

Judging Wisely

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Supreme Court Justice Paige Petersen

Paige Petersen, appointed to the Utah Supreme Court in November, is proud to have USU Eastern (CEU) on her resume next to the University of Utah and Yale Law School.

Imagine families forced from their homes at gunpoint by soldiers. Women and girls are pushed to one group, and the men and boys separated into another. The women are told to leave town on foot without looking back. As the women walk away, the men and boys are lined up and shot at point-blank. The women sob as they hear the shots; never to see their husbands and sons again.

This unimaginable horror sounds like one of the travesties that happened in World War II, but this scenario is recent history. In 1999, more than 800,000 ethnic Albanians were pushed out of their homes in Kosovo, and thousands of them were slaughtered by the military, police and private militias.

In the aftermath of the tragedy, international courts tried to bring political murders to justice. Petersen was a part of that effort. She served as a war-crimes prosecutor

at the International Criminal Tribunal for the former Yugoslavia in The Hague, Netherlands.

“One victim described being forced to turn away from her husband, teenage son and uncle. I thought of having to walk away from my own dad, brother and nephews. It was heartbreaking. I can’t imagine living through what they lived through. I felt compelled to document their stories and help them have some sort of justice.”

Petersen was instrumental in convicting a police chief of mass deportation and mass murder. After appeal, the defendant ended up with 18 years in prison. Beyond the conviction, Petersen considers the court’s official records historically significant. The three-judge panel that tried the case wrote a 1,500-page document that created a lasting record of the victim’s experiences.

Petersen's family life

It would be easy to boast of her accomplishments, but Petersen is down to earth and more interested in others. She is characteristically humble and small town without a shopping mall or movie theater, Petersen and her friends had fun floating on inner tubes down the river, sleeping outside in the summer, playing softball and riding bicycles on back roads to Orangeville.

When she was in the ninth grade, her family moved to Price. Competing for Carbon High School, Petersen was a state champion and national contender in debate. After graduating from high school in 1990, she had many scholarship offers. With a multitude of possibilities, the decision to go to college in Price, her hometown, was easy. Her father was president of College of Eastern Utah, and she was eager to contribute to his efforts to build the college.

“I have always been so proud of my dad and everything he did for College of Eastern Utah. I wanted to go to his school because I was so proud of what he did there,” Petersen explained. She enrolled in many exciting courses, including one her father taught: comparative politics.

During the year that Petersen finished her associate degree at CEU, she was a driving force on the nationally ranked debate team. Assistant debate coach, Scott Pullan, was a strong mentor pointing Petersen toward law.

“I have used what I learned in debate more than anything else. As an attorney, I had to organize the evidence and present it in a logical and persuasive way. CEU was

a great start because of the small campus size and the attention that faculty members give to students.”

The University of Utah was a natural step for Petersen after her graduation from CEU, but when she went to law school in New Haven, Connecticut, she pushed herself outside of her comfort zone.

“I had been to the East Coast only once on vacation. It was a huge change to move to Connecticut. It really stretched me, but it was good for me.”

Petersen earned her Juris Doctor degree from Yale in 1999. She clerked for a federal district judge in Cincinnati, Ohio, and moved to New York where she stayed seven years.

After working two years at a private law firm in New York, Petersen quit civil litigation to work as a criminal prosecutor at the U.S. Attorney’s Office in Brooklyn, New York. She sacrificed her lucrative salary, but felt the greater payoff came from giving back to the community and spending more time in the courtroom. In Brooklyn, she prosecuted members of the New York mafia and international drug traffickers for five years.

War-Crimes prosecutor

Petersen decided to make a momentous change in her life by moving to The Hague, Netherlands.

Ultimately, she accepted a job as a war-crimes prosecutor at the International Criminal Tribunal for the former Yugoslavia. It was an intimidating step to make, moving across continents, to live in a place where everything was foreign to what she had grown up with. Though it was difficult, living in a different culture helped expand her understanding of newcomers everywhere.

“I grew as a person and learned to empathize with others who are new a place. When you don’t know your way around, the language, the customs, the unspoken rules . . . it is very humbling.” Every culture has different ways of doing things and Petersen found that those dissimilarities are part of what makes the human race delightful.

One simple example, that surprised Peterson, is the way Dutch people get around. Most of them ride bikes to work instead of using cars. “I would see a man in a business suit riding a bike, with his child in a wooden box on the front, taking her to school before he headed to work,” Petersen said.

At first, she wondered how they did it. She hadn’t been on a bike for 15 years, but decided to try it. After some time in the Netherlands, she began cycling everywhere and loved it. Ever embracing the new experience, Petersen decided to stay in Holland three years.

At times, it was incredibly difficult for her to be alone, away from her family in a foreign country, but wouldn’t exchange the experience for anything. “There are inevitably peaks and valleys in life. When I’m in a valley I think, I’m just in a valley and it won’t last forever. I can walk through it and out of it. There are peaks ahead.”

As her work (and adventure) in Europe drew to a close, Petersen realized she wanted to live closer to her family. She joined the U.S. Attorney’s Office in downtown Salt Lake as an assistant U.S. attorney.

Working in the violent crimes section she prosecuted violent crimes committed on Native American reservations, firearms violations, child pornography and bank robberies. Seeing family often is sweeter for Petersen, because she had been away for so many years. She calls her nieces and nephews the light of her life. “Being an aunt is a wonderful role. I get to have a relationship with these kids who I love to pieces.”

Judge Petersen

Becoming a judge wasn’t something Petersen planned on, but she started to consider it when Deno Himonas, a Carbon County native, encouraged her to apply for an open-trial court position in the Third District. Himonas, had been a judge in the Third District (which serves Salt Lake, Tooele and Summit counties) before he was appointed to the Utah Supreme Court. He was an encouraging mentor and helped her believe she could do it.

In February 2015, she was nominated by Gov. Gary Herbert to serve as a judge in the Third District Court. By May 2015, she was confirmed by the Utah Senate and on the bench at the Matheson Courthouse in Salt Lake City handling civil cases. Once a week, she travels to Summit County and handles the criminal docket there.

“Every day sitting as a judge is new. It’s never the same. I am loving it. It’s really challenging.” The breadth of knowledge required to be a judge has been an exciting test Petersen conquered. A federal-criminal prosecutor for most of her career, Petersen specialized in federal criminal law. As a judge she hears every type of case from probate, to family law, to complex corporate contract disputes. She runs the courtroom and makes decisions that affect people. Petersen’s goal is

to understand the positions of both parties. It calls on numerous skills.

~ Renee Banasky

"Being a judge asks a lot of a person. It calls upon you to be prepared, focused, patient, fair, wise and to interact in a constructive way with the many people who appear before you -- the lawyers, parties, victims and witnesses. I am constantly learning and seeking to improve." Petersen says that working with people every day is the most rewarding part of the position. Fundamentally, people go to court because they have a dispute they can't resolve on their own. Her goal is to understand where both sides are coming from and make the best decision she can. Petersen takes the responsibility seriously.

One of the most fulfilling parts of Petersen's job was her work was on the Summit County Drug Court, which requires criminal offenders with substance addictions to complete 18 months of intensive rehabilitation and treatment while they report to the court every week. "I saw them go from having real problems with addiction to becoming clean, moving on and having a happy, productive, healthy life. They repair the relationships that have been damaged. They build stronger connections with their children. When I saw that, there is no better feeling in the world."

Utah Supreme Court Justice

In an October 2017 news conference, Gov. Herbert nominated Peterson to be the next Utah Supreme Court Justice where she will join her mentor, Deno Himonas.

Herbert introduced Peterson as his nominee and said she has "great intellectual firepower."

When Peterson spoke, she acknowledged her family and teachers for making her accomplishments possible. She also promised the governor that she will work hard in her new role, "I will have the fidelity of the law."

On Nov. 15, 2017, Peterson unanimously was approved by the Senate Judicial Confirmation Committee to the Utah Supreme Court. She replaced retiring Justice Christine Durham, the first female Utah Supreme Court justice who was appointed in 1982 and served as Chief Justice from 2002-12.

In a speech following the vote, Peterson said, "I am just so humbled today to join the high court." That's not even the end of it. "I am going to be taking the seat that's vacated by Christine Durham. I want you to know I understand the magnitude of that. That is not lost on me."