

BAR & BENCH

SALT LAKE COUNTY BAR ASSOCIATION

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WINTER 2015

President's Message

by Amy Sorenson
Salt Lake County Bar President

"Well, that's the news from Lake Wobegon, where all the women are strong, all the men are good looking, and all the children are above average."

-Garrison Keillor

Come partner-making season, the other offices of my law firm have a tendency to accuse the Salt Lake City office of assessing our partner candidates like Garrison Keillor does the children of Lake Wobegon – that is, all the Salt Lake City office partner candidates are above average. From my point of view, however, the problem is not that they aren't, but that they are. In fact, the math works out just fine, once you dwell for a moment or two on what a special place Salt Lake City is to practice law, and the outsized opportunities it presents for professional development. Allow me a few examples of the outstanding upcoming events available to those of us lucky enough to live and practice law here.

This week, no less a figure than United States Supreme Court Justice Sonia Sotomayor will visit Salt Lake City, and 500 people have signed up to hear her remarks at the Marriott Downtown at City Creek on January 29th. (Take a look herein for Kate Conyers' excellent review of Justice Sotomayor's inspiring early life biography, *My Beloved World*.) This fall, Salt Lake City will play host to the 2015 Federal Bar Association's Annual Meeting and Convention at the Little America Hotel, September 10 through 12. The FBA will welcome hundreds of lawyers and judges from all over the country, and the FBA is actively soliciting local speakers. If you are interested in being considered as a speaker, please contact Peggy Hunt, President of the Utah Chapter of the FBA, at hunt.peggy@dorsey.com, for the application form and details.



Amy Sorenson

The next month, October 7 through 11, 2015, Salt Lake City welcomes the 2015 National Association of Women Judges Conference, and hundreds more distinguished jurists and lawyers from throughout the United States and the world will descend on Salt Lake City's Grand America Hotel. There are many ways to get involved in this conference. If you are interested in being a sponsor or in learning about more opportunities to support the NAWJ Conference, or just in attending, please contact [Tammy Georgelas](mailto:tgeorgelas@scmlaw.com), tgeorgelas@scmlaw.com, or [Margaret Niver McGann](mailto:mmcgann@parsonsbehle.com), mmcgann@parsonsbehle.com, for details. The National Association of Women Judges has been a leader since its founding in issues concerning judicial independence, diversity and fairness in the courts, equal access to justice, and combatting human trafficking.

In the near term, keep an eye out for more outstanding CLE opportunities from your Salt Lake County Bar, including another after work art-meets-law CLE like the one we hosted this past October, the screening of the award-winning Olympic documentary "Ready to Fly" (see Clem Landau's great summary inside if you missed the event itself), the Trialapalooza/Appealpalooza judicial lunch Q&A CLEs, and much, much more.

In the meantime, and again as Garrison would advise, "Be well, do good work, and keep in touch."

Justice Tongue

J u s t i c e R o n a l d N e h r i n g

Editor's Note:

Justice Tongue is not responding to a letter, but chose to write one "unaided" by inquiry.

My Dear Colleagues and Distinguished Members of the Bar:

Yes, I know I have a pile of letters to which I have not yet responded. In fact, I may not be able to get through the yipping and yapping until I spend a few weeks of sabbatical with my Christian brothers in a wonderful place called Napa Valley. But, that's not really the reason I'm not responding to your strange and wonderful inquiries.

I pause to reflect on the career of one of my dear colleagues, Justice Ronald Nehring. I have known Ron since we were pups. I have been side by side with him in trial and was always amazed at his common touch. In addition to being bright and optimistic, he connected to people in a way that was unique. He spoke their language, made things simple, reassembled the confusing to the understandable, and conveyed to each and every juror that they were important to him, his clients, and the process.

I was pleased and proud when Ron gave up a very successful and lucrative career in private practice to devote, literally, the rest of his career to public service.

You all know how I feel about the service of the judiciary. Such service, competently performed with integrity, is of the highest calling. Ron was better than his promise to that calling. Consistent with his common touch, every lawyer and litigant that entered Judge Nehring's courtroom knew and understood they were on the same footing. As he would explain, each had a credibility bank account full and robust, and it was up to them—their preparation, their candor, the quality of their work—to diminish or augment that account. He demystified the process and made jurors and parties understand that it was a human enterprise, that common sense prevailed, and that the ground around the great and the small was to be level.

When Ron was elevated to a higher echelon, I had only a tinge of regret which was over-weighted by immense satisfaction and admiration. That "tinge" related to the loss of someone at the trial level with such a perfect command of fact, law, and human behavior. To his credit, he brought his keen intelligence, wry wit, and boundless energy to the court of consensus.

I am proud beyond words of what we in the judiciary provide this republic. That is not to say that all judges and justices deserve or garner equal merit, but the vast majority understand, as Ron always did, it is not about them. They dedicate their intellectual and moral assets to the better cause of the rule of law, and distinguish this contentious, energetic, vibrant and free society from every other on earth.

To my colleague Justice Nehring ("Ron"), I congratulate you on a job well done and hope you will never be a stranger to our chambers, our classrooms, and our causes.

Fondly,

Justice Learned Tongue

Member Profile

F r a n W i k s t r o m

by Tomu Johnson

It is an honor and pleasure to profile Francis “Fran” Wikstrom. He was recently named the President of the American College of Trial Lawyers: an organization that improves trial practice, disseminates codes of conduct for trial, and molds new lawyers into effective trial advocates. It is an invitation-only organization limited to the top 1% of attorneys in the American Bar.

Although that is an impressive achievement, it is the capstone on a long history of accomplishments. Chambers USA recognized him as one of the best lawyers in America. In 2011, he received the Lifetime Service Award from the Utah State Bar and received the Friend of the Court Award by the Utah Judicial Council in 2012 for improving Utah’s judicial system. He is also a Fellow of the International Academy of Trial Lawyers, the International Society of Barristers, and the American Bar Foundation. Finally, he is an avid skier and ski instructor.

Fran transplanted himself to Utah at a young age. He graduated from Weber State College in 1971 with honors and summa cum laude. Three years later, he graduated from Yale Law School. He did not stay on the east coast long though. Yearning for good skiing, he came back to Utah and set up a small law practice in Ogden. There, he took an assortment of cases that bolstered his trial experience. He eventually left that practice and served as an Assistant United States Attorney and as a United States Attorney for the District of Utah. Since 1982, he has worked with the attorneys at Parsons, Behle & Latimer. Today, Fran practices business and commercial law, intellectual property law, and environmental and natural resource law—all with an eye towards trial.

The most striking thing about Fran, however—even if you are meeting him for the first time like me—is that despite his accolades and experience, he is a kind mentor genuinely concerned with the development of new lawyers. As we talked about my relatively short career as an attorney, Fran would insist that I take cases broadening my knowledge of evidence and trial. According to him, “attorneys have to learn how to take cases to trial early . . . even if you get kicked around a little bit.” Don’t worry, he says, “[t]he

next one will get a little easier.”

It was truly a pleasure to interview Fran Wikstrom. The Salt Lake County Bar is fortunate to have this fine mentor and attorney who deeply cares about the development of trial attorneys among its members.



F r a n W i k s t r o m

Member Profile

Abby Dizon-Maughan

By Kate Conyers

Awesome. Engaging. Risk-taking. Ready. Brave. These are the five words that aptly describe Abby Dizon-Maughan, as selected by her “personal assistant” and “advisor” 8-year-old son Noah. On the date of the interview, he was helping his mom with all sorts of things - getting bottles, diapers and other things for his 17-day old sister Soledad, cleaning off the couch and sweeping the floor, and keeping the dog entertained. Abby is extremely involved with many organizations, but it’s clear from her interactions with Noah and Soledad that her family is and always will be her number one priority.

Abby grew up in Utah and is the first of three daughters, each born about eighteen months apart. Her parents, now married for thirty-six years, both grew up in the Philippines and lived in Guam a few years before they each came to the United States in the 1970s. Her father came to Utah in 1974 to work at Ft. Douglas and her mother came in 1978 for a vacation and never left. Abby’s parents and one of her sisters, Tina, live near Abby, and her younger sister, Vangie, lives in Virginia. Abby is very close with her parents and sisters.

After graduating from Kearns High School, Abby attended the University of Utah where she received her Bachelor’s degree in Political Science in 2001. Abby always had the goal to have her own business because of the lifestyle it allows with the balance of life and family. To that end, she received her Masters of Business Management in 2007. Another dream of hers was to become a lawyer and have her own practice. In fact, since the second grade she never wanted to be anything but a lawyer. Part of this decision was made because—like many of us—she watched Perry Mason growing up, and partly because she has always worked in the legal field, including as a paralegal in civil litigation firms for nearly ten years. Interestingly, when her mother lived in the Philippines, she also worked for several attorneys. Abby finally made her dream come true when she received her law degree from the University of Utah S.J. Quinney College of Law in 2012.

During law school, Abby was a very active. She was a member of the Outlaws, where she attended two Lav-Laws,

the Minority Law Caucus, where as a 3L she served as its Liaison to the Utah Minority Bar Association (UMBA), and the Student Bar Association, where she served as the 3L Representative. In law school, Abby also co-founded the Utah Student Association for Criminal Defense Lawyers (USACDL) and served as its 2L representative and later as its President in her 3L year. Notably, during her second year at law school, Abby received a scholarship from the National Association for the Advancement of Colored People (NAACP).

After graduating law school, Abby worked for criminal defense lawyer Rudy Bautista, then worked at the family law firm of Arnold & Wadsworth where she practiced criminal defense. After a year, Abby started her own criminal defense firm, ADM Legal Defense PLLC, www.admlegaldefense.com. Abby originally wanted to practice immigration law to help people in her community, but her perspective has changed because as a criminal defense attorney, she can help protect the rights of any person who has been accused of a crime and help defend them. Ultimately, though, she wants to be a “conduit for education.” In the next year, she would like to start a “Know Your Rights” campaign for different segments of her community. Noah also has ambitions for his mother, including having 30 employees by the time his sister was born. Even though that didn’t materialize, he is still proud of his mom. Now his goal is that she have 5 employees by the time his sister is 3-years-old.

While having her own practice has always been Abby’s dream, it is far from easy. To her, the hardest part is how time consuming it is and how she can never shut it off. For example, if she goes to Noah’s school during the day, she’ll need to make up work at night. It is also difficult because she is solely responsible for every aspect of her business, from public relations, marketing, keeping the books, and practicing law. Abby has advice to other young lawyers considering starting their own practice. First, be realistic. Solo practice is a lot of work and is very stressful. Second, a good support system is necessary, as are mentors. Abby is lucky to have several great mentors, including Rudy Bautista, Stephen Howard, and Rebecca Skordas. Finally, she advises solo practitioners to be prepared for anything.



Abby Dizon-Maughan

Member Profile

C o n t i n u e d

Abby believes that owning her own business is very worthwhile and overall she enjoys having her own practice. Frankly, everyone starting their own practice also needs a personal assistant like Noah, who is extremely proud of his mom.

Not surprisingly, Abby is currently active in many organizations. She serves on the Legislative and Development committees of the Utah Association of Criminal Defense Lawyers (UACDL), she is the Socials Chair of UMBA, the Chair of the Professional Standards Review Board of the West Valley City Police Department, the Criminal Justice Chair of the Utah Chapter of the NAACP, and she sits on the Board of the Filipino-American (Fil-Am) Chamber of Commerce. Abby sometimes combines her civic duties and family. For example, Noah has created his own one-person self-named "Rebel" subgroup of the Chamber of Commerce, and if you want to know more about what the Chamber does, he is extremely knowledgeable as he goes to all of the meetings, sits on the podium, and helps with presentations. In fact, he explained that if anyone wants to talk to his mom, they have to talk to him next. He is extremely proud of the fact that he is "the youngest personal assistant of the Chamber of Commerce that ever existed in the history of the world." Did I mention Abby is an amazing mother?

In describing why she is so active, Abby provided, "My involvement is where I feel like I have the most control. That's where change happens, when you're involved. When I see things that need to be changed or that I want to have changed, there's no better way to do it than to get the ball rolling or to talk to the right people who can get the ball rolling." For example, when she was in law school, there was no way for students to be involved in the UACDL or to be involved with criminal defense lawyers. She therefore helped to create the USACDL so that students could receive needed mentorship from criminal defense lawyers.

Abby met her husband James in 2002 and has been married to him for over ten years. James teaches French and English ESL at West Hills Middle School. He is very active himself (clearly it runs in the family): he is an Executive Member of the Jordan Education Association and actively advocates for the rights of his fellow educators. Abby and James have two delightful children, Noah and Soledad. Noah attends Fox Hollow Elementary where he is in the French Immersion Program. When he isn't on duty as Abby's personal assistant, Noah likes to play video games, read, and cuddle "in that order". Abby and her family love to play board games together, particularly "Clue" and "Battleship". They also enjoy rock climbing.

Thank you to Abby for all of her dedication and commitment to the legal profession.

In the next year,
she would like to
start a "Know
Your Rights"
campaign for
different segments
of her community.



Dicta

The Futures Commission

How will practicing law be different in the future? What does our profession need to do differently to meet the legal needs of individuals and small businesses? How can the education and training of lawyers be improved to more effectively equip lawyers to serve clients?

These questions and many like them are now being considered by a group of lawyers and community leaders called the Futures Commission. The group was formed this fall by the Utah State Bar Commission and is charged with providing a report to bar members, government leaders and the community by the 2015 Annual Meeting in Sun Valley. The directive to the commission is to gather input and to study and consider ways current and future lawyers can provide legal and law-related services to the public, especially to individuals and small businesses.

The Futures Commission is an outgrowth of immediate past president Curtis Jensen's belief that Utah lawyers must anticipate and adapt to potentially disruptive changes in way legal services are provided and society's expectations of lawyers. As he wrote in his May/June 2014 Bar Journal article:

"The practice of law is changing, and we must recognize this change, both as individuals and as a legal community. If we think like leaders, these changes need not be negative. Rather than remain passive, we should be prepared to take whatever steps are necessary to lead our communities forward."

The current Bar President Jim Gilson is encouraged by the strong response and interest in the project from lawyers and community leaders alike. "The group includes the deans or other representatives of both law schools, State Court Administrator Dan Becker, the governor's general counsel Jacey Skinner, the YWCA's executive director Anne Burkholder, Natalie Gochnour, Don Gale and many others, including young lawyers whose perspective is very important. We believe we have a team assembled that can reach some truly significant conclusions."

The Futures Commission, which is co-chaired by Nate Alder and former SLCBA president John Lund, have divided into three working groups addressing different perspectives. One group is looking at the education and training of lawyers. A second is focusing on the perspective of lawyers and how they deliver legal services. The third is considering the perspective of clients and the marketplace, especially individuals and small businesses who need legal services.

The Futures Commission will be gathering input and conducting research over the next three to four months. They are seeking all input that members of the bar, local bar associations and bar sections and committee may wish to offer. Contact Nate Alder or John Lund with any input or questions.

Utah lawyers must anticipate and adapt to potentially disruptive changes in way legal services are provided and society's expectations of lawyers.

Book Review

My Beloved World

By Kate Conyers

The timing of this book review is set to honor of Justice Sonia Sotomayor's visit at the end of January. If you do not have time to read her book before her presentation, I highly recommend reading the short Preface and Prologue as that is where Sotomayor introduces most of the reasons for writing the book and the themes of her book. Sotomayor's intimate and honest memoir begins when she is a young child and takes us up until she is confirmed on the U.S. District Court for the Southern District of New York in 1992. She explains that "it was by then that the person I remain was essentially formed" and "it seems inappropriate to reflect on a course still taking shape." My Beloved World is a remarkable and powerfully written memoir, one that will inspire lawyers from every practice level and every practice area. Sotomayor reveals truths and themes that every lawyer can learn from, including the power of self-reliance, self-discipline, self-improvement, never-ending optimism, overcoming obstacles, and of the importance of people and community.

In her Preface, Sotomayor starts by explaining that when she presents she is asked about the law, court, and her jurisprudence, but that she is also often asked about her personal story, specifically how her early life shaped who she became. In fact, the question that inspired the memoir was how much she owed to having had a happy childhood. Although she denies having a happy childhood (although it had its good times), she recognizes that her story touches people because "it resonates with their own circumstances." "The challenges I have faced—among them material poverty, chronic illness, and being raised by a single mother—are not uncommon, but neither have they kept me from uncommon achievements." She explains that while becoming a judge was her dream from a very young age, it seemed "far-fetched until it actually happened." Sotomayor worked exceptionally hard to get where she is and did not let the odds of achieving her dreams stand in her way: "[E]xperience has taught me that you cannot value

dreams according to the odds of their coming true." She mentions another private motive for writing the book: Now that she is in the public eye, "it seems wise to pause and reflect on the path that has brought me to this juncture and to count the blessings that have made me who I am, taking care not to lose sight of them, or of my best self, as I move forward." The themes identified in the Preface are exemplified in the stories contained in the rest of the book.

The book itself begins with Sotomayor learning of her diagnosis of Type I diabetes before she was even eight-years-old. In 1962 when she was diagnosed, juvenile diabetes was potentially life threatening and there was a shorter life expectancy. Handling the disease required daily shots, eating on a strict schedule, and a "constant mindfulness of how [her] body felt" as there was no easy or accurate way to test one's blood sugar. To her family, "the disease was a deadly curse." Her mother, a nurse, was concerned about "amputations, blindness, and a panoply of other complications that were typical." Already living in a hostile home environment, Sotomayor decided she was not going to be the cause of additional fighting between her parents about who would administer her daily shot and so from the first day, she decided "the only way I'd survive was to do it myself."

This experience not only taught her self-discipline and self-reliance that continues to shape her to this day, but also urgency: "I probably wasn't going to live as long as most people, I figured. So I couldn't afford to waste time." Over the years, Sotomayor has had enough scary and life-threatening episodes because of her diabetes that now she talks publicly about having diabetes because doing so has saved her life.

The early chapters of her book primarily reminisce about her family and other loved ones. Sotomayor's parents both moved from Puerto Rico in 1944, her mother as part of the Women's Army Corp, and her father with his family in search of work due to the economic hardship they experienced on the island. Sotomayor grew up poor in the "a tiny microcosm of Hispanic New York City" in the



Book Review

My Beloved World - Continued

Bronx surrounded by extended family members. They spoke Spanish at home and many of her family members spoke no English.

Jose Luis “Juil” Sotomayor, Sotomayor’s “Papi”, was a talented artist and poet, but Sotomayor’s primary memories of him relate to his alcoholism: “It constrained our lives as far back as my memory reaches.” Few family members would visit because of the issues his alcoholism would cause, and Papi wouldn’t drive Sotomayor and her little brother places, likely because he was too intoxicated. Every day when he would return home from work, he would send Sotomayor and her brother out to get candy and to play, giving him enough time to have a drink before dinner. After making dinner, her father would hide in his room and drink more, stashing bottles under the mattress to keep the extent of his habit hidden. His drinking was the cause of constant fighting between her parents. Sotomayor knows her father loved them, “[b]ut as much as he loved us, it wasn’t enough to stop him from drinking.” At the young age of 42, Juli succumbed to his alcoholism.

Though she excused her father’s neglect because of his disease, it would take years for Sotomayor to forgive her mother for her more purposeful and hurtful neglect. Celina, Sotomayor’s Mami, “was beautiful, always elegantly dressed, seemingly strong and decisive.” The neighborhood knew her as a “Florence Nightingale” because of the way she cared about others and was a confident in the community. Yet Sotomayor’s mother’s “way of coping [with Papi’s alcoholism] was to avoid being at home.” Instead, she would work long hours at the hospital, and when she was home, she would go to her room. Papi’s family blamed Celina for his alcoholism, adding additional resentment and drama. After her father’s death, Sotomayor’s mother’s neglect got even worse for months while she was grieving the death of her husband. Sotomayor hated her mother for her abandonment, and it wasn’t until years later that she better understood that her mother’s behavior stemmed from her own abandonment and being an orphan child. Growing up in these conditions taught Sotomayor to be self-reliant because the adults in her life were unreliable.

Sotomayor started considering her educational and professional future at a young age. Because her mother

made education a priority, Sotomayor attended Blessed Sacrament Catholic School for elementary. Early on, she was a “C” student and had difficulties with the “black-bonneted nuns wielding rulers,” but after her father died, several things changed. The nuns at the school treated Sotomayor kinder and her mother started to speak English at home. When fifth grade started, Sotomayor began looking forward to school for the first time, and luckily, her fifth grade teacher “unleashed [Sotomayor’s] competitive spirit.” Once she started receiving A’s on her report card, there was no going back. Sotomayor became determined to get more A’s. Sotomayor learned that to get ahead, she needed to have better study skills, so she approached the smartest girl in her class and asked her how to study. “All

my life I’ve looked around me and asked: What can I learn here? What qualifies in this friend, this mentor, even this rival, are worth emulating? What in me needs to change?”

Another thing that shaped Sotomayor’s aspirations was her disease. While waiting at the diabetic clinic one day, she looked over a pamphlet that discussed the possibilities of a profession for a Type I diabetic. As a voracious reader of Nancy Drew and a fan of Perry Mason, she was disappointed when she learned from the pamphlet that she couldn’t be a detective as a diabetic, so she settled on being a “lawyer, or better yet, a judge.” This goal was never spoken out loud until it was a

reality, but it was always there to push her towards her goals.

Once she decided on being a lawyer, “or, who knows, a judge,” she determined she needed to learn to speak persuasively and confidently in front of an audience and to learn how to persuade her audience. She volunteered to do the Bible reading in church on Sundays, and in high school, she joined the Forensics Club. Sotomayor believed that debate was good training for a lawyer because she learned to argue both sides logically. She was also well suited to debate and later a lawyer because she was a great listener and could use emotion along with logic to persuade: “[A] chain of emotion can persuade when one forged of logic won’t hold.” Also helpful was something she learned from her mother: “[A] surplus of effort could overcome a deficit of confidence.”

“The challenges I have faced—among them material poverty, chronic illness, and being raised by a single mother—are not uncommon, but neither have they kept me from uncommon achievements.”

Book Review

My Beloved World - Continued

When it came time to apply for college, it was a debate friend who suggested to Sotomayor that she aim for the “Ivy Leagues.” Without college-educated parents, money, or any real direction from school, Sotomayor, like others in her same circumstance, “just blundered into it.” And she was successful: Sotomayor received invitations to visit several Ivy League schools, including Radcliffe, Yale, and Princeton. After visiting those schools, she decided the best fit was Princeton. Once she made that decision, people started treating her—and even her mother—better and with more respect. “I had never dreamed what a difference Princeton would make to people.”

While attending Princeton, Sotomayor felt like a “stranger in a strange land.” She met classmates from all different places, with different accents, from different cultures, and from different social, education, and economic backgrounds. Her insecurity eventually gave way to her discovering that her gaps in her knowledge and understanding “were simply limits of class and cultural background, not lack of aptitude or application as I had feared.” After she got a “C” grade in an American History course, she focused on a new way of learning and writing where she wasn’t just marshaling facts but working them into larger, logical argument just like she did with debate. She also discovered that her English grammar was lacking, so she spent an hour each day at lunch to work on her grammar and to learn 10 new words. These strategies worked and Sotomayor graduated Princeton summa cum laude, but she realized she would “have to remain a student for life.”

Sotomayor graduated summa cum laude from Princeton in 1976. She joined Phi Beta Kappa and was the recipient of the Moses Taylor Pyne Honor Prize, “the highest award that a graduating senior can receive.” The Prize is awarded for “excellent scholarship but also leadership that provides ‘effective support of the best interests of Princeton University.’” Sotomayor was awarded it in part because she promoted a sense of belonging among those that formerly would have been considered outsiders. Princeton had only been accepting women students for three years when Sotomayor first attended, and there were still few minorities on campus. The administration recognized through her efforts that Sotomayor “foster[ed] a connection between the

old Princeton and the new.”

After Princeton, Sotomayor attended Yale Law School. Sotomayor appreciated Yale’s “commitment to fostering a supportive environment” in that there were no grades or rankings. As with Princeton, she got to know many of the women students, which made up about 25% of the student body, and the minority students, particularly four who she considered older brothers. She got involved with LANA, Yale’s Latino, Asian, and Native American student association, a group that like Acción Puertorriqueña at Princeton, focused on minority student recruitment and other issues affecting minority students.

Not everything went smoothly for Sotomayor at Yale. For example, Sotomayor did not get offer from the top law firm she worked at during her second summer because she did not know how to write a brief. “The memory of this trauma, which I was determined not to repeat, while not suffocating my ambitions, would overhang my every career choice until I became a judge.” Sotomayor again overcame her obstacles and graduated Yale Law School summa cum laude in 1979.

At several points in her book, Sotomayor discusses her experiences with and views on affirmative action. The first time she realized she may have benefitted from it was when she received a “likely” admission from Princeton, compared to the two white girls that were at the very top of Sotomayor class and received a “probably.” She also had

an experience during a recruiting dinner with a prestigious Washington law firm where she was asked by the recruiting partner if she believed in affirmative action. When she responded affirmatively and acknowledged that she had benefitted from it, he retorted, “Don’t you think it’s a disservice to minorities, hiring them without the necessary credentials, knowing you’ll have to fire them a few years later?” She explained to him that although she benefited from affirmative action, she had proved time and time again she was qualified to be there. This experience and its aftermath taught Sotomayor that she “had no need to apologize that the look-wider, search-more affirmative action that Princeton and Yale practiced had opened doors” for her. Affirmative action also did the same for her brother, who benefited from a program that put minority kids on a fast track to medical school essentially free of cost.



Justice Sonia
Sotomayor

Book Review

My Beloved World - Continued

“Affirmative action may have gotten him into medical school, but it was his own self-discipline, intelligence, and hard work that saw him through, where others like him had failed.” While Sotomayor recognizes that affirmative action maybe operate differently today, “one thing has not changed: to doubt the worth of minority students’ achievement when they succeed is really only to present another face of the prejudice that would deny them a chance to even try.”

At Yale, Sotomayor fortuitously attended a meeting for “Public Service Career Paths” where she met and talked with Robert M. Morgenthau, the New York District Attorney with whom she was unfamiliar. After interviewing at his office, Sotomayor decided that she found the DA’s office more interesting than a potential judicial clerkship and in many ways more satisfying than a big firm where she could make more money. It was a job that “stirred a memory of what had first intrigued [her] about being a lawyer: the chance to seek justice in a courtroom.”

Within her first two weeks as a “duckling” in the DA’s office, Sotomayor got her “fiery baptism of the courtroom.” Although “ducklings” would have had a few months of training in the complaints room and in covering pretrial motions before one of their cases went to trial, Sotomayor had her first trial before she had even learned about how to conduct voir dire. Although she lost against a very experienced defense counsel, she did learn to be flexible after one of the witnesses suffered a heart attack during trial: “In any case, there could not have been a better lesson in the necessity of being ready for any contingency.”

Although Sotomayor was always very successful in the courtroom, she began to question her abilities after she lost two cases in a row. She realized that she was “appealing to logic, not morality,” and in doing so, she let the juries off the hook to convict.” Once she “accept[ed] that emotion was perfectly valid in the art of persuasion,” Sotomayor never lost a case again. “Few aspects of my work in the DA’s Office were more rewarding than to see what I had learned in childhood among the Latinos of the Bronx prove to be as relevant to my success as Ivy League schooling was.”

In the year before she left the DA’s Office, Sotomayor worked on several cases that demonstrated her strong work ethic. When a Harlem church leader accused police officers of brutality, she spent three months scouring the streets of Harlem looking for witnesses. Although ultimately there was no indictment, the DA’s Office continued her example and made outreach a priority and cultivated better relations with the community. She also had a high profile child pornography case that she presented to a jury over six days of evidence, including thirteen films lasting ten to fifteen minutes each, and she secured convictions on all counts against both defendants. During that final year, Sotomayor also defended her first murder trial as second chair – the Tarzan murder cases. Anticipating that it would be very

...Sotomayor decided that “public service was where I was likely to find the greatest professional satisfaction.”

difficult to get convictions if the eleven different cases were not tried together because of identity issues, she successfully convinced the judge that the evidence showed proof of identity and not just propensity and therefore the cases should not be severed. During that case a victim told her that she recognized that there was something “special” about Sotomayor: “There are people who make me believe, in ways that I can’t fully explain, that I have something important to accomplish in this life. Sometimes it’s a seemingly random encounter. The inscrutable words of a stranger that somehow say to me: Sonia, you have work to do. Get on with it.”

After leaving the DA’s Office, Sotomayor worked at Pavia & Harcourt, a New York law firm with approximately 30 attorneys, many of whom became mentors to Sotomayor. The firm culture was to collaborate, to share clients and knowledge. One mentor was a female partner who recognized Sotomayor’s talent early on and let Sotomayor take a big case for trademark infringement to trial for a huge client—Fendi. The case settled mid-trial.

When Sotomayor was only 36-years-old, one of her mentors at Pavia & Harcourt gave her an application for a judgeship on the federal district court. She applied and during her interview, she was asked whether she thought learning to be a judge would be hard for her. She replied, “I’ve spent my whole life learning how to do things that were hard for me. None of it has ever been easy.... At Yale, the DA’s Office, Pavia & Harcourt – wherever I’ve gone, I’ve honestly never felt fully prepared at the outset.

Book Review

My Beloved World - Continued

Yet each time I survived, I've learned, and I've thrived. I'm not intimidated by challenges. My whole life has been one. I look forward to engaging the work and learning how to do it well." Sotomayor was confirmed as a judge for the District Court for the Southern District of New York on August 12, 1992.

From a young age and now as a Justice on the United States Supreme Court, Sotomayor has been nothing if not focused on helping other people. "Our humanity makes us each a part of something greater than ourselves.... My heroes were all embedded in community. And the will to serve was first stirred by the wish to help my community. ... It was to the rescue of such communities that I first felt summoned, believed that the law must work for all or it works for none."

Justice Sonia Sotomayor has several presentations at the end of January, including one open to the public at the Jon M. Huntsman Center on Wednesday, January 28, 2015 at 12:00 p.m.

My Beloved Word by Sonia Sotomayor, Knopf. 315 pp. \$27.95

In a profession
"where reputation
for toughness and
winning stiff
sentences is a
virtue," Sotomayor
always tried to do
what she thought
was just.

Recent Precedents

2014 SLCBA Holiday Party



You are cordially invited to attend
the Salt Lake County Bar
Association's annual
Holiday Dinner Dance

Friday, December 5, 2014
The Country Club
2400 East Country Club Drive
Salt Lake City, Utah

Movie Review

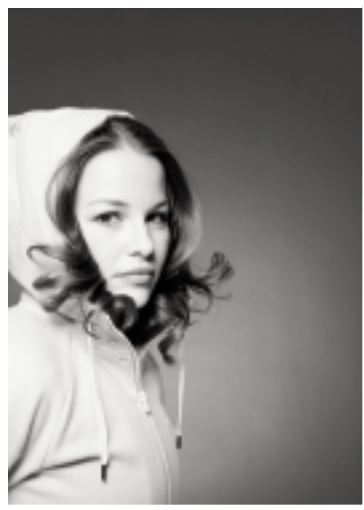
Ready to Fly

By Clemens Landau

On October 2, 2014, the SLCBA screened the award winning documentary “Ready to Fly” at Brewvies. “Ready to Fly” documents the legal battle waged by Lindsey Van and several other professional ski jumpers to include women’s ski jumping in the 2010 Vancouver winter games. Prior to the movie, the audience was given an overview of similar lawsuits that female athletes have brought over the years to allow them to compete in certain disciplines on equal footing with men. These included a lawsuit brought by female long distance runners prior to the 1984 Los Angeles summer games, and the recently withdrawn lawsuit brought by female professional soccer players with respect to the unfavorable playing conditions at the upcoming FIFA women’s world cup in Canada.

After the screening, Lindsey Van, Deedee Corradini, and Kass Harstad arrived to address the issues raised in the documentary, including the blatant sexism recently displayed by the proponents of all-male ski jumping, and the unwillingness of supposedly enlightened organizations such as the IOC, FIS, and USSA—or other professional male ski jumpers for that matter—to help female athletes obtain some semblance of equal footing in the sport. The audience’s questions understandably focused on Lindsey Van, the movie’s protagonist and winner of the inaugural women’s ski jumping world championships in 2009. But Deedee Corradini, the president of Women’s Ski Jumping-USA, and Kass Harstad, a local employment attorney at Strindberg & Scholnick, were also on hand to fill in additional details about the legal proceedings in Vancouver and the mechanics of gender discrimination lawsuits in other contexts. The unfortunate take-away, however, was that women’s ski jumping continues to face obstacles that other women’s sports do not, possibly due to the decision in 2009 to use the legal system to try to force the IOC to include their sport in the 2010 Vancouver games.

The Salt Lake County Bar’s “Ready to Fly” event was attended by 65 Salt Lake County Bar members and was generously sponsored by Uintah Brewing Company. If you are interested in finding out more about the United States women’s Ski Jumpers, you can visit their website [here](#).



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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 in



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.