

James B. Sult



Cecil D. Patterson, Jr.



Michael D. Ryan



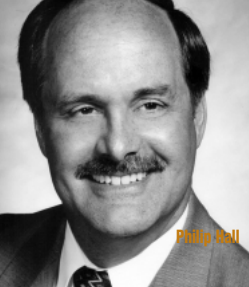
Rebecca White Berch



James M. Ackerman



Ann A. Scott Timmer



Philip Hall

BY HON. (RET.) JOE W. CONTRERAS

Hon. Joe W. Contreras served on Division 1 of the Court of Appeals from 1979 until 1996.

# *the* Building of the State Courts Building

(The Condensed Version)

It was the spring of 1979 when Chief Judge Jack Ogg called me and asked if I could come to his office to discuss something. When I arrived at Judge Ogg's office, he informed me that Chief Justice Struckmeyer had told him that it was the Supreme Court's intention to have a State Courts Building constructed as a separate structure, which would house the Supreme Court and Division One of the Court of Appeals. Judge Ogg said that he, as Chief Judge, would be on the Building Committee and asked that I also serve.

His exact words were, "Joe, I seriously doubt that a Courts Building will be built during my time on the bench, but with some luck it might be completed before you retire." Thus began a project that lasted 12 years.

Justice James Duke Cameron was placed in charge of the project. The first objective was to obtain land for a building site. Through direct purchase and eminent domain proceedings, land extending from Washington to Jefferson and 15th Avenue to 16th Avenue was obtained. The residences occupying this area were razed. Sadly, the small duplex located at 1504 West Jefferson was one of those. I say "sadly," only for the reason that this is where I was born. In those days, homebirth was the norm and doctors made house calls.

After the site was cleared, it was used for parking. There were some sporadic "turf wars" because other state agencies desired this site. Through the tenacity of Justices Struckmeyer, Cameron and Gordon, the site was protected.

The first real meeting I attended was when the architect's plans were unveiled. As I recall, the plans called for a rather ornate but traditional building with a large atrium. The proposed building was not well received by

the media. In fact, some referred to it as the "Taj Majal." The legislature was similarly not impressed and refused to appropriate any funds. After successive legislative failures to grant any appropriations, the plans were placed on a shelf in the closet, where they remained. The site continued to be a parking lot.

A few years later, the project was revived with the formation of a State Courts Building Committee. This time a different approach was taken. The Committee started from ground zero. It decided that the first step would be to select a Project Manager. Over the course of a week, the Committee interviewed different companies that had applied for the position. In the end, the Committee members (including the Court of Appeals) selected Sundt Construction.

The next step was selecting an architect. Numerous committee meetings were held and numerous facets of design, practical considerations and aesthetics were discussed. Here, personnel of the Project Manager provided invaluable assistance. The Committee issued invitations and published public notices requesting interested architectural firms to submit applications. It was also requested that they set forth their qualifications and past projects. It was at a time when there was a slowdown in the economy, and the committee received far more applications than were anticipated. This meant numerous committee meetings to "cull down" the applicants to a reasonable number.





After paring down the number of architectural firms to eight, the Committee scheduled interviews and presentations. The Building Committee, now comprised of members of the Supreme Court, Court of Appeals and Project Manager, proceeded in a rather formal manner. It held interviews in the courtroom of the Supreme Court. Representatives of each architectural firm were allowed up to three hours to make a presentation; the Committee scheduled two presentations a day for five days. Some were quite elaborate, others quite simple. Ultimately, the

architectural firm Howard, Needles, Tammen & Bergendorf (HNTB) was selected.

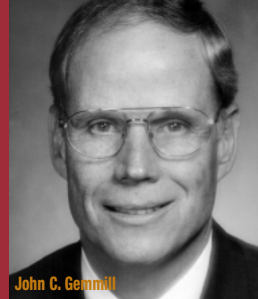
The next step was to select the building plan itself. Because of the rather unusual configuration of the building site, a number of alternatives were available. After numerous Committee meetings, the final building configuration and plan were selected.

An invitation to interested building contractors was issued as well as public notice. I should mention that the cost—financing—of the building was to be by “lease-purchase” over a period of years. A considerable number of contractors were interested, and representatives from all over the United States appeared. It was a good time to build, because both the general economy and the construction industry had fallen on hard times.

However, it was not meant to be. On the afternoon scheduled for the meeting with the building contractors, then-Governor Mechem sent a representative from his office to the meeting to announce that he was

opposed to lease-purchase and was canceling the project. Again, the plans went back on the closet shelf.

A few years later, like the Phoenix bird arising from the ashes, the State Courts Building project arose again. By that time Division 1 of the Court of Appeals had expanded from nine to 15. The judges’ chambers were in three different locations, files were stored in the hallways and the one courtroom was in constant use. The genuine need for a State Courts Building was apparent to all who were interested. With the backing of the gov-



John C. Gemmill



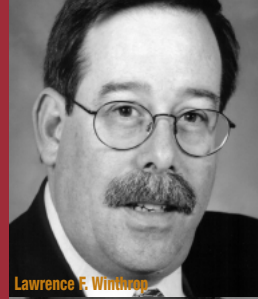
Daniel A. Barker



Patrick Irvine



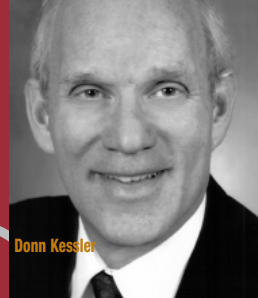
G. Murray Snow



Lawrence F. Windmap



Maurice Partey



Donn Kessler



Patricia K. Norris



Patricia A. Orozco

ernor's office and the state legislature, the plans were again taken out of the closet.

Again, the building contractors were notified directly and by public notice. After interviews and numerous meetings by the Building Committee, which had now expanded to include members of the project manager and HNTB, the general contractor was selected. It was Weitz Company Inc.

Finally, on Jan. 13, 1989, the groundbreaking ceremony for the State Courts Building took place. Because I had now worked on the project for 10 years, I was proud to "shovel the dirt." I was even more proud to have my mother in attendance and hear her tales of the duplex we lived in and all about the nice neighbors. She even had to tell those present how, when I was four years old, I left home with a friend in my pedal car and decided to visit my dad, who worked at Donofrio Ice Cream Company on Grand Avenue. She said the police found me at 15th Avenue and Van Buren and brought me home. Although I was going in the right direction, I was nonetheless grounded and had my driving privileges suspended (the first time).

After groundbreaking, we had committee meetings at least twice a week and consultations with the project manager, the architects and the general contractor on a recurring daily basis. I learned a lot but found out I had a lot to learn. The problems that were encountered were numerous, and they ran the gamut from the simple to the very complex. These problems were encountered one at a time and resolved in the same manner. Fortunately, the personnel from Sundt, HNTB and Weitz were conscientious, patient and most helpful.

Construction progressed. At first, it was ahead of schedule. This proved to be a very temporary situation. Delays of varying types and degrees followed, sometimes to the point of exasperation and frustration, and raised the question of whether the building would ever be completed.

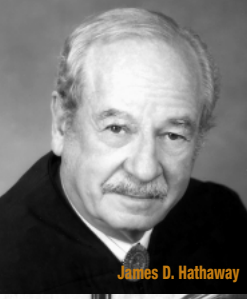
Nevertheless, and despite the delays and problems, dedication ceremonies were scheduled for Jan. 29, 1991. Justice Cameron had made

arrangements for Warren Burger, the former Chief Justice of the United States Supreme Court, to be the principal speaker. For a number of reasons, the date was a firm one. However, at that time we had encountered a number of problems and delays, and the building was far from being completed. Nonetheless, the "show" did go on. This, despite the fact that the tiles at the ceremonial entrance were cracking and breaking whenever anyone stepped on them. Needless to say, these tiles were completely replaced following the dedication ceremony, at no cost to the state.

Following the dedication ceremony, construction continued and steadily progressed to the point that we were able to move in May 1991. Everyone—and I do mean everyone—was excited and happy to be in the new building, a building that we believe will be adequate and functional well into the 21st century.

For me, the building of the State Courts Building was not only an exciting 12-year adventure; it was a labor of love. After all, I used to live there. **AF**

**DIVISION**  
2  
**Judges**  
in order of appointment  
\* deceased



James D. Hathaway



Herbert F. Krucker\*



John F. Molloy





Lawrence Howard



James Richmond



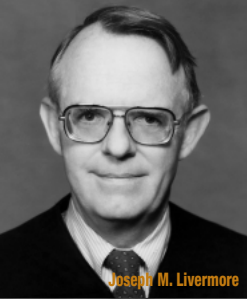
Ben C. Birdsall\*



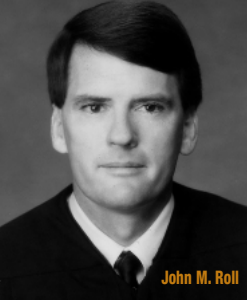
Lloyd Fernandez



Michael A. Lacagnina



Joseph M. Livermore



John M. Roll

## *Clerks of the Court and Deputies*

The legislation creating the Court of Appeals provided that each division “shall appoint a clerk of the court and other required personnel, all of whom shall serve at the pleasure of the court.” Each Clerk’s Office acts as the public face of the Court, accepting documents for filing, distributing the decisions and dealing with requests for information.

Remarkably, each division has had only three Clerks of the Court in 40 years. Division 1’s clerks have been Classic Gantt (1965-1977), Glen Clark (1977-2003) and Philip G. Urry (2003-present). For Division 2, the Clerks have been Elizabeth Urwin Fritz (1965-1985), Joyce G. Goldsmith (1985-2001) and Jeffrey P. Handler (2001-present). Many of the Deputy Clerks have also had lengthy and dedicated service.

The Clerks of the Court and their deputies are responsible for keeping organized the files and records of the Court. This is not an easy task. Each of the thousands of cases filed each year with the Court involves dozens, and sometimes hundreds, of separate filings (motions, briefs, appendices, supplemental citations, etc.). Each case requires working with one of the 15 county superior court clerks to transfer the record of the lower court proceedings, and verifying that the record is complete. In some cases, the Clerk’s office must work with administrative agencies to obtain records. The Clerk’s office also performs many of the administrative tasks of the Court, such as budgeting and human resources. In recent years, information technology and computer services also have been centered in the Clerk’s office. Division 2 has been the leader in implementing electronic filing of appellate briefs and records.

## *Secretaries/Judicial Assistants*

In 1965, the duties of secretary to a judge involved large amounts of typing and the ability to organize the judges’ chambers. Forty years later, judges and law clerks have computers on their desks, so the duties of the job have moved away from the typing and more to the organizing. Reflecting this, the title at Division 1 is now Judicial Assistant (JA). Secretaries/JAs are responsible for organizing the paper flow within the chambers and with the Clerk’s office, minimizing mistakes in written decisions through proofreading and cite checking, and coordinating meetings and hearings when necessary. They assist law clerks in learning to do their jobs and assist the judges in keeping an eye on the law clerks. They also are responsible for doing many of the administrative tasks assigned to their judges, such as organizing training, social events, and internal manuals and reports. Over the years, the Court of Appeals has had many outstanding Secretaries/JAs who have made important contributions to the smooth operation of the Court.

## *Judicial Law Clerks*

Law clerks assist judges in preparing decisions, checking the record and researching the law. Complete records have never been maintained, but it appears that more than 1,000 young lawyers have served as law clerks for the Court of Appeals since 1965. Most stay for one year, some for two, and a few longer. The Court benefits from their recent education, computer knowledge, energy and fresh outlook. Experienced (*read* middle-aged) judges also learn things from their law clerks, such as what night of the week *The Bachelor* is on television and who actually wants to marry a millionaire.

Former law clerks have taken their experience into a wide variety of jobs. Some have stayed with the Court, including Chief Staff Attorneys Doris Mindell (Hathaway, 1965), John Sticht (Donofrio, 1969-1970), Marilyn Pollard (Jacobson, 1977-1978), Jeffrey Handler (Hathaway, 1974-1975), and Division 1 Clerk and former staff attorney Philip Urry (Krucker, 1975-1976). United States district court judge and former superior court judge Susan Bolton clerked for Laurance Wren in 1976-1977, and U.S. Attorney Paul Charlton clerked for Thomas Kleinschmidt in 1988-1989.

A number of superior court judges also got their start at the Court of Appeals: John Sticht (Donofrio, 1969-1970), William Druke (Stevens, 1969-1970), Robert C. Montiel (Hathaway, 1972-1973), Peter Reinstein (Ogg, 1975-1976), John Rea (Eubank, 1977-1978), and Rosa Mroz (Kleinschmidt, 1993-1994). Last, but certainly not least, three law clerks for the Court of Appeals returned to the Court as judges: William Druke was a judge of Division 2 from 1992-2003; J. William Brammer clerked for John Molloy in 1967-1968 and was appointed to Division 2 in 1997; and Patricia Norris clerked for Mary Schroeder in 1977-1978 and was appointed to Division 1 in 2003.

## Staff Attorneys and Staff Secretaries

Staff attorneys are lawyer employees of the Court who do not work for a particular judge but act as a central staff for the entire Court. They provide expertise in particular areas and provide valuable institutional memory about Court practices. Staff attorney duties have changed over time and are often so varied that they are hard to define. Currently, the duties of Division 1 staff attorneys include preparing draft decisions in complicated criminal cases, workers' compensation appeals and certain civil cases. Staff attorneys also screen motions, unemployment insurance appeals and petitions for post-conviction relief. Division 2 staff attorneys process special actions, as well as juvenile, mental health, habeas corpus and most criminal appeals, including *Anders* appeals. Whatever the particular job, the staff attorneys and the ever-busy secretaries who assist them make important contributions to the efficiency of the Court.

The first staff attorneys were labeled Research Analysts, with Division 2 hiring Judge Hathaway's original law clerk, Doris Mindell. She stayed in that role until a second staff attorney was hired, and then she became Chief Staff Attorney. Upon her retirement in 1983, Jeff Handler became Chief Staff Attorney, and he was followed by Beth Capin Beckmann in 2001, who currently holds the job. By the late 1960s, Division 1 also had Research Analysts assigned to each department. In the 1970s, their title was changed to staff attorney. Chief Staff Attorneys have included Richard Davis, John Sticht, Marilyn Pollard and (currently) Anthony Mackey.

Some staff attorneys have stayed with the Court for many years. Jeffrey Handler and Philip Urry moved on to become Clerks of their respective divisions. Several former staff attorneys have become superior court judges: John Sticht, Steven Sheldon, Patricia Escher and Carey Hyatt. Numerous others continue to distinguish themselves in private or public law practice. 