

Courtroom Observations

Judicial District Courts
135 N 100 W
Logan, Utah

Thursday, February 8, 2008, 1:50 pm.

The parking lot of the courthouse is crowded with cars and piles of snow when I arrive. It does not take long for me to find a few empty parking spaces and I choose one next to a snow bank several feet tall. As I pack up my things to enter the courthouse the thought crosses my mind to travel light so I leave everything behind in the car other than my cell phone, notebook, and pencil. The walking path to the courthouse front doors is cleared of snow with only a few spots of packed ice, which I avoid easily.

The outside of the courthouse is a new construction of gray stone blocks and glass windows and appears tall for a three-story building. The stone blocks are approximately two feet by three feet, smooth to the touch, and laid in a brick pattern. The front entrance area, tucked into the elbow of the building's L-shaped footprint, is made of glass panel windows stretching the height of each floor and span approximately 5 feet across.

Inside the main doors a security counter stretches the length of the main entrance lobby, boasting metal detectors on either end. The ceilings are exceptionally high at approximately 30 plus feet giving the lobby a feeling of openness and exposure. A smiling sheriff holding out a small semi-opaque plastic container greets me as I enter. He expects me to deposit all of my metal belongings although he does not say this, but instead indicates that I may put my notebook on the counter as I go through security. Next I put my keys and cell phone in the small plastic container offered and head toward the metal detector to the right of the counter. Sheriff stops me with his words, "You might want to take that cell phone back to your car because they are not allowed in the courthouse." I thank him, and leaving my notebook on the security counter, return my cell phone to my car.

My second attempt through security succeeds quickly and within seconds I am on the inside of the lobby area having a conversation with the same sheriff. I tell him of my project and ask him to direct me to the courtroom that holds the best chance for observing court in session. He shakes his head and says that not much is happening that late in the day but that I might be able to catch some activity in "Domestic" on Floor 2 or "Criminal" on Floor 3, Room 5. I take the elevator to Floor 3, Room 5.

The entrance to each courtroom has the convenience of two sets of wooden doors with air hinges of some sort, allowing me to enter the courtroom quietly. Court is in session. I slither into a back-row bench, sitting on the end nearest the middle aisle. The bench is comfortable with cushioned seats and the floors are carpeted which adds to the quiet sense in the room. Five rows of light blonde wooden benches line either side of a middle aisle that leads to the area reserved for the participants of the official proceedings.

The courtroom is fairly large, approximately forty feet wide and 60 feet deep, most of which is the official court area. The ceiling is very high in this room as well; I estimate it to be eighteen to twenty feet high. The room is very well lit because of multiple light sources. Light shines into the room from the left windows that flank the entire wall from approximately 4 feet above the floor to a few feet below the ceiling and measure approximately 5 feet wide. Wall sconces made of plain opaque glass and a band of brass dissecting the shade hang on the wall between each window and also on the opposite windowless wall across the room. Fixtures of the same opaque glass and brass in the shape of a bowl, approximately 3 feet in diameter, hang from the ceiling. A wooden trim a few feet below the ceiling surrounds the room and hides still more lights giving a sense of elegance to the room.

A railing directly in front of the rows of benches separates the spectator area from the official court proceedings area. This official section of the room has a formal ambiance. The walls are lined in blonde wood and several seating areas of various sizes and configurations are scattered throughout the floor in front of the judge's bench, the top of which sits at about seven or eight feet from the floor. The jury box sits to the left and is empty.

Nine people are in the courtroom other than me: the judge, an attorney, the accused, a sheriff, a court reporter, a man and a woman sitting inside the railing and a man and a woman sitting in the front left row immediately behind the railing. The men and women who are sitting in front and back of the railing appear to be in their early 50s. They wear dress pants and shirts with no ties or jackets.

The judge is perched at his elevated bench, which places his head about 3 feet higher than a standing 6-foot man. He is attempting to get a second attorney on a speaker box. After several attempts, we here the absent attorney blurt, "Can you here me now?" I appear to be the only one who thinks this is funny, but I manage to not laugh out loud. The attorney present in the room, dressed in a light tan suit, and the accused, who is dressed in jeans, stand in front of the judge's bench. The four are now in discussions to arrange a time for mediation in lieu of a trial. The accused is defending himself. I am unable to determine the nature of the crime. The four of them talk back and forth for several minutes trying to determine a good date for the mediation. The judge's voice is measured and deliberate in an official way with little cadence although he uses unscripted casual language. The attorneys are speaking informally in conversational tones. The voices of the judge and two attorneys are relaxed and convivial. The attorney present in the room stands erect with his hands either in front of him resting on the ledge of the judge's bench or at his sides. The defendant leans over onto the ledge, resting his elbows and bending his body as if he were nestled up to a bar with a beer in front of him. When the defendant speaks his voice is a bit more strained and does not show the easy camaraderie that the attorneys and judge exhibit. I find this curious in the fact that the defendant is casually dressed as is his demeanor, yet his voice portrays a more concerned formal sense. The attorneys and the judge are the exact opposite in that they are dressed in suit and robes in solid formal positions, yet their speech reflects a sense of easiness casualness with no strain.

The arrangements for the mediation are made for February 14, 2008. The judge dismisses the defendant and lawyer with the words, "I guess we'll see you on Valentine's Day." As they file out of the courtroom, the attorney has a pleasant smile on his face, greets the people sitting in the first bench, laughs and walks out with them. The defendant follows at a slower pace. This is the first I see his face. His complexion is ruddy and his demeanor is one of distress as the sheriff escorts him from the room.

I leave the courtroom in search of another session. I am met by empty courtrooms and decide to return at another date. After having casual conversation with the two sheriffs at the security desk and I leave the building.

February 11, 2008

Four days later I return to the courthouse and enter the security area at approximately 9:15 a.m. The sheriff at the security desk recognizes me from the week before. I ask him again what is happening in the courts this morning and he again shakes his head and says nothing other than a bench session. This does not surprise me as the parking lot has only 5 cars in it. When I ask him what floor and room, he tells me but also says, 'I'll take you up there.'" We enter the courtroom together; I sit in the last row on the right, he on the left.

The physical courtroom is much the same as the one describe above with a couple of exceptions; there are no windows and the judge's bench is positioned in the far left corner facing diagonally into the room rather than straight ahead as in the previous room. The lighting is exactly as described above, giving this room the same sense of formal elegance. There are two attorney's tables in the inner courtroom area; the one on the right holds 7 three-ring binders filled with papers and several other stacks of papers along side them. The table on the left contains two much thinner three-ring binders and a few yellow legal pad papers scattered across. The jury box to the right is empty.

A man, Douglas Stark, is standing at a podium in front of the judge. I know he is not an attorney because he is dressed in a light blue plaid shirt, khaki pants and brown belt. Two men in suits and one woman in dress black pants and green shirt sit at the attorney's table on the right. Another two men are seated in the front row of the spectator benches, also dressed in suits. All suits in the room are shades of charcoal gray. A female court reporter and female sheriff sit at their desk areas to the judge's right.

Doug Stark is speaking to Judge Gordon Low, explaining the case as he sees it. He methodically tells of the events leading up to his dismissal as the Bear River Association of Governments (BRAG) Weatherization Director. He explains that he was forced to leave his job of 21 years under allegations that he misused his office to award weatherization and heat crisis funds to his future daughter-in-law who had been living in his basement at the time of the alleged funds abuse.

R. Scott Young, an attorney who appears to be in his late 20s, addresses the bench and calls his first witness, the woman seated at the attorney's table. He questions her for close to 5 minutes regarding a couple of documents. Next he calls Roger Jones, who apparently is the former boss of Douglas Stark. The questioning of Mr. Jones continues for over 40 minutes, including the time given to Mr. Stark to cross examine. The attorney's questions to Mr. Jones are asked in a smooth, even tone of voice and documents are presented in a timeline that shows preparation. It is an orderly presentation and a methodical working through of the evidence. The attorney seems to be prepared and knows where he is leading the case. His stance is upright at all times with both feet firmly planted forward and anchored to the floor. His hands remain in front of him or at his sides. After Mr. Young is finished with his questions, Mr. Stark is asked if he wants to cross examine and he says, "Yes." It is at this point that I begin to wonder if Mr. Stark is also representing himself, as in the case I observed four days earlier. During the attorney's questioning of Mr. Jones, Mr. Stark sat at the attorney's table to the left by himself. Now he slowly rises from his chair to begin his cross examination.

Mr. Stark returns to the podium with several pieces of paper in his hands, saying he feels a bit overwhelmed. Looking directly at Mr. Jones, Stark begins to ask about telephone conversations and letters that have not been introduced into evidence. The attorney objects and Judge Low explains the procedure to him. It is at this point that Mr. Stark comments that he can take care of that when (someone's name I did not understand) gets to the courts. I begin to realize Mr. Stark's attorney is not there and he is, indeed, acting as his own attorney this morning. I am unsure as to whether this is planned or he decided to go ahead without counsel on his own.

Mr. Stark continues to question Mr. Jones amidst several other objections to his approach. He seems to be unversed in the ways of the law and stumbles over his words giving the impression of mixed up thoughts and inexperience in a courtroom. He brings up personal anecdotal instances, asking if Mr. Jones remembers them, and even goes so far as to mention a situation in which Mr. Jones' daughter was employed by BRAG in the past, to the disgruntlement of the other employees. Throughout his questioning of Mr. Jones, Stark shifts from foot to foot, speaks with a small amount of hesitation and choppiness. At several points he stands with a slight favor to one foot or the other giving the appearance of not being at attention. He slips his hands into his pockets and then out again. His general demeanor is one of someone feeling intimidated and unprepared, giving the impression of the little guy who does not have the big guns to defend himself against the larger enemy. He evokes a tinge of pity in me.

Mr. Jones, the witness, remains even toned and conversational throughout the questioning of both the attorney and Mr. Stark. His way of speaking is similar in both situations. He states he has no doubt that Stark acted with the intention to help someone who needed the financial assistance but he went about it in an inappropriate manner. Inspection reports during the investigation of the case show "scathing" evidence of misuse of funds and the system.

The female sheriff assigned to the session is of thin build but looks to be in strong physical condition. Her blonde hair is pulled back in a knot at the back of her head and she uses little makeup, indicating a quick preparation for the day. She is dressed in the same khaki green dark pants and light khaki green/brown shirt, the uniform of all sheriffs in the courthouse. Throughout the questioning of witnesses, she sits upright in her seat with a slight casual lean to one side or the other. Her legs are crossed and she casually plays with her fingernails, paying intermittent attention to the proceedings. She is relaxed and at ease in the courtroom.

At 10:15 a.m. I leave the courtroom, although this bench session is in full swing. The sheriff who escorted me to the room is still sitting in the back row listening. In spite of his original warning that it will be “not much,” the session proved to be very interesting to me. He must have felt the same way, as he remained after I left the courtroom.

In both court sessions observed I am struck with the contrasting dress and demeanors of the participants. The defendants are dressed very casually, as if they do not know the importance of dressing for the occasion, in spite of the fact they are both representing themselves in front of the judge and the law of the land. Their informal body language matches their dress in what appears to be lack of understanding or experience, slouching at the podium and judges bench, hands in pockets and shifting from one foot to the other. Their speech is hesitating and thought processes appear unorganized, although their tone of voice leaves no doubt of their perception of the seriousness of their situation. This seems to me to be contradictory; the importance and formality of a situation might suggest a corresponding dress and mannerism.

The defendants send the message of discomfort into the room with their body language, facial expressions, or evidence presentation. I believe this works for them and against them. Their lack of understanding stirs feelings of sympathy and empathy as most of us are not savvy in a courtroom and can identify with their position. At the same time the casual dress and posturing can represent a lack of respect for the authorities and the justice system. Informal dress and mannerisms also may portray a lack of interest in the proceedings or misunderstanding of the formal nature of courtrooms. The fact that neither defendant has an attorney present also may point to a lack of understanding of the system, with attorneys protecting their rights and representing them in the traditional manner of the court. During reference to persons all attorneys and judges use the formal Mr. before a surname while the defendant and witnesses refer to persons by their first names.

The attorneys and the judges are dressed formally in an expected manner for court: suits, ties and official robes. In contrast to the defendants, their speech is measured and casual, but planned and organized. They appear to be very comfortable in the courtroom experience and know what to expect. Their body language is a trained demonstration of behavior in formal settings, erect with little fidgeting. As a group, the attorneys show patience towards the unrepresented defendants but it feels as if there is a tinge of superiority in the air because of the lawyer's knowledge of courtroom etiquette and proceedings. A defendant with no representation pitted against experienced attorneys creates an uneven sense of power that the plaintiff attorneys do not seem to want to take

advantage of. I can speculate they are being careful not to appear bullying to a person already at a disadvantage and in the hot seat. This might not sit favorably with a judge who is the mediator of proceedings and ultimate decision maker in the matter.

The general courtroom ambiance is similar in each venue. Situations and arrangements are being addressed whose outcome will change the life of the defendant and have already changed the lives of those calling for the trial. The stakes are high but the players act in an orderly, unhurried and measured manner. Even the defendants who are unversed in courtroom procedure speak slowly and deliberately, though not necessarily with expertise. The courtroom ambiance seems to place a blanket over displays of emotions. The judges sitting a good three feet above the rest of the room affects not only the participants in the trial but the observers as well. Their physical position above the rest of the room represents the metaphorical position they hold in the courtroom. It is a visual that is lost on no one.