



Judge Robin W. Reese

By David L. Pinkston

Judge Reese graciously consented to this interview. Beyond his background, experience, and qualifications, this brief article tries to reach into Judge Reese's thinking, for the benefit of the bar. For those who spend time and energy requesting things of judges on behalf of others, it seems reasonable to spend a little time and energy understanding something about those judges—their concerns, philosophies, and feelings about the way litigation should be handled—in and out of the courtroom.

Q: What professional (or unprofessional) practices have you seen in your courtroom that you would like to see come to an end?

A: Our courts in Division II are typically "high volume." That usually means that some lawyers and litigants must wait for some time before they are heard. That also means that some lawyers occasionally try to negotiate with the clerk for preferential position on the calendar. Sometimes a little courtesy and patience can actually help a client's cause. As a further courtesy to the court, it seems sensible that if a lawyer is going to be late, he or she should notify the court, especially on the criminal calendar.

Q: What practices would you like to see more often?

JUDGE ROBIN W. REESE, Third District Judge, was appointed to the bench in 1987 by Governor Bangerter. Judge Reese graduated from the University of Utah Law School in 1980, spent a year or two in private practice, and worked for the Salt Lake County Attorney's office from 1981 to 1987.

A: I am most appreciative of lawyers who are thoroughly prepared with their cases before they come to court — those who have read the cases, understand the arguments, and are prepared to answer questions regarding what they have written in the memoranda. I also appreciate lawyers who do not attempt to recite the complete content of their memoranda during oral argument. I have usually read all the relevant documents and am familiar enough with the case that the repetition is unnecessary. If an attorney has nothing additional to add on oral argument, I would prefer that counsel either say "I have nothing further to add," or simply give a summary of the highlights. Lawyers should not attempt to raise new issues for the first time at oral argument. It would also be helpful if, at the beginning of oral argument, a lawyer would simply ask if I have any questions or concerns about specific issues in the case. That way, we could get right to the heart of the matter quickly and

more efficiently.

One trend that is becoming more common is the tendency of some litigants and lawyers—especially in smaller dollar-value cases—to spend more on attorney's fees than the amount in controversy. Parties and their counsel would be wise to spend more time and energy in coming up with practical, efficient solutions rather than making the lawsuit into a personal vendetta. Sometimes thoroughly litigating a case to its ultimate end does more of a disservice to the client than simply working toward a practical solution.

By the same token, I realize that every case that comes before this court is important to the litigants or the criminal defendants, and the stakes are quite high for them. As such, it is important that all the "officers of the court" treat that case as important, no matter how much is at issue. However, much of the clients' resources could be preserved if counsel would look to solutions rather than strategy in some cases.

Q: Experts indicate that Utah's crime rate is climbing, but its incarceration rate is one of the lowest in the nation. To what do you attribute that trend and how can the bench and bar help "turn the tide?"

A: I really can't comment on the accuracy of statistics or, if they are true, the

reasons for Utah's ranking. With respect to the second part of your question, however, I would agree that there is a serious problem in Salt Lake County with jail bed availability. It is frustrating for judges, and I am sure attorneys and law enforcement as well, that there is such a severe shortage of jail space. It is not unusual, for example, to have a person arrested and being held for either a felony or misdemeanor to be released from jail prior to final adjudication of the case because the jail is overcrowded. Frequently, the person so released not only fails to make the court appearance but commits new crimes as well and is eventually re-arrested on the initial case and for the new crimes. Often this person is then released again because of overcrowding before any of the cases can be adjudicated to completion, and the same pattern continues over and over. While the lack of jail space is a serious problem, a related and equally serious one is the lack of probation resources for those who are sentenced and eligible for probation. There are long waiting lists at alcohol, drug, and mental health facilities, espe-

cially those that will treat the indigent offenders. This lack of jail space and lack of probation services is a problem that needs to be solved as our community continues to grow.

Q: What is one of your most memorable experiences on the bench?

A: After ten years on the bench as both a Circuit and now a District Court judge, it is very difficult for me to select one or even

two experiences as the most memorable. I have enjoyed, however, my time on the bench and working with all of my colleagues in the District Court. I would like to comment favorably as well on the caliber of attorneys who appear in my court. As a general rule, they are well prepared, very capable, and represent the interests of their clients well.

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