

Profile of Judge Denise Lindberg

By Kari E. McCulloch

Judge Denise Posse Lindberg is one of the newest judges sitting in the Third District for Salt Lake County. Judge Lindberg was sworn in on November 20, 1998 and currently, she hears primarily misdemeanor criminal and civil cases in West Valley City. Judge Lindberg brings a breadth of life experience, an insight into human nature, and a library of post-graduate degrees to the Third District Court. Judge Lindberg has a sign in her home that states "Learning Never Ends," and a review of her extensive educational and professional background reveals that she lives by this credo.

Judge Lindberg was born in Cuba, but like many Cuban families of the day, her family left the country in the early 60s to escape the Castro regime. Judge Lindberg left Cuba at age ten, lived in Puerto Rico until she was thirteen, and then moved to New York where she attended high school. Judge Lindberg then made her way west to Utah to attend Brigham Young University.

Judge Lindberg graduated from Brigham Young University with a B.A. in Communications in 1970. She attended graduate school at the University of Utah, where she received a M.S. in Educational Psychology in 1973, a M.S.W. (Social Work) in 1979, and a Ph.D. in Health Sciences in 1980. While she was conducting her graduate studies, Judge Lindberg was a practicing social worker in the Salt Lake City area.

After receiving her doctorate degree, Judge Lindberg worked for the Utah State Office of Education from 1980-85. Among other duties, she worked on legislative matters for the state school office. This position gave Judge Lindberg exposure to lawyers, and she became intrigued with the way lawyers approached problems. She observed that she "liked thinking like a lawyer" and in true Judge Lindberg fashion, she decided to hit the books and go to law school.

Judge Lindberg received her J.D. from Brigham Young University in 1988. Thereafter, she completed two prestigious judicial clerkships. In 1989-89 Judge Lindberg clerked for the Honorable Monroe G. McKay of the U.S. Court of Appeals for the Tenth Circuit. From 1989-90, while her husband completed

his third year of law school at BYU, Judge Lindberg was an associate with the Washington, D.C. office of Sidley & Austin. Dividing her time between Washington, D.C. and Provo, Utah, she worked closely with former Solicitor General and BYU President Rex E. Lee on various appellate and civil litigation matters.

Following her husband's graduation, the family moved to the D.C. area while Judge Lindberg clerked at the United States Supreme Court for Justice Sandra Day O'Connor during the 1990-91 term. Judge Lindberg was one of four law clerks for Justice O'Connor, and of course, the clerkship involved long hours and intellectual challenges. When asked what that experience was like, Judge Lindberg simply stated "it was an incredible experience!" Not surprisingly, it is during this clerkship that Judge Lindberg decided she would like to become a judge.

Upon finishing her clerkship with the Court, Judge Lindberg then moved to the Washington, D.C. office of Hogan & Hartson, where she continued to do appellate work, but began focusing her practice in the area of health care law. Health care issues have always been a passion of Judge Lindberg. While with Hogan & Hartson, Judge Lindberg worked on regulatory health care law, health care reform legislation, Medicaid fraud and abuse defense, and other health care related issues.

In 1995 the family decided it was time to return to the West. Judge Lindberg accepted a position as General Counsel to Human Affairs International, a Salt Lake City-based subsidiary of Aetna Life & Casualty Company. Human Affairs International provided managed behavioral health care services nationally and internationally.

As in-house counsel, Judge Lindberg found she had fewer opportunities to interact daily with members of the Bar. Consequently, Judge Lindberg has been involved with several Utah Bar Committees. She currently serves as co-chair of the Legal/Health Care Committee, and as a member of the Courts & Judges and Legislative Affairs Committees. She also serves as a member of the board of Women Lawyers of Utah. In her new position as Third District Court Judge,



Judge Denise Lindberg

Judge Lindberg is looking forward to getting to know the members of the Bar and interacting with them on a daily basis.

Judge Lindberg is married to Neil Alan Lindberg, also a member of the Utah Bar. They have two married sons, Brooks, 26, and Van, 22. Judge Lindberg awaits yet more learning experiences as a grandmother-- both couples are expecting children, one due in March and the other in July.

Judge Lindberg feels that her experiences as an immigrant, her experiences in health care and social work, and her experiences as a lawyer who has worked with civil, criminal and appellate matters, give her a unique insight and perspective to the many different people coming before her court. She has a sincere excitement in her voice when she speaks of the opportunities that await her as a trial court judge. Judge Lindberg recognizes that new judges face a learning curve as they expand their realm of knowledge into formerly unfamiliar areas of law. Judge Lindberg is looking forward to increasing her realm of knowledge and becoming acquainted with more members of the Bar. Judge Lindberg also understands that her motto "Learning Never Ends" is particularly appropriate for her new position as a trial court judge.

recall the confusion that occurred when we moved into the new building and at the same time consolidated our calendars. Although we greatly appreciated the Bar's patience during that time, we realize that it caused much confusion and aggravation among some members of the bar. We hope that we learned something from that exercise and we are committed to minimize the kinds of problems we experienced at that time.

We are now working on a plan that we hope will make the transition as smooth as possible. By the time you read this article we, hopefully, will have announced the details of the plan. Our goal is to have the divisions fully in place no later than July 1, 1999, and we are committed to make the transition with a minimum amount of confusion and disruption.

As a final note let me say that this new plan was not approved by a unanimous vote of judges. Some judges have honest differences of opinion on one or more fundamental aspects of the plan. But all of the judges, including those voting against it, have gotten behind the proposal and have given much time and effort to fine tune the proposal and to do everything possible to ensure that it works efficiently and in the best interests of the public.

There will be unanticipated difficulties to be sure. But we will always welcome the suggestions and constructive criticisms of the Bar. We hope that the Bar will understand that this plan will not be "all things to all people." Obviously we cannot design a system that meets all the needs and preferences of all segments of the Bar and Bench. We all will undoubtedly have objections to one or more aspects of the plan. But on balance we are confident that it will better meet the needs of the Bar and the public, than the current system.

This has been both a trying and an exciting time for us and we have appreciated your patience and cooperation as we have worked through some of the changes that we are experiencing.

If you have any suggestions or comments please direct them to Judge Frank G. Noel at 450 South State, Salt Lake City, Utah 84111, telephone # 238-7057 or judgen@email.utcourts.gov.

Notice to the Bar Concerning Reassignment of Criminal and Civil Cases

Since the submission of my article explaining the reorganization of the Third District Court we have adopted a plan of transition. This notice will attempt to outline the basics of that plan. Presently there are 17 judges involved in the transition to the criminal and civil divisions. There will be 9 criminal and 8 civil judges. Each criminal judge will be paired with a civil judge (with the exception of Judge Hilder, who is assigned to a domestic violence calendar and has no civil cases now pending). On July 1 the criminal judge will automatically be assigned all the criminal cases then pending on his/her paired civil judge's workload inventory. Likewise the civil judge will automatically be assigned all the civil cases then pending on his/her paired criminal judges workload inventory.

The pairings for judges are as follows:

<u>Criminal</u>	<u>Civil</u>
Fuchs	Peuler
Atherton	Henriod
Reese	Noel
Livingston	Iwasaki
Dever	Bohling
Barrett	Medley
Quinn	Thorne
McCleve	Nehring
Hilder	

For example, on and after July 1, 1999, any civil matters you now have pending before Judge Fuchs will be reassigned to Judge Peuler. Any criminal cases pending before Judge Peuler on that date will then be assigned to Judge Fuchs and so on. In effect, the criminal and civil paired judges are simply exchanging criminal and civil calendars. While you may receive in the mail a formal notice of the reassignment we intend for this article to also serve as notice of the reassignment for most cases. (Those judges who have elected to maintain their pre-consolidation calendars will not be directly affected by the change to divisions and their cases will not be reassigned. Those judges include: Judge Frederick, Judge Hanson, Judge Lewis, Judge Stirba, Judge Wilkinson and Judge Young.)

We have endeavored to make this transition so that any trial settings you now have after July 1, 1999 will be maintained but with the new judge. There may be exceptions to this rule.

If, by virtue of this plan any case is reassigned to a judge that has previously been disqualified from serving on the case for cause, such as pursuant to Rule 63 of the Rules of Civil Procedure or Rule 29 of the Rules of Criminal Procedure, or a voluntary recusal, or has been reassigned to a judge that was changed as a matter of right under Rule 63A of the Rules of Civil Procedure or Rule 29A of the Rules of Criminal Procedure, then that fact should be brought to the attention of the presiding judge as soon as reasonably possible so the case can be reassigned.

Prior to July 1, 1999, judges will continue to handle cases they are now assigned, both criminal and civil. Exceptions to this will be by agreement between the paired judges. Accordingly there may be some reassignment of individual cases to the appropriate judge prior to July 1. You will be notified of any such reassignment. Again, we are committed to maintain current trial settings so any reassignment will not result in a case being continued.

If, between now and July 1, a judge sets a trial date outside of his/her assigned division and it cannot be heard before July 1, then it will be set on the calendar of the appropriate paired judge. You may be asked, in that event, to contact the clerk of the paired judge for the trial setting.

Finally, at an appropriate time between now and July 1, we will stop assigning newly filed criminal cases to civil judges and newly filed civil cases to criminal judges. This is intended to substantially reduce the number of cases that will need reassignment on July 1.

Obviously there will be unanticipated problems, but we hope that these procedures will result in a relatively smooth transition to the new division system in July.

*Judge Frank G. Noel
Presiding Judge, Third District Court.*