PRESIDENT'S MESSAGE

by John Lund
Salt Lake County Bar President

The story of the Salt Lake County Bar starts in the winter of 1930. One January evening, twenty seven lawyers gathered at the Hotel Utah. For those of you who are new to town, that is the big white building on the corner of Main and South Temple that looks like, but isn't anymore, a grand hotel.

The group gathered that wintry evening included Willis Ritter and William H. Leary, two Cummings, a Hatch, a Metos and a Matthews, a Cowley and a Clegg. They agreed to form an association of the bar of Salt Lake County. The Salt Lakers were a step behind their brethren to the south, because an association of the bar of Utah County already had been organized. The precise purpose of the association was not established; however, plans were laid to address certain legislation affecting lawyers.

One U.S. dollar was collected from every gentlemen in attendance, at least those who were carrying that amount of currency. Mr. Tingey was to pay later. This collection formed the initial fund for the association. It was agreed that the group would meet again in two weeks, this time at the Newhouse. The Newhouse was another grand hotel that once stood due south of the federal courthouse.

Seventy years and many, many meetings later, local lawyers still associate as the Salt Lake County Bar Association. However, now we are a group of over thirteen hundred. And the dues have gone up a few times.

Our numbers include many sole practitioners as well as lots of big firm lawyers. There are members who work in corporate law departments and others

John Lund

who work in government offices. We have lots of brand new lawyers and a substantial stable of old war horses. I am proud to be serving as the president of group with such diverse and distinguished members.

I thank each and every one of you for joining or renewing your membership. I hope you find it worthwhile to belong. If not, I would urge you to tell me what the SLCBA needs to do to keep you as a member. You can reach me at 801-322-9167 or at jlund@scmlaw.com.

So lets get back to the purpose of the County bar. As mentioned, our original meeting did not produce a clear statement of the purpose. Yet, in the simple act of getting together, those twenty-seven gentlemen demonstrated the core reason for the association. We get together. We get together as lawyers working and living in Salt Lake County. We associate. We get better acquainted. We address our common concerns and interests. Maybe that can make us all a little more civil.

This is not quite as simple in 2002 as it was it 1930. Those first twenty-seven undoubtedly all could walk from their offices to either the Hotel Utah or the Newhouse Hotel. They probably had worked with or against most of the others in the room on legal matters. They knew each other.

Nowadays we must work at it to stay in touch. We use the Bar & Bench to communicate. We expect to send out four editions over the next year. In the Bar & Bench you will find information that should be useful, interesting and perhaps even entertaining to a lawyer practicing in Salt Lake County. We are going to increase our efforts to give you information about the activities of other bar associations that now operate in the county. If you work with one of those associations and want to share dates, events or other information with all Salt Lake County bar members, contact Rob Rice at rrice@rqn.com.

SLCBA does have a website. The address is http://www.utahbar.org/bars/slcbar/ or you will find it listed on the Utah State Bar's home page under Regional/Specialty Bars. We also have the ability to send e-mails to every member who has an e-mail address. Could we better associate through cyberspace?

SLCBA takes actually getting together in person quite seriously. We put on two very nice dinner events that are purely for socializing. The Holiday Dinner Dance, at the Salt Lake Country Club in December, brings out splendid holiday

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Laney v. Fairview City: Eroding The Separations of Powers

By Andrew M. Morse

A sharp constitutional dispute has been ignited by the Utah Supreme Court in *Laney v. Fairview City*, 2002 Utah 59 (Petition for Review filed Sept. 13, 2002). Under the Utah Constitution's open courts clause (Art. I § 11), the Court struck down the 1987 amendment to the Governmental Immunity Act that reiterated that all functions of government fall within the Act. Specifically, the Court held that a city's operation of an electrical power system was "a proprietary function" not entitled to discretionary function immunity under the Act. U.C.A. § 63-30-10(1).

The decision dissolved the separation of powers that had insulated discretionary function decisions from judicial review. As it stands, the case will be remanded for trial on the reasonableness of the city council's discretionary decisions. This will be the first time in United States jurisprudence that a jury will decide whether a city council exercised its legislative prerogative – discretionary functions – reasonably. This is an astounding judicial encroachment into the city council's discretionary powers.

The Court also eroded the separation of powers at the state level by encroaching into the Legislature's domain when it struck down the statute on policy grounds. Both encroachments are unfounded and promise continued conflict between the Legislature and the Supreme Court. A more disciplined approach would have avoided these problems.

Background

In 1993, John Howard Laney went out to water his pigs, but never came back. He was found dead lying beneath an electrical power line, having been electrocuted when a 30-foot irrigation pipe he was holding touched a 28-foot high line. The line exceeding the height standards of the National Electric Safety Code that required the line to be 17 feet high. Mr. Laney's heirs sued Fairview City, owner and operator of the line. They did not press a common negligence claim, for nothing was wrong with the line. Instead they assailed the City's discretionary omission not to raise the lines even higher.

Fairview City obtained a summary judgment based on its immunity against claims arising from discretionary functions. U.C.A. § 63-30-10(1). It was undisputed that to have raised the lines another five feet would have cost the equivalent of the City's budget for an entire year. Council members averred that had they considered raising the lines, they would not have because the lines already exceeded Code height requirements by 11 feet, and competing demands for roads, schools, water and sewer services, and fire protection were far more pressing than making the already safe lines fool proof.

The Decision

On August 9, 2002, the Utah Supreme Court correctly held that whether or not to raise the lines was a discretionary function. Justice Durham, joined by Justice Howe and Justice Russon, crafted a detailed and helpful analysis establishing that budgetary, policy and planning decisions or omissions are discretionary functions. It concluded that the City's failure to raise the line was a discretionary function.

Nevertheless, the Court inexplicably reversed, holding that Fairview City's operation of an electrical power system was a proprietary function not entitled to the protections of the Governmental Immunity Act. In so doing, the Court declared unconstitutional the 1987 amendment that brought all functions of government under the protective umbrella of the Act, regardless of whether they could be characterized as "proprietary functions" or "governmental functions." Under the test set forth in *Berry v. Beech Aircraft Corp.*, 717 P.2d 670 (Utah 1985), the Court reasoned that prior to the 1987 amendment a city's operation of a public utility would have been considered "proprietary," and that a cause of action against the entity for negligence would have been available. Therefore, the amendment that included proprietary functions within the Act was unconstitutional because it took away a negligence cause of action.

Discussion

The Court mistakenly failed to recognize that *Laney* did not concern a routine negligence claim. The City was not negligent, nor is there any immunity available to the City for garden variety negligence claims arising from operating a utility. U.C.A. § 63-30-10. The only immunity asserted by the City or relied on by the trial court was discretionary function immunity, which long predated the Act.

Moreover, the Court overlooked and misapprehended the constitutional roots, purpose and importance of discretionary function immunity. The predominant feature of our constitutional system is the division of power among the three branches, where each branch must be free to exercise its powers without encroachment by the other two branches. Discretionary function immunity is the constitutional means by which the legislative and executive branches resist encroachment by the judicial branch. It is the legal prophylactic that separates powers that are subject to judicial review from those that are not.

This freestanding immunity does not depend on statutory or sovereign immunity law distinctions between proprietary and governmental functions. All other state and federal courts apply discretionary function immunity to all functions of government, whether characterized as "governmental" or "proprietary." Under federal law, other states' laws, and Utah law, there is no tort of negligent exercise of a discretionary function. Therefore, under the *Berry* test, the 1987 Amendment took nothing from plaintiffs.

The judiciary cannot encroach on discretionary functions without substantially interfering with the executive and legisla-

tive branches. Yet, the Court now allows judges and juries to review discretionary function decisions made by the city council. The decision makes governing a tort. There is no precedent for this, and it contradicts immutable constitutional principles, for "[i]t is not a tort for the government to govern." *Dalehite v. United States*, 346 U.S. 15, 57 (1953) (Jackson, J., dissenting).

Fairview City officials will now be grilled about policy and budget decisions. Jurors will critique the reasonableness of these decisions with no law to govern deliberations, for this is a new tort. Finally, the Speech and Debate clauses of the United States and Utah constitutions forbid legislators and council members from being sued or having to testify about their votes. Thus, this new tort potentially leaves the city without council person witnesses to establish a defense.

Laney's erosion of separation of powers at the state level is just as acute and troublesome. The court's construction of the first prong of the test set forth in *Berry v. Beech Aircraft Corp.*, 717 P.2d 670 (Utah 1985), is counter to *Masich v. United States Smelting, Refining, and Mining Co.*, 191 P.2d 612 (1948), the case upon which *Berry* relies for its substantive reading of Article I, § 11. This gives the Court unconstitutionally disproportionate control over the Legislature's modification of tort rights.

Justice Wilkins' vigorous dissent on *Laney* evidences a sharp dispute over whether the Open Court clause has a substantive component, or is limited to barring only procedural efforts to close courts. If a middle ground is not found, the next court may well jettison any substantive element from the Open Courts jurisprudence, in favor of a purely procedural approach. This will weaken the court's ability to substantively review statutes.

Former Chief Justice Michael Zimmerman has proposed a principled & reasonable ground. As appellate counsel to a defendant physician, he has answered a plaintiff's open court's challenge to the medical malpractice damage caps by proposing the court return to the Open Courts approach used in *Masich v. United States Smelting, Refining & Mining Co.*,191 P.2d 612 (1948). The *Masich* court examined the entire statutory scheme containing the challenged provision. The entire scheme benefitted a class as a whole, so the court upheld the provision even though some individual plaintiffs lost a cause of action. Under *Masich*, the 1987 amendment is constitutional because the 1965 Act as a whole greatly expanded tort causes of action against the government, benefitting an entire class of claimants.

Conclusion

It is difficult to justify the Court's mechanistic close scrutiny of any statute that eliminates a cause of action, given that it is the Legislature's prerogative to make law. As it stands, the legislature can create a cause of action, but cannot later eliminate the same cause of action. Following *Masich* will help resolve the separation of powers conflict between the legislature and the Court over which branch will define the contours of governmental immunity law. It would also avoid the constitutional conflict at the local level, by allowing city and county legislatures to make discretionary judgments safe from judicial encroachment.

Mr. Morse is a shareholder at Snow Christensen & Martineau and works in the area of defending governmental agencies.

IMPORTANT DATES FOR SALT LAKE COUNTY ATTORNEYS

OCTOBER

17th Utah State Bar sponsored NLCLE: Real Property, 5:30 p.m. - 8:30 p.m.
18th Federal Bar Association, Utah Chapter, Annual Federal Court Litigation Practice Seminar, 9:00 a.m. - 4:00 p.m.
24th Salt Lake County Bar Reception for New Admittees to the Utah State Bar, 5:30 p.m. - 7:00 p.m.
28th Salt Lake County Bar CLE: Radioactive Waste Initiatives. Noon

NOVEMBER

1st Utah State Bar sponsored New Lawyer Mandatory CLE, 8:30 a.m. - 12:00 noon
13th Federal Bar Association Annual Awards Dinner, 6:30 p.m.
15th Utah State Bar sponsored CLE: Elder Law, 9:00 a.m. - 3:00 p.m.
21st Utah State Bar sponsored NLCLE: Practicing in the Juvenile Courts, 5:30 p.m. - 8:30 p.m.

DECEMBER

2nd Deadline to submit items for publication in the Bar & Bench Bulletin, 2nd issue
6th Salt Lake County Bar Holiday Dinner Dance, 6:30 p.m.
13th Utah State Bar sponsored Ethics CLE

If you have events to submit for publication in future Bar & Bench Bulletins, please send them to Trina Higgins at trina.higgins@usdoj.gov

Judicial Profile
Judge Terry L. Christiansen

By Robert O. Rice

Remember those "aptitude tests" administered in junior high school? Judge Terry L. Christiansen does, and it just may be that one of those gems lead him to where he is today, sitting as one of the Third District's newest judges and presiding over a calendar in West Valley City.

"Interestingly enough, I took an aptitude test in probably the seventh or eighth grade and law just came out light years ahead of everything else," Judge Christiansen recalled. The young Christiansen didn't give the test results much thought for years until an admired college professor mentioned his own unrequited interest in a legal career. "I remembered back to that aptitude test way back in junior high school and decided law would be the smart thing to do. Never regretted the decision," Judge Christiansen said.

Governor Michael Leavitt appointed the 1975 graduate of the S. J. Quinney College of Law at the University of Utah in 2000. His move to the bench culminated nearly three decades of legal practice in Salt Lake and Summit Counties. Judge Christiansen started his legal career at the Salt Lake City firm of Roe & Fowler. In January 1977, he became a prosecutor in the Summit County Attorneys office, at the same time opening up a Park City private practice with Robert Adkins. A short while later, Judge Christiansen became Park City Prosecutor. Still today, his chambers are decorated with recognition awards and remembrance from his prosecuting days in Park City.

Judge Christiansen brings nothing if not experience to his position on the bench. His nearly thirty years of extensive trial practice in both civil and criminal matters leaves him still waiting for his first true, jurisprudential surprise. "As of yet, I really haven't handled any case that I haven't had experience with in my civil and criminal practice," he said. Likewise, his varied criminal practice allows him to reflect on a never-a-dull-moment history in law. "I enjoyed the variety," Judge Christiansen said, "I did everything from speeding to capital homicide. I tried seven capital homicides during the twenty three and half years I was in Summit County. So I had a wide variety of experience and practiced before a lot of different judges."

Becoming a judge was something that "evolved" over his legal career. "I didn't really think about it for probably the first ten or fifteen years. I was in court almost every day and over the years I think I just decided it would be a great opportunity. I sometimes tell people it's the only job where you can do public service and get paid for it. It's a very rewarding position," he said.

For Judge Christiansen, public service means not only spinning the wheels of justice in a fair and equitable manner for parties, but also taking into account the needs of lawyers. "I consider myself a public servant and I would like to make attorneys feel comfortable in a courtroom setting. I understand it's a very stressful environment and there are a lot of pressures in court. I want to make it as pleasant an experience as possible," Judge Christiansen said.

Lessons from his nearly thirty years on the other side of the bench are many. "I think I learned the importance of maintaining control of the courtroom, yet at the same time respecting the litigants, the witnesses, those sorts of things." Other teachings have become more clear after his nearly two years on the bench, to wit:

• Punctuality: "We all have the responsibility to not waste each other's time."

• Professionalism: "Attorneys need to treat judges, opposing counsel, witnesses and litigants with respect. For the most part, I see that and I hope I always will."

• Candor with the Court: "Candor with the court is always important. Lawyers may not always realize just how important it is, but if you aren't candid with the Court you lose your credibility."

Judge Terry L. Christiansen

• Concise Arguments and Examinations of Witnesses: "It's important to get to the point in both written and trial work. Attorneys sometimes can be a little wordy which is not necessary."

Judge Christiansen has several unique practices in his courtroom. First, he reads his own stock jury instructions (which are available to litigants) at the beginning of trial, as opposed to the end of the proceeding. His normal procedure is to read ten generalized instructions before the parties' opening statements. Additional instructions are then read pertaining to witness testimony, questions by jurors and the standard of proof. After evidence is presented, Judge Christiansen reads the specific jury instructions submitted by counsel. Jurors need to know the general rules before they hear testimony. Judge Christiansen said. "The juries I talk to can't fathom having all the jury instructions read at the end of trial," he said.

Second, trial attorneys in Judge Christiansen's court should also prepare their witnesses for questions from the jury. "At the conclusion of the witness'

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Justice Tongue

Dear Justice Tongue,

The gun locker controversy from this spring provoked a bad case of the snits and snivels among both legislators and judges. Besides being a lawyer, I'm an avid gun collector. I was excited when I heard proponents of gun lockers complain that without the lockers they were going to be forced to store their pieces in the bushes around the courthouse. For months I've been coming to court early in hopes of harvesting a semi-automatic or two from the foliage. So far, no luck. If the courts aren't going to provide gun lockers, how about at least planting more gun friendly bushes? If you can't answer my question about courthouse plant life, can you tell me how the judicial and legislative branches of government are getting along?

Lawyer with a green trigger finger.

My Dear Heat-packing Horticulturist,

The gun storage issue has been safely locked away in a storage unit somewhere. Judicial provocation of the legislature, however, is still at large and ready to strike at any time. In August our supreme court decided *Laney v. Fairview City*, 2002 UT 79. This case held unconstitutional the Utah Legislature's attempt to extend governmental immunity to municipalities for the negligent operation of their electric utilities. The result was incidental to the jurisprudential sumo face off between Chief Justice Durham, author of the lead opinion, and the court's newest members, who dissented through an opinion penned by Justice Wilkins.

The *Laney* outcome turned on the interpretation of Article I, Section 11 of the Utah Constitution, known as the "open courts" provision. How could something with such a benign title – open courts suggests debates about whether the Matheson Courthouse should install a drive-thru window, or whether verdicts should be super-sized – incite uncharacteristic passion in our contemplative justices; stimulate legal reasoning that turns the conventional wisdom about liberal and conservative constitutional interpretation on its head; and probe with analytical elegance, political triangulation, ideological zeal questions at the heart of the inner workings of our system of government? Please read on, if you dare, and your servant, Tongue, J., will explain it for you.

The provocative language of the open courts clause guarantees that "every person, for an injury done to him in his person, property, or reputation, shall have a remedy by due course of law." If this language doesn't make you want to drop your time sheets, grab your musket and join the Utah militia, consider this. In 1985, the Court embraced a substantive interpretation of the open courts clause which may, or may not, have broken new constitutional ground. The court complemented its interpretation with a new analytical framework. *Berry v. Beech Aircraft Corp.*, 717 P.2d 670 (Utah 1985). This interpretation empowered the court to invalidate laws which abolished an existing remedy unless a "reasonable alternative remedy" was provided or the abrogation of the remedy was reasonably necessary to eliminate a "clear social or economic evil."

Let's stay with the fast food metaphor for now. Imagine a remedy as, say, a Whopper, cheese optional. Under the substantive analysis of the open courts clause, Burger King can't strip Whoppers from the menu unless it can persuade the Court that the flame broiled Tofu Temptation is a reasonable alternative or that banishing the Whopper was necessary to combat the clear social evil of obesity.

The *Berry* open courts jurisprudence clanked along for fifteen years. Some legislation passed the *Berry* test, some didn't. The outcomes weren't always predictable, nor did the cases exhibit evidence of evolution toward a perfect open courts world. You would be wrong if you thought that this made open courts jurisprudence a legal aberration. The law is best viewed at a distance. Get too close to any body of law and you will discover an odd protuberance, the odor of showers deferred.

In 1999, Justice Michael Zimmerman cozied up to the body of open courts law and decided that a strong dose of botox was in order. *Craftsman Builders Supply v. Butler Mfg.*, 1999 UT 18, was an unremarkable open courts challenge to the builder's statute of repose. The supreme court rejected it unanimously. Justice Zimmerman had announced his intention to step down from the bench before *Craftsman* was handed down. Unremarkable or not, the case would provide Justice Zimmerman with his last opportunity to have a say on the open courts clause. And what he said raised the curtain on what continues to be the best court drama in recent times.

In an unprecedented use of a concurring opinion, Justice Zimmerman renounced his allegiance to *Berry's* open court jurisprudence, describing it as "unworkable" and "subject to manipulation." Application of the *Berry* test, he claimed, led to "absurd results, and it distorts [the judiciary's] relationship with the legislature." He would replace *Berry* with the procedural, or drive-thru window, interpretation of the open courts clause.

Justice Zimmerman's sensitivity to legislative prerogative came as no surprise. No Chief Justice before or since has been as politically engaged, so comfortable paddling the often treacherous cross currents of Utah politics (our politics is like the Great Salt Lake – shallow water, big waves). Many claimed that controversial decisions affirming the Salt Lake City Council's opening of its meetings with prayer, and sanctioning legislative membership on the Judicial Conduct Commission appeared to be the products of Justice Zimmerman's political calculus, in particular a desire to avoid confrontation between the judiciary and the legislature.

Justice Zimmerman's renunciation of the substantive interpretation of the open courts clause aroused Justice Daniel Stewart to pen a high voltage defense of *Berry*. Justice Zimmerman bristled at what he labeled as Justice Stewart's "screed". He added, disingenuously, "[g]iven that my opinion is written on behalf of only one member of this court and that Justice Stewart seems satisfied with the result reached by this court, I find the vehemence of his attack surprising." Of course, what Justice Zimmerman knew was that Justice Stewart was also leaving the Court and that both opinions had the

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Presidents Message
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dresses and tuxedos. The Spring Fling, at Tuscany in May, offers a chance for fine patio dining and completely legal, just for fun casino games. Anyone who wants to try my sure fire system for winning at blackjack will be welcome to a lesson.

This year we will also be hosting two downtown evening get-togethers. The first is a reception for new admittees, at the Alta Club on October 24th. This is a chance for our newest colleagues to get a pat on the back and perhaps a little sage advice. Then, in March, we will hold a reception for all members of the benches of Salt Lake County. It can be refreshing for both the bar and the bench to encounter each other outside the courthouse. SLCBA has always enjoyed a good relationships with the bench and we especially thank Judge Leslie Lewis and Judge Ron Nehring for their years of unflagging support as members of our executive committee.

You will also hear common concerns and interests of Salt Lake County lawyers addressed at our series of CLE luncheons. While it is nowhere near as grand as the Newhouse or the Hotel Utah, we use the Downtown Marriott for these lunches because of its central location. That allows many of our members to simply walk over for lunch.

We do some things to foster better understanding and views of lawyers in our community. These include sponsorship of an art contest in the schools, support of the student pro bono initiative at the S.J. Quinney School of Law, and a golf tournament to get together and raise money for a worthy charity. We also supply pamphlets on various areas of the law for the court clerks to pass out to people with questions. We sponsor presentation of a law-related film at the State Bar's mid-year and annual conventions.

Hopefully, somewhere in this list of SLCBA activities, you find something that allows you to get together with other lawyers in a satisfying way. I will acknowledge that there are groups with loftier purpose and other groups with more concrete tasks. Ours is basic and simple. So, I hope to see you soon at one of SLCBA's events. Perhaps we will get better acquainted.

Judicial Profile
Cont. from page 4

testimony I will ask the jurors if they have any questions for the witness." If they do, Judge Christiansen instructs them to write them down for his review and, if the questions are not objectionable, Judge Christiansen will further query the witness. Giving juries this opportunity fully integrates them into the trial process. "It makes the jurors feel more part of the proceeding. They listen more carefully, they're more involved. For me, it's been a very powerful experience."

Off the bench, Judge Christiansen makes his home in the Park City area with his wife, Sherri Christiansen. Two of the Christiansen's four children are enjoying professional careers while another is a University of Utah student and the fourth is a senior at Park City High School. Photographs of the Christiansen children swinging a golf club or battling for a soccer ball adorn the judge's chambers, attesting to a family active in sports. "Sports is my passion in life," Judge Christiansen said, indicating a strong preference for golf. In addition, many of Judge Christiansen's important moments in life have to do with supporting his kids' athletic endeavors. With him and his older children all hailing from the University of Utah, he jokes about not wearing blue when the Utes square off against the Cougars.

Mr. Rice of shareholder at Ray Quinney & Nebeker and works in the firm's employment section.

Justice Tongue
Cont. from page 5

same featured audience, their successors.

Which leads us back to *Laney v. Fairview City*. Justice Zimmerman won the battle for the minds of those successors, Justices Wilkins and Durrant, who have joined the drive-thru window camp. It was left to Chief Justice Durham to carry the banner for the substantive open courts formulation. She reasoned her way to a defense of a constitutional position criticized for being an open invitation to unrestrained judicial activism using the most honored tools of the opponents of judicial activism, original intent constitutional interpretation and the "plain meaning" of the text.

According to the Chief Justice, there is no mistaking that the framers of the Utah Constitution drafted the open courts clause with a view to creating a judicial check on legislation enacted by a legislature corrupted by corporate interests. The dissenters make little headway against the Chief Justice's historical and textual arguments (Justice Zimmerman's history was drubbed by Justice Stewart in *Craftsman*). At its heart, Justice Wilkins' opinion is an apology for representative democracy. He has absolute confidence that the voters can and will root out the insidious influence of special interests. More important, courts have no right to intervene when they conclude that undue influence of a monied minority has seduced the legislature into enacting unwise legislation, particularly when the intervention is based on the manipulative *Berry* test.

With the announced retirements of Justices Howe and Russon the struggle will begin for the hearts and minds of two new justices on many issues, none more important than the open courts clause.

Your Servant,
Tongue, J.

Visit our website for information to help you make the most of your membership in the Salt Lake County Bar. Get up-to-date information about upcoming social events and CLE luncheons, check out past issues of the Bar and Bench, learn about the Pro Bono Initiative, or contact us for more information about our programs and events. The Salt Lake County Bar Association website can be accessed through a link on the Utah Bar website (www.utahbar.org) or directly at www.utahbar.org/bars/slcbar.

CORAM PARIBUS AD BARRAM

We are pleased to introduce in this edition a new Salt Lake County Bar Newsletter feature. Many of you may remember that the Salt Lake County Bar used to periodically publish a Pictorial Register with photos of all the County Bar members. We recently unearthed several past editions and found a bounty of photographs of past County Bar presidents, judges and former members who have since accomplished many great things. Beginning with this edition we will feature three "vintage" photographs of Salt Lake County Bar members in their . . . earlier years. Included with each photograph will be a few factual tidbits about each person featured. We invite you to guess who is depicted in each photo, and those who correctly identify all three persons will be entered into a drawing for free admission to our annual Salt Lake County Bar holiday party. The answers will appear in the following newsletter edition. Please e-mail your guesses to Robert Shelby at rshelby@scmlaw.com.

-Former card-carrying member of the AFL-CIO
-Voted "most likeable" male in high school
-Was once elected "Summer Student Body President" at Brigham Young University

-Was at one time a Distinguished Visiting Professor at Bond University, Queensland, Australia
-Is a former United States Deputy Attorney General
-Reported having served in the United States Navy without distinction; discharged after two years with the rate of Seaman Second Class

-Tried his first trial three days after he passed the Bar
-Served as an infantry office in the United States Army
-His favorite high school activity was smoking in the school parking lot

THANKS

The Salt Lake County Bar Executive Committee would like to thank the immediate past president, Scott Hagen, shown here with a gift from the Salt Lake County Bar, for all of his work and efforts during his 2001-2002 presidency.

Scott Hagen

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