

Justice Christine M. Durham – A Passion for Public Good

by Keith A. Call

“Work hard, be professional and civil, take pride and joy in what you do.”

– Justice Christine Durham, Advice to Newly Admitted Female Members of the Utah State Bar

I do not know Justice Durham well. But her mark on my life as a lawyer in Utah is profound. To me, Justice Durham will always stand as a model of someone who uses her legal training for the betterment of the law and society. Among many other things, the Utah State Bar is far better off because of Justice Durham’s immense work in the areas of civility, training, and education.

In 2006, while Justice Durham was serving as Chief Justice, the Utah Supreme Court adopted the Utah Standards of Professionalism and Civility. Those standards have had a major impact on my own practice of law, and probably yours too. At the time of adoption, Justice Durham wrote:

Our profession has by tradition been a learned and respected one, but respect must be constantly earned and deserved. Public trust and confidence in the American system of justice depend in significant part on the integrity and high standards of professional behavior to which every lawyer (and judge) should aspire.

Christine M. Durham, *Promoting the Standards of Professionalism and Civility*, 19 UTAH B.J. 8, 8 (Nov/Dec. 2006).

These are words to live by. And by all accounts, Justice Durham has lived by them. In 2007, the National Center for State Courts gave Justice Durham its William H. Rehnquist Award for Judicial Excellence. This is one of the most prestigious judicial awards in the country and recognizes judges who display the highest level of fairness, integrity, and professional ethics. A year later, Utah Valley University’s Center for the Study of Ethics recognized

Justice Durham with its Excellence in Ethics Award.

Justice Durham has been a passionate advocate for judicial and civil education. In a 2008 op-ed piece published in the *Salt Lake Tribune*, Justice Durham wrote:

While our leaders have an obligation to address [many] challenges, the responsibility cannot lie with them alone. Our students are America’s future leaders, and – more importantly – America’s future citizens. What can we do to instill in them the habits of engaged and informed citizenship? One answer lies in civic education. . . . By teaching civics to every student, our future citizens will acquire the knowledge and dispositions that self-government demands.

Christine M. Durham, *Stronger Civics Education Would Aid American Citizens and Democracy*, SALT LAKE TRIB., Sep. 15, 2008, available at http://civicmission.s3.amazonaws.com/118/14/6/218/OpEd-Stronger_civics_education_would_aid_American_citizens_and_democracy.pdf.

Among many, many civil appointments, Justice Durham served on (and in some cases co-founded) the Rand Corporation’s Institute for Civil Justice, the Leadership Institute in Judicial Education, the Utah Coalition for Civic Character and Service Education, the Utah Commission for Civic Education, and the ABA’s Task Force on the Future of Legal Education.

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Justice Durham was also instrumental in spearheading the bar's New Lawyer Training Program (NLTP), which the bar adopted in 2009 while she was Chief Justice. The NLTP was formed after Justice Durham suggested the bar look at ways to address the difficulties new lawyers face and the perception that civility was eroding. See Marie Mischel, *Mentoring Helps Transition from Law School to Practice*, UTAH BUSINESS (Nov. 1, 2009).

She magnificently guided all Utah courts through one of the greatest challenges in many decades – the great recession of 2008–09. During the 2009 legislative session, Utah courts were facing a 20% budget cut, while experiencing a 15% increase in filings. Due in large measure to Justice Durham's efforts, the judicial branch suffered "only" a 5.5% budget cut. A passionate advocate for access to justice, Justice Durham was determined to find ways to deliver better judicial services using less money. She oversaw many significant changes, including digital recordings of hearings, reorganization of court clerk operations, shifting judicial resources, and electronic case filings. The Utah court system became a model for the nation. See generally Christine M. Durham, *Reaping Benefits and Paying the Price for Good Business Decisions: Utah's Reengineering Experience, Future Trends in State*

Courts, National Center for State Courts, 42 (2010).

In her judicial decisions, Justice Durham often faced offensive, inflammatory, and emotionally-charged facts and circumstances. Even in these difficult cases, her written opinions are characterized by analytical thinking, adherence to the rule of law, and complete respect. In one particularly difficult disciplinary case, she wrote, "In order for the disciplinary rules to achieve their goal of uniform application, district courts must strictly adhere to the analytical framework set forth in the rules." *In re Discipline of Tanner*, 960 P.2d 399, 403 (Utah 1998).

A 1,000-word column on ethics and civility could never begin to capture this Giant's contributions to the body, life, and soul of the law. Justice Durham's impact is not just limited to the Utah State Bar or the State of Utah. Her impact on the national legal community, and the nation and world at large, cannot be overlooked. Nationally, she is among the most prominent and well-respected judges of our time. But Justice Durham's most profound impact is on the lives of the hundreds of *individuals* who are better lawyers and better people because of her work and example. Like me.