

## **MAGISTRATE JUDGE BROOKE WELLS**

*by Jonathan O. Hafen*

Judge Brooke Wells was raised in Oklahoma. Her life's path lead her to Salt Lake City, where she worked as a secretary for Randy Dryer when Mr. Dryer was the University of Utah's Student Body President at the tender age of nineteen. Judge Wells had always wanted to attend law school but believed that door was not open to her. At that time, she did not have an undergraduate degree or the money to attend law school.



With Mr. Dryer's strong encouragement, she completed her undergraduate degree by attending classes part time. Again, with Mr. Dryer's encouragement, she applied to law school. Because of her financial situation, she only applied to the University of Utah.

She was put on the University of Utah's wait list, but received a very thin envelope rejecting her application. Undaunted by this setback, Mr. Dryer physically took her to the law school admissions office and told her she needed to go in and tell the director to keep her on the wait list until the day before school started just in case a spot opened up. Just before classes started, she received a significantly fatter envelope admitting her to law school.

Following graduation, she spent three years as a legal services lawyer in San Antonio, Texas. She then returned to Utah and worked with the Salt Lake Legal Defenders Office for fifteen years. Scott Matheson hired her as an Assistant United States Attorney, where she worked for eight and a half years. Eventually, she became Chief of the Violent Crimes Division. Changing from a defense lawyer in the state courts to a prosecutor in the federal court system required Judge Wells to conquer a significant learning curve.

On June 4, 2003, Judge Wells faced yet another learning curve—that of becoming a federal magistrate judge.

Prior to becoming a judge, Judge Wells had not fully understood the magnitude of personal responsibility in making decisions which significantly affect litigants' lives. She takes this responsibility very seriously.

Judge Wells hears civil matters in the morning and criminal matters in the afternoon. This process works well, because approximately 50% of her cases are criminal and 50% civil. About half of the time she spends on civil matters is discovery-related.

Regarding discovery, Judge Wells believes that litigants often bring to court disagreements which they should be able to resolve themselves. Nevertheless, when presented with a discovery dispute, Judge Wells tries very hard to understand the nature of the case and the positions of the parties prior to issuing a ruling.

Judge Wells has been amazed at the numerous requests for leave to file overlength briefs. She believes that litigants spend too much time repeating identical arguments and using up too much paper in the process. She also prefers that exhibits be referenced if they have been attached to previous pleadings, rather than attaching the same exhibits over and over again.

Overall, she believes that litigants should place a greater emphasis on clarity and brevity in their pleadings and in their arguments rather than trying to win on sheer volume.

She counsels litigants appearing in front of her to never make a misrepresentation to the court, because personal integrity is at stake.

She also counsels litigants appearing before her to never negatively characterize someone else's behavior or positions. Judge Wells starts with the assumption of good faith by counsel and parties and allows the facts to prove otherwise rather than strained interpretations of conduct.

Judge Wells has one full-time law clerk, Matthew Willey. She has high praise for Mr. Willey, not only for his ability to assist her with her case load, but also for his skills with technology. Judy Drew is Judge Wells' judicial assistant, and her case manager is Amy Pehrson. If counsel wishes to contact Judge Wells, the best way to do so is to contact Judy Drew.

Judge Wells is the Federal Court liaison to the Utah State Supreme Court Advisory Committee on professionalism. Judge Wells feels that lawyers practicing in federal court should adopt the same standards of professionalism advocated by that advisory committee.

As a couple of final practice pointers, Judge Wells advises that practitioners not request an emergency hearing unless it is really an emergency. Given her crowded schedule, it is very difficult for Judge Wells to accommodate emergency requests, particularly where there is no real urgency.

Finally, Judge Wells advises practitioners that gum in her courtroom is taboo. She views it as unprofessional. In addition to looking ridiculous (can you picture a judge chewing gum on the bench?), it is hard for Judge Wells to understand what practitioners are telling her while chewing on a wad of gum.