



DEE

LISA B. HAWKINS

BENSON

"Everybody knows what a T K O is, but who's ever heard of an N O V? And the whole world knows what a good kick-off return looks like, but what's all this jazz about writs of mandamus and diversity jurisdiction?"—Dee Benson, "Sports Shorts—The Other Side of Legal Briefs," 2 Clark Memorandum 2 (October 22, 1975)

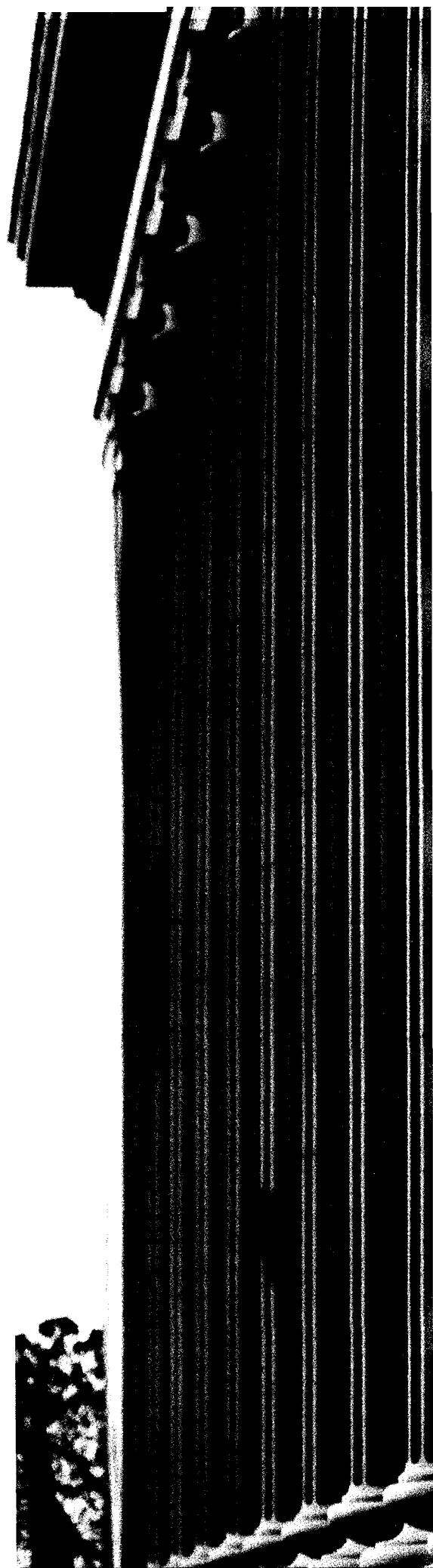
When Dee Benson was a third-year law student and the *Clark Memorandum* was a student-produced tabloid, Benson's good-natured irreverence was needed and (usually) appreciated by the law school community. In the 15 years since then, Benson's high spirits and hard work have taken him through private practice, corporate practice, positions on the U.S. Senate staff, and stints as an assistant U.S. attorney general.

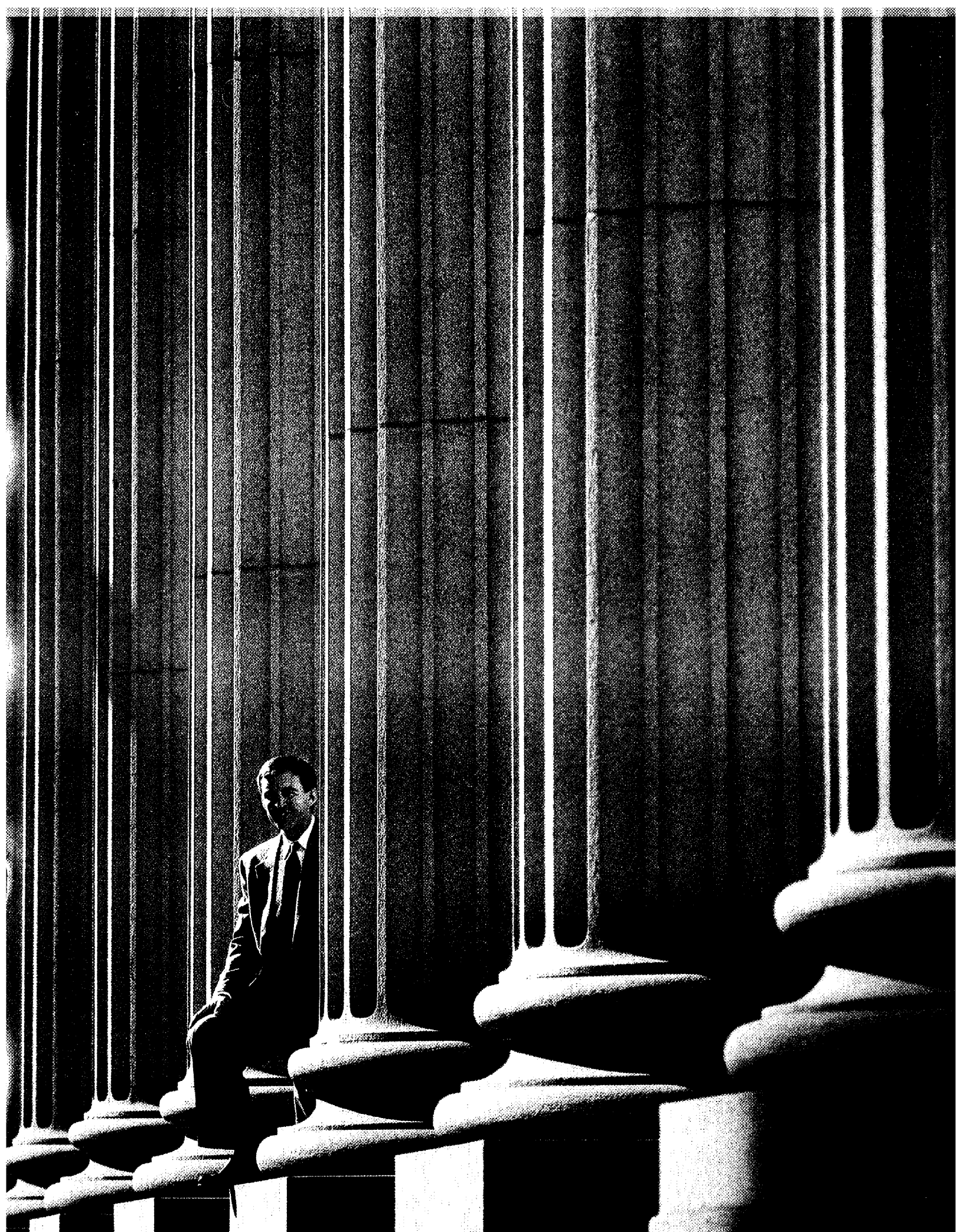
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PHOTOGRAPHS

BY JOHN SNYDER





and as U.S. attorney for Utah. Now he is the self-described "rookie" judge on the U.S. District Court for the District of Utah. Undoubtedly, he has mastered "all that jazz" about *non obstante verdicto*, writs of mandamus, and diversity jurisdiction. Yet his own assessment, after two months as JRCLS's first graduate to be a federal district judge, is that he's "learning the job."

Benson's style, which is consistently described by those who know him as "laid back," masks what Professor J. Clifton Fleming calls a "closet over-achiever." He affects the behavior of a person who's very nonchalant about being involved in the profession of law. Yet he worked very hard as a student—he just did it on his own schedule. And he has always worked hard at the positions he's held. That he tends to work on his own schedule leads people to believe he's blasé, but the number of hours he puts in and the intensity of his work indicate that he takes his profession seriously. I anticipate," Fleming continues, "that over time there will be talk among the members of the bar about how laid-back Judge Benson is, but he'll really be one of the hardest-working and most conscientious members of the federal bench."

Taking life on his own schedule seems to be Dee Benson's hallmark, as does the contradictory idea that he takes life as it comes along. "I didn't even plan to go to law school," Benson explains. But once he got there, he didn't let the rigorous curriculum get in the way of a good game of golf or soccer. Nor did he let golf or soccer get in the way of placing in the top 10 percent of his class and serving as editor of BYU's *Law Review*. Nor has he let his family life or church commitments get out of balance. Paul Warner, an assistant U.S. attorney who was Benson's law school classmate and has since worked with him in the U.S. Attorney's Office, cites examples both of Benson's church service—he currently teaches a missionary preparation class—and of time spent unofficially helping and comforting those who have been faced with a crisis or a tragedy. "But he does it quietly," Warner says. "There are dozens of people who think of Dee as their best friend, and I'm one of them."

Benson's family has always been at the top of his list. His wife, Patty, says, "When he's home, he's home. Dee is the kind of person who can forget about the office and just play. He provides the fun for the family." Benson recently settled a dispute between two of the couple's four children, Patty describes, by claiming judiciously that he'd decide the issue as he did at work. "Then he pulled a quarter out of his pocket and flipped it."

"Dee can easily shift gears from legal professional to husband and father," Warner says. "A lot of people are outstanding lawyers but are failures as parents. Dee genuinely likes his kids and is involved in their lives."

"He's a remarkable family person," says BYU President Rex Lee, who, like Fleming, was Benson's jogging partner in Washington, D.C. Rex and Janet Lee and Dee and Patty Benson had children who were playmates and both families lived in the same McLean, Virginia, ward. When the two men

would run together, Lee was impressed that Benson had read the briefs in cases for which Lee was appearing as U.S. solicitor general and was "astounded at his sophisticated and insightful views for someone of his age and experience." He has extraordinary legal ability, Lee says. "It was inevitable that we would someday have federal judges chosen from among our graduates, but there is no one more appropriate."

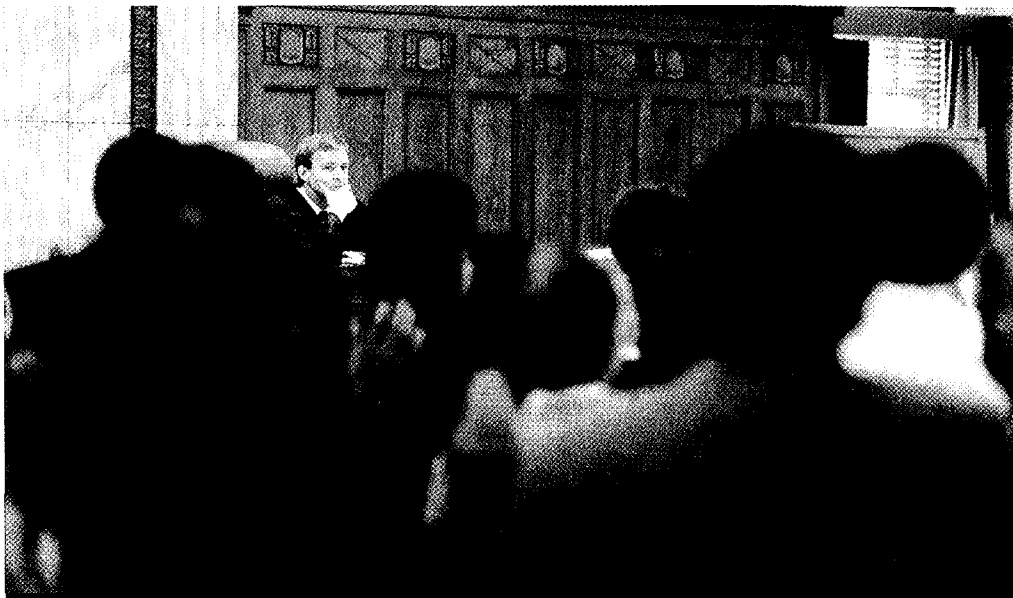
Benson's career path has hardly been a straight road from law school (class of '76) to the bench. He's been to Saudi Arabia, the Senate, and Salt Lake City, with a couple of stops in between. However, Benson's frequent career changes are symbolic, not of restlessness, but of his approach to life; he says the new jobs were "a matter of opportunities—I was enticed by something that seemed exciting. I could have been happy staying at any of the jobs." The federal judgeship is, Warner notes, the first of the job changes that involved a pay raise. "That's looking for opportunities in the best sense—opportunities to serve and to broaden his experience."

Frank Madsen, who worked with Benson on Senator Orrin Hatch's staff for several years, agrees. "Dee Benson has the right kind of ambition. He doesn't want to climb over others; he helps others and continues to grow himself." Madsen sees the federal judgeship as the natural outgrowth of Benson's work in government, as well as his love for any sporting or intellectual challenge. And for the time being, the challenges of the federal bench are quite enough. "Right now," the new judge says, "I've had to hire clerks and a secretary and a court reporter and learn how to docket and schedule—I'm trying to learn and to figure all of this out."

Yet Benson appears to already have a good handle on his new job. When asked about his own personality as compared to the stereotypical "judicial temperament," he says, "Any judge brings his or her own personality to the bench. My idea of the stereotypical judicial temperament is not the best, and I try to be cordial and courteous."



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**Judge Benson,
the self-described "rookie" judge,
recently conducted his
first naturalization ceremony.**

There are also disadvantages to being a federal judge, he says "One peril of the job is that people are more flattering, and I know they don't mean it. It feels more isolated than the other jobs I've had, but not as much as I was warned it would be. I have a full life. The job is about what I expected, maybe a little more demanding, but that could be the start-up costs of learning the job." Benson explains that he immediately became the judge for about 350 cases given him by his colleagues, some of which were "way down the road."

Those who know Benson, however, have no doubt in his ability to manage such a caseload. "He has a rare gift to pick up and master a new legal concept faster than anyone I've seen," says Warner, who emphasizes that although his friend doesn't "fit the standard mold," he has a work ethic that "won't stop." Warner recalls how when Benson served as U.S. Attorney for Utah, he worked longer and harder than anyone in the U.S. Attorney's Office. Yet Warner is quick to add that Benson is not a workaholic: "He works hard when he works and plays hard when he plays."



Benson hasn't changed much since his days at Jordan High School in Sandy, Utah, Warner adds, except to develop the polish and maturity to go along with the values and character that enable him to be as respectful to "the security guard and the secretary as with the U.S. attorney general. He has genuinely succeeded while being a nice guy."

Benson is still finding ways to live life on his own schedule—although every day is now filled with appointments and obligations. But a settlement or delay will unexpectedly free a block of time and allow him to catch up at work, at home, or wherever his attention is most needed. And Warner notes that Benson will still take a couple of hours off for a school play or parent-teacher conference and then return to the office in the evening to make up the time. Even in his new position,

friends say that Benson is still characterized as someone with a sense of fun, relaxed competence, and wholehearted excellence in caring for people and getting the job done.

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