

THE LAW OFFICES OF  
**ANDERSON CALL & WILKINSON, P.C.**

*A Professional Corporation*  
999 N. Washington Blvd.  
Ogden, UT 84404

February 1, 2016

Honorable Judge Laura Scott, Third District Court  
Special Master Application  
Matheson Courthouse 450 South State Street  
P.O. Box 1860  
Salt Lake City, UT 84114-1860

RE: Special Master Application – Utah Lake and Jordan River General Adjudication  
Civil No. 360057298

Dear Judge Scott:

The attached material is provided in response to your Invitation for Applications for the appointment of a part-time Master to oversee contested matters in the Utah Lake and Jordan River General Adjudication (civil number 360057298).

The Court will be seeking a person with appropriate temperament, experience and good judgment to fill this position. As the founder of the Office of the Property Rights Ombudsman, I sought and received extended training in dispute resolution, and resolved thousands of cases related to eminent domain, private property rights, and land use regulation.

It appears that the Master position will require similar skills, as well as dedication to apply the law as written without fear or favor – in a deliberate and independent manner free of bias and ideology. In my recent work as an administrative hearing officer for a number of municipalities including Salt Lake City, that has also been a requirement.

My past work has required refined skills in resolving property rights issues, including eminent domain and land use regulation disputes. As water rights are equally important to Utah's citizens and communities, this skill set would serve well if I were appointed.

Please consider this application for the Master position. I would welcome the chance to provide more information and references upon request. Thank you for your consideration.

Yours truly,



Craig M. Call

**Craig M. Call**  
**Application to the Third District Court for Consideration as Special Master:**  
**Response to Specific Criteria and Duties**

*Five years of experience as a judge or practicing attorney.*

Utah Bar since 1976.

*Admitted to practice in the State of Utah.*

Utah Bar No. 0538.

*Experience with litigation and case management.*

See response to task outline, below.

*Water law experience is preferred.*

- Generally familiar with the principles of water law and water rights.
- Served on the Provo Metropolitan Water Board from approximately 1983 to 1988.
- Involved in water issues as the City Attorney for Providence in Cache County and associated with the City Attorney for North Ogden in Weber County.
- Reviewed water principles and law in the analysis of impact fees imposed on property owners for water services.
- Served as Regional Office Field Director for Congressman James Hansen, member of the Provo Municipal Council, on the Provo Metropolitan Water Board, and as a member of the Utah House of Representatives. Water rights and related issues repeatedly arose in that work.

*Relevant Experience – With Regard to Specific Duties Identified in the Invitation for Applications:*

*Designate subcases for each objection or set of related objections. Identify affected parties. Actively manage the subcases.*

- Appointed the first Property Rights Ombudsman for the State of Utah – 1997-2007.
- Managed the office and a full case load of dozens of concerns with eminent domain, planning and zoning, impact fees and related matters as the sole employee of the office.
- Processed an estimated 5000 inquiries – from simply answering questions to conducting formal arbitration proceeds.
- Revolutionized the process of acquisition of property for public projects. Lead eminent domain reforms adopted by the 2004 Utah Legislature and follow-up revisions as recently as 2014.
- Conceived, designed, and implemented a new and successful method of dispute resolution for land use concerns through the innovative concept of advisory opinions.

- Authored the first ten advisory opinions published by the office on complex issues of land use regulation.
- Conducted more than 1000 mediation sessions over ten years. Thirty to forty formal arbitrations.

*Facilitate settlement of objections where possible.*

- Extensive training in mediation and arbitration. Completion of 32 hour training for mediators as well as arbitrators.
- Resolved several thousand land use and eminent domain disputes. Educated the parties, determined their interests and objectives, and brought them together with minimal delay, hassle, and cost. As a result of these efforts and training, the office remains vibrant and effective today.
- Commissioned to prepare training materials in dispute resolution for the International Right of Way Association, the largest trade association of right-of-way acquisition agents in North America.
- Performed dispute resolution training in several states and Canada.
- Participated, at the request of the China Law Center at Yale Law School, in training and orientation sessions on eminent domain dispute resolution in the Peoples Republic of China.

*Hold hearings where necessary to resolve a subcase.*

- Facilitated arbitration using volunteer arbitrators, training them where necessary on due process and proper protocols, as the Property Rights Ombudsman.
- Appointed as land use hearing officer/administrative law judge for Salt Lake City, South Salt Lake, South Ogden, West Haven, Riverdale, Box Elder County, and Grand County. 2008-present.
- Conducted extended formal hearings involving briefing and argument in dozens of complicated land use disputes.
- Prepared written decisions including findings of fact and conclusions of law.

*Hear objections of pro se litigants.*

- Assisted thousands of average citizens in resolving disputes without expensive and legal formalities as the Property Rights Ombudsman.
- Preserved due process for all parties while accommodating the need to clearly communicate rights, procedures, and law to laypersons.
- Ensured fairness and efficiency for all parties while allowing lay persons to fully participate.
- Dedicated time and effort to educate citizens by authoring and publishing the Utah Citizen's Guide to Land Use Regulation and pamphlets on open meetings, open records, land use appeals, etc.
- Conducted training for lay municipal decision-makers for the Utah League of Cities and Towns for more than fifteen years.

*Prepare a report and recommendation to the Court containing factual findings and legal conclusions.*

- Authored the first ten formal Land Use Advisory Opinions as Property Rights Ombudsman, applying the facts and law to specific disputes.
- Dozens of formal decisions prepared as Land Use Hearing Officer/Administrative Law Judge.
- Prepared motions, briefs and argued cases before both the district courts and the Utah Supreme Court.

*Spend an average of 20 to 30 hours per week working on the adjudication.*

If asked to serve as Special Master, can focus private practice on that role while continuing to provide occasional land use hearing officer services for municipalities and lead the non-profit Utah Land Use Institute. The Master position would be the prime responsibility. Associates in the firm could take the lead on other pending case files where necessary.

*Bound by the Code of Judicial Conduct as would a Judge Pro-Tempore*

The Code provides that a Judge Pro-Tempore will not practice law in the same small claims division in which the judge serves. No pending cases in the Third Judicial District. Two pending cases in the Fourth Judicial District, Provo Division.

*Potential Conflicts of Interest.*

Legal practice has been limited to a relatively few clients, although some are real estate developers and thus the owners of real property and water rights within the Utah Lake and Jordan River water systems. Worked for some Wasatch Front municipalities, but only as an administrative law judge and generally not advising or representing any them on water-related activities.

Our firm has only a handful of attorneys, so the potential for firm conflicts would be significantly less than for larger firms.

Served on the Provo Metropolitan Water Board some thirty years ago. Have not lived in Provo since 1988 and currently reside in Weber County.

*Economic Interests in the Subject Matter.*

No economic interests in water or water rights. Hold no water rights or water shares, and advise no one on water concerns. Our firm has been involved in litigation which attempts to resolve disputes involving development impact fees charged by a large water district, but that district is located far from the area involved in this adjudication.

*Proposed Billing Structure.*



## **Craig M. Call, J.D. – Background Information**

In his forty-year legal career, Mr. Call has been involved in a variety of business and professional ventures. His legal work has focused on mediation and arbitration, real estate development issues, impact fees, eminent domain, legislation/administrative codes, and municipal law. He has also been extensively involved in raising the professional level of land use practitioners through publications, seminars, and workshops, as well as by training local leaders through the Utah League of Cities and Towns and teaching at the University of Utah.

### **Education**

- Juris Doctor, J. Reuben Clark Law School, BYU (1976 - Charter Class).
- Bachelor of Science: Business and Education, Brigham Young University (1972).

### **Experience**

- Attorney, Anderson Call & Wilkinson PC. (2007-present). Represents municipalities, property owners, institutions, and agencies on land use, eminent domain, impact fee and municipal law issues. Argued successfully before the Utah Supreme Court and District Courts.
- Land Use Attorney (2007-2011) and City Attorney (2012-present) for the City of Providence, Utah. Associate City Attorney for North Ogden, Utah (2012-present).
- Executive Director, Utah Land Use Institute. (1999-present). Published several books about Utah law and procedure (see below). Extensive speaking and training functions.
- Land Use Appeals Hearing Officer, Riverdale City (2010 to present); Salt Lake City and South Salt Lake City (2012 to present); South Ogden City (2013 to present); West Haven City and Box Elder and Grand Counties (2015 to present). Acts as the Appeal Authority and an administrative law judge in lieu of a Board of Adjustment or other appeals body for these cities. Hears and resolves cases involving land use appeals, variances, zoning enforcement and other administrative issues (depending on jurisdiction).
- Adjunct Instructor, Dept. of Urban and Metropolitan Planning, Univ. of Utah. (2010-present).
- Trainer, Utah League of Cities and Towns; Utah Local Governments Trust. (2004-present). Principle instructor for Appeal Authority training for the League and consisted presenter on land use appeals, meeting management, impact fees, and related topics at the ULCT Spring and Fall Conferences and other venues.
- Utah's founding Property Rights Ombudsman (1997 – 2007). Resolved thousands of disputes between property owners and local and state government entities. Mediator, arbitrator, and author of a number of advisory opinions resolving land use disputes. Appeared before the Supreme Court of Utah as an amicus on behalf of his state agency.
- Municipal liaison and land use representative, Flying J Corporation. (1994-1997). CEO of Snake River Marketing Inc. and EnviroVault, Inc., subsidiaries of Flying J Corp. (1988-1994).
- Developer, Provo Town Square; Historic Utah, Inc. (1972-1988). General Contractor, Real Estate Broker and Leasing Agent, Developer and Manager. Restored several dozen buildings listed on the National Register of Historic Places in Utah and Idaho.

## Government Service

- State Representative, Utah Legislature. (1985-1988).
- Member, Provo Municipal Council. (1982-1983).
- Field Office Director, Congressman James V. Hansen (R-UT). (1981). Covered Southeastern area of Utah and Utah County from Provo Field Office.

## Honors and Awards

- *Utah Business Magazine* Legal Elite, Real Property Law Category, repeated years.
- J. Grant Iverson Service Award, Utah State Historical Society.
- Preservation Award, Utah Heritage Foundation.
- Outstanding Service to the Community, Faculty of the J. Reuben Clark Law School.

## Professional Associations

- Admitted to practice before the Utah State Courts, the U.S. Federal Courts, and Supreme Court of the United States.
- Utah State Bar (Bar No. 00538). Member, Real Property, Appellate, Government Law and Alternative Dispute Resolution Sections.
- Utah Chapter, American Planning Association. (1996-2012).

## Publications

- *Resolving Land Use and Impact Fee Disputes: Utah's Innovative Ombudsman Program, The Urban Lawyer* – The National Journal on State and Local Government Law, Fall 2010/Winter 2011.
- *Utah Land Use Deskbook* – 140 pp., Utah League of Cities and Towns, 2009, 2011. Lead author of publication vetted and polished by civic and business leaders.
- *Utah Law of Eminent Domain* – 280 pp., Utah Land Use Institute, 2008 - (updated 2011).
- *Utah Impact Fee Handbook* – 90 pp., Utah Land Use Institute, 2009 - (updated 2014).
- *Alternative Dispute Resolution for Right-of-Way Acquisition Agents*. 16 hour course with student manual, instructor manual, exams, and power point. International Right-of-Way Assn., 2006.
- *Utah Citizen's Guide to Land Use Regulation* – 270 pp., Utah Department of Natural Resources, 2005.
- *Chesterfield – Mormon Outpost in Idaho*. 90 pp., The Chesterfield Foundation, 1979. Compiled and published anthology through the Chesterfield Foundation and BYU Press. Won Mormon History Assn. award for outstanding local history in 1980.