

BAR & BENCH

SALT LAKE COUNTY BAR ASSOCIATION

SALT LAKE COUNTY BAR ASSOCIATION

SPRING 2015

President's Message

"One must never be either content with, or impatient with, oneself."

- Samuel Johnson, "Pope," in *Selected Writings*

At the end of another busy year of Salt Lake County Bar Association activities and events, Johnson's admonition seems a reasonable standard of sorts to evaluate our performance. Let's look back, and ahead, and see what (and how) we've done.

Fundamental to our mission is the provision of uniquely informative CLE opportunities for our members. This year, the Salt Lake County Bar Association's Continuing Legal Education Committee (Hon. Michele Christiansen, Clemens Landau, Chris Hogle, Rita Cornish, and Kristy Larsen) put together another year of innovative, nowhere-else-to-be had CLE events. On March 12, 2015, we sponsored a CLE panel discussion following the presentation of the play *Hellman v. McCarthy* by Pygmalion Productions at the Rose Wagner Theater. Our attendees were treated to a remarkable play about the true story of the feud, and the ensuing multi-million dollar defamation lawsuit, between Lillian Hellman and Mary McCarthy, two celebrated female writers of the twentieth century. The defamation lawsuit was sparked by McCarthy's barb on The Dick Cavett Show that, as to Hellman, that "[e]very word she writes is a lie, including 'and' and 'the.'" Our panelists David Reymann and University of Utah College of Law Professor Deborah L. Thredy led a fascinating discussion about the challenges facing public figures in these cases and the enduring procedural oddities of litigating defamation claims.

In April, thanks to the unflinching support of our outstanding Third District Court judges, the CLE Committee organized our third "Trialpalooza" CLE luncheon at The Episcopal Church Center of Utah. Our members and other local attorneys enjoyed informal, small-

by Amy Sorenson
Salt Lake County Bar President

group-setting discussions (and a sandwich) with Presiding Judge Judge Royal I. Hansen, Judge Robert W. Adkins, Judge Su Chon, Judge Douglas Hogan, Judge Keith Kelly, Judge William Kendall, Judge Barry G. Lawrence, Judge Richard D. McKelvie, Judge Kara L. Pettit, and Commissioner Michelle Tack. We can't thank these busy jurists enough for their time, their insights, and their willingness to serve the practitioners and the public of Salt Lake County in this and countless other ways.

Finally in this area, our CLE Committee also has organized its second live-radio panel discussion moderated by KUER's Doug Fabrizio, to be held May 20, 2015. The topic is Race, Schools, and the Criminal Justice System: Are Schools Pushing Certain Students in the Wrong Direction? The panel for this one of a kind broadcast CLE will consist of Sharon

Gallagher-Fishbaugh, President of the Utah Education Association, Captain Justin Chapman, Sandy Police Department, and Emily Chiang, Associate Professor of Law at the University of Utah's S. J. Quinney College of Law.

But the provision of fine CLE opportunities to improve our members' legal practices is not the County Bar's only charge. We are also responsible for increasing collegiality and providing networking opportunities for our members, as well as serving as a liaison between the judiciary and our member attorneys. In December, our Socials Committee (Jonathan Pappasideris, Mark Kittrell, Sam Mezziani, and Jennifer Mastrorocco) organized our annual Holiday Party at the Country Club, a County Bar tradition since at least 1995. A more recent tradition is selling out the event weeks ahead of time. If you missed the Holiday Party, later this month, we'll be back at the Country Club for our annual Spring Dinner and Election of Officers, and we hope to see you there, enjoying the company of your friends and colleagues from Salt Lake County's fine bench



Amy Sorenson

President's Message

C o n t i n u e d

and bar. At the event, keep an eye out for our silent auction, proceeds from which will benefit the great work done by the Family Justice Center. The Family Justice Center is a partner agency providing coordinated support for victims of domestic violence among the Salt Lake City Police Department, the Salt Lake City Prosecutor's Office, YWCA Utah, Legal Aid Society of Salt Lake, Utah Department of Workforce Services and others. Learn more about the fine work of the Family Justice Center at the YWCA [here](#):

Another County Bar tradition is support for Law Day with our annual Art and the Law contest, run by Jack Nelson and Blakely Denny. This year the ABA theme was *Magna Carta: Symbol of Freedom Under Law*. We had over 70 entries from a variety of schools, and winners from Herriman Elementary, Northwest Middle School, and Rowland Hall. A further highlight to the Law Day festivities this year was the selection of Salt Lake County Bar board member Aida Neimarlija as the Utah State Bar's Young Lawyer of the Year. Aida is a remarkable person in every respect, and we're lucky to have someone of her capabilities and infectious enthusiasm on our board. Congratulations Aida!

Next month, on June 25, our Membership Committee (Lauren Shurman, Aida Neimarlija) has organized our first ever Salt Lake County Bar Night at the Bees Game on June 25th. Members and their families will be treated to outstanding seats in a single section. Watch for an email with a link to purchase your tickets for the June 25th Night at the Bees Game soon. We look forward to seeing you and your families there!

Finally, a big thank you to Judge Julie Lund, Kate Conyers, Tomu Johnson, and Chandler Thompson for putting out this newsletter for our members three times a year. Judge Lund in particular, without your leadership and persistence, it would not come together—thank you!

I've been reading about the Ford Company lately, so I'll conclude with two quotations from the very quotable Henry Ford, both of which remind me very much of this fine board and organization: "*If everyone is moving forward together, then success takes care of itself*" and "*My best friend is the one who brings out the best in me.*" Thank you to our membership, and to our fine board members, for another great year. If we can serve you better, please let us know.

We are also
responsible for
increasing
collegiality and
providing
networking
opportunities for
our members

Justice Tongue

R u l e O f L a w

Dear Justice Tongue:

The Magna Carta was floating around this community as part of its tour through the United States. It has prompted lots of chatter about the "Rule of Law" as though the "Rule of Law" was the be all and the end all of things. Don't the commies in China have the "Rule of Law," as do the Saudis, just to mention a few repressive and undemocratic regimes. Be so kind as to give us your take and inestimable wisdom on the subject.

**Yours,
ROL**

Dear ROL:

Flattery will get you everywhere, even as I bask in the afterglow of my sojourn in the vineyards.

You obviously understand some of the significance of the Magna Carta. It was, in fact, a major leap forward in limiting the power of the Sovereign. But it was a democratic reform only in the sense that a woodpecker is a carpenter.

Prior to the showdown at Runnymede, the Sovereign possessed virtually all power that armies could enforce. The Sovereign was the law. Subjects owned things or enjoyed rights at his or her discretion, and she or he took them back at whim. The Lords, who themselves were the law for the poor underlings who slaved under their heavy hand and for their benefit, presented the Magna Carta by force to whack (so to speak) at the Sovereign's immense power. They did so in order to aggregate rights for themselves. It was, of course, an advance at that point because it documented a set of protections which bound the Sovereign (at least in theory).

As to the mantra "Rule of Law" and its use in our common parlance, I should preface my observations by saying that "thinking" is rather a recent human development on the evolutionary scale. As such, not many do it, and when they do, not many do it well. So when folks spout out the phrase "Rule of Law," they rarely understand, much less discuss, the elements that make it sufficient for a democratic and just society.

In order for the "Rule of Law" to mean anything, it must be structured upon a democratic and representative process in which all are enfranchised and the majority rules, with some very critical limitations. In other words, it is just the beginning.

As we saw in Egypt recently, the Muslim Brotherhood cast the majority vote for a new President, in what appeared to be a generally fair election. It also controlled the legislative process, and as the majority, sought to marginalize other groups and ultimately arrogated a presidential right to legislate, all in complete disregard of the fundamental rights of everyone else. What was missing, of course, is what this country installed in the Bill of Rights to its Constitution, albeit as an afterthought. In order for the democratic process to mean anything or establish any kind of a just government, each individual has to be accorded elemental rights, which cannot be abrogated, except upon narrow and pre-established bases, and only by established rules of substantive and procedural due process. It cannot be doubted that no ordered and just society can long endure unless a set of fundamental rights are guaranteed to each and every citizen.

Our own government, typically described as a "democracy," has never of course assumed (and most argue never should assume) that pure form. Founded on the principle of majority rule, the will of the majority, if expressed, has always been circumscribed by constitutional guarantees to the minority. And that minority is defined, if necessary, down to an individual citizen. The fundamental rights so guaranteed and protected, sustain essential freedoms and in turn, the means by which minorities can, in the free exchange of ideas, peacefully become the majority, hopefully in a continual and renewing transfer of power.

Now comes the trickiest part. Unless the citizens and their governmental, societal, and commercial institutions establish, honor and support an independent judiciary to interpret, adjudicate, and protect those individual rights, the Magna Carta, the Constitution, its Bill of Rights, and any other piece of paper, for that matter, become meaningless. That is the difference between life in a repressive communist country like China and life in the United States of America, imperfect as it is. We lose sight of that difference at our peril. Stated simply, without an independent judiciary to protect such individual rights, and dedicated judges and advocates to address the nature and breadth of those rights, the essential meaning of a democratic government is lost.

Justice Tongue

C o n t i n u e d

Arrayed against the elemental rights of the individual that ensure the continuation of a functioning democracy and just society, are the centers of power. Power seeks to control outcomes, which is inconsistent with the functioning of an independent judiciary and the protection of the rights of the individual. Centers of power, both governmental and corporate, are both financially motivated and financially dominant. And, the force of their power is magnified in the presence of societal ignorance. When coupled, power and ignorance are particularly menacing, especially in a world of mass media controlled by, you guessed it, centers of power.

Therefore it is folly to suggest that a just society can be constructed solely on the "Rule of Law." There must be a culture that demands and respects: 1) a democratic and representative legislative process; 2) an independent judiciary; and 3) an executive branch which honors and enforces the results of that legislative process and the rulings and interpretations of the independent judiciary.

There is, of course, a lot more to say, but absent these basic elements, the "Rule of Law" is probably nothing more than suppressed chaos.

Fondly,
Tongue



*The Salt Lake County Bar Association Announces Its
Annual Spring Dinner and Election of Officers*

Friday, May 29, 2015

The Country Club

2400 East Country Club Drive

Salt Lake City, Utah

Cocktails 6:00 p.m.

Dinner 7:30 p.m.

Featuring music by AM Bump (Cocktails) and DJ

Seuren (Post-Dinner)

Cocktail Party Attire

Member Profile

R i c h a r d B u r b i d g e

By Aida Neimarlija

Richard Burbidge started his legal practice over forty years ago, specializing in complex commercial trial work and catastrophic injury cases. He is a founder of the Burbidge Mitchell & Gross law firm where he practices with his partner, Jefferson Gross, and four associates. For decades, Richard has been named one of the top trial attorneys in the Mountain States region by various local and national publications.

Many profiles have been written about Richard and his vast professional accomplishments. As one of Richard's associates, I thought I'd provide in this Attorney Profile a slightly different insight and reveal some lesser-known facts I have learned about him over the last five years.

As an initial matter, Richard is very funny. Consider, for example, a couple of excerpts I recently came across which Richard wrote in his Salt Lake County Bar Association outgoing president's message in 1992:

My reign as your leader of the Salt Lake County Bar is quickly coming to a close... My report is as follows: I have spent all of the budget on wine, women and song, and the rest I have wasted.

.....

What was your question? Oh, what did I do? Well, don't discount the weight of office. And do not forget the sleepless nights as I paced and pondered the appropriate role of the Salt Lake County Bar in the "New World Order" and in the cause of universal peace. Consider that the gulf war was successfully brought to a conclusion during my presidency. Consider that West and East Germany were united during my term. And consider that not one member of the Sale Lake County Bar nor their immediate family was injured, much less threatened, by stampeding water buffalo on my watch. I could go on, but modesty numbs my hand.

Richard also (obviously) has a gift with the pen. From time to time he has even taken his hand to cowboy poetry, swapping his verse with the famous cowboy poet Waddie Mitchell.

As he alludes to in his message above, Richard also knows wine. This is a nice perk for me, since firm events inevitably feature excellent wine from every corner of the

world, though there is a real monetary downside – what used to seem like decent wine for a novice like myself, now has lost any appeal. Richard reveals his favorite wine comes from California (including Cline, Jordan, Golden Eye and Pine Ridge) and Italy (especially Brunello di Montalcino).

Richard travels every chance he has. In addition to occasional California wine country getaways and fly-fishing trips on Green River, over the last two years alone, Richard also visited places such as Thailand, Cambodia, Vietnam, Croatia and Slovenia.

Despite his extensive travels and a very successful career, one of the somewhat surprising facts is that, after forty years Richard works almost as much as he did when he first

started as an attorney, often coming into the office on the weekends for additional preparation on his cases or to craft material for his professional activities. As Richard often says, Hollywood's depiction of the practice of law pales in comparison to real life. Richard talks as passionately about his representation of injured persons and his pro bono work as he does of his unforgettable deposition of Walt Disney's CEO, Mike Eisner or his representation of the famous Gerry Spence. Among Richard's prized plaques and trophies is a 2008 letter from Gerry Spence, a part of which states:

You are the best I have seen yet. How I was so fortunate to get you I cannot guess, but I have always been a lucky man. My luck was on parade the day you entered your appearance on my behalf. I am forever indebted to you.

Richard is very involved in local and international organizations, volunteering much of his time to mentor young lawyers and to advocate for the indispensable role of jury trials and the independent judiciary. He recently served as Dean of the prestigious International Academy of Trial Lawyers and currently serves as President-Elect of the Academy. Richard expressed his passion for protecting the independence of the judiciary and furthering the Rule of Law in his Dean's Address at the 60th Anniversary of the founding of the Academy:

There is only one branch of government in which reasoned discussion can and does occur. In courtrooms around this nation, as in few other places on the face of the earth, the great



R i c h a r d B u r b i d g e

Member Profile

C o n t i n u e d

and the humble, the rich and the unwashed, not only may speak truth to power without fear of reprisal, but must do so.

In our courts of justice, truth borne by vetted evidence is the only acceptable medium of exchange.

Our judiciary is the refiner's fire that ensures the strength and legitimacy of all our political architecture sustaining a diverse and perennially contentious citizenry. The ability to dispense justice dispassionately and with energy, diligence, and fidelity is singular and essential. Performed correctly there is no more difficult human endeavor. Performed with integrity there is simply no higher secular calling.

All that said, there is no question that Richard is most passionate about his family. He admits he gave up golf and “other vices” he enjoyed in order to spend all the available time away from practice with his wife of 34 years, Suzanne, and their eight children, one of whom is a foster son from East Los Angeles and two of whom they adopted from orphanages in India and Taiwan.

Richard and Suzanne learned early that, in light of Richard's demanding practice, the secret to the family's happiness would be to keep the family involved in the practice. To that end, Suzanne has been involved both in managing the firm and in the organizations of which Richard is a Fellow. When their children were young, especially during Richard's arduous trial preparation, the children loved spending time at the office and learning about those their father represented. Two sons eventually followed in Richard's footsteps, while the other children went on to become engineers, an advertising manager, an artist/guitar-maker, a football coach, and a manager to some of the top Hollywood stars. Richard and Suzanne now have twelve grandchildren, and, as Richard likes to say, “they'll be a whole other crop.”

I have often heard Richard say that none of his success would be possible without the support of his wife and children. Though he loves the thrill of trying cases, his favorite event every year, by far, is the gathering of his children and grandchildren in Sun Valley. That is when all business stands aside.

For decades, Richard has been named one of the top trial attorneys in the Mountain States region by various local and national publications.

New Lawyer Spotlight

Kristen Olsen

By Kate Conyers

Just one year out of law school, Kristen Olsen is an attorney that has and will continue to change the world. Kristen practices law at Dorsey & Whitney, where she assists clients with complex commercial and products liability litigation in the banking, healthcare, and automotive industries. She also helps clients with their labor and employment needs and provides legal assistance to nonprofit organizations. (http://www.dorsey.com/Olsen_Kristen/) She graduated from the J. Reuben Clark Law School in 2014.

Kristen grew up in Logan, Utah as the middle child of seven children to Herm and Norma Olsen. Herm, a partner at Hillyard, Anderson & Olsen and a Commissioner to the Utah State Bar for the Second Division, sparked Kristen's interest in the law at a young age. In fact, Kristen worked at his law firm in middle school, all through high school, and into college. Kristen is very close to her family, and has had the opportunity to collaborate with her siblings on various projects, some of which are mentioned below.

What is unique about Kristen's family is its dedication to humanitarian work. And not just a few members of her family. Her whole family. According to Kristen, this focus on community service likely started with her mother, Norma, who always volunteered for causes with her children, like helping at assisted living centers. Kristen's father Herm also provided an exceptional example for doing community service. When clients couldn't pay for his legal work, they would give him items that they made or had, like an antique barber chair. To Kristen, this signaled that he cared more about his clients than the money he earned. Her father also speaks Navajo and he uses this skill to serve the Navajo people in various ways, including serving on the board of DNA legal services, a 501(c)(3) that provides legal services throughout the reservation. "Although I'm the only child out of seven to pursue a career in law, his devotion to pro bono cases and humanitarian service impacted all of us, and, by example, motivated us to try to make the world a better place." In their own lives, Kristen's siblings have also carried on this tradition by forming and working with nonprofit organizations dedicated to many causes.

To assist in their humanitarian leanings, the Olsen family created a nonprofit organization called the "Sparrow Alliance"

(<http://www.sparrowalliance.org/>), an umbrella nonprofit for any humanitarian project they took interest in. The current focus is on a d/b/a called "Hemo Helper," (<http://www.hemohelper.com/>) a project that seeks to raise awareness about bleeding disorders throughout the world and sends medical ID tags to developing countries for people with bleeding disorders. This project was inspired by Kristen's youngest sister, Josie, who had a baby with a very rare bleeding disorder, resulting in that sister taking the lead on the project. Prior projects of the "Sparrow Alliance" include the Union Bilingual Preschool in Logan, Textbooks for Africa, Hope for the Children Orphanage in Mexico, and other humanitarian efforts.

After graduating from Logan High School, Kristen attended Utah State University where she received her Bachelors of Science in Anthropology in 2003. During college, she spent three months in Jerusalem as part of a BYU program in language, history and culture. She also spent one month in Costa Rica studying Spanish and six months teaching English, studying Chinese, and completing an internship in education in Xin Jiang, China, an autonomous region near Tibet with much political unrest. At USU, Kristen helped start the Amnesty International Club because she enjoyed being part of different causes, learning about political conflicts worldwide, and contributing through service. Along with her sister, Holly, Kristen also helped form the International Women's Club for women from different cultures in the community.



Kristen Olsen

During college, Kristen met her husband Marshall Thompson. After finishing college and a few months after they were married, they took off to Korea for a year to teach English. He was in the Army Reserve and he continued his work while in Korea.

Kristen started a Masters of Education at Ohio University with a focus on sustainable development, but after becoming pregnant with her daughter Eliza, she received the news that her husband was being deployed as a military journalist to Iraq for eighteen months. She moved back to Logan to have her daughter, Eliza, near family and began a Masters of Second Language Teaching at USU with her sister, Holly, who was due to have her first baby the same month as Kristen. Two months after their daughters were born, they took a semester off and traveled around Southeast Asia with their newborns. Kristen

New Lawyer Spotlight

C o n t i n u e d

and Holly returned to USU to finish their Masters, and during that time, they developed a language tracking study to determine language use and attitudes in East Jerusalem. When Eliza was 18-months-old, Kristen traveled to Jerusalem to do research for the project, working with students who spoke at least four languages each, while her husband was there working for the Associated Press and finishing a graduate degree in Journalism. Her article, Language Use, Attitude, and Linguistic Identity Among Palestinian Students in East Jerusalem was published in the peer-reviewed International Multilingual Research Journal. <http://eric.ed.gov/?id=EJ875364>

Around this time, Kristen's family became involved in another project, this time involving her husband. When he returned from Iraq in 2006, Marshall decided to walk of the length of Utah to promote peace and raise awareness about the need for a staged withdrawal of troops. His experiences are detailed in the documentary directed by Kristen and produced by her siblings, "A Soldier's Peace," (<http://www.imdb.com/title/tt1059832/>) which was translated into several languages and broadcast in over one hundred countries. It received several awards, including the Best Documentary Award at the FourSite Film Festival. This experience inspired Marshall to attend law school.

After returning from Jerusalem, Kristen had her second child, Peter, and got a job at USU as an Adjunct Professor teaching English to international students while Marshall worked at The Standard Examiner. Kristen loved teaching and she taught multiple courses for three and a half years (including one semester while in law school). She and Holly developed and taught a human rights course for some of the more advanced students who were from all different countries where the students could discuss the Declaration of Human Rights and try to find a middle ground where everyone could agree and could discuss how religious and political backgrounds made them all different. Kristen and Holly presented the human rights curricula at the I-TESOL conference. Around this same time, Kristen also worked on anti-discrimination legislation in Logan, which was ultimately successful, and later in Provo, where it was not.

Kristen always had an interest in the law, and decided to attend law school after her husband's first year at the J. Reuben Clark School of Law. They both focused on International Law, with her specific focus on women's rights and international

humanitarian law issues. In law school, Kristen helped start the BYU National Lawyers Guild to raise awareness about various social justice issues and to bring diverse viewpoints to the BYU campus, including those on marriage equality and reproductive rights. She also served on the Public Interest Law Foundation and Women in Law boards, competed in the Jessup International Moot Court Regionals Competition, served as a senior editor for the International Law and Management Review, worked as a legal intern for the Chief Justice of the Utah Supreme Court, worked with juveniles at the Slate Canyon Detention Facility, and published and presented an article on the Responsibility to Protect doctrine at a national security conference in Washington D.C. Kristen, who graduated in the top ten percent of her class, had the

opportunity to work with several professors who inspired her to use her legal skills to promote positive change in society, including Mehrsa Baradaran, David Dominguez, Brigham Daniels, and Eric Jensen.

During law school, Kristen left her family to do her own externship for the International Criminal Tribunal for Rwanda in Tanzania. During her 3L year, Kristen went to Budapest to study international law at Central European University. Luckily, Marshall had some time before he began a clerkship with Judge Orme at the Court of Appeals, so he was able to homeschool the kids in Budapest. Kristen, Marshall and their two children also spent a lot of time traveling around Europe and the Middle East.

After law school, Kristen joined Dorsey & Whitney because of its international reach with its offices worldwide. She was also impressed with the accomplishments of many of its attorneys, including Annette Jarvis who was managing partner at the time. Kristen is grateful for her Dorsey mentors, one of which is Kim Neville, who provides Kristen with advice, interesting work, and help in navigating firm life. She also has the privilege of working with and learning from Greg Saylin, Peggy Hunt, Chris Martinez, Dan Larsen, and Steve Marsden, just to name a few. Marshall has his own law firm, Thompson Appeals, (<http://www.thompsonappeals.com/>) which provides appeals to low and middle income individuals.

Kristen, Marshall, and their two children, Eliza and Peter, love to travel, rock climb, kayak, and camp, especially at City of Rocks, Idaho.

What is unique
about Kristen's
family is its
dedication to
humanitarian
work.

Book Review

Just Mercy: A Story of Justice and Redemption

By Judge Julie Lund

Meet Walter McMillan, an innocent black Alabaman sentenced to death for the murder of an 18 year old white woman in 1986. Prosecution witnesses lied and the testimony of six alibi witnesses placing him at a fish fry miles from the scene of the murder was disregarded. He was convicted of the murder and sentenced to death despite the recommendation for a life sentence from a jury consisting entirely of white citizens. At the time, Alabama was one of two states with the death penalty that allowed a judge to override a jury sentence recommendation and Judge Robert E. Lee Key did just that.

Bryan Stevenson's memoir details his successful efforts to exonerate McMillan whose case arose in Monroeville, Alabama, ironically, the hometown of Harper Lee, author of *To Kill a Mockingbird*. Stevenson has frequently been compared to Atticus Finch to which he responded in a recent interview,

"Well, I want to do better than Atticus Finch. Atticus Finch's client, Tom Robinson, dies in prison because there was no hope for him. I want our clients, I want people wrongly convicted and accused, to get relief. I want the people in jails and prisons all across the country who are there unfairly, unnecessarily, released. I want to do more than what happens to that client in *To Kill a Mockingbird*."

Bryan Stevenson grew up in a working class African American family in the southern part of Delaware. At age 16, his 86 year old grandfather was senselessly murdered by teenagers attempting to steal his black and white television. Mr. Stevenson moved past this tragedy and attended Eastern College, followed by Harvard Law School. Upon his graduation from Harvard he travelled to the South to take a job with the Southern Center for Human Rights in Atlanta, Georgia. He ultimately founded the Equal Justice Initiative, based in Alabama and serves as its executive director. He has been awarded honorary degrees from Georgetown, Yale and Penn as well as a MacArthur genius grant.

Stevenson does not limit his efforts to those on death row. He is also a champion for young clients, several sentenced to life in prison without parole, for crimes committed as juveniles. His challenges of those sentences focused on, "the incongruity of not allowing children to smoke, drink, vote ... because of their well-recognized lack of maturing and judgment while simultaneously treating some of the most at risk, neglected and impaired children exactly the same as full grown adults in the criminal justice system." He tells the stories of Evan Miller, Ian Manuel, Joe Sullivan and Trina Garnett, all minors who were treated unfairly by the legal system in the name of being tough on crime. In 2012, Stevenson prevailed in the U.S. Supreme Court, which ruled in Evan Miller's case that mandatory life sentences without parole for children violated the Eighth Amendment.

This book was jolting to me as someone raised in the Midwest and West. I had always associated inequality and discrimination in the South with a bygone era, not something still perniciously present in the 1990s and even in the new century. Stevenson has delivered a well written book but don't expect to read much about his personal life. He devotes the book to plight of the disenfranchised in the South, just as he has devoted his life.



The Docket

News From The Appellate Courts

We receive numerous telephone calls each week from court patrons asking how to e-file a document in the appellate courts. While we aren't there quite yet, both appellate courts have been busily working toward that endeavor.

In the meantime, we have begun accepting all court filings by email. Please make note of our email addresses, courtofappeals@utcourts.gov and supremecourt@utcourts.gov, which will reach the respective staff members in the clerk's office. The emailed document, which must bear the required signature (a conformed signature with /S/ is allowed), will be accepted as an "original" document until the true original and any required copies are received by the court. The original must be received by the court within 5 business days from the date of the transmission by email. If the original is not received within that period, the court will treat the email filing as void. An emailed filing is considered "received" when stamped by the clerk's office. The time for stamping is limited to regular office hours (weekdays, 8:00 a.m. to 5:00 p.m.). Please note that all risks associated with filing by email are borne by the sender. If your filing requires a filing fee, you must contact a member of the appellate court staff to make payment arrangements by telephone (801-578-3900).

We request all original filings, including briefs and petitions that would otherwise be velo bound, be paperclipped or binder clipped when filed by mail or at the front counter (to allow for ease of scanning). Additional copies of these same filings must be bound, if required under the Rules of Appellate Procedure.

While we still accept fax filings, we find that legibility is often a concern with fax transmissions. We prefer emailed documents for the best image quality; faxed filings are disfavored.

We are hopeful that these filing allowances will assist you in your filings. We will continue to work toward an appellate e-filing system. We have a team of programmers developing our e-filing system that we hope to release within about a year. We will notify users when training sessions are on the horizon. As always, our staff members are always happy to answer any questions that you may have.

We have a team of programmers developing our e-filing system that we hope to release within about a year.

Dicta

The Old Fashioned

By Tomu Johnson and Kate Conyers

As the weather warms up, it's time to come out of hibernation, and share a drink with family and friends. One of our favorites is the classic Old Fashioned. It's simple yet layered with robust spirits and aromas. Although this drink is perfect year round, it's a splendid drink to share with friends during a barbecue, to share with a client during dinner, or while watching the sun yawn into the horizon after a warm summer day. We've taste tested several Old Fashioneds in Salt Lake and will share our favorites below; but first, a little information about whisky.

Whisky (which can be spelled 'whisky' or 'whiskey') comes from the Gaelic phrase 'uisge baugh', or 'water of life'. It is an umbrella term for spirits made from distilled and fermented grain mash aged in a barrel. This means scotch, bourbon, and rye, are all whisky. However, scotch, bourbon, and rye are not the same type of whisky. Scotch, must be made in Scotland, and is usually made with malted barley. For bourbon, 51% of the grain used must be corn and it must age in new, but charred, American-oak barrels. For rye, 51% of the grain used must be rye.

Despite its roots in Europe and the American South, whisky even made its mark on the streets of downtown Salt Lake City. Shortly after the arrival of U.S. troops in 1857, the portion of Main Street south of 200 South was familiarly known as "Whisky Street." In 1906, Whisky Street was renamed to Main Street.

One of the oldest, most famous and familiar whisky drinks is the Old Fashioned. The Old Fashioned is a cocktail made by muddling sugar with bitters then adding alcohol, such as whisky or brandy, and a twist of citrus rind. Developed during the 19th century, the Old Fashioned is the ultimate and original "cocktail," a word that was first defined in 1806 as "a potent concoction of spirits, bitters, water, and sugar." Early on, the most popular old-fashioned cocktails were made with whisky, with rye being more popular than Bourbon. By the 1860s, it was common for orange curaçao, absinthe, and other liqueurs to be added to the cocktail. An Old Fashioned is typically drank from a wide-rimmed, heavy-bottomed glass tumbler that goes by the same name.

Today, almost every bar serves a version of the Old-Fashioned. We travelled to Whiskey Street, The Rest, Copper Common, and Bar-X to determine which had the best. We judged each one based on smell, taste, and presentation. First up was Whiskey Street. It's a great venue to spend time with friends after work and order a drink from its bar that stores every type of spirit. It's unfortunate that its Old-Fashioned was just mediocre. They used Maker's Mark—a sweet bourbon—for the spirit, added a healthy portion of sugar, and used multiple pieces of ice. The aroma was overrun by bitters. The ice quickly dissolved into the drink, and they didn't fully incorporate the sugar into the drink. Unfortunately, this combination made a cloyingly sweet and watered down drink.

Shortly after the arrival of U.S. troops in 1857, the portion of Main Street south of 200 South was familiarly known as "Whisky Street."

Next stop, The Rest. The Rest, with its speak-easy feel, was the most unique venue. Its street level store is called the Bodega. Once inside the Bodega, you ask the bartender if you can go down to The Rest. While the Bodega looks like a corner-market grocery store, The Rest is a mellow bar with dimmed lighting, dark-wood tables, eclectic furniture, and a record player. Not only was The Rest cozy and relaxed, its Old Fashioned was one of the best. They used Dickel Rye as the spirit, sparingly used sugar, and used one large cube of ice for the spirit. The Dickel Rye, which has a higher alcohol concentration than most bourbon, created a pepper-like taste with just a hint of sweet from the sugar. The large cube of ice controlled how the ice melted into the drink and preserved the rye's strong taste at the beginning. As time passed, the drink matured to marry the sugar with the rye's distinct, but subtle, sour taste.

Finally, we tested two other locations: Copper Common and Bar-X. Both are great venues for friends and they have knowledgeable bartenders. We asked the bartenders at both venues to make their Old Fashioneds with Rittenhouse Rye. Rittenhouse is a great spirit for Old Fashioneds because it has a mild front-end that isn't too sweet, a strong back-end that pairs well with sugar, and its 100 proof so it mixes well with water without losing its flavor. Both venues used one large rock of ice to control how it melted into the drink, both had a wonderful aroma of citrus. In the end however, Copper Common's Old Fashioned edged out Bar-X because Bar-X used a sugar that tasted like NutraSweet.

Dicta

C o n t i n u e d

Ultimately, the drinks that stood out most were from Copper Common and The Rest. They were made with higher proof ryes that retained their flavor throughout the drink, had pleasant citrus aromas, and weren't too sweet. It was a close call, and it probably comes to preference for the spirit used in the drink, but we felt Copper Common had the better Old Fashioned. The Rittenhouse paired perfectly with all of the ingredients and was a perfect drink from the first sip to the last drop.

If you want to make Old Fashioneds for your next gathering, we recommend our recipe. Gather the following ingredients:

Rittenhouse Rye,
Sweet Vermouth,
Angostura bitters,
Maraschino cherries, and
An orange peel.

Pour some ice into a cup and add a splash of vermouth. Swirl the vermouth and ice in the cup until the cup is cold then discard the ice and vermouth. Place a large piece of ice into the cup. In a mixing tumbler, muddle a cherry and 4-5 dashes of bitters. Afterwards, add two shots of rye, a half a shot of vermouth, and ice. Stir until the whole mix is cold. Pour the alcohol into the cup with the large piece of ice. Cut a thin piece of orange peel from the orange, twist the orange peel over the drink, wipe the rim of the glass with the orange peel, and serve.

Ultimately, the
drinks that
stood out most
were from
Copper
Common and
The Rest.

Recent Precedents

Art & the Law Judging



Recent Precedents

C o n t i n u e d



SLCBA

SALT LAKE COUNTY BAR ASSOCIATION

on

facebook

Oh, yes, we're social...
The Salt Lake County Bar is on Facebook.
Check us out to connect with other members,
see pictures of our events, start a discussion
and other fun stuff.



Linked 



Our website address!

www.slcb.net

Check out back issues of the Bar and Bench, a calendar of upcoming events, and other helpful information on the Salt Lake County Bar's website.