

BRUCE LUBECK

by Robert O. Rice*



To describe Third District Court Judge Bruce C. Lubeck's professional career, one might rely heavily on words like "endurance" and "stamina." First, there were the thirty years of legal practice, starting out as a legal defender, followed by a stint in private practice and next, twenty years of service at the U.S. Attorney's Office. There were the hundreds of trials – too many to precisely count. Then there was the running – twenty marathons, a grueling fifty mile race, the hundreds of miles logged at lunch or before breakfast. After all that, many lawyers would be forgiven for slowing the pace a bit, maybe even retiring. Judge Lubeck, however, has hardly broken stride.

"I've been a litigant for many years and I just wanted to stay with the law," Judge Lubeck explained about his decision to begin a fourth decade of legal practice as a Third District Court Judge.

Governor Mike Leavitt appointed Judge Lubeck to the bench in March, 2001, filling a vacancy left by retiring Judge Homer F. Wilkinson. After briefly touching down at the Third District's downtown location this summer, Judge Lubeck recently relocated to the Third District's Murray courthouse. While Judge Lubeck by now has unpacked the moving crates, he might consider keeping his running shoes laced up. The Third District's newest judge describes a hectic schedule in Murray with a calendar brimming with criminal matters and a full complement of civil cases inherited from Judge Michael K. Burton, who has moved to the Salt Lake City courthouse.

Judge Lubeck graduated from the University of Utah in College of Law in 1971. "I was five," he joked, "so I'm only thirty-five now." He was sworn into the Bar in October of that same year and began his legal career as a public defender "as a way to do good for people." In 1981, he became an Assistant United States Attorney for the District of Utah. He spent twenty years there, most recently heading the Narcotics Section and leading the 1981, he became an Assistant United States Attorney for the District of Utah. He spent twenty years there, most recently heading the Narcotics Section and leading the Organized Crime Drug Enforcement Task Force for the U.S. Attorney's Office before donning a black robe.

Not surprisingly, three decades of trial practice has prepared Judge Lubeck well for his new position. "I certainly don't think I'm here to change anything or fix anything, but what I did for thirty years was try a lot of cases. I hope I know how to run a court room," he said. Translation: Come to Judge Lubeck's court with a good sense of procedure, a firm grip on the rules of evidence and a strategy for quickly getting to the point because looking down from the bench Judge Lubeck sees familiar territory.

The transition from lawyer to judge, however, has not been without its adjustments. Chiefly, Judge Lubeck is surprised by the magnitude of it all. "I went to court a lot through the years and I sometimes took the judges for granted," he said, "but I have found, to my surprise, this is much more difficult than I thought it would be." Take sentencing, for example. On the one hand, dealing with an "extraordinarily serious crime" is a relatively easy judicial task. At other times, however, Judge Lubeck admits to "struggling harder than I thought I would with what to do in any given situation." Moreover, in the wide array of litigation matters that come before him, Judge Lubeck is struck by how seriously the parties take their respective positions. "I'm nothing special, but it's a frightening feeling to realize you are making decisions that have such a direct impact on people's lives," he said.

There are other, less profound, issues that Judge Lubeck has confronted, issues that perhaps grow out of his thirty years of maintaining a tightly-scheduled and hectic trial practice. For example, "no one seems to be overly concerned with really staying on time," Judge Lubeck said. Now presiding over calendar calls that sometimes contain scores of matters in a single morning, Judge Lubeck confesses,

albeit politely, to some degree of consternation when counsel do not keep to a schedule. "I know they're not out golfing at 8:00, but you know, 9:00 means 9:00," he said. Let it be known, then, that a 9:00 a.m. hearing in Judge Lubeck's courtroom means "you're ready to go at 9:00," not that you're at the courthouse or talking to opposing counsel at that hour.

Judge Lubeck also encourages litigants to plow more ground before bringing matters to the Court's attention. Not every dispute should end up on the Court's docket, and those that do should at least be the product of the parties' attempts to whittle disputed issues down to the bare minimum. "What I would hope and expect is that they do a little more work before Court in order to resolve things. It's astounding how many times the lawyers tell me they haven't talked until today, until it's time for the court," he said. Instead, the Judge advises counsel to "talk sooner. When you come to Court, be prepared for what is really important and highlight the issues."

Away from the bench, Judge Lubeck spends time with his five children, four grandchildren and wife, Karen, of 32 years. None of his progeny are currently pursuing legal careers, though one son has made a few inquiries about his father's profession. In addition to his family life, Judge Lubeck tends his yard and flips the pages of an occasional history novel. Finally, his trim figure belies the fact that his court calendar has infringed substantially on his running schedule. Nonetheless, Judge Lubeck still finds time to pound the pavement in his favorite running shoes.

During his days as a lawyer, Judge Lubeck also shared his vast experience as a U.S. Attorney with others. He taught short courses in seminars dealing with law enforcement topics to federal investigative agencies, including the Federal Bureau of Investigation, Secret Service and Drug Enforcement Administration. He also taught various law courses at the University of Utah, Westminster College, and Salt Lake Community College. In addition to his law degree, he received his Bachelor of Arts in Psychology from the University of Utah.

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