

David and Chelom Leavitt*By Michael Mower***S m a l l T o w n s , B i g D e c i s i o n s**

In 1855 territorial governor Brigham Young and other leaders decided the new capital for the Utah territory should be located somewhere in the middle of the vast Great Basin. They chose Fillmore, 200 miles south of Salt Lake City. However, after one meeting in the Millard County locale, the legislature voted to move the capital back to Salt Lake. Fillmore, they decided, was too far away, had too few residents, and was too rural.

In 1991 David and Chelom Leavitt, recent graduates of Brigham Young University Law School, moved to Fillmore for many of the same reasons early Utah lawmakers left. They felt that a small rural town would be a great place to start a law practice and raise a family. So they set up the firm Leavitt & Eastwood Leavitt in the basement of their home. Soon after, they moved their practice to an office on Main Street.

David Leavitt was no stranger to life in southern Utah. Born and raised in Cedar City, David spent his youth involved in sports, school activities, and Scouting and spent many summers and holidays working on the family ranch in Wayne County.

Chelom Eastwood Leavitt, raised in Yakima, Washington, required more of an adjustment to life in Fillmore, population 1,980. She liked the friendly,

down-home attitude of local residents, but she was surprised to learn that a quick trip to the doctor, shopping, or to a Continuing Legal Education class often meant a three-hour round-trip to Provo.

David and Chelom met in their first class on their first day of law school. David remembers hearing someone say "Chelom." Having lived in Israel, David wanted to know who was using what he thought was "shalom," the Hebrew greeting for peace. A classmate, Linda Magleby, introduced David to Chelom. They soon

began dating, and married after the end of their first year in law school.

During their second year of law school, the two paired up as moot court partners. The Leavitt's first son, Adam Eastwood Leavitt, was born during the couple's final year of law school.

After graduation, both Leavitts knew they wanted to be in court as soon as possible. Neither liked the idea of writing briefs for six years before arguing in court. That, coupled with their desire for life in a smaller town, led them to look for work



David and Chelom Leavitt at their Nephi home with their three children: (left to right) Adam, Hannah, and Danielle.

possibilities off the Wasatch Front. They learned that a contract for Fillmore City's civil work might be available. That contact became the base for their practice and the young family moved to Millard County.

Chelom said it didn't take them long to get their practice going. There were only two attorneys in Fillmore when David and Chelom arrived: the justice of the peace and the Millard County deputy attorney. They found a real need for legal help in their community. "It seemed as though every time I went to the grocery store, I was asked for legal advice," Chelom recalls.

The Leavitts divided their practice areas. Chelom handled primarily domestic relations cases. David, along with handling Fillmore City's civil work, obtained the local public defender's contract. He also handled probate and criminal defense cases.

The law partners soon learned that people in their small town had definite ideas about how a law firm should run. For example, David said that clients expected the law firm's fees to be "priced like lightbulbs at the hardware store. They wanted to know in advance what our service would cost them." The firm adapted to meet this expectation by charging set fees for legal services like drafting wills and handling divorces instead of basing fees on hourly rates.

David and Chelom also learned the small town dress code allowed them to wear casual clothes to work.

The Leavitts found a great need for pro bono work in their area. Chelom often helped women who couldn't afford divorces obtain them. David, who learned Spanish while serving a mission for the Church in New York City, assisted many poor Spanish-speaking migrant workers who needed legal help, but made too much money to be represented by Utah Legal Services.

When the Leavitts first moved to Fillmore, they planned to stay about five years. However, they both soon became deeply involved in the community. Chelom became a founding member of the Fillmore Community Theater. David was actively involved in civic and youth programs. Their children, who now include daughters Danielle and Hannah, were also happy in

Fillmore. In addition, the couple acquired an indispensable element of any small town law practice: the trust of the people of the area. The Leavitts planned to live in Fillmore forever.

Their plans, however, soon changed. A little over a year ago, David received a phone call from a Juab County commissioner asking him to apply for the position of Juab County attorney. Juab's current attorney, Donald J. Eyre, Jr., had just been appointed as a judge of the Fourth District Court. County personnel were familiar with David and his work as he had handled many cases where the Juab public defender had a conflict. David and Chelom originally decided not to apply for the position. It would entail a pay cut for their family, and they enjoyed living in Fillmore. However, after more consideration, David applied for the position and was chosen as Juab County attorney.

Upon his appointment as Juab County attorney in 1994, David gained some immediate distinction. At age 31 he became the youngest county attorney in Utah. He was also the first Republican to serve as Juab County attorney in more than 50 years. A few critics of Leavitt's appointment note that he is Governor Leavitt's younger brother and asked if this played a role in David's appointment. County personnel, however, noted that David's appointment was by unanimous vote. Even the Democrat on the county commission felt David was the best attorney for this position.

The move to Nephi from Fillmore brought a number of changes to the Leavitt family. Chelom left the full-time practice of law and now provides mediation services and takes care of their three children; David had to adjust to prosecuting alleged criminals instead of defending them. He now spends 80 percent of his time on criminal cases. The majority of his cases involve suspected drug traffickers apprehended by the Utah Highway Patrol as they cruise through Juab County on I-15. David won his first election for Juab County attorney in November 1996.

A version of this article originally appeared in *The Utah Bar Journal*, Volume 9, No. 2, February 1996, and is printed with permission.

Law School

Earns Awards at Indian Moot Court Competition

The J. Reuben Clark Law

School was recently repre-

sented in award-winning

style by two teams at the

National Indian Law Moot

Court Competition, held

February 19-22, 1997, at

the University of Wisconsin

Law School. The BYU team of Paul EchoHawk

and Timothy Reynon took fourth place overall

and received the award for the best brief. Their

first place brief will be published in the

American Indian Law Review. Paul EchoHawk

also received the Second Place Oralist Award.

Of the 10 awards given, BYU Law School team

members received three. No other school

received more than one.

BYU team-members included: Timothy

Reynon (Puyallup Indian Tribe), Paul EchoHawk

(Pawnee Tribe of Oklahoma), Melissa Flores,

and Paul MacArthur. Professors Kevin Worthen

and Larry EchoHawk served as advisors to the

students. This year's competition was the

largest ever with over 25 teams. Competition

judges included the former chief justice of the

Hawaii Supreme Court, justices from the

Wisconsin Supreme Court, and several promi-

nent state and tribal court judges.

