

BAR BENCH

SALT LAKE COUNTY BAR ASSOCIATION

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FALL 2021

President's Message

by Jonathan Pappasideris
Salt Lake County Bar Association President

As 2021 nears its end – a fact I have trouble comprehending for some reason (perhaps my ability to accurately perceive time's passage diminishes with each Zoom meeting in which I participate?) – I find myself reflecting on the past twenty months and pondering how the SLCBA Executive Committee can apply some of the lessons we've learned during this challenging period to help ensure the best possible experience for you – our members.

First, from my perspective, personal interaction is at the heart of the legal profession and there is simply no substitute for in-person contact and conversation with colleagues, opposing counsel, and members of the Bench. Toward that end, the SLCBA has resumed hosting its annual events – including the New Lawyers & Judges Reception (which was held on October 21 on the Rooftop at Spy Hop) and the upcoming Holiday Dinner (scheduled for December 3 at The Country Club). That said, because the well-being of our members and guests is of paramount importance, we are committed to monitoring public health recommendations and taking appropriate precautions. While we definitely intend to have fun, we want to be as safe as possible while doing so!

Second, we've recognized the importance of continuing to sponsor virtual CLE seminars and other unique events, which can better accommodate our

members' busy schedules while also affording more of you the opportunity to attend. Along those lines, the majority of our 2021-22 CLEs will be electronic. And, for those of you who enjoyed last winter's virtual cooking class from Veneto Ristorante Italiano and/or last spring's virtual cheese tasting from Caputo's Market & Deli, rest assured that similar experiences are in the offing.



Jonathan Pappasideris

Finally, if this pandemic has taught us nothing else, I hope it has served as a reminder of our inherent interconnectedness and the vital importance of community. In keeping with that spirit, the SLCBA will soon finalize an agreement gifting \$25,000 to the University of Utah to establish the "SLCBA Endowed Scholarship" at the S.J. Quinney College of Law. This annual scholarship is intended to help defray the costs of legal education for a student who intends to practice law in Salt Lake

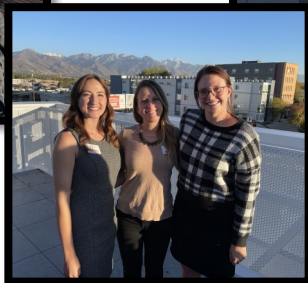
County and who has demonstrated resilience and grit in the face of hardship, and we look forward to announcing our first recipient in 2022!

In closing, I'm reminded of a quote I recently read – "We cannot direct the wind, but we can adjust our sails." Words the SLCBA Executive Committee intends to live by, and we hope you enjoy this year's voyage. We look forward to seeing you soon and, in the meantime, take care and be well.

Recent Precedents

New Lawyers and Judges Reception

The Salt Lake County Bar recently welcomed newly-admitted lawyers to the practice of law at the New Lawyers and Judges Reception. Justice Peterson gave a moving address, reminding us all of the importance of wellbeing and the value of the relationships built in our community.



Dear Justice Tongue,

Lately the term “Restorative Justice” has appeared in journals and articles, typically associated with a different criminal justice model and programs for youth “offenders.” In fact, the son of a friend received the “benefit” of a “Restorative Justice” program whereby he was diverted from prosecution in Juvenile Court to a community group and after successfully completing their program returned to school, free of criminal record. Is this concept familiar to you? If it is, do you see merit in anything that these types of programs might promise to provide?

— Anonymous

Dear Anon,

Such pity I finally receive an inquiry worthy of my attention and I do not have the pleasure of knowing to whom this response is addressed. Nevertheless, response is indicated.

Although, like yourself, I am relatively new to the subject, an illustrious clerk alumnus of this Chamber is well into the thicket of what he reverently refers to as “a singular transformation in youth criminal justice philosophy and practice.”

That was sufficient to quicken my interest, especially when I learned that my colleague Judge Barry Stuart, former Chief Judge of the Yukon Territories, was a principal authority, teacher and writer on the subject. He was more than receptive to our inquiries and Judge Stuart and our alum have provided an illuminating outline of the Youth Restorative Justice concept and a wealth of resources with which to more fully pursue the subject. At the conclusion of this response my clerks will append numerous scholarly sources of study. In a happy coincidence, as well, our referenced alum and his spouse have produced an impressive documentary film, “A Once And Future Peace,” (which has been featured in a number of prestigious international film festivals) that provides historical context to Restorative Justice together with a compelling account of its current implementation in King County, WA.

The subject of Restorative Justice clearly commands more than can be offered in this relatively short response to your inquiry. Nevertheless, I will (perhaps unwisely) attempt an outline of what I am given to believe are the principle ideas around Restorative Justice and hope you are stimulated to further explore the subject.

As this Chamber understands it, Youth Restorative Justice has as its purpose and promise a means by which youth (like your friend’s son) are diverted from the court system into a community support and dispute resolution program wherein the youth offender can accept responsibility for his or her actions, attempt remediation and, most importantly, see their essential role and station in the community.

Youth Restorative Justice embraces the premise that a criminal offense is primarily a wrong against another person and secondarily a wrong against the State. Therefore, governmental entities should relinquish their

monopoly over response to crime and allow the community “at risk” to participate robustly in the solution and disposition. Restorative Justice seeks satisfactory participation with the youth to the end that they may emerge from what could be a destructive life event and the stigmatization of a criminal record, to a turnabout and better appreciation of their place in the community; their obligation to the community; and the support that was offered them and will be offered to others.

In contrast, our existing criminal justice system is essentially a lose-lose model inherited primarily from our Anglo-Saxon forbearers which is punitive and retributive; asking primarily three questions: (1) was a crime committed; (2) who did it; and (3) how should they be punished? As a result, the system does little to repair the harm either to the victim or the community. Perhaps, most importantly, it fails to address the facts and circumstances that led to the offence, much less, to create a rational context in which the offender may accept responsibility, atone and rehabilitate with a measure of transformation. As this Justice has long been aware, and as one can plainly see, none of our current procedures or practices are guided by core values that we hold as essential in our daily lives, such as respect, honesty, trust, humility, sharing, inclusivity, empathy, courage, forgiveness and love. And although that may sound a little namby-pamby, these are supposedly the values that we hold dear, but rarely find participating in our systems of dispute resolution.

This alternative approach is designed to hold a young individual accountable for his/her actions while acknowledging their individual circumstances. In this way Restorative Justice addresses the negative behavior as well as the conditions that caused it and gives the community the flexibility to choose options that focus on the true nature of the problem rather than just the technical offense.

As a consequence, to our understanding, Youth Restorative Justice empowers victims, families, school staff and offenders by putting them in active roles and providing them the opportunity to express needs and problem solve. The means by which the community lends its support are varied and have, by our study, demonstrated particular efficacy with both professional assistance and trained community volunteers. Presumably the “success” of each program will be dependent upon the skills of the community actors, but it seems that these programs are worlds ahead of the traditional failing punitive models. While I have neither the experience nor the space to elaborate extensively on the programs for reconciliation I am given to understand they involve mediations, community conferencing, family group conferencing and the most intriguing of all, “peacemaking circles.”

The film, “A One and Future Peace,” documents the history of Restorative Justice and focuses on the utilization of peacemaking circles. In short, the peacemaking circles allow offenders, together with peers, professionals and trained community members to have a safe space in which they can be heard in respect of the circumstances that led to the infractions and receive community input through which interchange the community is directly involved in the determination of the disposition. Naturally the court system, draconian as it may be, has an indispensable role as a backstop to the community efforts to integrate the youth.

Justice Tongue

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This Justice roundly encourages your further study and involvement and respectfully asks his Chamber clerks to attach a short bibliography, and links to information about the film.

Fondly,

Justice J. Learned Tongue

Bibliography:

Circle Forward: Building a Restorative School Community by Carolyn Boyes-Watson & Kay Pranis, Living Justice Press

Doing Democracy in Circles by Jennifer Ball, Wayne Caldwell & Kay Pranis, Living Justice Press

Peacemaking Circles: From Conflict to Community by Kay Pranis, Mark Wedge & Barry Stuart, Living Justice Press

Film Review Links – “A Once And Future Peace”:

Canadian Hot Docs Film Festival – https://boxoffice.hotdocs.ca/websales/pages/info.aspx?evtinfo=141721~367cbc04-eb03-453a-90f8-88ca48c4cf79&epguid=9759e3f1-085c-4e15-88c2-e02a8ee1f1d1&fbclid=IwAR3yJiWC_340dw5PVxlec7JWpUjciDlrXW_Xn7o6WP-zGK8NN01ZhC4QER4

Doclands Documentary Film Festival – <https://www.doclands.com/once-and-future-peace/>

Full Frame Documentary Film Festival – <https://www.fullframefest.org/film/a-once-and-future-peace/>

Human Rights Watch Film Festival – <https://www.hrwfilmfestivalstream.org/film/a-once-and-future-peace/>

Judicial Profile

Judge Theresa Welch

By: Lauren Hunt

Judge Theresa Welch was appointed to the Third District Court by Governor Herbert in October 2019. Lauren sat down (virtually speaking) for an interview with Judge Welch.

Tell us about your educational background:

For law school, I attended the S.J. Quinney College of Law at the University of Utah (class of 2002).

This is one of four degrees I received four degrees from the University of Utah: (1) a Bachelor's Degree in Music (Violin Performance), (2) a Bachelor's Degree in Philosophy, (3) a Masters Degree in Philosophy, and (4) a Juris Doctorate/Law Degree. I also earned a PhD in Criminal Justice from Nova Southeastern University.

As for my educational interests and pursuits, my first passion in life was for classical music, as I've played the violin since I was four years old. So, when I started college, I thought that I would have a life-long career as an orchestra musician or violin teacher. I eventually discovered that I loved taking philosophy classes, and it was my studies of philosophy that motivated me to go to law school. Along the way, I kept playing my violin. I'm very happy with the education and career paths that I have chosen. I've not only loved being an attorney, but I've also had a lot fun playing my violin with various professional orchestras and music ensembles. I've also enjoyed teaching philosophy classes for local universities and colleges.

Was there anything particular about law school that you enjoyed?

My favorite aspect of law school was the class discussions. I learned a lot from listening to the various viewpoints of my interesting and intelligent teachers and classmates as they discussed various legal topics. I'm a big fan of the Socratic method of teaching whereby learning is achieved by engaging students in a question-and-answer process that is aimed at stimulating critical thinking.

What was your practice like before becoming a judge?

Before becoming a judge, I was a public defender with the Salt Lake Legal Defender Association for 16 plus years. During that time, I had the opportunity to work on cases as a trial and appellate attorney. In addition, I supervised a team of attorneys in the Third District Court's Early Case Resolution Court Program from 2011-2015.

Were there any specific experiences in your practice that have helped you be more prepared to be a judge?

Having been on the bench now for approximately two years, I realize that my background of working on cases at the trial and appellate levels has helped me tremendously with my daily judgeship tasks. In other words, my prior work has helped me to understand what occurs at the various stages of a case (i.e., from the start of a case and at every stage up to and including the point when a case is argued before the Utah Supreme Court). Having had these diverse



Judge Theresa Welch

Judge Welch

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experiences as a lawyer has certainly helped me transition to the bench, as I now hear a diverse array of cases on a weekly basis in my courtroom. I would encourage every lawyer to find time to observe cases from new and different perspectives. If you are a trial attorney, spend some time observing how cases are argued in our appellate courts. And if you are an appellate attorney, spend some time observing how cases are argued in our trial courts. If you are an attorney who primarily works on criminal cases, spend some time watching civil cases. And if you are an attorney who primarily works on civil cases, spend some time observing criminal law cases. I believe that by diversifying your focus on how to approach cases, you will expand your attorney skill set, and this, in turn, will make you a better attorney in your specialized area of practice.

What was most difficult about your transition to the bench?

The Pandemic. I started my judgeship in January of 2020. Approximately six weeks later, the COVID-19 Pandemic effectively halted in-person courtroom proceedings. We all had to quickly learn how to do remote court proceedings, and it was a steep learning curve. The phrase “you are muted” became a common refrain. But now that we have been doing remote court hearings for many months, I hope that we can incorporate what we have learned so that more and more people will have access to Utah courts, and ideally, court calendars will be able to operate more efficiently than ever before.

Do you have a “judicial philosophy”?

As someone who loves philosophy, I’ve spent a lot of time thinking about my obligations and duties as a district court judge. First and foremost, it is important that I correctly apply pertinent laws when

issuing my decisions. Thus, for every case that comes before me, I spend ample preparation time to make sure that I understand the applicable and controlling laws. I will also frequently ask the attorneys in my courtroom various questions about pertinent statutes, rules, or cases to ensure that I have a thorough understanding of any and all applicable laws.

Second, it is important to me that everyone in my courtroom feels that I have heard them. As a musician, I’ve learned the value of carefully listening to complex sounds. Likewise, as a judge, I’ve learned the value of carefully listening to the complex arguments that are presented to me. It is important to me that I give everyone an opportunity to present their case. In short, I strive every day to carefully listen to the controversies before me and to correctly apply the pertinent law to those controversies.

What do you enjoy most about sitting on the bench?

I enjoy many things about my work as a district court judge. I work with many wonderful people, including judicial assistants, law clerks, and bailiffs, who are all devoted to working hard so that court cases can be addressed efficiently and effectively. I especially enjoy the opportunity to serve Utah citizens and the people who step foot in my courtroom (even if they must do so remotely). I chose to be a district court judge so that I could use my knowledge and skill set to help people, and having this opportunity to serve my fellow community members as a district court judge is what I enjoy most about sitting on the bench.

Practitioner Profile

Paul Moxley

By: Dani Cepernich

Paul Moxley recently celebrated his forty-ninth year of practicing law. Those forty-nine years represent a distinguished legal career filled with involvement in major cases and once-in-lifetime opportunities. A major thread



running throughout them all is the relationships Paul has built within the legal community.



Paul graduated from Utah State University in 1970 with a Bachelor's degree in political science. During his years as an Aggie, he played football and was a member of the track team. He also began what has been a long period of civic engagement. Paul worked as a political pollster from 1968 to 1970. And, he

served as an intern to United States Senator Frank E. Moss in Washington D.C.

Following graduation from Utah State, Paul attended the University of Kansas Law School, where he spent the summer of 1972 as an intern for District Attorney Arlen Specter of Philadelphia, Pennsylvania. Paul obtained his Juris Doctorate in 1973. He then served as a law clerk to the Honorable David T. Lewis, Chief Judge of the United States Tenth Circuit Court of

Appeals. Since then, Paul has been engaged in private practice. He is currently a shareholder with the firm Cohne Kinghorn, P.C.

Throughout his career, Paul has been heavily involved in both the Utah Bar and the American Bar Association.

Paul was a member of the Board of Utah State Bar Commissioners from 1989 to 1995; a Judicial Conduct Commissioner on the Judicial Conduct Commission from 1990 to 1995; President of the Utah Bar from 1994 to 1995; and an ex-officio member of the Board of the Utah State Bar Commissioners from 1996 to 2009.

In 2009, Paul was recognized with the Utah State Bar's Distinguished Lawyer of the Year Award. He was again recognized in 2016 when the Utah State Bar named a mentoring award after him — the Paul T. Moxley Mentoring Award. That award is given annually to recognize valuable mentors in the legal community.

All the while, Paul was exceptionally active in the American Bar Association, of which he has been a member since 1974. Paul served as the Utah State Bar Association Delegate to the House of Delegates from 1996 to 2000 and as a State Delegate to the House of Delegates from 2000 to 2009. He was the President of the National Conference of Bar Presidents from 2003 to 2004, and co-chaired the Host Committee for the mid-year meeting held in Salt Lake City in 2005. Paul served on many committees and task forces over the years, including the Task Force on Judicial Selection and Campaigns; Commission to Study State Court Funding; Advisory Council to the Standing Committee on Judicial Independence; Planning Committee for ABA Day in Washington, D.C.; Standing Committee on Strategic Communications; the Governances Commission; and

Paul Moxley

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the Standing Committee on the Federal Judiciary, member for the Tenth Circuit. He also served on the Board of Governors from 2012 to 2015.

His membership on the ABA's judicial committees was a prelude to one of those once-in-a-lifetime opportunities. Paul was the Chair of the Standing Committee on the Federal Judiciary from 2018 to 2019. As you likely remember, this was the period during which President Trump nominated then-Judge Brett Kavanaugh for Associate Justice of the Supreme Court of the United States to succeed Justice Kennedy.

As with all nominees since 1953, the Committee conducted an independent and comprehensive evaluation of then-Judge Kavanaugh that was based on a comprehensive, non-partisan, non-ideological peer review of his integrity, professional competence, and judicial temperament. The Committee's investigation included three interviews of then-Judge Kavanaugh. The Committee issued a unanimous "well qualified" rating that was submitted to the Senate Judiciary Committee, the White House, and the nominee on August 31, 2018. Paul testified before the Senate, presenting the results of the Committee's investigation.



And then there was the September 27, 2018, hearing, which raised the question of whether the Committee could and should reopen its investigation and evaluation. Paul sent a letter on behalf of the Committee on October 5, 2018, indicating that it was



reopening its evaluation in light of "information of a material nature regarding temperament" during that hearing. Ultimately, however, the Committee issued a supplemental report in which it determined it could not reopen the

investigation and evaluation because of the peer-review process.

Paul's civic engagement does not end with the Utah Bar Association or the American Bar Association; it does not even end at the borders of the United States. Rather, in 1996, Paul served as a lecturer in the Central and East European Law Initiative for Uzbekistan and Kazakhstan, providing law office practice seminars to Russian lawyers for three weeks. And, in 2006, he was a delegation leader for the People to People Ambassador Program for Utah Lawyers and Judges to China. Closer to home, Paul served as a Trustee for the University of Utah College of Law Alumni Association Board of Trustees from 1995 to 1996 and was a member of the Board of Governors of the University of Kansas School of Law from 2005 to 2007. And, with a return to politics, Paul served as a member of the Alta Town Council from 2003 to 2018, having been elected three times.

Through his involvement in these organizations, Paul developed long lasting friendships. He recounted an SLCBA dinner in 1994 during which he was seated next to Randy Dryer. Randy mentioned that he was planning on traveling to Nepal to trek Manaslu. Paul ended up going too. He spent two months in Nepal

Paul Moxley

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that year. He has since traveled all over the world, including Thailand, Bali, and returning to Nepal to the Mt. Everest region.

Paul is an avid cyclist and can often be found cycling with his friend and fellow attorneys, Rick Van Wagoner and Leonard Burningham.

Paul has combined his love of travel and cycling, having ridden stages of the Tour de France (Alps, including Alps d'Huez to Paris) and Giro de'Italia, and participated in bike tours in



Europe and throughout the United States, including the ride around Mt. Ranier and Logan to Jackson.

Paul is also an avid skier. He still has his Alta season pass from 1978 — just a few years after Paul joined the legal profession.



He now shares his passion for skiing with his grandchildren Sawyer and Phoebe, whom he adores.



The next time you see Paul on the ski slopes, summiting one of Utah's peaks, out on a ride, or at a Bar function, be sure to say hello.

Practitioner Profile

Laura Kyte

By: Ruth Hackford-Peer

Laura Kyte believes that people are more than the crimes they commit. She believes that all human beings are worthy and even if—or perhaps especially if—they’re accused of a crime, they deserve to have their rights safeguarded. This position is deeply personal. Laura was raised by a single mom after her dad went to prison when she was a kid.

Laura did not see a lot of folks like her going to law school. She thought law school was for men from rich families; not women who were raised poor. So after her divorce, when she found herself raising two kids alone, she decided to go back to school to become a teacher. That’s when her history professor pulled her aside after class to offer her some unsolicited career advice. He said he saw a pattern of women limiting themselves to teaching when they had the skills and capacity to do many things. He said he could see her in law school.

She thought about it and decided that law would be an interesting fit. It intersected well with the things she cared about. It tied in to her love for history, and she was really interested in being able to use her skills to assist those who are the most marginalized in our society.

Laura isn’t sure what she wants to do in the long run with her law degree. She finished her law degree at

BYU earlier this year and was sworn in to the Bar in October. She is currently working in the litigation section at the Attorney General’s Office. In 2022, she will begin a clerkship on the Utah Court of Appeals with Judge Hagen.

Beyond that, she knows she can see herself working in criminal law, doing civil rights work, or employment work. She was also a real estate agent

before going to law school and still has a soft spot for real estate. She spent her first summer working with the Federal Defender’s office and a mid-size Salt Lake firm. Over the past year she has worked in the litigation division with the Attorney General’s office and for the Federal District of Utah under their CJA Panel mentorship program.

Ruth Hackford-Peer had the opportunity to learn more about Laura:

What was your favorite thing about law school?

Interning at the Utah Supreme Court was the best experience. I loved that. I was doing that when COVID hit and everything shut down. It was such a great learning experience. I learned practical things about the law, like what good advocacy is and what it looks like and what good (and bad) writing looks like. Plus, Justice Pearce was a great mentor. It was a neat experience to see behind the curtain a bit and learn how judges are thinking about the cases before them. I highly recommend it.



Laura Kyte

How did COVID impact your 3L year?

In some ways COVID was a blessing for me. Everything going remote partially helped. I worked through the entire year remote. That saved a lot of time because I didn't have to commute. My youngest child is immunocompromised, so he did school at home for most of the year and I could be home with him to help. It has provided a way for me to be more present with my kids.

You are a non-Mormon woman with civil rights interests who decided to go to BYU for law school. What was that experience like?

Yes. BYU law was good and difficult. There's not like a specific track in law school for civil rights so you just have to find a way. I wrote my substantial writing piece on the *Dred Scot* case. I had to search out professors who had that interest. I took a lot of constitutional law courses. I did BYU Law review and moot court because I was paranoid about getting a job so I did everything I could. Ultimately, I just made it work.

What were your thoughts on taking the summer to study for the bar?

One thing that is really surprising to me is that the bar exam is still a thing. We all know great attorneys who failed it the first time and terrible attorneys who passed it. I see it as nothing more than a barrier to the profession. I mean, it seems that everybody I talk to knows that the bar exam is a waste of time and money but nobody is really willing to do anything to change it. There are so many problems associated with the legal profession – inequity, unhappiness, depression, even suicide and addiction. It seems like everyone knows the factors that contribute to those issues, with the bar being just one factor; yet here we are in a field

of advocates and very few people are advocating to get rid of this barrier. That is shocking to me.

Bar Review

Black Sheep

By: Michael Langford

The Black Sheep Bar & Grill is a rare Eastside neighborhood drinking establishment, nestled in an obscure corner in Foothill Village. And, it is a gem of contradictions. Despite being a quality eatery, offering updated classic fair and easy service, the prominent bar, high tables, pool table and karaoke, make it clear it is not a restaurant. Nor is it a sports bar, but the 13 well-placed, oversized screens help make it a great spot to catch a game or games, and the game-day shuttle is ideal for the Ute fan meet up. The ready Coors Banquet, well whiskey, primarily 80's/classic rock soundtrack, karaoke, and easy vibe are reminiscent of my favorite dives, but you would never call the Black Sheep a dive bar. It is too clean, too open, too light and craft beer and copper cups too readily-available to be a proper dive bar. It's something common in other parts of the country but more rare and contradictory here, behind "the Zion Curtain" in our great City of Salt. Despite being in a shopping center, it's a proper neighborhood bar.

The Black Sheep has a full menu, and features a weekend brunch. You can get good food with reasonable prices, but you just need to read the bar specials to order something tasty. Pick your day of the week: Ribeye steak for \$9.99 and "Two Step" (shot & a pint) for \$6 on Mondays and half off wings on Wednesdays will appease thrifty gluttons. Monday \$6.00 shot pint specials Saturday \$3.00 mimosas will pleasantly remind you that you aren't at a costly downtown watering hole.

The first Black Sheep was opened in West Jordan and shares staff with the 1400 South Foothill Blvd.

location in the space formerly occupied by McCool's. That this proper Salt Lake neighborhood is a second location is a bit ironic, but it shouldn't be surprising. Owner Greg Hoffman hails from the same neighborhood and bleeds Leopard pride, and it was his dream to open a bar that he wanted to hang out in, a place to drink and eat in his neighborhood. From where I sit, it appears he's succeeded.



Bingeable TV Review

By: Brady Rasmussen



Chances are good that you know or have heard of Ted Lasso. Perhaps, like many, you caught the wave of this new TV show in the summer of 2020. Or maybe, like me, you were captured by the 2013 viral NBC Sports promo commercial first introducing a mustached Jason Sudeikis speaking on the phone in a heavy Texas accent:

*Hey, how you doing? I'm Ted Lasso, head coach of the Tottenham Hotspurs . . . and, eh, I'd like to talk to the Queen.*¹

Lasso had me at “I’d like to talk to the Queen.” I dressed as Ted Lasso for a Halloween party years before the actual show. My fellow party revelers had no idea who I was. They were probably too polite to ask (perhaps thinking I was a pitiful impression of Mike Ditka). Kids are not as coy. So I ended up showing my two young boys the commercials.



Halloween 2014

The boys were budding soccer (*football*) enthusiasts, already well versed in the *English Premier League*, the humble title of England’s top league. We watched the commercials together incessantly,

I Watch Ted Lasso with My Sons *Before you judge, let me explain...*

giggling at all the same spots. It’s true what they say of apples. Naturally, we were thrilled learning of the TV series spinoff. And, that’s how we came to watching the first season of Ted Lasso together as a family. I really had no choice in the matter.

The premise of the show is simple. Ted Lasso is an American football coach hired to coach (*manager*) a fictitious London soccer team (*club*), AFC Richmond. Reeling from the coronavirus pandemic, the murder of George Floyd and ensuing frictions, not to mention the bombardment of polarizing election propaganda, Ted Lasso strutted onto our basement television screen delivering the escape we craved. A Domino’s Pizza for our souls. Our pandemic summer daze brightened a bit by the optimistic vibes of this carefree coach.

When asked how he takes (*drinks*) his tea, Lasso responds:

Well, usually I take it right back to the counter because someone’s made a horrible mistake.

Does he believe in ghosts?

I do. But more importantly, I believe they need to believe in themselves.

How about coaching advice for his players (*lads*) after a tough go?

You know what the happiest animal on Earth is? It’s a goldfish. You know why? Got a ten-second memory. Be a goldfish. . .

It’s not all tomfoolery. As the series progresses, Lasso’s character emerges as this vaguely familiar American personality of yesteryear. American mythology is rooted in a tale of the underdog. Staying with in sports talk parlor, we came back to win the Revolutionary War in game 7 (*golden goal*²).

Ted Lasso

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Hearing the opening notes of the *Rocky* theme song triggers my tear ducts. I acquired this peculiar allergic reaction from my father.

In one of the last episodes of Season One, Lasso delivers a pregame speech, telling the lads:

I've been hearing this phrase y'all got over here that I ain't too crazy about. "It's the hope that kills you."

This phrase is commonly used in English football and refers to the thought that it is best for fans (*supporters*) not to raise their expectations and hopes because when the team inevitably fails the blow to them will not be so crushing.

Lasso, of course, disagrees with this sentiment, continuing:

*I think it's the lack of hope that comes and gets you. See, I believe in hope. I believe in belief. Now, where I'm from, we got a saying too. A question, actually. "Do you believe in miracles?"*³

Of course this stabs us right in our red, white, and blue feels. A textbook indoctrination of this American ethos. Like Rocky to me, so it was with Lasso to my boys. We all know how the story ends. The patriots send the King's men fleeing; Rocky draped in the flag arm raised; an impossible victory dubbed *The Miracle on Ice*.



And, Richmond AFC wins the big match. Nope! Richmond loses. Of course it's not the deepest plot

twist. However, it is in these moments when the Lasso lessons really begin.

After losing the big match, Lasso stands before his team and solemnly tells them:

*This is a sad moment right here — for all of us. And there ain't nothing I can say standing in front of you right now that can take that away . . . but I promise you there's something worse out there than being sad. It's being alone and being sad . . . Let's be sad now, let's be sad together . . .*⁴

I'm not crying, you're crying. *Be a goldfish* is a scrumptious "life lesson." However, it is these deeper Lasso reflections that capture us. I hope . . . excuse me . . . I believe these moments resonate with my boys.

Still think I should be sending the boys to bed when Lasso comes on? I offer Exhibit Two. The scene is an English bar (*pub*). Lasso is sharing a drink (*pint*) with the owner of Richmond and new friend, Rebecca Welton (formerly Manning). In walks the antagonist, Ruppert Manning, with his much younger girlfriend. Ruppert is the former owner of the club and cheating ex-husband of Rebecca. He relishes in making Rebecca miserably uncomfortable. During the ensuing cold banter between the two parties, Lasso casually challenges Ruppert to a game of darts. While Ruppert wants to wager 10,000 dollars (*pounds*), Lasso instead solicits Ruppert's promise that if he wins, Ruppert will agree to leave Rebecca alone at Richmond games. As Lasso hustles Ruppert, he imparts this gem:

Guys have underestimated me my entire life and for years I never understood why — it used to really bother me. But then one day I was driving my little boy to school and I saw

Ted Lasso

Continued

a quote by Walt Whitman, it was painted on the wall and it said, “Be curious, not judgmental.” I like that. (Lasso throws triple 20). So I get back in my car and I’m driving to work and all of the sudden it hits me — all them fellas that used to belittle me, not a single one of them was curious. You know, they thought they had everything figured out so they judged everything and they judged everyone. And I realized that their underestimating me — who I was had nothing to do with it. Because if they were curious they would have asked questions. Questions like, “Have you played a lot of darts, Ted?” (Lasso throws another triple 20). To which I would have answered, “Yes sir. Every Sunday afternoon at a sports bar with my father from aged 10 until I was 16 when he passed away. Barbecue sauce. (Throws triple bullseye to win).⁵

Be curious, not judgmental. I peek to see that the boys are listening. Stealing from James Earl Jones’s epic monologue in *Field of Dreams*, Ted Lasso reminds us of all that once was good, and it could it be again. So, we continued to pass over money to Apple TV without even thinking about it. For it was money we had but Ted Lasso we lacked.⁶

Sure, there’s a heap of adulthood in Lasso. The show is a waterfall of foul language. Roy Kent, the cranky veteran footballer has one heck of a potty mouth. It’s artful, really. He’s the Picasso of potty talk. They’re just words anyways. I guess I just don’t see the bl&*dy f*&^% problem!

So the language isn’t great. Then there’s the other adult “relationship” stuff. For these moments, my wife and I keep the remote in holster and at the ready while watching; quick to make the draw and hit

pause at even the slightest hint of indiscretion. The *Butch Cassidy and Sundance Kid* of parental screening. This allows us the time and space to explain the scene and then discuss and share as a family. Truthfully? This never happens.

The reality is that we panic, fumble for the remote and clumsily hit the forward button. All the while pretending nothing happened, or is happening, or will happen. Sometimes I default to my own parenting barometer: What would Clark Griswold do? *No, boys, he’s not going . . .*⁷ I admit, I don’t have great excuses or explanations to these instances. However, before you finish dialing child services, humor me a closing.

No surprise the release date of Season Two was circled on the family calendar. A new family holiday. Christmas, Thanksgiving, Ted Lasso Season Two. And then, before the season began — on Lasso-eve — this happened:



Sudeikis shows up to the premier for the Season Two wearing a black sweatshirt with the names Jadon, Marcus and Bukayo. Between Ted Lasso seasons, the England national team went on a historic run in the European Championships, a tournament consisting of the best European national teams. The Superbowl of Europe. England made the final. They even beat Germany along the way. As a former great English

Ted Lasso

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footballer once said, “[F]ootball is a simple game; 22 men chase a ball for 90 minutes and at the end, the Germans win.”⁸ It was the first major final for an England national team since 1966. The country was in a tizzy. The final against Italy was tied after regulation. The game was to be decided in a penalty shootout. In a shootout, five players from each team are selected to take one shot against the opposing goalkeeper. England lost the shootout 2-3.

The three England players who failed to score their shot? Jadon, Marcus and Bukayo. All three are promising young footballers. Bukayo was only 19 years old. They also happen to be black. After the loss, these players suffered horrific racist abuse.

Here’s Sudeikis explaining why he wore the sweatshirt:

*It was our way to use this big fancy premier to spotlight them and let them know that we got their back and how much we support them It was a way to humanize and personify those three individuals . . . their surnames are on the back of their jersey and that’s why I used their first names, the names their parents gave them because they’re kids, they’re young men*⁹

This captures the essence of Ted Lasso. Reminding us of our better angels. They say it takes a village. I’m glad coach Lasso is part of ours.

⁴ <https://www.youtube.com/watch?v=NHUA7AINt-g&list=RDNHUA7AINt-g&index=1>

⁵ <https://www.youtube.com/watch?v=oZ4YSXv6Xkg>

⁶ <https://www.youtube.com/watch?v=z6U1p0hehtg>

⁷ <https://www.youtube.com/watch?v=QhDaDmZDWbU>

⁸ https://en.wikipedia.org/wiki/Gary_Lineker

⁹ <https://youtu.be/KV8jy1SXDY4>

¹ https://www.youtube.com/watch?v=6KeG_i8CWE8 and <https://www.youtube.com/watch?v=iRqypM7jb5Y>

² A goal scored in extra time ending the match. See https://en.wikipedia.org/wiki/Golden_goal

³ <https://www.youtube.com/watch?v=lMsdOkNJmu0>

Upcoming Events

Save the date!

Dec.
3

Annual Holiday Dinner Dance

The Salt Lake County Bar Association cordially invites you to attend its Annual Holiday Dinner Dance.

It's time to dust off your dancing shoes and don your holiday best! We hope that you are as excited as we are for the return of this beloved and much-missed annual event.

When: Friday, December 3 – cocktails 6:30, dinner 7:30, dancing to follow

Where: The Country Club

Limited seating. Proof of vaccination required. A formal invitation with additional details will be sent in the coming weeks.



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