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## Tough judge in English-learner case defies stereotypes

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The Arizona Republic  
Apr. 2, 2006 12:00 AM

He's put away child molesters and drug dealers and ordered teenage murderers to be tried as adults. He's banned cattle grazing on federal land to protect endangered spotted owls and upheld a controversial state abortion law.

But no other case has put U.S. District Judge Raner C. Collins in the spotlight more than Arizona's heated battle over funding to teach English to schoolchildren, many of whom are the offspring of undocumented immigrants.

While these children may be U.S.-born citizens, they've become players in a greater drama over immigration policy and government support for migrants. And that drama is playing out in Collins' courtroom with questions of separation of powers and judicial activism swirling around the judge's actions.

It's a curious position for Collins, 53, an intensely private man considered apolitical by many court observers. For more than a year, Collins has been at the center of a war of words and vetoes between Democratic Gov. Janet Napolitano and Republican legislative leaders. The judge, who denied repeated requests for interviews for this story, at one point threatened to throw the governor, the speaker of the House and president of the Senate in jail for failing to comply with the court's orders in the 1992 *Flores vs. Arizona* case.

Frustrated by the political stalemate, he fined the state \$1 million a day earlier this year and, circumventing lawmakers, directed the \$21 million in penalties to go immediately to Arizona classrooms. That move was put on hold Friday by the 9th Circuit Court of Appeals.

The English-learner case is the latest act for a judge who has defied stereotypes and led a career in seeming contradictions: He's a Clinton appointee who has at times sided with abortion opponents, a jurist known for avoiding the partisan fray who's now accused of doing just the opposite.

On Monday, Collins will take center stage once more when he hears arguments on whether the latest legislative plan to spend \$32 million more next year for English-language learners passes muster - even though the governor, who last month let the bill go into effect without her signature, hopes he rejects it.

Going into the hearing, many legislators are fuming that Collins has overstepped his constitutional authority. Some are throwing around the label "activist judge" and even calling for congressional action against him.

Never one to shrink from an immigration battle, Rep. Russell Pearce is among the most outspoken. The Mesa Republican described Collins as "that judge who hasn't read the Constitution, thinks that he has the right to appropriate money and should be impeached."

## Courtroom candor

But those who know Collins say they doubt he is shaken by the controversy. They describe him as a conscientious and studious judge, one who cracks jokes with attorneys between cases but is quick to take lawyers who cross him to task and often spends time dispensing nuggets of wisdom to defendants.

Most cases, of course, don't carry statewide ramifications or draw headlines. They're the small-time drug cases and immigration hearings, the mundane decisions that make up the majority of Collins' judicial record.

One morning last week was typical for his Tucson courtroom. The mood was tense, as family members waited anxiously in wooden pews for the judge who held their loved ones' futures in the balance.

When Collins arrived, he traded light banter with attorneys before bringing the courtroom to order, and joked it was "a sign of Alzheimer's or something" when he called a lawyer by the wrong name.

One of the defendants before him was a 35-year-old undocumented immigrant who struck a plea agreement with prosecutors for trafficking marijuana. The judge communicated through an interpreter with the man, who faced five years in prison for the offense, his second in recent years. Collins warned him not to try to enter the U.S. again. "You'd be well advised, once you serve this sentence and are deported, to never, ever come back," he said grimly.

Collins, according to friends and colleagues, is a strong believer in the rule of law who never shirks from doing what he believes the law demands, no matter the emotions or political concerns involved.

"He takes in the arguments and carefully considers both sides," said Bruce Heurlin, an attorney who has known Collins for years and argued before him many times. "He's fair. He'll listen . . . He is not going to do something based on what other people think. He does what he thinks is right, whether people like him or not."

## From Arkansas to Arizona

Raner Christercunean Collins was born in Malvern, Ark., a town of about 9,000 people 45 miles from Little Rock that calls itself the "Brick Capital of the World." He studied sociology at Arkansas Polytechnic College (now Arkansas Tech University) and married his high school sweetheart, Theresa. The couple had their first child, a son named Tameron, in 1973, the same year that Collins graduated.

The family then moved to Tucson for Collins to attend law school at the University of Arizona. There, Collins, who is Black, became part of a small group of minority students at the mostly White law school. He joined the newly formed Minority Law Students Association and played intramural sports.

But Collins, who had a young family at home, seemed mature for his age and remained focused on his goals.

For example, Collins rarely was among the throngs attending the university's football games. Instead, he spent Saturday afternoons in the nearly empty library.

"He studied when the rest of us were out playing," said Tucson trial attorney Rick

Gonzales, who was in Collins' law school class and was the beneficiary of many of his unused tickets.

After graduating and passing the state bar in 1976, Collins went to work at the Pima County Attorney's Office, where he had served as a law clerk. He became a criminal prosecutor, but seemed even early in his career to have his eyes set on a judgeship.

Richard Davis, Tucson attorney who counts himself among Collins' closest friends, said many of Collins' early career decisions were "geared toward" winning a judicial appointment. After the birth of his second child, Candice, Collins went to work as a magistrate for the city of Tucson. He then expanded his legal experience by returning to the County Attorney's Office to handle civil cases.

Said Gonzales, "There came a point in time in the County Attorney's Office that it became pretty evident that he had certain qualities that transcended the political stuff that was going on."

Starting in 1985, Collins served as a judge pro tempore, or temporary judge, in Pima County Superior Court. Three years later, Gov. Rose Mofford, a Democrat, officially named Collins to the Superior Court bench, saying he was "superbly qualified and has garnered a reputation of fairness among his peers in the legal profession."

## Concern for children

While the English-learner case has gained notice for Collins, he has a long history of cases involving children.

Collins spent five of his years as a Superior Court judge in the juvenile court, including three years heading that court as its presiding judge. During that time, juvenile caseloads skyrocketed and court staff was expanded. Under his guidance, the court adopted a more progressive mission statement, calling for more efforts to prevent juvenile crime.

Collins also served on gubernatorial task forces on youth issues and juvenile justice and he continues to mentor minority high school students in his personal time through membership in the Alpha Phi Alpha fraternity. His colleagues said he seemed deeply concerned about the well-being of the children who came before his court.

"Having kids that age helped me understand some of the things the child was going through and what the parent is going through," Collins told the *Arizona Daily Star* before he left the juvenile court in 1993.

But the judge quickly learned that not every child could be saved. Perhaps no case was more striking than the 1993 case of 14-year-old Gina Celaya, who was charged with shooting a 50-year-old man to death and stealing his truck and \$19 in cash. Collins ordered that she be tried as an adult, making her the youngest person in Pima County history at that time to stand trial as an adult for first-degree murder.

Her attorney called his decision a "tragedy for society" and asked, "Can we do nothing for someone who has gotten nothing?"

Collins was blunt.

The system "doesn't have the services (for you)," he told the girl. "It's not a question of money . . . Whatever we have for you is no hope. None whatsoever."

When a seat came open on the federal bench in Tucson, Collins was jointly nominated by Republican Sen. Jon Kyl and Democrat Rep. Ed Pastor. Both said Collins was their top choice, and President Bill Clinton appointed him in 1998.

## A private man

Federal judges are famously discreet outside the courtroom, but Collins keeps a low profile even by those standards.

Friends say that's nothing new for a man who has always kept to himself.

At his alma mater, Arkansas Tech, Collins is not listed in the alumni "Hall of Distinction" despite his success. When asked about this peculiarity, an alumni association employee said Collins' listing in their database doesn't even include an occupation.

In response to requests by *The Arizona Republic* for a resume or other biographical information, Collins' office faxed a one-page, four-line reply with the years of his birth, admission to the bar and judicial appointments.

Davis described Collins as a religious man who has been active in his Baptist church, is devoted to his family and has remained down-to-earth despite his judicial appointments.

"He is the one person I think is honest as the day is long," Davis said. "He labors to do what is right, politics be damned."

Collins has made headlines in recent years with a few politically sensitive cases. In 2001, he upheld a law passed by state lawmakers that required girls under 18 to get parental or judicial permission before undergoing abortions. A year later, he struck down part of another abortion statute, ruling that authorities couldn't inspect abortion clinics or obtain patient records without a search warrant.

But since stepping into the *Flores* case, Collins has earned the ire of some conservative Republicans who accuse him of overstepping his authority in his rulings to force the state to spend more money teaching more than 150,000 non-English-speaking children the language.

State GOP chairman Matt Salmon accused Collins of trying to "jam his ideology down everyone's throats."

"This guy, to me, is overstepping his bounds," Salmon said. "My belief is he's legislating from the bench, or appropriating from the bench. And I think that's wrong."

*Flores vs. Arizona* was filed 14 years ago on behalf of a Nogales family who argued the state had failed to provide adequate resources to help non-English speakers. In 2000, another federal judge found that state funding for the program was insufficient. And though the Legislature nearly doubled English-learner funding in 2001, the public-interest attorney representing parents in the case asked the court to intervene again in 2004. That's when Collins got involved, ruling last year that funding continued to be "woefully inadequate."

He set a deadline for the state to address the issue by last spring. But the legislative session ended in a bitter stalemate after the governor vetoed a plan that she said did not meet the court's demand.

Last fall, attorney Tim Hogan of the Arizona Center for Law in the Public Interest asked Collins to sanction the state by withholding more than \$500 million of federal highway funds.

Lawmakers and construction industry representatives objected. When an attorney for a national engineering association questioned Collins' legal authority to block the highway dollars, Collins, clearly annoyed, leaned forward in his chair and asked pointedly, "What course in law school prepares you to tell a judge what he can and can't do?"

But instead of taking the highway funds, Collins threatened to raise the stakes for state officials personally. He repeatedly brought up the issue of holding legislators and the governor in criminal contempt and freezing their salaries or jailing them. He asked attorneys more than once, "Who should I lock up?"

That's a question state officials hope not to hear Monday when they're again in Collins' domain. He'll hear arguments over the Legislature's newest plan for English instruction and will once more be the focus of statewide attention and public opinion.

Whether he likes it or not.

**Republic reporter Robbie Sherwood and researcher Joanne Dawson contributed to this article.**

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