

**Municipal Court Judge
Verbal Interview Questions**

1. Tell us about yourself. Why is it a good idea for the City Council to appoint you as Municipal Court Judge? What useful experience, knowledge, or perspective do you bring?

A little bit about myself, I was born as an Air Force brat and as a result travelled quite a bit during my childhood. My family's home was always in Montana, specifically the Bitterroot; I always considered it home. When I graduated from college in 1975, I entered the U.S. Coast Guard, spent a tour in there and then began looking for another career, another endeavor and for reasons I can't really remember, I was interested in law school and the one state where I could claim residency was Montana. I applied to the University of Montana Law School and was accepted and actually completed it and was admitted to the Bar in 1982. First job out of law school, as you can tell by my resume, was I was a law clerk for Justice Shea on the Montana Supreme Court; that's a one-year position. After which I was a Deputy City Attorney for about six years. At that time, I believe Mr. Childers was still the City Treasurer, across the hall. And upon leaving that employment, and I had left just to enter the private practice of law, I was with the firm formerly known as Worden, Thane and Haines. Now it's Worden, Thane, I believe, and practiced there for six or seven years, and then left in 1994 to form my own law firm with two of the other attorneys from Worden, Thane that left and I practiced there for about 14 years and I guess it's worth mentioning, I left neither firm with any sort of animosity or division. Those things were there in the firm but they didn't often involve me. I just left for other reasons the first time, just to form a smaller firm and the second time, to form an even smaller firm. My present firm is me. Sometimes I have temporary office help but I found with automation I can do much of that myself so that's what I've been trying to do the past four or five years. During all this time, since leaving the City Attorney's office, I would occasionally get calls from Judge Loudon to serve as substitute judge on the Municipal Court. And I'll leave it to my resume the specifics unless any of you have any specific questions about the type of law I did or the cases I handled. I mean, I can get as specific as you want on that but it was never criminal law. That was never my field. I was never a criminal law defense attorney after I left as a Deputy City Attorney. My contact with criminal law was mostly during my appointment as a substitute judge in Municipal Court and I mention that just because I think that adds up to about 30 years of experience in and around and serving on the Municipal Court. In terms of why that's useful in this job, I think it probably gives me, if not a unique, at least a very unusual sense of the culture of the Municipal Court. And before you think that, I'm just using pop psychology terms here, when I refer to culture. Every court has one, whether they know it or admit it or not because every court will have prescribed, they may be unwritten, but they're prescribed rituals, procedures, ways of dealing with things that in turn build a certain expectation by the attorneys that practice in front of it and the people who appear in front of it. And so, I think I have a unique view of Municipal Court culture because I know where Judge Loudon's culture comes from because I remember Municipal Court before Judge Loudon. At that time it was Municipal Judge Wallace Clark who's something of a local legend. Everybody has Wally Clark stories they'll tell you. I'm not here to repeat any of those stories. The reason I mention that is it just gave me a unique perspective of the culture of Municipal Court. The culture of that court has created certain ingrained expectations on both its citizens that appear in front of it and the attorneys that practice in front of it. Not all of those expectations and not all the culture is bad. In fact, I'd say most of it is very good, very healthy. There are some things, and I guess this will be a later question, that I would like to see changed but I think my experience there, my knowledge and my kind of consistent involvement with Municipal Court over a term of 30 years gave me the sense that you don't change things just by going in as an appointed or elected judge and saying, hey, a new judge is in town, we're doing things this way. It would be more like the way you drive a very large freight or ship, it's going to have to be gradual, constant, ongoing, you've got to be aware there's going to be frustrations and shortfalls. I think that the time there also gave me a knowledge of a little bit of the City. I know I'm not familiar with most of you, I don't know most of you probably but I do recall working with the City Council. I could have named them all at that point as to whom they were even though I was the criminal deputy. It was a much smaller office then and there was a lot of contact and I think I had contact with other City officials, City offices and

although it has not been steady, it's been ongoing throughout 30 years, I think I have a perspective of what the needs are of who I'll call the stakeholders in Municipal Court. The City Council would be a stakeholder because it represents or presides within your City as a co-equal form of the government and I think that I may be unique among the candidates in terms of the length of involvement I've had with both the City of Missoula and Municipal Court, in particular. I also have a strong desire for this job, not necessarily because I want to change what I'm doing but because there will always be, regardless of what your decision is, a lot of affection on my part for not only the City but the Municipal Court, in particular. I've just had a lot of experience and put in a lot of years in and around it and I think that the affection I have for the court itself would serve us all well. I wouldn't intend to go in there thinking that I'm going to bulldoze it and rebuild a whole new regime; that's not how you change culture.

2. Think about the event or person who has most influenced the way you view our system of justice. Please explain how and why this event or person has influenced you and how this would manifest in your service as Missoula's Municipal Court Judge.

In terms of identifying a single person, I'd be doing a real disservice I think to so many people but nonetheless, as an attorney, I think a huge part of your experiences are formed in your first job. And my first job as an attorney in Helena for the Supreme Court was not what I would call real rubber to the road law. It was more research and drafting. My first job as an attorney was a Deputy City Attorney and my first supervisor is a person familiar to you, Jim Nugent. I don't know what the relationship is anymore between the City Attorney and Council or what your feelings are to him but I will say that experience with Mr. Nugent was very meaningful to me. He conveyed a couple of things to me that have stuck with me. One thing is how to communicate disagreement or an opinion without being extremely personal or cutting or adversarial. Basically, you can arrive at a conclusion and state it without looking necessarily to argue it or to find fault in the person that disagrees with it. There's a certain element of restraint and I don't know that I wouldn't have it if I had not worked with Jim Nugent at the time but I will give Jim Nugent all the credit in the world for at least getting me on what I consider to be the right track with that. The disputes we have as attorneys are not and should never be personal between one attorney and another or even an attorney and a client. I'd have to give similar credit to half a dozen people that I don't want to mention names but another one would be Bob Mento which was my supervising attorney in private practice at Worden, Thane and Haines. And understand this, when I talk about these people, I'm not the type of person that has heroes because I think you do a major disservice to anyone when you make them into a hero because you deprive them kind of humanity and make them an icon or a stereotype. The people I admire, the people who have been influential on me are not necessarily heroes and they certainly are not perfect. They're human beings but I saw in them qualities that I sought to emulate and repeat and I saw it work well for them. From Bob Mento I particularly saw the value of preparation, of planning, thinking ahead, trying to cover details before they snag you. In terms of an event that was meaningful, one thing that came to mind I wanted to mention is when I was Deputy City Attorney here, so many years ago, there was a case that will always stand out for me and I think if I was to write a book about legal experiences, it would be somewhere in chapter 1, and it was a routine prosecution of a shoplifting case and involved a woman. That woman was presented by the late Ron MacDonald and we actually went to a jury trial and you can imagine that I was extremely happy to get a conviction of her. It was a trial that depended on the word of a merchant who was at the particular store. I won't mention who it is and he was sure this woman had put an item in her purse. And so, his credibility, of course, was a central part of the case and I had no reason to doubt his credibility. And it was probably a couple of weeks after the conviction I got a call from Ron MacDonald saying there was somebody he wanted me to talk to and he put me in touch with another employee of the store who, although he wanted me to promise him amenity at the time, as a prosecutor you can't always really do that, so I had to say no and he says, well, keep it quiet if you can. I said if I can and so we kind of came to that agreement. This employee told me that his supervisor planted the material in the woman's purse because the initial stop went wrong, couldn't get her up to the office, turned into a wrestling match and when they found nothing in the woman's purse, the supervisor placed something in there. So, all the happiness of beating around MacDonald was wasted when I learned that and even then I was somewhat skeptical. I mean, okay, why weren't you at the trial? Why didn't you testify then? Well, he was still

working at the store. That still doesn't make him credible, but I guess what tipped it was one of the senior police officers at the time came up and told me, just a few days after the conversation with the ex-employee, that the supervisor at that store he had known had lied in the past about a robbery, had made a fake robbery claim and the policeman knew it, but couldn't prove it. So, I hear all of this and I realize we've convicted this woman who had no criminal history on the word of this guy that I had just found out is not only known to be untruthful but was seen putting the item in there by another person. So, that was an experience that kind of shapes your legal career when you think back to it, because what do you learn from it? Never be all that damn sure you're totally right about everything. Always assume there are some facts out there and assume that someone charged with a crime may well be angry with you, may well call you names. That doesn't mean they did it, it just means they didn't like the whole procedure of being stopped and arrested and that's fairly normal. So, in terms of events, I would narrow it down to that but rest assured, there's been numerous others. I think every case you hire as a private attorney becomes kind of an event and you learn something from each one, hopefully.

3. What do you see as Municipal Court's most significant challenges and assets? Please share your ideas about things you'd like to change and things that should remain the same.

Assets, I would have to put, from what I know about them now, the personnel at the top of the list and I don't know them well. I mean, I am in there a lot lately but over the years it's been every month, every couple of months I may get called in for a day but throughout that time, I've always been kind of impressed with the personnel there. Not only are they fairly nice and helpful to me, which I expect they are with any judge or substitute judge, but they really do seem to have a handle on things. If you need them to find something, they can find something. Every asset presents its own challenges and I think the challenge you have with the personnel there is probably getting some of them trained and cross-trained to do each other's jobs. I think there may be a little specialization. Another challenge I see, probably the principle challenge facing Municipal Court, is going to be in the technology field and modernizing some of that. When I was in law school and this is longer ago than I'd like to think, I'm going to say it was probably 1980, I remember getting a traffic ticket and that was my first journey to Wally World in Municipal Court, which is what it used to be called. So I went in to see Wally Clark and I remember he grabbed the ticket right there and he looked at it and it was a 32 in a 25, something like that, and so he's taking it down, he's writing on it, on the back of the ticket. I remember thinking, in 1980, how quaint; they just do it all right on the back of the ticket. And this morning I've over at Municipal Court and everyone that appears, I'm still writing on the back of the ticket and there's a little voice in me saying, you know, this is going to change sometime. That's why I call it a cultural change. Right now, the idea of changing that procedure is probably just unthinkable for a lot of the personnel there but it's really an old-school way of doing things, in my opinion, and I know it's minor and so the challenge for judge in that court is going to be gradually to shove that forward because you're going to get a lot of resistance, both from the personnel and the attorneys because they're used to dealing with it a certain way. Another challenge is going to be the state system of information sharing from courts, even courts of limited jurisdiction. The state is now going to want all that information compiled in a central location, so you basically have records of justice courts, city courts, police courts if there still are any all over the state in one central location, and that's going to require some equipment, for sure, and it's going to require different procedures, and one of the early things to go may be writing the disposition on the back of the ticket. I'm prepared for that change. When I started practice in law in the City Attorney's office, and Jim Nugent may still do this, I don't know, but he used to write his briefs or whatever he'd have to write, longhand on a yellow legal pad and then give it to Mona who was the secretary at the time and she would type it up on one of those IBM typewriters that they don't even make anymore. It took years for me to get comfortable with just even doing it myself and now I can't imagine doing it another way. And I just think again it's the culture of the court that's probably, and this is certainly not to criticize Judge Loudon at all, I respect him as much as anyone I know, but I think that those are the types of challenges presented that are just going to have to be overcome. There's not going to be a choice. Cultural changes are seldom by choice; it's because basically you've run out of the old technology that you're used to and you just have to go to something new, and I think that's going to be complying with the state information systems. As long as we're talking about...well, I guess I'll save this comment for when

we get to what I may change about the court but I think in terms of the assets, it's the personnel, it's kind of the good will that the court has developed over decades with the public. I think I see very few people that come in that are truly scared and I've been in a lot of other courts. Some people come in there and they're truly scared; they don't know what will happen and they're strangers to the culture. That doesn't happen much in Municipal Court. I think people are comfortable there and that's one aspect of the culture of that court that I would do anything to preserve. I like having citizens feel comfortable in there even if they're going to appear on a ticket.

4. As a prospective judge, what do you consider to be your greatest strengths? Weaknesses?

My greatest strengths again, and not to be redundant but I think experience in and around the court is important for anyone and I think I go way back on that score. I think another important quality I have is being able to separate the person from the act and realize that people are appearing in front of you for something they did wrong. That does not mean they're worthless or part of some great lump and mass of humanity that deserves any less respect than anyone else. And I think that if you were to talk to people that have appeared in court while I was there, I hope and I really do believe, you'll find that I treat them with respect. I don't think anybody leaves thinking, geez, that guy was acting mad at me or that guy was lecturing me on something. I do speak to people. We do exchange some opinions about things but I don't think I'm ever, in the least bit inclined to be unnecessarily mean. Probably everybody thinks that but I think I've got a pretty good track record of not doing it and I think that's a strength; it might also be a weakness, in all honesty, so I'll answer that part of the question too. There's no point in not being candid about it. I like people. I tend to be empathetic to them, even people that on another day one might consider less than desirable but I still look at them each with respect and treat them with deference that they deserve being in there. So, that can be called a weakness, I think it's also a strength. Another strength I believe will just be knowledge of the procedures. I think I've got a pretty good knowledge of Municipal Court procedure and what goes where and which blank has to be filed in, which form has to be filled out for the convictions. I think I can get through the routine stuff there pretty well. A weakness would be I am not really at all knowledgeable about Municipal Court budgets or a lot of the administrative matters. I don't think anybody will be unless possibly someone currently employed in the court because I think that stuff kind of occurs behind closed doors. I think the counter-balancing strength is I have been in business, have operated a law firm, either on my own or as a partner for the better part of 20 years, and I know how to deal with a budget. I know how to say no to vendors, to raises, to employees. I think I'd be a very good administrator all-in-all, aside from the qualities that I think would be strengths for a judge. I think I could be a good administrator. I think I could touch the bases that are required and I'd like to move the court forward in a couple of respects and I guess this may be as good a time to mention it now. I'm sorry if it may respond to another question, I won't repeat this, but one of the frequent ongoing matters that you have, if you're ever a judge or an acting judge, there is the most frequent thing you get is a traffic ticket and that's why I'm saying we don't have a lot of really bad guys in court. I mean you'd like to think that they were all of some other class but they're not; they're just people that got a speeding ticket and they come in to appear. And here's what bothers me, and it's a part of the culture that I was referring to earlier, people come in now and they expect to get a deferred sentence and let me explain what that is just so we're not on a different page. Of the sentences you can impose as a judge there's one called a deferred sentence and that is somebody comes in and suppose it's speeding, because that's probably the most common, I was going 45 in a 35 mile per hour zone. I can say, okay, I take your guilty plea and will accept it and I'll write it on the back of the ticket and you'll still pay X fine and you'll still pay the surcharge and if you have no other violations between now and, you know, fill in the blanks. It's usually a month from now, sometimes three months from now. Then if you stayed clean, we'll find you not guilty. There's been a lot of years I've never asked what was wrong with that until maybe the last five or ten years I've been thinking, how fair is that system to the guy that shows up at the desk at Municipal Court and just pays the fine that they ask for? That person doesn't get a deferred sentence. And what are we really doing with that system when it's as commonplace as it is here? What are we doing to the insurance and traffic statistics? Insurance rates are one of the things they take into consideration, is the number of traffic infractions that you're convicted of and it may boost your insurance rates. That's why everybody is so happy with deferred sentences is, hey, I got a speeding ticket and, yeah, I had to pay the fine, City's

happy, I'm happy and my insurance won't go up. For that person that's good but in terms of its social impact, I'm not so sure. I think it causes those statistics to be scanted. This does not seem like a major change outside the world of Municipal Court where it happens so frequently, but the one change I'd like to identify there, and I'd call it more evolution than change, because I think even were Judge Loudon to stay there, it would have to change, because I think fairness demands it and I think accuracy in terms of insurance rates demands it. We're going to have to narrow the scope and this would be one of my priorities of when we deliver or award a deferred sentence to people. I mean it's always going to be there and this is hard to say because if you're an acting judge or a full time judge there, this aspect probably won't bother you, right? Everybody likes to be Santa Claus. You're going to get a perfectly nice citizen in there that thinks he's got a speeding ticket and he's thinking, oh, geez, what about my insurance rates and then he's going to hear me say, hey, don't worry about it, we'll defer it. He's going to be a happy guy, I'm going to be happy, everybody should be happy but I am convinced it has to change just because it's changed in every other court that I know of. You don't get that sort of program in Justice Court over there. You don't get it in other city courts that I'm aware of. It's kind of unique to our culture here. If not unique, unusual and I think it's got to change, unfortunately, and that's not going to be easy. I think this goes to another question maybe, how do you change that? I think first of all you confer with people which would include the City Council. What should the criteria be? What do I do with a typical low-level traffic offense when what would make a deferred sentence appropriate as opposed to just the usual conviction. I've got my own ideas. I'd have to listen to other people as well before I'd get anything that I'm confident with. But offhand, right now every substitute judge is doing it their own way and that's a part of this I find acceptable too. Justice will depend on which day of the week you show up in court and I'm firmly convinced that isn't right. I mean it kind of goes against everything I know about this profession. So, my proposal would be to prepare a fairly hard list of criteria of when it's appropriate to defer a traffic sentence. In my own mind I'm thinking I would like to insist that the individual has at least three years without any previous violations and no deferred sentences during that time. Someone else may set the bar a little higher. In fact, one of the other substitute judges told me his criteria is 10 years. That's kind of a little high; you're not going to be doing them much at all then. I think somewhere in there we find the criteria to say you have to at least have this long without a previous traffic conviction, there can be no other deferred. I know I've spent a lot of time talking about this, I promise to stop soon, but I think it's going to be and I hope it's not a huge deal, but it may be because right now the culture of the court that's a part of it and I think it's what's got to change for the reasons I've mentioned. It's going to be a very difficult change and it can't be dramatic or immediate or else you're going to lose all public support or affection they may have for the court. I think it's going to have to be gradual that we're changing this effective this date and I think whoever the Acting Judge is, is going to be obligated if they change that, or any other part, to wear out a little shoe leather. Get out with community groups, youth groups, schools and just explain how we're handling traffic cases from now on because we are talking about something that maybe it sounds grandiose to you to call it a cultural change, but I'll stick with that phrase anyway, because I can't think of a better one, and that's really all I had to say on that question.

5. Do judges have an obligation to improve public understanding of the courts? If so, how should they carry out that obligation?

Big time, especially this court. This court you don't get any closer to the people. If you go over to the County building now and ask to see a District Judge, well, good luck. It may happen but it would be unusual. Anybody in Missoula can see the Municipal Judge and that's something that absolutely should remain the same. You're where the rubber meets the road on the law, the one legal experience everybody's likely to have, may lead them to Municipal Court. So, you absolutely have a duty in my opinion for outreach, and my proposal would be, if I was fortunate enough to get appointment, I would immediately begin scheduling at least on a weekly basis meetings. There's a lot of lunch meetings that wouldn't take away from your time at work. Kiwanis Club, Chamber of Commerce, other organizations all have people there and they're good citizens, they're people that are interested and I think that that's where I would look for the outreach. I would also ask to address students at schools. I think that's particularly important. Just advise them of how the court works, describe its jurisdiction and its procedures and how you handle those routine traffic cases that are

likely to ensnare our best citizens and bring them into court and explain how we handle it and why, what my thoughts are. I'd have to repeat a little bit of what I just said about who qualifies for a deferred sentence, for example, just as the expectations drop. I'm also aware that no matter what you do, there's always an old military axiom that 10% don't get the message and that's probably generous even in the military. I think in town I could knock myself out and talk to every group that wouldn't kick me out and still there's going to be people coming into court saying, can I get a deferred sentence? You do what you can to get out there and I would consider it kind of an obligation to get out, at least once a week during the term, and speak to a community group of some sort, maybe at lunch, maybe in the evenings, but I would intend to develop those contacts and pursue them because I think it's important that people have kind of a reasonable level of expectations of how they're going to be treated, how a case is going to be resolved. So, you can knock yourself out. I don't have any delusions that I'm going to contact every citizen that ever appears in court and they're going to have known me from that, but I will do my best and I will budget specific time to do that and I would anticipate no less in one presentation per week to a group somewhere if they'll have me.

6. In priority order, what are the general parameters that should be considered before rendering a judgment? Before imposing a sentence?

I know that's not yours, but that almost occurred to me to be a trick question because that's going to depend a lot on what sort of judgment and what the sentence is for. Fortunately, we do have the ultimate parameter being the statute they're charged in. Everybody I'm going to see in a criminal case is going to be accused of violating a statute or an ordinance so you start there. All of those things have prescribed punishments so you look at those, what's the maximum, what's the statutory minimum, if any? The third part of that particular equation is, what's the standard operating practice here? What do people get by default if they just pay at the desk? I think you kind of do your math on that and figure in on what's available, what you can do and then you consider the specifics of the case. First and foremost, is anybody hurt? What's the damage here? Is this just a traffic or stop sign violation or was there an accident? If there is, you've got a whole new stakeholder in the picture being either the person who is also in the accident or the victim of an assault or disorderly conduct, all of a sudden you've got somebody else at the table and you've kind of got an obligation of trying to get them to play that part and talk to you, and tell you what they think about it, and tell the defendant what they think about it. The statute, the specifics of the offense, the damage or victim impact, if any, are all part of the criteria on it. Fortunately, there's a whole body of common law that goes to that and this may go to another question but what is the purpose of criminal law or criminal sentencing and, fortunately, some pretty bright writers figured that out 500 years ago and they identified the purposes of criminal law as first, punishment. Not necessarily in this order. I said first, there are three criteria to consider: punishment for the offense, deterrents to others, set the bar high enough that maybe anybody that saw what happened to him would avoid doing the same thing and the third one is some sort of rehabilitation. What can help this guy guide this person to keep him from doing it again? Those three purposes of criminal law, in no particular order, come into issue regularly. The deterrence is easy to figure out, nobody likes a fine schedule for traffic violations and we call that our deterrent. People don't want to pay fines specifically. A lot of that becomes fairly, rigidly imposed. The judge's job is to identify very rare circumstances where you depart from the standard operating procedure on those.

7. Do you have any personal relationships, financial interests, investments or retainers which might conflict with the performance of your judicial duties, if appointed? If so, please explain.

I don't think so. I can't think of any. I, of course, have a number of clients now, most of them are small businesses or nonprofit corporations. I wouldn't expect them to appear in court. If they did appear in court or if any other former client appeared in court, the procedure for a judge, the first one is identify the conflict. You don't bungle forward and say, well, maybe nobody will know. It's got to be full disclosure and I would have to say to the prosecutor and the defendant or defense attorney, hey, I know this person, not that I knew them, but I used to represent a company he worked for. I suppose there could be a rare case that I'd have to allow for where it may affect my judgment but I can't think of where it was, but I would identify it and agree to disqualify myself if anybody was uncomfortable on

that basis. There could be a few clients that we go way back and I would just say, hey, I go way back with him. If I think I can be fair, I'll say that but if anybody wants to disqualify me, that's why we have associated or substitute judges, you can get it to a new judge if you want. So, those things are actually, fairly easily handled and I think I have fewer than a lot of attorneys because I haven't done a lot of criminal defense work. I'm not going to have a lot of those conflicts that occur with the people that appear in front of us. I've got no disputes that I'm aware of at all with the City Attorney's office or any of their personnel, and there's been no history, I don't practice against them which often gives fuel for grudges, I suppose. I think if you were to talk to the attorneys that routinely practice in front of me, either the public defenders or the City attorneys, I think they would acknowledge that I'm fairly balanced. I approach it that way. There was, one time, when I was a substitute judge, now that I think about it, where we did have a former client appear and I identified that at the time and said, hey, I used to represent this person. Is anybody uncomfortable with it? Actually the client was more uncomfortable with it, which I don't know what that says, so I did withdraw and it went back to Judge Loudon, as I recall.

8. If you were appointed, explain how you would reach the appropriate balance between enforcement of laws, and ordinances and the interests of justice.

That would go back to what I was talking about before about the three purposes of the entire criminal justice system. I think that's got to be in front of your mind. People far brighter than me that studied this a long time ago kind of reduced it to these three things. We want to deter others, we want to punish the wrongdoer, we want to provide something for rehabilitation if that's possible. On that subject, the one offense I've seen lately that troubles me is a minor in possession and there's a lot of those, as you can imagine. The only time really, other than traffic cases where juveniles will appear in front of the court, in Municipal Court, that's a real significant event. At the present time I'm not handling it as well as maybe I would if I had an opportunity in this job because I think that is a huge open door for outreach. And I know that right now we say, well, we're doing what we can because we require these kids not only to pay the fine, the surcharge, 20 hours of community service on a first offense but they also have to enroll in a 10-day substance abuse information course. One thing I would want to say, because it's occurred to me several times, is if I was appointed judge, I'd want to look at what the substance abuse information course was, what it was composed of. I would just offer, as a possibility, and I haven't done anything more than just kind of a thought of what does get kids' attention? My wife insists now that both of our sons are pretty darn good drivers, not bragging, it's just a fact. They don't get tickets, they haven't wrecked cars. We were talking about that the other night and saying, geez, I don't know, are you sure they're our kids and she said, well, she remembers she used to work at the Emergency Room in St. Pat's and a couple of times the kids would be there waiting for her and they would see the after effects of a car wreck, in the Emergency room with the screaming, bleeding people coming in on the stretchers that she insists that that's the reason both of our boys are really good drivers. I don't know if that's true and I know I'd have to hear other opinions but when I was younger it was the Signal 30, if any of you are as old as I am, maybe of you are as old as I am, but they used to have these grotesque movies they'd play to you as a part of your driver's education. I know there's debate about that and I'd have to hear the whole thing but I'm wondering, in lieu of the community service or maybe in place of the community service on minors in possession, we couldn't develop a program where it would put kids that are serving their sentence, being minors in possession, give them the glimpse into a very dire alternative future where they see what it's like to be steadily drinking for 30 years because I guarantee I'll see some great candidates for that in this job. I see them now in a substitute basis. It's just a gem of an idea in my mind and it would have to be approached very carefully and we'd have to get input from a lot of people but I'm thinking I could find some career alcoholics to volunteer to talk to these kids a little and they can explain it much better than some crusty old judge that doesn't have a drinking problem. What am I going to say to them, don't do it? I think we just show them where this can lead and I'd really like to explore something like that but it's just a pet thought of mine now. You have to strike the balance between those and you also have to consider the other people, I'll call them stakeholders, in the system and one of which is the police department. They have to know that you take certain things seriously. I don't know currently what the approach of the court is but since time and memorial I remember Wally Clark saying the one thing he really gets draconian about is the resisting arrest

charge. His theory was not badly thought out. I won't say that about all of Judge Clark's thoughts but this one was pretty sound. He said, if the police know absolutely that on resisting arrest the court is not going to take plea bargains, not going to do anything short of a certain, pretty first sentence, it takes the onus off of them to get even or to somehow even the score, not that many of them would but I always that that that was an interesting thought and probably a good example of the balance that this question is speaking to.

9. Please describe your preferred working environment. What do you do to foster such an environment?

My preferred environment would be perfect but I know that's not going to happen but there are certain minimal standards that will make it a lot easier for everyone. In terms of the office environment, there's going to be people there every day and I'm not intimately familiar with the work of the personnel there but I want to say I don't see them sitting around much. I can go into a large law firm and you'll see more employees goofing off than you do in that court. Maybe that's contrary to some people's ideas of public versus private employment but I'll just say that you have a hardworking staff there. This particular change is going to be traumatic to them. They've had basically the same judge there, I think all of them, their whole career. I don't think any of them precede Judge Loudon. I'm not only telling you I'll be sensitive to that but I would encourage everyone else to be a little sensitive. This is going to be a very significant change to them. What I see there, right now, kind of approach is what I call perfect but it's unrealistic because I'm not there all of the time. Right? I know under the surface, because any time you have a group of people anywhere there's going to be little alliances, cliques, grudges and all of that stuff that plays out. What I can do, as a manager, to resolve that is, and I know they do have regular court meetings now, which I'd certainly intend to continue, I think they do them Thursdays at noon, if I recall correctly, but the judge needs to have his own meetings with the staff. If nothing else, you'll review your goals and I think every employee or every department or sub-department in there ought to have identifiable goals, that this week we'll do this. I don't want to go into details about what they're work is but I do have some ideas of what to do to set goals for them and I think when they meet the goals, the judge kind of says, good job. If they don't meet the goals, the judge says, boy, I hope we bring that up next week, next month, however often you do this. It's just got to be contact, handholding, listening. One thing I learned just from another law office is avoid, and this will sound silly but hang with me, avoid the nicknames because most of them seem harmless, and they are. I'm not talking about someone named Nicholas being called Nick but maybe they call him fat Nick or something, so I've always avoided those types of nicknames if I'm in any supervisory position. Just won't do it because you don't know what sort of feelings are attached to that. There's probably somebody, no matter how much he denies it, that doesn't really like being called fat Nick. You just don't do that. You call them by their name or a shortened version of it, whatever is appropriate. I think you just do it by respect. It's something that very seldom is not paid back in some way. It may not be the degree that you want. It may not be the way that you want it but in my experience, aside from certain sociopathic individuals, which I may deal with once in a while in the courtroom, but in terms of your employees they're normally well-adjusted people and within that population if you show them respect, they show it back. I don't notice any problems. I hope it's your intention to discuss this, some of you anyways with Municipal Court staff and tell them the decision may be coming and they may be, and I haven't talked to any of them about this, but it may be a good idea to run some names of the candidates by them as well, because this will be a traumatic experience. I think whoever comes on this job better be way sensitive to that.

10. If I were to interview the people who have reported to you in the past, how would they describe your management style?

This refers to my role as a supervisor or manager and I could give you those names. They've usually been legal secretaries, paralegals, office personnel particularly at Worden, Thane and then later at St Peter and Warren. I've never had anyone quit because of me. We had a lot of employees quit very often because of the conduct of a supervisor or attorney; it was never me. I don't consider that much of a plus. I think if you're the type of people that gets good people to quit, you're obviously part of the problem there. On the other hand, there are some people you will want to quit so your management

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style has to always be firm but always, always fair. You've always got to give somebody an ear no matter what they did or what you thought they did to explain themselves. Right away you set certain criteria, call it the third rails of our job. What I've always set is the third rail for employees in the past is dishonesty. If you're going to lie to me or anybody else in the office or if you're going to take things, which has happened more than once actually, then that's got to be the third rail, we're not going to talk about it; you're just dismissed and you go on, and it doesn't have to be personal, doesn't have to be especially mean, it's just, hey, I told you when you started there are certain things you don't do and you did it. If that's set out up front, you'll have much better luck with the consequences later. So, I think that they would all acknowledge that I set the third rail, that I always listened to them, to their explanations and I don't think I was ever unnecessarily mean to anyone. I've been mean; it's hard not to be mean when someone, for example, steals an amount of money that was paid to the firm. The meanness was never allowed and it was just firm and it was more or less, there's the door, here's your check, goodbye. Beyond that in the third rail situations hopefully don't happen a lot. They haven't in my experience. More likely what you get is kind of the marginal things, well, I was supposed to be at work at 8 o'clock and I pulled into the parking lot right at 8 o'clock, and I think you handle that with a very firm statement of what 8 o'clock means. Eight o'clock means you're in that door and we're all working. That may not be a third rail but it's not something you can ever ignore because that causes a steady erosion, especially when you have this number of employees, like if so-and-so comes in 10 minutes late, maybe it's just once a week, but 10 minutes late, everybody else kind of resents that because they figure they are there, they're doing part of the employee's work who is late and it causes those schisms and cliques that form. Another thing you can do, in my experience, and I have had experience with this, is if you don't want a clique to form, you've got to move people around a little bit. If you have the same group of people working the same exact area of the office all the time, they're going to get somewhat isolated and they're going to imagine that their role is much bigger than anyone else's role. Cross-training and moving personnel around would be a good starter for this.

NOTE: The following was a final statement from Mr. Warren as he ran out of time during his interview. Mr. Childers mentioned to Mr. Warren he could submit written answers to the last few questions if he wanted.

It was good to see all of you. Rest assured I am very interested in this job. Interested enough that weekends and evenings are not going to be a problem. This is one of those offices when you leave, you don't leave it behind you take a little bit with you. Not that you would be wearing the robe at home mowing the yard but you take the office with you. I expect to be contacted any time in the evening or appear on weekends. Its part of the deal.