

Call of duty

Robert Rigsby's service stretches from Iraq to D.C.'s toughest wards.

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*D.C. Superior Court judge Robert Rigsby
Photo: Diego M. Radzinski / NLJ*

He may have been smiling, but District of Columbia Superior Court Judge Robert Rigsby barked his commands like a drill sergeant at a group of high school-age students.

Fix that tie. Take care of that belt. Stand up and speak out. His voice grew louder as the students, in his courtroom earlier this month for a law camp, repeated the program's credo after him: "Manhood. Womanhood. Scholarship. Uplift. Perseverance."

After 30-plus years in military service, the line between Rigsby's civilian and military lives is often fluid. High school students aren't the only ones to see it; attorneys and former colleagues describe his "commanding" presence and his desire for discipline.

Rigsby holds a unique place among D.C. judges. This year marks his 10th anniversary as both a Superior Court judge and his ninth as a military judge in the U.S. Army Reserve's 150th Legal Support Organization Judge Advocate General Detachment. Since September 2010, Rigsby has served as his unit's commander, managing more than two dozen Army Reserve military judges who preside over courts-martial and investigations around the world.

"Are there days when you're exhausted? Absolutely," he said. "You do it because you have to do it."

Rigsby leads the unit at a time of transition for the military as a whole. It's unclear what the drawdown of troops in Iraq and Afghanistan might mean for the military's trial judiciary, he said, but it will be up to him to make sure his team adapts.

The unit tries about 125 cases annually, making up about 11 percent of the Army's total caseload, according to data provided by the Army Reserve. One of the military judges under Rigsby's command, Lt. Col. Paul Almanza, is the presiding judge in proceedings against Bradley Manning, the Army analyst accused of leaking information to WikiLeaks. The service of Army Reserve military judges is "absolutely invaluable to us," said Col. Michael Hargis, chief trial judge of the Army trial judiciary.

Juggling what are essentially two full-time jobs isn't easy, Rigsby said. Outside of his duties as a presiding judge in Superior Court's juvenile division, Rigsby spends many nights and weekends at the unit's headquarters in Alexandria, Va., or visiting other military bases. Before he took command, he served a six-month deployment overseas in 2009, presiding over courts-martial in Iraq, Afghanistan and Kuwait.

Brig. Gen. Patrick Reinert, leader of the U.S. Army Reserve Legal Command and Rigsby's predecessor as commander of the 150th unit, said Rigsby has "a great work ethic....He takes a lot of great pains to make sure that it's done right."

Rigsby said he doesn't think he's had to sacrifice his performance in Superior Court to keep up with his military service, or vice versa. "Hopefully, being a military judge makes me a better civilian judge, and being a civilian judge makes me a better military judge," he said.

GETTING STARTED

Rigsby's legal career began with an arrest: He and his brother were caught stealing candy bars when he was 9 years old. He said his first brush with the law sparked an interest in the justice system, but there were no black lawyers to look up to in his hometown of Vallejo, Calif.

At San Jose State University, Rigsby enrolled in the Reserve Officers' Training Corps, taking advanced courses early on and earning a commission to the U.S. Army after his sophomore year in 1981. He entered the Army Reserve to finish college, and, inspired by interactions with JAG Corps officers, asked for an educational delay for law school. He earned his J.D. in 1986 from University of California Hastings College of the Law.

Within three weeks of arriving at Fort Campbell in Kentucky, as a newly minted Army JAG Corps officer in 1987, Rigsby said he was trying his first case. He started his career prosecuting low-level misdemeanors — shoplifting and speeding tickets — but his work later included advising combat commanders overseas and prosecuting serious felonies.

Rigsby settled in Washington in 1991 after meeting his wife, District of Columbia Court of Appeals Judge Anna Blackburne-Rigsby, then an attorney at Hogan & Hartson (now Hogan Lovells). He left active duty in 1992, but joined the Army Reserve as a senior lawyer for a military police brigade in Gaithersburg, Md.

That same year, he joined the Office of Corporation Counsel for the District of Columbia, now the Office of the Attorney General. He served as the city's corporation counsel from 2000 until 2002, when he was nominated to the Superior Court bench.

Arabella Teal, a local administrative law judge who was Rigsby's principal deputy in that office, said he came in at a time when there was growing demand for openness in city agencies. It was a good fit for Rigsby, she said. "He is sincerely interested in all the people that he runs across every day," she said. "He combined a sort of accessibility, I think, with the ability to do the work."

His military service, especially his deployment, did require flexibility from the rest of the office, Teal said. "He would be the first to tell you that he could not feel comfortable doing what he does without the help of a lot of other people," she said.

'NO NONSENSE'

After joining Superior Court in 2002, Rigsby shifted his Army Reserve service to the other side of the courtroom, becoming a military judge with the 150th detachment.

Retired Col. Stephen Henley, a former military judge and former chief trial judge for the Army, said he observed Rigsby in both arenas. "It's not just a show for the military, that he's obligated to play this commanding presence," Henley said. "He has a firm grasp on his proceedings, the law, his courtroom [and] the case."

Mark Rollins of D.C.'s Rollins & Chan, who has appeared before Rigsby in Superior Court since he joined the bench, described him as a "no-nonsense" jurist. Defendants "understood that they were going to be heard, but they were not going to talk over him," Rollins said, adding, "He was in control over that courtroom."

Until recently, Rigsby presided over the East of the River Community Court, a program that assigned most misdemeanor crimes from the historically high-crime wards 7 and 8 to a single judge. Rollins said he and Rigsby didn't always agree — Rigsby took a tougher tack on treatment options for drug users than Rollins wanted, for instance — but Rollins said he respected his approach. "I think he got respect from the community...because he connected with people," Rollins said. "He came from very humble beginnings and he tells you of those humble beginnings."

Rigsby said he recognizes that his military background can shape his approach to Superior Court cases. Enforcing discipline is especially important in the juvenile division, he said, because "if I don't do that...then we've lost them." He added later, "Is it militaristic? Maybe. I don't run from that."

In 2009, Rigsby became the first sitting judge to take an active duty, permanent deployment to a theater of war. He lived in Kuwait for six months, traveling between his home base and Iraq and Afghanistan to preside over cases. Blackburne-Rigsby said his absence was "tough," but that

"knowing him, I don't see how he could have made any other decision." He earned a Bronze Star for his service.

"It was so important that we took the rule of law over with us," Rigsby said. "That's why I went to war, to make sure that everybody understood that the Constitution didn't end in the United States."

Superior Court criminal division director Dan Cipullo said that, since he joined the division in 1996, he couldn't recall another judge who left for a military deployment. Rigsby's Superior Court docket was assigned to other judges during his absence, but Cipullo said it was handled no differently than when judges retire or are sick.

Shortly after he came home from his 2009 deployment, Rigsby was suddenly struck with transverse myelitis, a neurological disorder that left him paralyzed for a month and a half. The cause is unknown, although he said there was speculation that he may have contracted it overseas. He kept working as he went through painful physical therapy. "Even walking to my courtroom took time," he said. "By the time I got there, I was exhausted."

DRAWDOWN CONCERNS

Rigsby said he still struggles with residual pain, but was back in fighting form by the time he took command of his unit in September 2010.

The unit is a little more than a decade old, according to its first commander, Steven Reed. Now a partner at Smith, Currie & Hancock in Atlanta, Reed said the Army's growing reliance in recent decades on reserve forces has extended to the judiciary. "Essentially, we made ourselves indispensable as much as we could," he said.

Attorneys and sitting civilian judges can serve as military judges. Reed, who worked as an administrative law judge for the Armed Services Board of Contract Appeals during his time with the 150th, said that both can do the job, but he thinks there is a shorter learning curve for sitting judges, like Rigsby. "You already have the judge mindset, you already are sensitive to being independent," he said.

Rigsby is unabashedly patriotic, often mentioning how proud he is "of all our kids in uniform," but said he does not treat soldiers on trial any differently from civilian defendants. He said his approach is the same in both courts: "You treat everybody with dignity and respect."

He said he does take context under consideration, whether the defendant is a soldier serving in a time of war, or whether he comes from a depressed neighborhood in Washington. "You have to give a lot of thought when you're giving a sentence," he said.

Some of the cases that come before a military judge might differ from those in a civilian court, Reinert said — there are strictly military crimes, like disrespecting a superior officer, for instance — but "you don't see any difference in the type of justice."

Rigsby no longer has time to hear cases as a military judge, though. Instead, he advises the 25 military judges and 25 other personnel under his command, organizing training, managing deployments and running unit operations. Rigsby declined to discuss pending cases before judges in his unit, including the Manning case. Almanza, a U.S. Department of Justice attorney in his civilian life, said Rigsby "is very good at providing guidance to someone junior who is looking for advice from somebody who has more experience."

As troops leave Iraq and Afghanistan, Rigsby said he's not sure whether the drawdown will affect his unit, but he expects there will be greater need for legal support on the civil side, as new veterans try to understand their rights and benefits. "A whole lot of lawyers need to get up to speed," he said.

Maj. Gen. Clyde "Butch" Tate II, the deputy judge advocate general of the Army, agreed that there's no way to predict what the drawdown might mean for the trial judiciary in terms of caseload or deployment needs. "We're all going to be faced with managing the change the Army will be going through in the next four or five years," he said.

"We're expecting all of the leaders to...get comfortable with change," Tate said. "I don't worry about [Rigsby] figuring it out. Otherwise, we wouldn't have put him in the job."