

# BAR & BENCH

## SALT LAKE COUNTY BAR ASSOCIATION

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SPRING 2014

### President's Message

Serving as President of the Salt Lake County Bar Association over the past year has been an incredibly rewarding experience. But at times it can also be a daunting one, especially when the time comes to send out a President's message with some wisdom or perspective that might be useful to others. With Mother's Day approaching, I have decided that the best wisdom and perspective to share is the most important wisdom and perspective that was shared with me—the advice my mother often repeated as she raised me and my eight siblings.

1. "Put on some lipstick and eat a piece of chocolate." My sisters and I would hear this whenever we were nervous about doing something outside of our comfort zone, whether it was a public speech, a dance competition, or a nerve-racking social event. Life as an attorney continually presents uneasy situations—meetings with clients, practicing in new areas, dealing with difficult counsel, and drafting a President's message. My mother's point was not to forego preparation, but rather that once we have prepared as much as we can, we need to relax, get some endorphins going, and put our best foot forward. With my lipstick in place, and chocolate devoured, I will now continue with her advice.
2. "Think of it as 'an experience'." This is what my mother would say when someone in our family faced a disappointing situation, like when the family car broke down during a road trip, a school election was lost, or a date went horribly awry. Having a long-term perspective when we endure professional failures and losses can be difficult, but those failures can also teach us how to do better (or at least give us entertaining stories). Few motions or cases constitute our one shot at a gold medal at the law Olympics. Perhaps that's why we call it the "practice" of law.



Anneliese Booher

by Anneliese Booher  
Salt Lake County Bar President

3. "Remember who you are." It's easy to let the moment overshadow who you are and what you value. We have all said of ourselves or another attorney, "that's just not who she is; she was acting out of character." Being a lawyer presents numerous opportunities to depart from who we really are. This is not surprising because lawyers are asked to play roles, not entirely unlike actors on a stage. But we are not actors, and these are our lives. It is worth asking ourselves from time to time whether how we practice law really reflects who we are.
4. "If you can't say something nice, don't say anything at all." This is advice we have all heard, but its importance should not be lost in its prevalence. It is worth remembering how being nice to opposing counsel and professional in our dealings can sometimes make litigation more pleasant and bolster your credibility.

Fortunately for me, it's easy to say nice things about those who served on the SLCBA Executive Committee this year. Our CLE Subcommittee—comprised of Chris Hogle, Judge Michele Christiansen, Kristine Larsen, and Clem Landau—planned well-attended events on timely issues such as gene patents, trial practice tips from current judges, and same-sex marriage. The Socials Subcommittee—Jonathan Pappasideris, Mark Kittrell, and Sam Meziani—staged an attendance record-breaking New Lawyers and Judges Reception at the Alta Club last fall, a sold-out Holiday Party last winter. They have planned what will surely be a memorable Spring Dinner and Election of Officers for May 30th at the Country Club. The Bar & Bench Subcommittee, led by Judge Julie Lund with help from Chandler Thompson, Trystan Smith, Tsutomu Johnson, and Kate Conyers, have revitalized this publication's layout and produced excellent articles.

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on

facebook

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



SLCBA  
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Group on

Linked in

Our website address!

[www.slcb.net](http://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.



*Save the Date!*  
*The Salt Lake County*  
*Bar Association*  
*Annual Spring Dinner will be held*  
*on*  
*May 30th, 2014.*  
*Watch for your invitation.*

# Judicial Profile

Tyrone E. Medley

## **Avid Golfer, Retired Judge, Mediator/Arbitrator, Role Model/Mentor**

By: Trystan Smith

### **What are you doing in your retirement?**

Retirement has been great! The best part of retirement has been re-engaging and appreciating the gift of time. The opportunity to have more control over my life's time, which can be here today and gone tomorrow is priceless. I would golf everyday if I could, however, I'm having a hard time persuading my body to go along with the program. Increasing my participation on community service boards and mentoring has been very rewarding. The simple pleasures of going for a walk, an occasional run, the movies and some travel has been a lot of fun. I underestimated the high level of personal satisfaction I get from providing mediation and arbitration services. Interacting with counsel and their clients without judicial restrictions, contributing to the voluntary resolution of legal disputes fits perfectly with my personality and provides a strong sense of making a difference.

### **Who influenced you in your professional career?**

There is no question my mother, grandmother and other Medley family members have had the greatest influence upon me in my professional career. The stable family structure I was reared in which included elements of discipline, encouragement, faith, hope and high expectations provided a strong foundation, which I continue to rely upon today. The desire to make my family proud was strong incentive and motivation to be the best I could be personally and professionally. Another significant influence in my professional career has been the opportunities and doors opened for me by a number of key decision makers in the community that I have taken advantage of. For those who took a chance on me I hope I've made them proud. Last, the invaluable lessons learned through athletic competition have molded my life and professional career.

### **What advice would you give to attorneys who want to be trial lawyers?**

Aside from the basic requirements of mastering the rules of procedure, rules of evidence and substantive law at issue, gaining actual litigation experience for the want to be trial lawyer is essential. Taking advantage of litigation oriented internships, trial court clerkships and pro bono opportunities that get you into court will provide necessary

experience. Locating experienced trial lawyers with excellent reputations who might serve as mentors or who you can observe in court would be very helpful.

### **After your historic appointment to the district court bench, what is your reaction to the absence of an African American judge sitting at the district court level?**

If you told me in 1984 when I was appointed to the circuit court bench and in 1992 when I was appointed to the district court, that upon my retirement in 2012 and now in 2014, I remain the first and only African American judge to sit at the district court level, I would not have believed that fact to be true. For me, that fact has an unbelievable ring to it. In some respects, I guess I feel responsible for this absence. Although I am certain the reasons for this absence are complicated, in the end this failure speaks volumes of how insignificant, for to many years true diversity is to the collective power stakeholders in our community. How can we be proud of this result? This problem has many layers, at the same time it is not brain surgery.

### **What did you learn from the people (the litigants) who appeared before you as a trial court judge?**

I learned when members of the public appear before a judge they deserve and appreciate a judge that treats them with respect, courtesy and dignity. I learned when members of the public, litigants are treated with respect, courtesy and dignity, that same respect, courtesy and dignity is almost always returned to the court. I learned it helps to see people as equal human beings, not from an elevated position. I learned that we the people can get ourselves in some unimaginable twists and turns that lead them into court. I learned giving second chances is important and worth it. I learned the good, out-number the bad. I learned the value of helping people is the gift that keeps on giving.

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# Judicial Profile

## J u d g e E l i z a b e t h H r u b y - M i l l s

### Judge Elizabeth Hruby- Mills

Judge Hruby-Mills was raised in Mount Holly, New Jersey, a suburb of Philadelphia. She graduated from Middlebury College with a Bachelor of Arts degree in Religion in 1984 and went on to earn a Masters degree in Counseling from the University of Vermont. After several years working as a social worker and counselor for children, she pursued law school. Having been to Utah to ski previously, and having been awarded a scholarship to the University of Utah Law School, the decision to relocate to Utah was fairly easy. She graduated in 1993 and took a position with Richards Brandt Miller Nelson where she managed a litigation practice primarily engaged in family law. Judge Hruby-Mills also dedicated time and effort to numerous legal and charitable organizations throughout the community.

Judge Hruby-Mills was appointed to the Third District bench by Governor Gary Herbert in October, 2011 and took the bench in December 2011 after Judge Fratto retired. Her courtroom is in the Matheson Courthouse. Judge Hruby-Mills presides over a predominantly criminal calendar.

She has enjoyed her new position, particularly the diversity of cases and people which come before her. Her previous experience was in the civil arena and she has appreciated the challenges of learning the mechanics of criminal cases. She is impressed at the breadth of services available to defendants in the community to address their various needs. "I continue to find sentencing offenders to be challenging, and I anticipate that I will always. There are numerous balancing interests to weigh each time." Judge Hruby-Mills has a number of civil cases to balance out her calendar which helps keep things endlessly interesting. She enjoys the wide range of cases, and notes that a day does not go by in which she does not learn something new.

She is a member of the Judicial Outreach Committee and the chair of the Divorce Education for Children subcommittee. Under her leadership, the Divorce Education program (available for children 9 to 12 years old whose parents have filed for divorce or who have divorced) has received sufficient funding to expand to more judicial districts in Utah. "This is such a great service that the court can provide. The feedback we get indicates that the children

who attend benefit in so many ways. It is a unique opportunity for kids."

For appearances in front of Judge Hruby-Mills, she offers the following advice: She would like to be provided a full set of courtesy copies when there are lengthy pleadings in advance of the hearing, and like most of her colleagues she appreciates attorneys being able to be brief and to the point. She expects litigants and their attorneys to appear on time for hearings. Having come from a private civil practice, she is cognizant of the expenses incurred by parties when court is delayed.

She has been pleasantly surprised by the civility in the interactions between most attorneys and court participants.

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Judge Hruby-Mills also appreciates the support that her judicial colleagues provide for each other. "There is such a wealth of knowledge and experience on the bench. The mentoring provided, both formally and informally, is quite remarkable." Judge Hruby-Mills has really enjoyed presiding over jury trials. She is extremely impressed with the commitment provided by our community in their jury service. Almost without exception, jurors take their roles seriously and appreciate the importance of the juror's role in our society and justice system.

In her spare time, Judge Hruby-Mills enjoys reading and spending time with her family. She is an avid gardener, keeping many of her fellow judges and court staff sated with tomatoes, berries, squash, melon and eggplant. Physical activity is also a priority and she exercises her large dogs, a Chow-retriever mix and Belgian Tervuren mix, daily.

## Restaurant Review

Where to Go In Our Town...



By Kate Conyers

### .... For a quick lunch with a satisfying lunch deal:

**Bourbon Street:** 19 East 200 South (basement of Walker bldg.): Features daily food specials, including my favorite, the Turkey, Green Apple & Brie sandwich, 50% off on Tuesdays, or its famous Juicy Lucy burger, buy one get one free on Wednesdays.

**Cindy Lee Cafe,** 264 South Main; Serving a variety of Chinese and Vietnamese cuisine, Cindy Lee's gets my vote for best Pho (\$6) in downtown SLC.

**Cupbop Food Truck,** Gallivan Avenue (Part of Gallivan Food Truck Thursday): A new twist on Korean BBQ. Try the bulgogi or the combo (\$7.50-\$8.50) at level 7.5 spiciness, and if you are hungry enough, add mandoo (dumplings with kimchee and sauce) (\$1 extra)

**Curry Fried Chicken,** 660 South State: Curries and fried chicken come together on the famous Curry Fried Chicken Plate (\$10).

Other favorites include the grilled tandoori chicken plate (\$10), curry fried fish plate (\$10), doner pita wrap (\$6.49), and samosas (\$1).

**Este Pizzeria,** 156 East 200 South: Two slices of New York style pizza and a drink for \$5! Pizza flavors of the week and vegetarian/vegan options.

**Himalayan Kitchen,** 360 South State: Voted Best Indian food by many sources, this restaurant features a delicious lunch buffet you won't forget (\$10).

**Michelangelo's on Main,** 132 South Main: Daily specials at this Italian joint include pasta or a sandwich that comes with a choice of soup, salad or fries (\$7).

**Siegfried's Delicatessen,** 20 West 200 South: A German deli with authentic taste serving staples like weinersnitzel (\$8.49) and bratwurst (\$7).

**Stoneground Kitchen,** 249 East 400 South: Tasty lunch specials include pizza, soup or pasta that all come with a house salad and a drink (\$6-\$9). The Spaghetti Marinara is simple but delicious.

**The Green Pig,** 31 East 400 South: \$5 lunch specials include entrées like the chicken fiesta salad or BLT sandwich and a cup of soup.

**Toaster's,** 30 East 300 South: Voted City Weekly's Best Sandwiches in 2012, Toaster's lunch specials feature an 8oz Bowl of Soup of the Day, half sandwich of your choice, Chips and a 16oz drink.

## Restaurant Review

Where to Go In Our Town...

### .... For happy hour with clients or colleagues:

**Bar X**, 155 East 200 South (drinks only, until its new “Beer Bar” next door opens in March): Signature cocktails include old and new classics like the Old Pal, made with rye whiskey, dry vermouth, Campari and an orange twist (\$9). Drink menu changes occasionally, but cocktails are always \$9 and always worth the wait.

**Bodega’s The Rest**, 331 South Main, 801-532-4452 (reservation required): Appetizers include confit chicken wings (\$10) and crab cakes (\$15). Classic cocktails include French 75, made with gin, lemon juice, simple syrup and sparkling wine (\$11).

**Caffe Molise’s BTG Wine Bar**, 63 W. 100 South: Appetizers big enough to share like the simple yet satisfying homemade polenta (\$10). All wine available by the glass starting with 2 ounce pours.

**Eva**, 317 South Main Street: Happy hour menu includes small plate specials like sautéed brussel sprouts (\$5) and glazed pork ribs (\$5) and tasty cocktails like the Gingerly Pilgrim, made with pear-ginger syrup and Tanqueray topped with champagne (\$8).

**Flemings Steakhouse**, 20 South 400 West (Gateway): Although Flemings’ bar is small, it worth a visit for its 5 for \$6 ‘Til 7 menu that includes 5 cocktails, 5 wines by the glass, and 5 appetizers for \$6 each, served in the bar until 7pm.

**Gracies**, 326 South West Temple: Great tapas like angus sliders (\$1-\$6), Caprese sliders (\$4),

and pita bread with hummus (\$3). And for a crowd pleaser, don’t forget the nachos (\$9).

**Whiskey Street**, 323 S. Main Street: Delectable appetizers include Parmesan Truffle Fries (\$6) and Roasted Shisito Pepper Poppers (\$7). Specialty cocktails include one of my new favorites, a New York Sour (a Whiskey sour with a red wine floater) (\$9).

Email Kate Conyers, [kconyers@sllda.com](mailto:kconyers@sllda.com), with ideas for topics or places to include in future articles. Please note that no consideration was given or received for inclusion in this article.



## Book Review

## Tomorrow's Lawyers

Richard Susskind's most recent book, *Tomorrow's Lawyers* (Oxford University Press, 2013) presents a disconcerting picture for civil law firm practitioners in the coming decades. Although offered in the positive light of opportunity, there can be no mistake that he believes most civil commercial law firms will cease to exist, at least in anything resembling their current form, and that the future legal market will never accommodate the number of current law school graduates.

Susskind organizes his book into three parts. The first is a restatement of his 2008 book, *The End of Lawyers?*, and describes how three primary drivers will reshape the practice of civil law: "the 'more-for-less' challenge," liberalization of the legal monopoly, and information technology. He opines that the increasing needs from in-house legal departments cannot be met by the traditional means, including primarily the high-cost / low-value attorney training systems traditionally employed by commercial law firms. He argues these increasing needs can only be met by increases in efficiency through the commoditization and computerization of the components of legal work and collaboration between clients facing common legal problems.

The second part describes his predictions for the new "legal landscape," including the elimination of the traditional partner-associate pyramid profit model. Susskind does not deny that those who provide certain "bespoke" legal services, such as oral advocacy and trial work, will continue to do so. But he predicts the legal business at large shifting into a contractor / project manager role, with lawyers crafting legal strategy and managing its implementation by lower cost service providers, providing computerized access to routine legal work, and advising clients in legal avoidance and risk management. In the words of Theodore Levitt, "lawyers will have to plot the obsolescence of what now produces their livelihood."

The third part focuses on the new legal occupations in this new landscape. He envisions young lawyers, working for global accounting firms, legal publishers, or "new-look law firms," developing systems to computerize access to legal knowledge, analyzing, sub-dividing, and managing the various commoditized aspects of legal service, practicing online dispute resolution, and consulting in-house legal

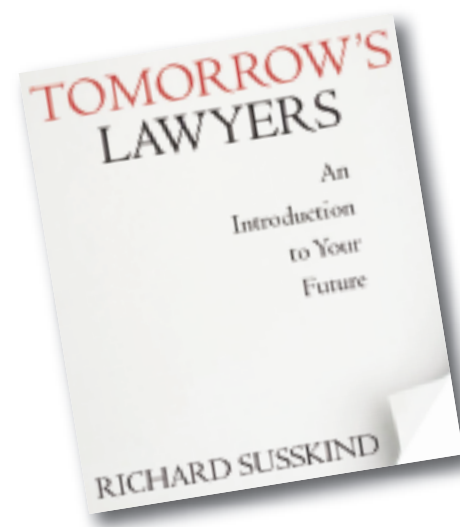
departments.

Lawyers who have worked for large corporate clients have already seen some of the changes described in Susskind's book, particularly the use of lower-cost human beings in the discovery process. And no one who has practiced civil law would deny the friction between the services demanded by clients and the cost inevitably incurred for those services in the current model. His book is largely written for lawyers who intend to still be working in 20 years, including what he describes as the "disconcerted and nervous" recent partner class, who desire to capitalize on their education and experience by adapting to the coming changes, but who fear short-term profitability interests trump long term strategic needs in their current firms.

In the end, the changes described by Susskind are hardly different than the changes wrought by technology, the internet, and shareholder demands in most other industries. And the idea that lawyers are different because of their peculiar knowledge, education, or skill is one that should probably be discarded. "For those aspiring lawyers who hoped for a career akin to that enjoyed by lawyers of their parents' generation, they will be disappointed. For those who seek new opportunities and wish to participate in bringing about the advances that [he] predict[s] in this book, [he] believe[s] there

has never been a more exciting time."

"lawyers will have to plot the obsolescence of what now produces their livelihood."



# President's Message

C o n t i n u e d

**(Continued from Page 1)**

Our Art and the Law Subcommittee, Jennifer Mastrorocco and Jack Nelson, ably organized our annual Law Day-centered art competition for area elementary and middle school students, garnering nearly 100 submissions. Aida Neimarlija and Lauren Shurman continue to do a fantastic job on our Membership, Public Relations and Social Media Subcommittee, keeping our Facebook, Twitter, and web presence up to date. This year, the SLCBA focused on its history, records, and internal organization. Rita Cornish went above and beyond as a one-woman Records and

History Subcommittee, providing invaluable help evaluating and organizing numerous records and updating our corporate documents. The efforts of these Subcommittee members, together with the advice and help of past-President Judge Robert Shelby, Vice-President Amy Sorenson, Secretary Shane Hillman, and Treasurer Bart Johnsen have made this year one for the books.

# Judicial Profile

C o n t i n u e d

**(Continued from Page 4)**

**Does the jury system still work? Is it still the best way for us to resolve disputes?**

I remain convinced our jury system works exceptionally well. Based on my experience, the collective judgment, wisdom and decisions rendered by Utah juries is almost always consistent with the law, evidence and common sense; albeit generally, jury verdicts in personal injury cases have been relatively conservative even when the evidence was capable of supporting a larger verdict. Jurors take their role and responsibilities very seriously, they are carefully attentive to the evidence, instructions, arguments of counsel and at the end of trial are always more appreciative, enlightened and proud of the effectiveness of the jury trial system. It is important to note that once all the interests of the parties have been evaluated, including the merit or lack thereof the competing claims, the economics of litigating the case to a jury trial and possible appeal, arbitration or mediation may be the best cost effective method to resolve the dispute.

**Any humorous court room stories you could share?**

I was presiding over a landlord tenant possession hearing. The plaintiff landlord was represented by counsel and the two defendant tenants were pro se. Plaintiff's counsel called two witnesses, a constable who was on the witness stand for approximately 10 minutes and plaintiff who was on the witness stand for approximately 15 minutes. After

each of the two witnesses was placed under oath I directed them to have a seat on the witness stand. I noticed from my peripheral vision that each witness hesitated taking their seats, consequently I directed each of them again to please be seated. After the constable testified, he was excused. At the conclusion of plaintiff's testimony, I asked the parties if they had any additional questions for the witness. I did not receive a response so I directed the plaintiff to step down from the witness stand. When plaintiff stood and started to step down from the witness stand, his lawyer stood and indicated that he had a few additional questions for his client. I turned to plaintiff and directed him to re-take his seat on the witness stand. Once again the plaintiff hesitated then he looked up at me and said, ' Do I have to kneel down again '? That's right; there was never a chair on the witness stand. I turned to my bailiff and told her it was her job to make sure there was a chair on the witness stand. My bailiff with her quick wit replied, 'it might be my job but that just goes to show you how afraid the witnesses are of you because the witnesses will kneel down on the floor to give their testimony.'

**What more should us lawyers in the Salt Lake County Bar do to help the profession?**

I am strong advocate of the Utah Standards of Professionalism and Civility. Civility is an important component of professional integrity and development of our profession. I would encourage the SL County Bar to master and abide by the USPC.