



**ABOVE:** Swearing in by Chief Judge Brian Flynn with the district court judges, county court judges, and magistrates of the 21st JD.

## Be You

My Path to the District Court

BY LANCE PHILLIP TIMBREZA

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*This series explores what it means to be a judge or justice at various levels of the state court system. Authors share their personal journey to the bench and help others navigate their way to a judgeship.*

**F**or about two years now, it has been my privilege to serve as a district court judge in the 21st Judicial District (Mesa County) in Grand Junction. In this article, I describe my journey to the bench, how I successfully navigated the application process, and the day-to-day work of a Colorado district court judge.

### Forging a Path

I come from a coal-mining family. When I was 13 years old, my father's company did a profile about a day in the life of an underground

coal miner. At the time, he said, "Funny thing is, when I became a coal miner my dad was proud. I hope my son goes to college so he'll have a wider choice of job opportunities." My dad still works in that same coal mine, in the small Western Colorado town of Somerset. It is the same town where my grandfather, great-grandfather, and cousins have all worked in the coal mines. And it is the town where my grandmother was born.

I was born and raised in nearby Delta. My parents divorced twice during my childhood: once when I was 10 and a final time when I

was 16. Growing up, I was often left to care for my sister, whom my parents adopted when I was 7 years old. Like many families, we lived paycheck to paycheck and, at times, even that fell short. I got my first job at age 10 working as a busboy, often alongside my mom, who was a waitress. This allowed me to support my sister and me—I could buy our school supplies, school clothes, school lunches, and dinners. I continued to work at the restaurant and a local radio station on weekends and weekday evenings all through middle school and high school. A steady income also allowed me to put myself through college and law school.

Although I was the first in my family to attend college and law school, my exposure to the law came early. As it happened, my step-grandfather was a court reporter for the district court judge in Delta, and he would take me to work with him when I was just a boy. I loved to watch the process and the players—the judge, witnesses, and attorneys. I was always struck by decisions the judge made that impacted people's lives, whether



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1 Judge Timbreza standing in front of the pictures of his colleagues and predecessors on the 21st JD and county court.

2 Lance and his father Jim on the morning his sister was adopted.

3 Young Lance with his mother Toni.



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it involved disputes about parenting issues in divorce cases, business deals gone awry, or convicted criminals being sentenced. I knew I wanted to be a lawyer and, eventually, a judge; I just had no idea how I'd get there.

### Life as a Lawyer

Perseverance at home, school, and work enabled me to reach my dream of attending law school. I loved the law, and it seemed to like me. I did well. I also gained invaluable experience clerking for a U.S. Bankruptcy Court judge for the Eastern District of Washington, where I was able to see the judicial process from a new perspective. Each week, the judge would assign various cases from the U.S. Supreme Court and circuit courts of appeals for me to read. Over lunch, he would pepper me with questions, an academic exercise he enjoyed and one that challenged my thought process and expanded my legal reasoning. I was also assigned various orders to draft, which taught me to carefully consider each party's position while reaching

an independent decision supported by the law.

I then joined a large firm, Dorsey & Whitney, LLP in Seattle, an experience that was important for me but ultimately not a great fit. I wanted to be back home in Western Colorado, practicing where I had roots. So I returned home and practiced in Grand Junction, primarily in civil litigation. Later, I expanded my practice to domestic relations, which eventually helped me demonstrate useful versatility as a judicial applicant.

I became active in the Mesa County, Colorado, and American Bar Associations. I served as chair of the CBA Young Lawyers Division, a district representative of the ABA Young Lawyers Division, and president of the Mesa County Bar Association. I also graduated from the CBA's Leadership Training Program (COBALT). My various experiences serving in leadership in the bar associations broadened my professional and social network and provided resources and connections I would not have otherwise had. It made the Colorado legal community

seem much smaller than the four-hour drive from Grand Junction to Denver.

When a vacancy opened in the 21st Judicial District—the first opening in a county or district judgeship in nine years in our district—I decided to apply.

### The Application Process

First, I had to decide whether it was the right time for me to put in. As I reflected on the position, I focused, as many of us do, on shortcomings. For example, I had only been in practice for 10 years and had no experience in



**ABOVE:** Judge Timbreza, his husband Sam, their children Hanna, Emily, Tanner, and Tucker, and his mother and father-in-law in Crested Butte for the Fourth of July.

**LEFT:** Judge Timbreza and his husband Sam Starritt (also an attorney) hiking in Crested Butte.



criminal law. Given the length of time since a vacancy had occurred, I assumed there would be many candidates whose qualifications exceeded my own.

Moreover, only one Latino judge had been appointed in Mesa County: Judge Larry Marquez, who was appointed in 1984 and served until his appointment to the Court of Appeals in 1988. (I was 5 when he was appointed and 9 when he left.) And there had never been an openly gay judge in Mesa County (or outside of the Denver metro area, much less Western Colorado).

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Despite my concerns, I reached out to a number of attorneys and judges I knew and began to talk to them about their experiences and the application process. They encouraged me to be myself and focus on my strengths. As many of them observed, everyone appointed comes to the bench with strengths and weaknesses.

Eventually, I completed the application. Before turning it in, I had several people review it for me, knowing the extra sets of eyes would help me make it better. In seeking the requisite letters of recommendation, I focused on different aspects of my personal and professional character. After I submitted the written application, friends and colleagues were gracious enough to help me prepare with mock interviews. Their feedback helped me improve my presentation skills.

Going before a nominating commission is an unusual way to seek employment. The commission consisted of a justice of the Supreme Court, who acted as an ex officio chair (in my case Justice Allison Eid), as well as three attorneys and four non-attorneys. They peppered me with questions about my qualifications and my desire to serve. I was invited to make an initial statement and end with anything else I wanted to share with them. The commissioners were warm and engaging throughout the process.

The next morning, Justice Eid called to tell me my name was being sent to the governor with two others. Shortly after, the governor's office called and arranged an interview. The 15-day window for selection afforded to the governor under the Colorado Constitution left my head spinning at times.

I traveled to Denver the night before my interview. I got up the next morning, too nervous for my morning run and too nervous to eat. I took a brisk stroll to the Capitol and arrived early. I tried to calm myself and take in the moment. Eventually, I was called in for my interview. The governor's staff put me at ease as we discussed why I wanted to be a district court judge.

I was fortunate that, a week or so later, the governor's office called to tell me the governor was appointing me to the district court bench. It was a humbling yet gratifying experience.

### **The Work of the Court**

Mesa County is a unique jurisdiction. We are a

single county district (one of a few in the state) with a diverse and busy caseload. There are five district court judges, and we share the district court caseload evenly so we do not have split dockets. I preside over criminal, civil, domestic relations, juvenile delinquency, dependency and neglect, mental health, and probate matters. We also get a steady diet of county court appeals.

The learning curve was steep. In my first year on the bench, I presided over multiple criminal trials, including a first-degree murder trial. I handled jury trials in civil and dependency and neglect cases. I quickly learned how emotionally draining such experiences can be: I presided over the trial of a juvenile charged with second degree murder for killing her foster mother. On one of my most humbling days on the bench, I took a verdict in the first-degree murder trial I had presided over. With over 100 people in the courtroom, I announced the verdict. Immediately, as they flooded out, another 100 people flooded in, because, as it happened, I was set to take a plea and sentence the juvenile who had killed her foster mother.

The job is challenging and never dull, and it constantly presents new issues. I have been surprised by how much time I am in court. I presided over 15 jury trials in my first 18 months. Given the daily diversity of the work we do in court, I see many people, all unique, in different circumstances confronting a multitude of issues. It is the most rewarding experience I could imagine. At times, it takes me back to that boy who grew up in Delta.


### **Hindsight**

Growing up in Delta, judges and lawyers didn't look like me—and in my mind, they didn't come from circumstances like mine. When I was in high school, my dad was arrested for and charged with a DUI. (It was not his first, but the first since I had been born and what he says is his last.) I remember sitting up waiting for him to come home, not sure what the future would hold. What would the judge do? What would happen? On another occasion, I remember seeing my mom's then-husband almost run her over in a terrible act of domestic violence. It was horrific. Internally, I also struggled with whether I would ever "come out" of the

proverbial closet. I worried, "Would these experiences and circumstances stand in the way of my goal?"

The answer was a resounding no. These reflections are difficult but important because they highlight the richness and diversity of the life experiences that shape the bench. We all bring our own unique life experiences to the bench and learn from each other's journey. We should think of them as qualifying and not disqualifying. It means litigants see a judiciary reflective of their life experiences and community. It also sends a message to those who aspire to be lawyers and judges to reflect upon themselves and to see a profession reflective of them. A profession that welcomes them. A profession that realizes diversity is a source of strength.

Don't let what makes you different define you. Being gay, being Latino—those are just a couple of small things about me. I'm a son, brother, friend, father, husband, lawyer, judge, citizen, and much, much more. All values deeper than the color of my skin or whom I love but a rich part of who I am. I like vanilla ice cream, sappy movies, Reba McEntire, and rainy days. Celebrate who you are and how you are unique, but do not forget, at the end of the day, we are more alike than we are different.

Once upon a time, I was afraid to be me because I didn't have a role model who looked like me. But if I could offer one piece of advice to those thinking of the bench and, perhaps, even to my own children it would be: Be who you are. Only you can be you and nobody can be you better. 



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