

Not just run of the mill sushi

T a k a s h i

By Juli Blanch

Takashi's Address: 18 West Market Street

Phone: 519-9595

Expect to pay, with tip and drink: \$15 for non-sushi meal; \$20 for sushi meal

I was glad to learn that a new sushi place had taken over the space formerly occupied by that French café where no one ever went, because the life-sized pig standing like a human being in front of the café was very disturbing. And when you think about it, there just aren't enough sushi restaurants in Salt Lake City. Takashi is the newest addition to the sushi scene, and it is run by the former chef at Shogun.

Takashi's decor is hipper than the other sushi restaurants in town, and it looks like a place Paris Hilton might go to dance on the tabletops if she were ever in Salt Lake (which she wouldn't be). There is a huge metal fish hanging from the ceiling, which frankly is a lot more comforting than a huge French pig. The lighting is provided by paper lanterns, and the art is that bad kind of modern art consisting of several shades of the same color on a canvas and you are dumbfounded why someone paid money for it. If you can handle this atmosphere for a lunch hour, it's worth it to try the sushi, because it is some of the freshest around.

There are over twenty specialty nori maki sushi rolls (those rolls with 6 pieces) at Takashi, and over ten non-specialty nori maki rolls, which provides a very large selection compared to many other sushi restaurants. Included in our selection were the Rainbow Roll, made of spicy crab salad, avocado, tuna, salmon, shrimp, whitefish and mackerel; the Little Mermaid, consisting of tuna with spicy sauce, scallops and wasabi; the Tiger's Roll, with tiger shrimp in tempura batter with crab salad, barbequed eel, avocado and eel sauce; and the Crunchy Ebi Roll, with shrimp

tempura, avocado, masago and eel sauce. Tempura rolls are frowned upon by sushi purists because they taste really good, almost like a french fry with rice, but we ordered them because we wanted to avoid being too healthy.

Our server was very helpful in giving us enough time to choose the rolls and offering suggestions to ensure we had a good variety of rolls. He also suggested we try the green tea, which turned out to be a great recommendation. It was less bitter than most green teas and was flavored with brown rice. The sushi arrived without too long of a wait, which was fortunate. Sushi restaurants can be very slow in delivering sushi, and I have heard of two separate parties who waited between thirty minutes to an hour for their sushi at Takashi.

The best sushi roll we tried was the Crunchy Ebi Roll, mainly because it tasted the most like a french fry. The fish was very cool and fresh on all of the rolls, with the exception of the mackerel on the Rainbow Roll, which tasted too fishy. The rice was appropriately sticky and flavorful. The most unusual sushi roll we tried was the Ramon's Roll, containing spicy tuna, cilantro, avocado and chili peppers, and served with "Hotter than Hell Dipping Sauce." I know an unusually sadistic lawyer who dared his girlfriend to snort some of this sauce up her nose in exchange for \$10. She accepted the dare, but her nose was still numb the next day. What is more amazing is that she still hadn't dumped him by the next day.

Takashi serves several interesting lunch combination plates for those who don't want sushi. The tiger prawn and vegetable tempura is delicious, as well as the sauteed rock cod plate, served with a light ginger vinegar. The combination plates come with miso soup, salad and rice. Takashi is a place sushi lovers definitely need to try.

President's Message

by James T. Blanch
Salt Lake County Bar President

One of the elder statesmen of my firm has been known to complain bitterly about the damage he believes the discovery rules have wrought upon the practice of law. "In my day," he remarks, "cases didn't go on for years and years and cost millions of dollars to litigate. You'd file a complaint, get a trial date in few weeks, and everyone would go down to court and ambush each other. Everything worked just fine, and you were every bit as likely to get a just result then as you are now, with all of our interrogatories, document requests, and depositions."

Of course another casualty of the discovery process and the manner in which we handle cases now is the "vanishing trial." The ever-shrinking percentage of cases that go to trial is a popular topic of discussion at CLE presentations and elsewhere, and every lawyer knows that a civil complaint filed in today's courts has approximately a ninety percent chance of settling and only about a one-in-ten chance of reaching trial. Many practitioners view this as almost self-evidently alarming. Those who go on to explain their concerns lament the fact that young lawyers today are not learning valuable trial skills, that the costs of litigation are forcing parties to bail out early rather than seeing the process through to obtain just results, or that pretrial issues are consuming judges' attention and preventing them from setting trial dates within reasonable time frames.

These are all valid concerns, but I think an argument can be made that our evolving approach to dispute resolution—with its focus on discovery, mediation, and negotiated settlements—might be preferable to trial. Though admittedly expensive, discovery permits the parties to educate themselves about the real facts that are at issue in their cases. Armed with this education, parties can use mediation and settlement negotiation to act as the architects of their own dispute resolutions, rather than having outcomes foisted upon them by third parties who could never hope to know as much about the cases as they do. Indeed, I believe it would be a powerful indictment of the discovery process if it did not result in a much greater percentage of cases settling. With the information parties can acquire through the discovery process now, it almost seems like a failure of the process if a case does wind up in trial. Either one of the parties has made an error in judgment (never ignore the possibility that it might be you), or one of the parties is abusing the process for some purpose other than seeking a just



James T. Blanch

outcome (again, never ignore the possibility that it might be you.) I consider a mutually satisfactory settlement of a hotly contested dispute, or even a mutually unsatisfactory settlement of such a dispute, to be an indication that the system is working.

Yet there is another, more subtle drawback to the direction the litigation process is heading. That is the effect today's litigation practice has upon the collegiality and camaraderie of lawyers. Senior lawyers whom I consider mentors regale me with tales of the "good old days," when members of the bar knew each other well and treated each other with respect and professionalism. How did they know each other so well? They were in court all the time. They regularly saw one another at trial; they exchanged pleasantries in the hallways of the courthouse; and they discussed cases and other issues as they walked together back toward their offices. Now, because lawyers tend to deal with

each other primarily in writing or over the telephone, mutual respect and professionalism often fall by the wayside. As a result, the need to regain these virtues through written standards of professionalism seems to be as popular a CLE topic these days as is the "vanishing trial."

The Salt Lake County Bar Association believes that its most important function is to help reestablish the sense of collegiality, camaraderie, and professionalism that Salt Lake lawyers have traditionally enjoyed. We hold reasonably priced social functions and CLE luncheons each year at which lawyers can meet each other or rekindle old acquaintances. The next of these functions is our annual Holiday Party, which will take place at the Country Club on December 10, 2004. This is an elegant event with fine food, plenty of "holiday cheer," and dancing to a live band until late in the evening. Please consider joining us for this enjoyable event. We will be holding a similar party in the spring.

Also, we have attempted for the last several years to begin attracting the attention of the newest members of the profession by holding a reception in honor of new bar admittees at the Alta Club. We held this event in early November this year, and it was a tremendous success. More than ten judges who sit in Salt Lake County were in attendance, including three fifths of the Utah Supreme Court and

(Continued on page 3)

Judicial Profile

J u d g e D e n o H i m o n a s

By **Kara M. Houck**

Judge Himonas' life changed when he went from private practice at Jones Waldo Holbrook & McDonough, PC to serving as a Judge for the Third Judicial District Court. For starters, he had to explain to his ten-year-old daughter's grade school teacher why his daughter spent a good deal of her summer vacation in court. Judge Himonas reassured the concerned teacher that his daughter was merely visiting her dad and was not in any legal trouble.

In addition to having to clarify his daughter's summer vacation activities, Judge Himonas' perspective of the legal process changed when he became a judge. Since he no longer advocates for a client's position, he reads pleadings and legal memoranda with a different eye and hears oral arguments with a different ear. From his new point of view on the bench, Judge Himonas more fully appreciates and understands the basic practice pointers that all attorneys are repeatedly given.

Developed from his experience as both an advocate and a judge, Judge Himonas has two specific rules of advocacy for both written and oral arguments: (1) Do not offend the mind you are trying to convince; and (2) Do not bore the mind you are trying to convince.

Judge Himonas' first rule is borrowed from the Honorable George C. Pratt, United States Circuit Judge for the Second Circuit. Simply put, attorneys should avoid unprofessional behavior -- toward opposing counsel or otherwise. Although he believes that most attorneys attempt to argue and brief their cases with objectivity, as an advocate, an attorney often cannot remove himself or herself far enough from the process to be truly objective. Judge Himonas points out that there can be a fine line between a respectable, energetic lawyer that believes in his or her cause, and the lawyer that goes too far and displays unprofessional behavior. For example, Judge Himonas indicated that ad hominem attacks tend to distract a judge, diverting the judge's attention from the real issues, which is rarely the attorney's goal. And, to the extent that an attorney's conduct offends a judge, this same behavior doubly offends the sensibilities of a jury. From Judge Himonas' experiences with talking to juries after trials, an attorney's behavior, whether positive or negative, affects the

jurors' impressions of that attorney's client. With that said, Judge Himonas was pleased to note that the vast majority of the bar that has appeared before him is congenial and professional.



Judge Deno Himonas

Judge Himonas' second rule, not to "bore the mind you are trying to convince," is attributable to one of his former partners at Jones Waldo. As one example of how to avoid this pitfall, Judge Himonas suggests that attorneys refrain from repeating themselves. Repetition does not "help the message to sink in." Instead, repetition causes an argument to "los[e] its force."

Since his appointment by Governor Olene Walker in May 2004, Judge Himonas has already been developing his own personal style for his courtroom. His goal is to keep his courtroom as comfortable as possible for the litigants, attorneys and jurors. Judge Himonas points out that while his

courtroom is traditional, he tries to keep things informal. Judge Himonas has found that the informality has helped put the jury at ease and prevents the feel of a "boot camp." In addition, he has been working on his own set of jury instructions in an effort to develop simplified instructions that use "common English."

Originally from Price, Utah, Judge Himonas attended law school at the University of Chicago. After receiving his J.D. in 1989, he returned to Utah to work at Jones Waldo because his then bride-to-be became "addicted" to Utah. Judge Himonas, his wife and two children enjoy doing anything that gets them outdoors. Calling himself the "worst avid golfer" he knows, Judge Himonas also enjoys playing squash, running and fishing.

*Salt Lake County Bar Association
Holiday Dinner Dance
Friday, December 10, 2004*

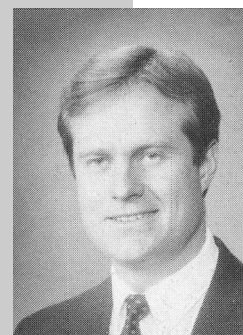
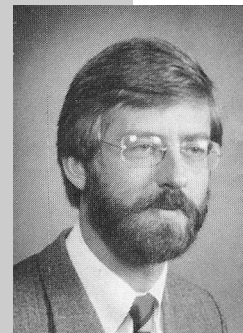
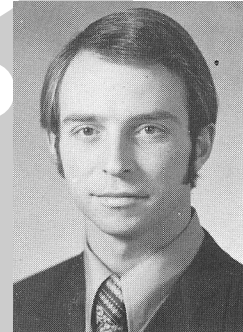
*Call Candace at (801) 536-6813
to RSVP*

Coram Paribus Ad Barram

Welcome to another installment of this feature of the Bar & Bench, in which we reward those with particular skill for identifying old pictures of their peers. Each person who can guess which current or former County Bar Members are depicted in the vintage photographs below will be entered in a drawing for a \$100 gift certificate to Gastronomy. The winner will be announced in the following issue of the Bar & Bench. Please e-mail your guesses to David Reymann at dcr@pwlaw.com.

Who Am I?

- Attended Highland High School the year it first opened (1956) and went there for 6 years (7th grade through 12th grade)
- Was arrested in Tijuana during spring break his junior year in college
- Tried his first jury trial at age 24
- Before practicing law, he drove a cab, tended bar, shingled houses, cared for animals at the Max Planck Institute for Immunobiology, drove a truck, collected urine at a methadone clinic, waited tables, worked as a temporary secretary, and built buck fence
- The Utah Attorney General once sought (unsuccessfully) to have him held in contempt of court for providing information to Geraldo Rivera regarding the treatment of mentally ill people in prison
- For almost 18 years, he shaved his face only for trials
- Born in Bogota, Colombia
- His law school team went undefeated at the Lowenbrau National Invitational basketball tournament
- First introduced to his wife at a gas station in Louisville, Kentucky



(Continued from page 1) an eminent senior judge from the United States District Court for the District of Utah. These judges spent a great deal of time meeting and mingling with both new and well established Salt Lake County lawyers, and everyone present left the event with a greater sense of professional connection among members of the bar and bench.

If you are among the many lawyers in Salt Lake County who regret the decline in collegiality and camaraderie that has accompanied

the changing nature of an ever-more-anonymous legal practice, I invite you to participate in the events sponsored by the Salt Lake County Bar Association. I personally have found these activities to be both professionally rewarding and simply a lot of fun during the eleven years I have been an active member of the organization. I am confident that you will enjoy these events as well and will be proud to consider yourself an active member of the Salt Lake County Bar.