanson & Mullins PA in Albuquerque. I approached him for an interview because other lawyers I admire mentioned him as a lawyer they admire.

You were born in Fort Belvoir, Virginia. Is your family connected to the military?

Yes, my dad is a retired army officer and we moved around a fair amount. Before moving to New Mexico, I lived in Virginia (twice), New York State and Kansas. When I was two, my dad was transferred to Berlin, Germany. We were there when the Berlin Wall was still being built.

What do you remember about living in Berlin?

We all wore dog tags because at the time the Americans were preparing for the possibility that the Russians would try to invade and occupy Berlin. We needed some way of identifying ourselves in the event of an invasion. I still have the tags.

Who was a mentor to you before you were a lawyer?

I had a teacher of English in high school, Frank Slevin, who had a big influence on me and taught me how to read a book. I mean, we all know how to read a book, but he taught me how to really read a book carefully.

What were your favorite books from his class?

Conrad's *The Heart of Darkness*. Slevin's reading of *Hamlet* was entertaining too.

You worked for the New Mexico attorney general for a period. How did that opportunity arise?

When I was at Rodey, one of my colleagues, Jim Browning, had taken a job working for Hal Stratton when he was elected attorney general. Jim and Hal offered me a job on two prior occasions, both of which I turned down while I was at Rodey. The third time they offered me a job, I assumed that it was the last time they were going to ask, and I took it.

What caused you to leave the AG's office?

I was term limited. While I was up there, I had been talking with Jim Browning about starting our own law firm. We had discussions with a white-collar crimes prosecutor in the AG's office by the name of Jane Wishner and she was interested, too. In 1990, the three of us decided to start our own firm.

Was it scary to start a law firm?

Oh yeah. I was coming out of the AG's office and I had zero clients. Not an ideal way to start a law firm.

What was it like at the firm in the early days?

It was a lot of fun and it was really scary. We did everything by ourselves. We had one secretary for the firm, who spent most of her time typing Jim's briefs. I think we had enough money to last six months.



Are you concerned about the "disappearing trial"?

Yes. Civil cases are so expensive to bring through the litigation cycle that many clients feel that their best option is to settle. That means there are fewer opportunities for young lawyers, and even more experienced lawyers, to get in the courtroom. And the lack of opportunities isn't just at the trial level; it includes pretrial motions hearings and depositions. I don't think a lawyer can take a good deposition until he or she has done two things: first, use deposition testimony in a summary judgment motion and second, cross-examine a witness using deposition testimony. If a lawyer hasn't done those things, I don't know how a lawyer would know how to take a deposition.

What do you do for fun when you leave the office?

When my kids were a little younger, I spent all of my free time at one of my son's gymnastics meets or at the baseball field with my other son. I volunteered to be an umpire for the little league games so that doubled the time commitment to baseball.

How will you remember the "steroids" era in baseball?

A blip on the radar screen. Baseball has more than one blemish on its historical record, and I think Americans love baseball enough to forgive it. I think they already have.

Do you consider yourself a sports fan?

No, I inherited an interest in whatever sports my kids played. I wasn't much of a sports fan growing up, but I was a stringer for the *Albuquerque Journal* on the sports pages during high school.

What is a "stringer"?

A stringer is someone who is paid a fixed fee for providing the story and statistics for the game. My stories were accompanied by the byline, "Journal Correspondent," which distinguished me and the other stringers from staff writers, who were the real journalists. Albuquerque's Marty Esquivel and former *Tribune* editor Phill Casaus were stringers, too.

So is it coincidental that you got started with the ABQ Journal as a correspondent and ended up representing the Journal as a lawyer?

It gives me great joy to represent the *Journal* given that I started working there when I was 15 years old. The *Journal's* offices were on 7th and Silver back then. I did my senior project in high school working as a copy editor at the sports desk. At the time, the *Journal* used the cold type printing method, and I helped put the sports page together. That process was called "putting it to bed"; we would cut the copy to fit the page and make some decisions about the order of the agate, the small printed scores. The two most important pages of the paper were the front page and the sports page, and I got to work on the sports desk as a kid for four weeks in high school. I thought that was the coolest thing in the world. I still do, actually.

The Pulitzers were announced recently. What do you think about the state of investigative journalism?

There is a huge advantage to having a dominant print source of news in Albuquerque that is financially stable enough to afford to do two things: first, spend weeks of time and money to pursue investigative journalism sources that are never going to produce the eyeballs reading ads to justify the expense, but do it nevertheless because it is an important service to provide the public; and second, investigate without caring if their reporting would work against their own financial interests. Take the Frontier Ford scandal in the early 1990s. Frontier was one of the largest advertisers with the *Journal*. That story was fully covered by the newspaper, which could afford to lose any advertiser because of its monopoly on print journalism. As we move away from that model, I wonder if the newspapers are going to have the resources to invest in that type of journalism.

Do you perceive a higher degree of bias in the blogs?

Back in the 17th and 18th centuries, newspapers were considered organs of the political parties and were subject to a lot of the same criticism that bloggers face today. Everybody knew that the Federalist newspaper was going to take the Federalist position, just as the anti-Federalist paper was going to take the anti-Federalist position. The interest of the First Amendment is not identifying whose speech is correct but allowing all speech so that the true speech can come to the surface. So long as we allow free access to information, the idea is that, eventually, biases will be exposed and the truth will emerge by having access to counter-biased information.

Are there any blogs that you follow regularly?

I read a lot of blogs, so I use an RSS feed. One I read regularly is "Marginal Revolution," by a George Mason professor by the name of Tyler Cowen, along with other contributors. He writes about economics, mainly. From time to time he will write about stuff like his favorite ethnic restaurants in the D.C. area. Another is the blog that Judge Posner and Gary Becker write. Also, the MacWorld blog.

What books are you reading right now?

Daniel Kahneman's book, *Thinking, Fast and Slow*. I started it on a Kindle, but I missed the feel of the print so I bought it in hardcover.

You've been involved in the New Mexico Foundation for Open Government for years. Is there any area where you think New Mexico could

improve in terms of transparent government?

Any impediment to access to information is not because we don't have the right laws on the books or enforcement by the judiciary. It's that in order to enforce these laws you have to get a lawyer; you have to go to court; you have to be able to invoke the machinery at some expense and time in order to get the right result. The problem is that when you ask a government official for a record, the official either doesn't understand his or her obligations to respond or, worse, that the official knows that by rejecting your request the likelihood of being sued is small. Plus, that official also knows that he or she can always change course later, and so it becomes a contest of who can outlast the other in the quest for access to information.

How closely do you follow state and national politics these days?

I don't consider myself very political so I don't pay a lot of attention to inside baseball in New Mexico or at the national level.

Any chance you will toss your hat into the ring for public office?

I think if I were going to do that, I should have done that a long time ago.

Are you optimistic about our nation's prospects economically?

Absolutely. Soon, there will be a huge middle class in China and India that are going to need consumer goods and technology and services, and I think there's going to be lots of opportunity both in the U.S. and around the world.

Is America lagging behind in educating its future business leaders, scientists, and engineers?

The best students in America can compete with the best students in any other country in the world, but if you ask me if we are leaving people behind in the educational system, just look at the recent statement from the Department of Education indicating that New Mexico has an on-time graduation rate of less than 70 percent. I think you have to be concerned about future generations based on those numbers. State government ought to worry about that.

If you could interview anyone from the State Bar for a piece like this, whom would you interview?

Bruce Hall, Bill Carpenter, Ken Harrigan, Dick Ransom, or Ranne Miller.



Divorce Workshop Offered to NM Citizens

The State Bar, the Albuquerque Bar Association, the Collaborative Law Practice Group, and the Family Law Section are sponsoring the Divorce Options Workshop. The program has been initiated by divorce lawyers Gretchen Walther, Tiffany Leigh, and L. Helen Bennett to help New Mexicans navigate family court.

"We can tell you with certainty," said Bennett, "that there are better ways that will reduce or eliminate much conflict and cost."

The Divorce Workshop is designed to give people tools and options to avoid the expensive, time-consuming, public, and confusing court process. The workshop will teach people a method that has worked for many sophisticated clients who want peaceful, private, quick divorces. At the first meeting, attorney volunteers will explain legal principles and options and list the decisions participants will need to make. Participants go home, collect documents, and work out what they can. At the second meeting, participants will receive help resolving remaining issues and filling out necessary forms.

The workshop will be offered the first Wednesday of each month from 6–8 p.m. at the State Bar Center. The program is free to participants. To register, call 505-797-6097.

Walther (*left*) is interviewed by KOAT TV's Melissa Mahan. The interview may be seen on the KOAT website at www.koat.com.