

SALT LAKE COUNTY BAR ASSOCIATION

WINTER 2006

President's Message

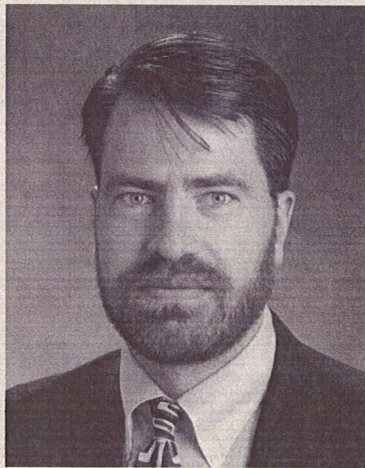
by Todd Shaughnessy
Salt Lake County Bar President

Major John Sorenson is a foreign area officer in the United States Marine Corps. Until recently, he was stationed in Fallujah. Not a great place to be if you're a Marine. As a foreign area officer, his job (at least as I understand it) is to work with various local groups and civilian leaders in Iraq to assist in improving the relationship between those groups and U.S. forces and to help improve the overall conditions in Iraq. Sort of a mini State Department on the front lines. Not an easy task, particularly when you report to work every day in a Marine uniform. Dozens of our colleagues in the bar have likewise been affected by the war in Iraq – either serving themselves, or having a friend or family member called into duty.

I don't know Major Sorenson, but I do know his only sibling—Amy Sorenson—my law partner and fellow member of the Salt Lake County Bar Executive Committee. Amy is an outstanding lawyer and a good friend. Like thousands of other friends and family members of those serving in Iraq, Amy has spent more than a few hours worrying about the safety of her brother.

Several months ago, Amy showed me some photographs her brother had taken in Iraq. One was a photo of Iraqi lawyers. Each lawyer literally had set up a folding table and chair on the sidewalk near the front of a courthouse or administration building. The lawyers would meet with their clients at these makeshift desks. Each lawyer had a manual typewriter on the desk that the lawyer would use to fill out court forms and other papers. Next time you're about to complain about your office, or more likely the fact that your computer has just crashed, think about the conditions under which your Iraqi counterparts are practicing law.

Amy also showed me photographs her brother had taken of a law school in the Al Anbar province, just outside of Fallujah. The school was damaged during fighting in Iraq. The administration building was basically destroyed, and electricity is sporadic. Nonetheless, the school is doing its best to provide a legal education for some 200 law students.



Todd Shaughnessy

The most remarkable picture was of the school's law library. It's a small room with a couple of worn tables and wires hanging from the ceiling. The walls were lined with metal shelves. Notably missing, however, were any books. Although there were a few pamphlets, the library appeared to have no books at all. Although books are becoming increasingly anachronistic in this electronic age, it was nevertheless quite shocking to see a law library without a book in sight.

At Amy's request, her brother asked the law school administrators what (if anything) could be done to help. The law school said it really needed books for the library. With her usual tenacity, Amy went to work. She stirred up interest around the office—she got Mike Zimmerman to contact his former colleagues at the Utah Supreme Court and they gave generously. One of our associates contacted friends at the S.J. Quinney College of Law, and

Professor Erik Luna headed up the effort to collect books there. In all, Amy collected hundreds of books. With help from a variety of sources, Amy is now working through the difficult task of shipping dozens of boxes of books to the Al Anbar province of Iraq.

It's surprising (and a bit scary) how easy it is to forget that our country is at war. And regardless of your personal views about the wisdom of our country's political and military policies in Iraq, it's appropriate to pause briefly and consider the plight of, if not the country as a whole, at least our fellow lawyers and prospective lawyers. They are practicing and learning the profession under the most difficult of circumstances. Yet it is also clear that lawyers there will play an important role in shaping the future of their country, just as lawyers did a little over 200 years ago in this country.

Actions like Amy's, and the things that thousands of others do on a regular basis, are worthy of particular note. Amy, I will tell you, is a bit embarrassed by all of this, and is not at all pleased I've chosen to write about it here. But if you see her, or the many others like her who do great things with no fanfare, tell them thanks on behalf of all of us.

Pro Bono Initiative

The Salt Lake County Bar has been a financial supporter of the Pro Bono Initiative at the University of Utah's S.J. Quinney College of Law since its inception in 2001. The Pro Bono Initiative is a voluntary program designed to emphasize the fundamental role of public service in the legal profession and to increase access to legal services for all members of our community. All law students at the University of Utah are strongly encouraged to perform at least fifty hours of pro bono legal work under the supervision of a licensed attorney. It was our hope, and it has been our experience, that student assistance makes it possible for more attorneys to take on pro bono matters, which makes our legal system more accessible to everyone, especially those most in need.

In autumn, 2005, students were volunteering on 77 pro bono placements through the Initiative, with projects being supervised by 51 attorneys and project coordinators. The case range is wide, with matters ranging from civil rights to education law, employee benefits, housing, immigration, taxation, and international environmental issues. Nearly half of last spring's graduating class of 2005 participated in at least one pro bono placement, and as a class they performed approximately 1900 hours of pro bono service. During the last academic year students volunteered over 1670 hours. Of course, these hours do not include the many volunteered by the students' attorney supervisors and mentors. The benefits of participating in a pro bono placement impact all involved, whether a client, student, or supervising attorney.

The Salt Lake County Bar has been pleased to pass on a portion of our members' dues to fund this important program, which pairs law student assistants with attorneys representing pro bono clients. But we believe the Pro Bono Initiative provides us with more than just the opportunity to support pro bono efforts financially. The Pro Bono Initiative offers all of us a

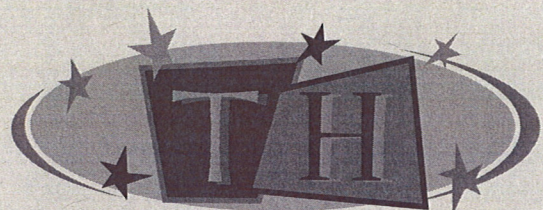
variety of ways to make pro bono service more manageable and effective. The need in our community is great, and the time commitment may be less than you'd think. We urge you to look into ways you might participate and consult with the Pro Bono Initiative staff to utilize the resources offered by law student volunteers. Any attorney representing a client on a pro bono basis (with no expectation of payment or at a substantially reduced fee) may request student assistance through the Pro Bono Initiative. Another suggestion for participation is:

Family Law Clinic -- Now in its second year, this drop-in clinic is held at the Matheson Courthouse the first and third Tuesdays of each month from 6:00 to 7:30 pm. The clinic is a collaborative effort of the Pro Bono Initiative, Utah Legal Services, The Legal Aid Society, The Women's Resource Center and the Utah State Bar. Volunteer attorneys and students provide information, intake, referrals, and assist with online pro se documents. No ongoing representation arises from clinic participation. Training is provided for attorneys (with 2 hours of free CLE credit!) and students wishing to participate. The next training will be held the afternoon of January 27th, 2006.

For information regarding the Family Law Clinic, other clinic offerings or cultivating a project that suits your needs, please call Kristin Erickson at 585-7703 or email us at Probono@law.utah.edu.

The Pro Bono Initiative offers all of us a variety of ways to make pro bono service more manageable and effective.

From Inspiration to Presentation



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On the Docket

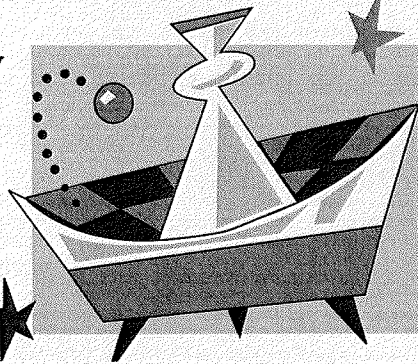
Upcoming Events

JUDGE'S RECEPTION,
MARCH 30TH, 5:30, ALTA CLUB.



Watch for your
invitation to the
Spring Dinner and Casino Night
and Election of Officers
of the
Salt Lake County Bar Association
at
Tuscany

Saturday, June 3, 2006



Recent Precedents

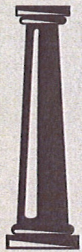
2005 SLCBA Holiday Party



The 2005 Holiday Party
at the Salt Lake Country Club

Test Your Legal Latin

So, you think you know your MENS REA from your MEA CULPA? OK Caesar, now try your hand at matching these Latin terms with their translation or legal principle.



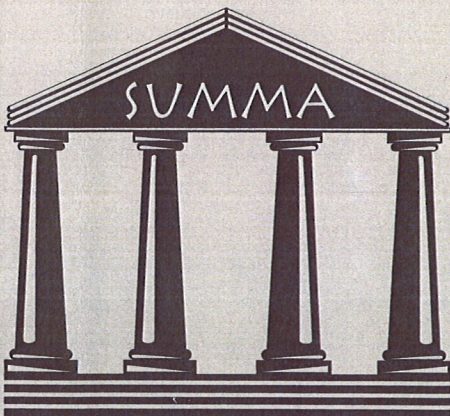
CUM LAUDE

- | | |
|----------------------------|----------------------------------|
| 1. NULLEM CRIMEN SINE LEGE | (A) CAUGHT RED-HANDED. |
| 2. RES IPSA LOQUITUR | (B) THE THING SPEAKS FOR ITSELF. |
| 3. IN FLAGRANTE DELICTO | (C) NO CRIME WITHOUT A LAW. |



MAGNA
CUM
LAUDE

- | | |
|---------------------------|--|
| 1. VBI IUS IBI REMEDIUM | (A) PROPONENT OF CONTRARY POSITION FOR SAKE OF ARGUMENT. |
| 2. ABSENS HAERES NON ERIT | (B) WHERE THERE IS A RIGHT, THERE IS A REMEDY. |
| 3. ADVOCATUS DIABOLI | (C) THE ABSENT PERSON DOES NOT INHERIT. |



SUMMA

CUM LAUDE

- | | |
|---|---|
| 1. DVRA LEX SED LEX | (A) THE LAW IS HARSH, BUT IT IS THE LAW. |
| 2. EXTRA TERRITORIUM IUS DICENTI IMPVNE NON PARETUR | (B) LAW APPLIED BEYOND JURISDICTION IS DISOBEYED WITH IMPUNITY. |
| 3. QUIDQVID LATIN DICTVM SIT ALTVM VIDETVR | (C) EVERYTHING SOUNDS MORE IMPRESSIVE IN LATIN. |

Send your answers to trina.higgins@usdoj.gov. Correct responses will be entered in a drawing for tickets to the Salt Lake County Bar Casino Night at Tuscany.

Judicial Profile

J u d g e S t e p h e n R o t h

By Robert Keller

Third District Court Judge Stephen Roth has experienced the pressures and rewards of practicing as a lawyer in the courts of Salt Lake County and elsewhere. He graduated from the J. Ruben Clark College of Law in 1977 (where he was the Note and Comment editor of the Law Review), and was sworn to the Bar in Utah and Washington that same year. He practiced as an associate attorney at the Seattle firm of Bogle and Gates from 1977 to 1978, then returned to Utah and joined Snow Christensen and Martineau. He practiced with the Snow Christensen firm until 1991, when he became an Assistant United States Attorney, working as a trial lawyer in the civil division.



Judge Stephen Roth

Governor Michael O. Leavitt appointed Judge Roth to the bench in January 2002 to replace Judge Anne Stirba. Since then, he has served Salt Lake County in both West Valley City and Downtown. Most recently, he was transferred to the new West Jordan Courthouse where he currently sits with Judges Royal Hansen, Robert Adkins, and Terry Christiansen.

Judge Roth's legal career has prepared him well for his judgeship and he is able to relate well to those practicing before him. His perspective now also provides a good basis to advise both counsel and litigants who want their cases to proceed as smoothly and as effectively as possible.

Judge Roth notes that he is favorably impressed with the large majority of lawyers who practice before him. If he could offer one or two points of advice based upon what he has seen as a judge (and during his practice), he would suggest that lawyers learn to argue not only the strong points in any given position, but to develop an ability to confront and candidly address weaknesses in their own cases. In Judge Roth's view, this will often require a lawyer to figuratively step

back, and to view the opposing case with a "sympathetic detachment" that seeks to understand the other side's strongest legal and equitable arguments. Judge Roth notes that such an ability allows a lawyer to better respond to the weakness in his or her own case, and to engage in a dialogue with the court from a perspective much nearer to the court's own. While this may often require some concession, it ultimately allows the lawyer to be a more effective advocate with a judge who is genuinely seeking to understand all facets of a case than counsel who simply will not be budged from those areas he or she perceives as being most advantageous to a cause.

With respect to his perspective from the bench, Judge Roth notes that the amount of decision-making he is faced with every day is much, much larger than what he expected it would be based upon his practice as a lawyer. "When one is relieved of the role of an advocate for one side or another, a case inevitably becomes much more complicated," he says. In consequence, Judge Roth urges lawyers to focus on and present the core of substance to a case that is necessary to a decision. Although this is difficult, and to some degree a matter of talent, it is essential that lawyers make an effort to spend as little time as possible on peripheral, albeit often emotional issues, that do not ultimately assist the court with its decision. Judge Roth notes that sometimes lawyers spend a great deal of time on what he would describe as "personality" issues, which, while not necessarily offensive, simply do not assist him and are nearly impossible to adequately communicate in any event.

Restaurant Review

Improving on Tradition

By Juli Blanch

The Judge Café & Grill

8 East Broadway
531-0917
open for lunch and dinner

When The Judge Café closed in 2004 after over twenty years in business, many downtown business people bemoaned the departure of possibly the only restaurant in the world willing to serve a sloppy joe for lunch. The Judge had a loyal following, including Karl Malone, who often would bring young pups like Greg Ostertag along in the futile hope that something, anything, might rub off from their time spent together.

Karl is gone, but Ostertag and The Judge are back. One is better than ever, and one is, um, back. The previous owner of The Pub in Trolley Square has operated the Judge since April and has extensively revamped the menu, changing it from a limited and dreary selection to a well-balanced mix of sandwiches, salads, and more substantial entrees (otherwise known as "various meats with various sauces"). In addition, there are several daily specials such as breaded chicken stuffed with ham and cheese or pork enchiladas, and the owner shortly plans to change this into weekly specials that focus on a different culinary region.

There is something for everyone on the menu. For those who like fancypants food, the smoked trout salad with gorgonzola, pears and candied pecans should please. For people who prefer slabs of meat, there is meatloaf and an Italian hoagie with prosciutto, cappicola, and salami. There is a vegetarian sandwich that actually sounds good, with hummus, cucumber and avocado on multigrain bread.

The menu does not need any improvement, but the new Judge

could improve both on consistency in the quality of food, and on the service. The service seems to be prompt half of the time and slow the other half, and there is no telling which server will be in the mood to provide good service on which day. The quality of the food is usually very good. Dishes sampled that have received high marks include the herbed salmon filet with buttery mashed potatoes, the chicken pot pie, and the Italian pasta salad with prosciutto, mozzarella, peas, kalamata olives and a tasty basil vinaigrette. On the whole, the food at the Judge is fresh and delicious.

However, on the visit for this review, some of the food received unenthusiastic reviews, and it did not help that the wait for the food was unacceptably long. The tortilla soup sounded good, but it was too chunky, like gravy poured over chicken and vegetables. The salmon ravioli came with a sauce that was disappointingly bland. On the other hand, the turkey and cranberry sandwich came with lean pieces of turkey piled high, and a cranberry relish that was zippier than the typical cranberry sauce. The sesame chicken salad was a party of fun flavors, with crispy lettuce, peanuts, and tender grilled chicken strips.

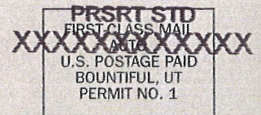
The new Judge is a welcome re-addition to the lunch options in downtown Salt Lake. Hopefully, the service will become more consistent. Its large menu makes it work well for a casual client lunch or lunch with a group of co-workers who each want something different.

PIZZA PLUG: Utah finally has good pizza! For great New York style pizza, go to Este, located in Sugarhouse. It is mainly take out, but it has a few small tables. For excellent Chicago style pizza, it is worth the trek to eat at Sweet Home Chicago, located in Draper on 12300 South. It serves both stuffed and thin pizza and has plenty of seating. We don't have to settle for Pizza Hut anymore.

SALT LAKE COUNTY

BAR & BENCH

BULLETIN



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