David Ogden Nuffer Interview
Interviewed by Loren Webb

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Participants: Loren Webb (Interviewer)
David Ogden Nuffer (Interviewee)

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Transcribed by: Susan Mower

Webb: Hello, everyone. My name is Loren Webb, and I'm the oral history coordinator for the Washington County Historical Society. This interview on Wednesday, November 19, 2025, with David Nuffer is being conducted at the home and studios of Kimball Willard, 3223 East 2000 South in St. George, Utah. Funding for the oral history program is provided by the St. George Recreation Arts and Parks Tax, the Washington County Recreation Arts and Parks Tax, and Utah Humanities. We want to welcome David Nuffer with us today. Thank you for being here. And what is your full name?

Nuffer: David Ogden Nuffer.

Webb: Thank you. When and why did you become interested in law?

Nuffer: I was in the interior of Brazil, at that time the interior. We weren't very far in LDS missions in the interior, but it was in the State of São Paulo in São José do Rio Preto. And I was reading Alma 31, justice, law, punishment, and it was hard material. And I really used my study time up, and I closed the book, and I said, you know, I'm going to have to become a lawyer if I'm going to understand this. That's the first I'd ever really thought of it.

Webb: What subject was your undergraduate degree in at Brigham Young University?

Nuffer: Humanities. It's a major where you pick literature, foreign literature, foreign language, art, history, English. So it was a very broad liberal arts major.

Webb: What year did you graduate?

Nuffer: The bachelor's degree was '75.

Webb: In 1975. And so why did you choose to attend the J. Reuben Clark Law School at BYU?

Nuffer: So after graduating with a humanities degree, or as approaching the graduation, I realized the humanities companies were not hiring. I could go teach. I could get a library degree. I applied, and I was actually accepted, at University of Chicago in Near

Eastern Studies, though I didn't have any Arabic or Hebrew background. But I took the LSAT law school admissions test and got a pretty good score. So I walked over to the law school. Actually, I had to drive down because it was down in the Saint Francis rented school, and I showed them my score, and they said we want to talk to you. So it was a good score.

Webb: Wow. So this is University of Chicago? You said University of Chicago, right?

Nuffer: University of Chicago in Near Eastern Studies.

Webb: Which is a great university---it has a stellar reputation.

Nuffer: Yes. I'd gone to high school in the Chicago suburbs. So I had great respect for the institution.

Webb: But you decided to go to BYU law school instead of—doesn't the University of Chicago have a great law school as well?

Nuffer: Sure. But it was easy at BYU. I didn't have to move. We had one child at the time. I didn't have my sights set very high. I thought about University of Chicago for Near Eastern Studies because that's the place to go. But I didn't think about it for law school. I didn't think I could qualify for that or get into it. But also, BYU offered me a scholarship of $250 per semester.

Webb: Oh, wow.

Nuffer: Which was half the tuition.

Webb: Oh, my gosh. That's great. So what year did you graduate, and what year were you admitted to the Utah State Bar?

Nuffer: 1978 for both. I graduated in April and was admitted to the bar in September.

Webb: I took a communications law class for one semester, and we were required to go over to the law school and study. And I thought it was impressive. I mean these guys lived there, practically, in their little cubicles and things.

Nuffer: I left some things at school that I needed for my Sunday School lesson about two weeks into the school year, and I went up there, and I was shattered. There were people studying on Saturday. I hardly ever studied undergraduate, but Saturday? And then I went back one evening, and there were people there in the evening. So I kind of learned a different ethic.

Webb: What led you to become law clerk for Howard, Lewis & Petersen Law Firm in Provo, Utah, and what were your duties there?

Nuffer: I had a friend who was a lawyer there. He had been admitted to the bar and hired there. And he suggested I go down there and apply. So I applied and got a job and worked there for, I think, two summers, writing briefs, doing legal research, organizing, files, and things like that. I learned a lot of practical things.

Webb: I bet. So how did you become a law clerk and an associate with Allen, Thompson & Hughes law firm in St. George, Utah? And then, of course, what was it like working with Tony Allen, Ron Thompson, and Michael Hughes?

Nuffer: Yes. There's a lot of questions in that question.

Webb: Yes. Start with the first one. Basically, how did you become a law clerk?

Nuffer: Well, I went to high school in Chicago. The winters were terrible. I went to law school and undergraduate at BYU. Winters were terrible. I was sick of winter. I had been in Mesa, Arizona, one-half semester of my undergraduate, and I thought that was fantastic. Why would people live where it's frigid and terrible? So I thought I'll go check out St. George, and I interviewed the firm down here, and they offered me a job, so I came down.

Webb: And a great location, too. I mean a historic home, right?

Nuffer: So I remember coming down for the interview, and I got to Vernon Worthen Park, and there was a pay phone there because it was before cell phones. And I called my wife, and it was March, and it was warm. Everything was green. I said, "I don't care if they offer me a job. We've got to move here."

Webb: Oh, my gosh. So when you started working there, what was it like working for Tony Allen, Ron Thompson, and Michael Hughes? These guys are legends in the community.

Nuffer: Oh, yeah, and they had all been at the University of Utah together, and I was a BYU graduate, so there's a little tension there, but they all had BYU season tickets, so there was some common ground. But you know, Ron was involved in the [Washington County] Conservancy District, he was County Attorney; he was very prominent in the community. Tony Allen knew everybody, did a lot of high quality legal work, business-type work. Ron did, too. Mike Hughes was a fearsome litigator.

Webb: Oh, yes, he was.

Nuffer: He was the one who used most of my time there. I had a really good relationship with Mike except for the time I cleaned his office, and he came out, and he found me, and I thought he was going to kill me, but he didn't.

Webb: Really.

Nuffer: He was one of those brilliant people that didn't need to organize anything. He knew where it all was, but I had hidden it all. They were in the files. What was I thinking?

Webb: Oh, gosh. He was definitely interesting.

Nuffer: Oh, yeah.

Webb: So from 1978 until 2002 you were in private practice.

Nuffer: Right.

Webb: How did you become a law partner with Steve Snow?

Nuffer: He had been employed by the Allen, Thompson, & Hughes Group, but then he went to be a deputy county attorney for Ron [Thompson], who was County Attorney, to get trial practice because that's really the way you get trial practice, is work as a criminal lawyer, prosecutor and defense. And so he had kind of an affiliation with the firm. But I also had met his family when we were down here for the law clerk experience. My wife had a baby, and they held a shower for her, and so, you know, it was a very small town then, so we knew them pretty well. And he and I decided that we would just go out on our own.

Webb: Okay. And what was the address of your law firm?

Nuffer: I told you I have to look at my phone for this because I don't remember them all. First we had a little one-room office behind what used to be the OK Market. We called it the Scarth Building. It was right next to a hairdresser, and it was very toxic in there, but that was about 24 East on St. George Boulevard. Then we moved to 23 North 50 East which was the old Eric Snow home. Steve's grandmother lived there, and she needed to move to a town home or condominium just to be easier to keep up, and it didn't have the staircases and all that. So we kind of gently moved her out, remodeled, and then moved in there and had our offices there for about three years.

Webb: Oh, my gosh; I didn't know that.

Nuffer: That home's been demolished now, but the address was 23 North 50 East.

Webb: But the address that I remember stood out, it said "Snow and Nuffer" right there north of St. George Boulevard, right? Didn't you have your office, wasn't it—

Nuffer: I don't remember that one. That's not to say it didn't happen, but we were moving a lot. We moved from Grandma Snow's house to the new Dixie State Bank building, which is now Wells Fargo. We were down in the basement of that building for about three more years. And then we moved to First South Plaza, one more street south on 200 South. It's about 150 East, 100 South. And that was the Kemp, Burdick, Hinton, and Hall building. They were on one side of the third floor, and we were on the other side. And

then we moved to what's now the Hafen Buckner building on 92 East 200 North, and then we moved to the—

Webb: That's what I remember; that's where I remember.

Nuffer: Yeah, we did have a big sign there on 200 North. And then we moved about 1982 or '7, I can't remember, moved over to the big Dentons building at 192 East 200 North, just across from the City offices.

Webb: Those two locations were the ones that I remember.

Nuffer: Those had the big signs.

Webb: They had the big signs, yeah.

Nuffer: Yes.

Webb: Okay. So over time the law firm, oh, I've got to go back here. How many employees did the firm employ when it was Snow and Nuffer?

Nuffer: One at the first, and then two, and then two and a half, because Steve came out half-way of the Deputy County Attorney job. And then we had, I think, four for a long time, and that was when we were in the Snow home. And then when we moved across the street, we probably had five or six employees at the Wells Fargo building, and then it just grew. By the time I left the firm in 2003, there were 25 lawyers and a whole host of support staff. At the office in Salt Lake we had 15 lawyers, we had 10 down here. And there were a lot of support staff everywhere.

Webb: So over time, the law firm of Snow and Nuffer expanded to include Chris Engstrom, Lyle Drake, Terry Wade, and Randy Smart.

Nuffer: Yes.

Webb: And the reason I couldn't get Randy Smart's name is I couldn't find that first name. It was, I don't know. Somehow I—and so I came up with that other name, and I'm glad you corrected that. So how did that come about? How did these other partners come about?

Nuffer: Incrementally. Chris Engstrom was the first one to join, and I don't know how we made contact with him. We might have had mutual clients, because he was working for the Larkin Group and Jennings and some others. But he was a terrific business and estate planner, and Steve and I weren't. And then, let's see, who joined us next.

Webb: Lyle Drake or Terry Wade?

Nuffer: Lyle Drake joined then. He came over from the Gallian firm, and he was also an estate planner. Chris got so involved in business, he just had to fight the clients off. He was really a good business lawyer. And Lyle was the same way with estate planning. He was just terrific. And then Terry Wade joined us. He had been a clerk at the Utah Supreme Court and then joined us after that.

Webb: Okay.

Nuffer: And then Randy Smart was our tie up in Salt Lake. That's how we got started up there. And I think he had known the other three; Chris, Steve, and Lyle graduated a year before me. So they all knew Randy. And so we were looking for a base of operations up there. And that's how that relationship started.

Webb: Okay. What civil, criminal, family law, estate planning, will, probate, personal injury, real estate law, etc., case or cases stand out for you during the time you were in private practice?

Nuffer: Well, one of them was with Mike Hughes. There was a businessman, an investor, that had an option to buy all of the land east of the Foremaster Ridge, all the way, I think, to what we now call Green Springs Drive. It was huge, undeveloped. There were no roads in there, just a whole big field. And the option was at a very favorable price that had been entered into some time ago. He, as I recall, made the payments and kept it up. But that was the first big case I really got involved in down here, and it was on appeal to the Supreme Court because I think we'd lost down here. So it was a big deal. And we won on appeal, and the businessman was able to exercise the option on the land, and now all that's being developed. So it was a phenomenal thing to be involved in. I grew to love land cases because they were real. You could see it. [In] a business relationship, who knows what they said in that room five years ago. But the land was right there, and the contract was written, and it was right there. So that was a great part of practice in St. George.

Webb: Did you or your law firm ever represent any municipalities, and if so, what was that like?

Nuffer: Steve and Chris worked for Washington City. In '82, I became City Attorney for Kanab, and I'd commute over there two or three or four times a month to do work, attend City Council meetings, prosecute cases over there, handle some of their real estate development stuff, things like that. And that was great experience because a city is like a small business. You do everything. You've got personnel problems, you've got land issues, you've got water issues. So it was really great work.

Webb: That's good. I remember Steve working as the City Attorney for Washington City. It was one of the towns that I was assigned to cover for the *The Spectrum* newspaper. So what made you decide to apply to become a U.S. Magistrate Judge in 1995?

Nuffer: I had represented two clients who had a misdemeanor complaint against them filed in Federal Court. I didn't know there was a Federal Court down here, but I found out that the magistrate judge was up in Cedar City who would hear the case. They had been accused of shooting a deer inside Zion National Park. So I talked to him about the case. It was up in that Kolob checkerboard area where one minute you're in the Park, one minute you're not in the Park.

Webb: Right.

Nuffer: And the color of the asphalt used to change, but that doesn't tell you when you're out in the bush whether you're in or out of the Park. But anyway, we thought we had a pretty good case to say that we were outside the Park. And so I went up there, and we intended to plead not guilty and have a trial. The judge said, "You can plead not guilty, but to get a trial, you have to go to Salt Lake because I don't do trials. Or you can just pay a fine." And I thought that was a terrible way to treat people. We pled no contest and paid the fine. That doesn't technically admit guilt.

Webb: Who was the magistrate?

Nuffer: I don't think I want to say that.

Webb: Oh, my gosh.

Nuffer: But that encouraged me. And so not more than maybe three or five months later, I see this full page ad in the *Utah Bar Journal,* Magistrate Judge position available in southern Utah. It was the one-tenth time, the lowest level Magistrate Judge position in the whole United States. So I thought, "Oh, I might try to apply for that." So I went up to Salt Lake and interviewed, and I got the job.

Webb: Oh, my gosh. That's so interesting. Okay. So I understand you worked part time in that capacity while remaining a practicing lawyer before becoming a full-time judge in 2003. So while working part time in that capacity, how did you juggle being a judge and an attorney?

Nuffer: I was a part-time judge in the Federal system, and basically we heard stuff off of Zion Park land and BLM land, you know, trash disposal, parking somewhere you shouldn't have, too big a group in Zion National Park, running the tunnel—that was a big one.

Webb: Yeah.

Nuffer: And we had some colorful cases. But I was also prosecuting for Kanab, and I was defending in Arizona because I had my Arizona license.

Webb: Oh, wow. In Mohave County?

Nuffer: Yeah, in Mohave County. So I would pick up defense work in Arizona. And so, if you learned a trick somewhere, you could use it everywhere else. So it was a great time.

Webb: Okay.

Nuffer: Very strange.

Webb: Did you ever go to trial, or I mean did you ever have a case go to trial in Cedar City or wherever you were the U.S. Magistrate?

Nuffer: Yeah, we did our court down here, and we had a lot of trials.

Webb: Okay.

Nuffer: You know, they're fairly simple, I think.

Webb: So you kind of helped to maybe start a new precedent? Is that right?

Nuffer: Yes, because the last jury trial a Federal Court had in southern Utah was in Beaver for John D. Lee [in 1876].

Webb: Oh, my gosh.

Nuffer: So I had a jury trial in 1995 in the old Washington County Courthouse up on the hill by the City building. And that was the first jury trial in what would it have been, 75 years?

Webb: Yeah. That's pretty historic. Okay. So, also as a U.S. Magistrate, did you work in St. George, maybe Cedar City, or Salt Lake City or both cities or all three of those cities?

Nuffer: I remember going to Cedar City one time because at the first there was no staff down here. There were no probation officers. I went up and did an initial appearance with somebody in a room in the jail because they had to be seen within 48 hours, but other than that, we did almost everything in St. George. Nowadays, sometimes, the Magistrate Judge goes out to Big Water to hear the Lake Powell cases. I never did that. They meet in the town hall out there. But I started working in Salt Lake in 1998 because they were very shorthanded up there. So I started going up there in '98.

Webb: What were your duties as a U.S. Magistrate Judge, and what case or cases stand out during your time in that position? You kind of answered that already, but—

Nuffer: A little bit. That one jury trial case was too large a group size.

Webb: Too large a group size in Zion National Park?

Nuffer: For a Park, yeah.

Webb: Like for going into the back country on a trail, right?

Nuffer: Yes. And that degrades resources, so it's a legitimate citation, but it turned into a jury trial because they would not compromise with the U.S. Attorney. So we tried it, and it was interesting because the rangers were right on, the group, unfortunately, was a church group, and they were a little self-righteous about the whole thing, and what's the difference between 12 and 20, and all of this. Unfortunately, the law says 12. So you're kind of stuck there. We would have other cases that were extremely trivial. Some French kids really liked the Delicate Arch license plates and stole a whole bunch of plates off of cars, so we're in court with a bunch of French kids.

Webb: Oh, my gosh.

Nuffer: We had a guy show up at the entrance station on the east side and claimed he was a special representative of the Pope and of Three Planets and that he got free admission into the Park. And there's a little confrontation.

Webb: Oh, my gosh, those are some really interesting cases.

Nuffer: Oh, it's very fun.

Webb: Okay. So I understand you became an adjunct professor of law at BYU's J. Reuben Clark Law School from 2001 to 2016. So how did that position come about, and what did you teach?

Nuffer: I was President of the Utah State Bar in 2000 and 2001. The Dean of the Law School then was Reese Hansen. And he invited me to come up and teach law office management because he knew I was managing a law firm, and he knew we'd been doing well. And so that's where I started was teaching law office management up there. And it's a chore to drive to Provo every week and teach a class. But I really enjoyed it. The students were terrific. The law school was great. It was good experience to be back in the classroom as a teacher this time, inflicting rather than taking the punishment. So that was all good. And working with young people is just wonderful.

Webb: Yeah. You know, you just get to see their energy and their excitement, and it kind of helps the teacher as well, doesn't it?

Nuffer: Oh, it does, yes. You feel younger when you're out there with them.

Webb: Yeah. When you were nominated to be a U.S. District Court Judge for the District of Utah by President Barack Obama on June 29, 2011, and once you were confirmed by the U.S. Senate on March 22, 2012, and began serving on March 13, 2012, what thoughts went through your mind during the nomination and confirmation process?

Nuffer: That was really interesting. I found out about the nomination, the possibility. We were actually in Turkey at the time. And the position had been open for a long time. I talked

to my wife. We had to be in Turkey for a week and then in Ukraine a week after that for two weeks because I was doing a lot of overseas teaching at that time. And I said, "We may as well go because nothing's happening on this." And then in the middle of the night in Turkey, I got a call, "The President would like to consider nominating you." So I worked constantly on putting together 2,000 pages of information for the nomination process. And they found thousands more pages of talks I'd given and news reports about me and stuff that I couldn't remember. But going back to D.C. just for the initial vetting was really interesting. They took it very seriously because you're getting a lifetime appointment, and they want to know that you might be some kind of an oddball, but not too bad. So I think they checked me out that way. Then when we went back for the confirmation hearing before the Senate, some of our family was able to be there, and Senator Lee and Senator Hatch were wonderful in showing us around the Capitol and taking time with us. So it was a really great experience.

Webb: That sounds like a great experience.

Nuffer: It was.

Webb: I understand when writing judicial decisions on a case, you go through two phases. So would you like to explain those phases?

Nuffer: Well, there's a lot of different names for these phases. The first is bewilderment. What's this about? Because we're generalists. So I can have an elections case one day and a patent case the next day. And those are always interesting because I've had patent cases, you know, those bits on the things that grind up the road. I had a patent case about that. I had a patent case about mud motors that run through swamps. We don't have a lot of swamps in Utah, but one of them was based here. Patent cases on software. But criminal cases about criminal enterprises that go all the way from Mexico down to the street in Utah.

Webb: Wow.

Nuffer: You learn so much every case you get. So bewilderment, and then there's this analysis and gathering of information stage, and then things start to come clear in your mind. So that's the gratifying stage, and you always get there. But I have to tell new law clerks that work with me, there's a phase of bewilderment, and then you really have to put yourself into it, and then you'll get to an understanding.

Webb: And that reminded me of the alternating windshield wiper case and that guy, the guy that invented that, he was in litigation for like 15 to 20 years of his life. It almost destroyed his life.

Nuffer: Yeah.

Webb: And you also look at the guy that invented the television.

Nuffer: Philo Farnsworth.

Webb: Yeah, Philo Farnsworth. And the trouble that he went through to get his name established. So as a U.S. Magistrate Judge, what were your duties, and how did they change when you became a U.S. District Court Judge in 2012?

Nuffer: So as a Magistrate Judge, you do mostly preliminary matters, pre-trial matters. So initial appearances on criminal cases, scheduling on criminal cases, scheduling in civil cases, pre-trial motions, discovery motions, do we have to answer these interrogatories or submit this deposition or not? That's a Magistrate Judge's sphere. Then as a [District] Judge, you take dispositive motions, motions that can decide the whole case and trials. And so it's very different. I called Magistrate Judge work "short attention span theater." You saw more people, more attorneys, knew more about what was going on in the court. You'd take all the incoming grand jury returns, you saw those cases; District Court, you can be trapped in trial for weeks.

Webb: Wow.

Nuffer: Or researching cases for weeks. So it's very different work. I like them both, but I tell Magistrate Judges, you've got it pretty good.

Webb: Yeah. Oh, my gosh. Okay. So what case or cases stand out for you while serving as a U.S. District Court Judge, and you're still doing it?

Nuffer: Yeah.

Webb: So every day could be new, but—

Nuffer: Every day is new.

Webb: Yeah. So what stands out right now?

Nuffer: I got a call in September about taking a case in another district, and it was a topic I'd never heard of. I just had a hearing in it last Friday, and I've learned a lot in the last two months. I'm going to tell you a story about a newspaper-related case, the Jeremy Johnson case, which has some local significance here. But there was a newspaper man, and I don't remember his name, and I probably shouldn't say it if I did, but he would come to court every day, and he wrote an article every day about that case. And he told one of my staff, "When I get the name Jeremy Johnson in the headlines, my hits go way up."

Webb: Wow.

Nuffer: And so it was a gold mine for the *Tribune,* which is who the guy worked for. But it gave me a really interesting insight into how the news media sees the court because not a lot of cases get news coverage, but you really start to understand. And after that, I started

allowing live blogging in the courtroom because I felt like having people have their electronic tools made it so much more accurate.

Webb: Yes, it does.

Nuffer: We've been really fortunate down here. There's some good newspaper coverage of the Federal Court down here, and it's very accurate because they pay attention. The electronic tools make it a lot better than the old pad and paper.

Webb: Yes, they do. I would really agree with that. So from the time that you became a practicing attorney to now serving as a U.S. District Court Judge, how has technology changed over time?

Nuffer: I remember getting our first computer. It was an IBM 5120. It was about the size of a Volkswagon, and it cost twice as much. And it didn't do very much. It just did word processing. We eventually found a way to make it do our time and billing records. But then we graduated to an IBM AT to do our billing, and then we got Macs for a long time to do our word processing because they were so easy. But it's changed. Printing quality has changed, you know, from dot matrix and impact printers to the laser printers, communications, internet, availability of research at your desk. We had to drive to Las Vegas or BYU to do legal research because the library here was pretty small. So technology has really changed the practice of law.

Webb: Describe the importance of the attorneys and judges staying current with technology.

Nuffer: Well, there's an ethical risk for both judges and lawyers if you don't stay current because there can be breaches of your security. You handle a lot of confidential material whether you're a lawyer or whether you're in the court. So that's really important. You also want to know the latest skills. If you're looking through ten million digital records, what's the most efficient way to search those as an attorney? You owe it to your client to be up on all of that, to make sure you're not missing things. And as judges, we need to know how to use the latest research tools. The big controversy right now is how do you responsibly use AI.

Webb: Yeah.

Nuffer: And that's evolving. I think it'll settle out in about five years, but right now it's very dangerous, as you know from the headlines.

Webb: It really is. When attorneys come before you in court, what do you expect them to bring with them and/or share with you technology-wise or preparedness-wide?

Nuffer: I'm kind of unusual for a tech guy. I don't like PowerPoint. It's linear, and it can't respond to changes in the flow of the hearing. I don't usually do traditional oral argument. I usually provide a list of questions or maybe even a draft order to the attorneys before we have the argument so that they know what I'm thinking and that

really helps speed up the process a lot. But I expect attorneys to be well prepared, and almost always they are very well prepared.

Webb: That's great to hear.

Nuffer: It is.

Webb: Describe how using computer software in the courtroom helps you as a judge to be more efficient and/or effective.

Nuffer: Well, all of our documents are filed in PDF format, so you can carry them on a computer, or you can connect to the network and pick them up. That's a huge advantage over the old days where there was one court file, especially where we have Magistrate Judges and District Judges, they and each of their clerks [now] have the file. So that's terrific, and you can take it easily with you to study. It's very portable. I remember checking out files from the Utah Supreme Court. I don't know how they had the guts to let us take files. If you had a car wreck, the file was gone. And that's happened in history. So it's much, much different to be in the courtroom now with everything electronic. And of course we've done a lot of remote hearings. We started really with COVID in the Federal system, but now we do almost all of our scheduling, a lot of pre-trial events, we handle by remote means because it's so much less expensive. It takes so much less time.

Webb: Right. How did you become involved with lecturing about the American legal system to judges from the Ukraine, Turkey, Iraq, the Czech Republic, Brazil, United Arab Emirates, and Iran?

Nuffer: That's really a good question.

Webb: That's just amazing, all these countries that you've been to.

Nuffer: It was great experience. I really don't know. I think it started when I heard Paul Cassell speak about his experience in Ukraine in 2006, and then I went in 2007, and I stayed involved with David Leavitt and his organization that taught and still teaches there. They were teaching law students mostly, but they also did some teaching for lawyers, and it was fascinating to see our legal system from the outside and also to see it as contrasted with Eastern European legal systems, very interesting. And then I don't really know how I got involved with the international stuff, but there was the American Bar Association that I was involved with, especially in the Middle East, because they were looking for people who had been over there. And then the Federal Judicial Center in Washington D.C., that's the educational arm of the judiciary. They do educational programs for judges that come and visit the United States. And then sometimes there's visits overseas, and so that just led to some visits.

Webb: What was it like, though, going to these places?

Nuffer: Well, it was fascinating. I remember going to Uzbekistan which was about as far from home as I'd ever been. And people are a lot the same everywhere, but the culture and the history are remarkably different, unique, and interesting, especially in the Muslim countries. Lori traveled with me over there quite a bit. We enjoyed the atmosphere there. The mosques are beautiful. The veneration they have for the Quran is terrific. The periodic calls to prayer remind you of God all day. It's an impressive system in many ways.

Webb: What else did you find rewarding or challenging about reaching out to judges on this international level?

Nuffer: They were very interested in our system but could not believe it worked.

Webb: Could not believe it worked?

Nuffer: If you have a jury, people have to show up. They'll never show up. If you have a jury, that's just more people to bribe because all you have to do is bribe the judge in a system without a jury. How do you keep the evidence safe? Evidence tends to disappear, you know. Things we just take for granted.

Webb: You had to really re-teach them.

Nuffer: Yeah, and make it believable. Until they come here and see it, it was very hard to believe.

Webb: Oh, wow. In 2024, you were honored with the Judge of the Year award at the Utah State Bar Spring Convention. How do you think that award came about, and what were your thoughts when you received the award?

Nuffer: I don't want to be too cynical about awards, but I've sat on awards committees, and you kind of think, well, whose turn is it, who might not be here next year? So sometimes I kind of regard it as that. But I had been in the Bar Association for a long time and had done a lot there, and I still like to get with the Bar Association. Talking to lawyers is really helpful. So I do think that I had put in my time with the Bar Association. But I was involved in rolling out electronic filing for the Federal Court. I came on the bench in Salt Lake in 2003, and it rolled out in 2005. So we worked for two years to get it out, and that made a huge difference for lawyers. No more bringing paper to the courthouse. There used to be a big lineup at 4:30 trying to get stuff date stamped and filed. Now you just do it on the computer any time of day, anywhere you are. We had a video for a while that showed a guy e-filing on his boat—

Webb: Oh, my gosh.

Nuffer: While he was driving, and there was a water skier behind him. We did not recommend that. But it just changed the practice enormously. And so I think part of it sprung out of that.

Webb: How did you feel when you got the award?

Nuffer: It was a great honor. I appreciated that. I don't mean to be cynical about awards. I think that they mean something. Everybody does something different. Everybody contributes a different piece of the puzzle. And every time there's a Judge of the Year or Lawyer of the Year, I think it really matters, because they do such different things. I really like the Utah Minority Lawyer of the Year. Or there's an award called the Dorothy Brothers Award for the Advancement of Women in the Legal Profession. Several awards recognize people in niches like that—people who give pro bono work that served the underprivileged that couldn't afford a lawyer. I think those are really important awards. But when awards are given to me, I don't think they're very important.

Webb: What is it about serving as a Federal Judge that makes you want to keep working?

Nuffer: Well, you're appointed for life, and so there's sort of a presumption there. And I have watched people retire and fade and die. You have to have something to keep your mind active, to keep demanding. And I really think it's a healthier thing. I have a 40 percent civil load. I don't take any criminal cases now. I think that's about right, fortunately, because Judge Allen is now here in southern Utah as a full-time active District Judge. That works.

Webb: What's the first name?

Nuffer: It's Ann Marie [McIff] Allen.

Webb: Okay.

Nuffer: She's Kay McIff's daughter. She's originally from Richfield, so incredibly loyal to southern Utah, lived and worked in Cedar City for years. And so she's got more southern Utah fever than I do, and we join forces against those bullies up in Salt Lake, if we want to get our way.

Webb: So is retirement on the horizon, or sometime down the road?

Nuffer: It's sometime down the road.

Webb: Okay, and explain.

Nuffer: Well, as long as I'm capable, and I do have a little committee that meets every year, and they—it's my law clerks, my court reporter, my wife—and everybody says, "Is he still okay? Is he fading?" And I think being active keeps me active, and it preserves the skills. So I'll retire when it's time, and I hope I retire before it's time. It is a problem with senior judges, Loren, because they're the oldest in the court. They mentored everybody else, and nobody wants to tell them they've got to go. Their staff positions

depend on them. They don't want to retire themselves by saying the judge has got to go. And the family thinks, "Do we want Grandpa at home?" So it's sensitive. But I've given them standards that they have to judge me by. And they do it every year.

Webb: Okay. Because I look at Lynn Excell, Hurricane Police Chief for many, many years, and I think he might have retired because he was running for City Council this year. And then you're going to have to help me on this one. The Santa Clara police chief [Bob Flowers], he just retired.

Nuffer: There are a lot of law enforcement people, our federal law enforcement people have to retire at 57. That's ridiculously young these days.

Webb: It seems like way too young.

Nuffer: Yeah. And so then they have a second career, and that's great. But they always get a second career because the ones that don't, don't last very long.

Webb: So what other civic or religious organizations have you participated in, if any?

Nuffer: I've been in the St. George Chamber of Commerce. I was president way back when. I was in the Kiwanis Club for a while. I've been involved on and off with the Interfaith Choir here. I'm in the Heritage Choir with my wife. She's the musician, and I go along to learn.

Webb: That sounds wonderful.

Nuffer: It is great. Music is a great expression. It's the polar opposite of law.

Webb: It is kind of.

Nuffer: It really is.

Webb: What experiences stand out from your participating in these organizations, if anything?

Nuffer: Great people in this community, especially of all faiths, and of all business backgrounds. I learned that with the Chamber. But people really want, in their own way, to have the community grow and be strong. And people who come here, it doesn't matter how long they've been here, they have a lot of community loyalty. They love what they find here. And that impresses me. I'm also impressed by the number of people who don't know how they got here. They had choices of a lot of places. They tried out a lot of places, and they wind up here. And that's just kind of reaffirming that, yeah, we made the right decision.

Webb: So where and when were you born?

Nuffer: Portland, Oregon, 1952.

Webb: Okay. And who else was in your family?

Nuffer: My parents were in my family. I was adopted by that family. And then 3½ years later we had a sister join us. She was adopted, too. So there were four of us.

Webb: Interesting. What did your neighborhood or community look like outside of your family?

Nuffer: Well, we lived nominally in Troutdale, Oregon, 18 miles east of Portland, but we were not in the city. We were deep in the country.

Webb: And it's beautiful out there, isn't it?

Nuffer: Oh, it is. It's beautiful out there. And so we lived on a very large nursery. It was a family business with my grandfather and his three or four sons, depending on who was in at the time, or sons-in-law. And a great place to grow up as a kid. We had a pond. I can't believe my parents would let me just go unattended with my cousin out to the pond and row out the boat and find the ducks and all that. It was a great place to live. But you know, we were bussed into school because it was so far to go into this little town of 500 people, and go to school.

Webb: So because you were adopted, you may not be able to answer this question fully, but where do you believe your ancestors came from?

Nuffer: Well, I do know my ancestry because I've made contact with both birth parents. And most of my ancestry is Scottish. I have a fair amount of German, as well. There's a little bit of Welch. There's four percent Jewish, European Jewish. So it's an interesting mix. There's a fair amount of Scandinavian, too, but I think like 46 or 54 percent is Scottish.

Webb: Oh, wow. Interesting. Do you know where they first settled when they came to the United States?

Nuffer: Well, my adopted family all first settled in Utah. They were Mormon converts. Some came from Germany in the 1890s. They converted and were kind of run out of their town. Some came from England in 1800s to 1910s, and that's an interesting story. They came across to work in America in the steel mills in Ohio, and then went back, and after they were converted to the Church, did a whole ton of genealogy work and then came back and settled in Utah. So the line from Germany settled up in Logan. One of my great-great-grandfathers was the mason on the Oneida Academy in Preston, Idaho, and then the ones down in Richfield were the Ogden family, Ogdens and Wards and Christensens.

Webb: Describe your grammar school and high school years.

Nuffer: Troutdale Elementary was a pretty small school, one class for each grade, kind of small classes. You didn't get to change teachers. If that was the class that was third grade, you were in her class.

Webb: Right, for the full year.

Nuffer: And sometimes I got along with the teachers, and sometimes I didn't. But I learned to read really well because my dad's mother taught me how to read before I started school. And so I had a pretty good time in school. When I was 10, we moved to Corvallis, and I started fifth grade there, and that was interesting. It's a university town, very different atmosphere. I was in the town then, not way out in the country. So I had friends around me more, and so it was a different social experience, and that was the last part of elementary and then junior high. I remember sitting in fifth grade class when John Kennedy was shot and the news came over. And then we moved to the Chicago suburbs, Naperville, which was a very small town then but has exploded since then. And that was Bell Labs and Amico Labs, a whole big scientific community. And I went to the high school there. And that was a 3,000-student high school, bigger than I'd ever encountered.

Webb: Tell me about your interests in your school days, anything stand out during that time period?

Nuffer: I was really interested in contemporary music. I had a lot of record albums, had a four-track recorder. I'd record radio programs. Chicago had some great radio stations. They would play new albums without stopping.

Webb: Really?

Nuffer: Yes.

Webb: Oh, wow.

Nuffer: So you could record the whole album and have it on tape.

Webb: Oh, my gosh, that's awesome.

Nuffer: Yes. Bootlegging, but awesome. And so there was a lot of music there. Oh, there was a lot of music downtown in Chicago. Every big band came to Chicago Friday and Saturday night. And I probably spent most Friday and Saturday nights downtown. It was very safe. And you know, during the '60s, Democratic convention, the Robert Kennedy shooting, the Martin Luther King shooting. Martin Luther King moved to Chicago the same month we did. He was really pushing for integrated housing. That affected me a lot, to see the hate of people who were opposing him and the violence that was ensuing because of trying to get equal housing. So there were a lot of formative things happening during that time.

Webb: Well, and the Vietnam War was going on at that time.

Nuffer: The Vietnam War was going on, and that '68 convention was a big deal. The museums were fantastic, the Art Museum, the Field Museum. Downtown Chicago was really pretty and wonderful to walk around in the summer, not in the winter.

Webb: Not in the winter. Okay. What influential teachers did you have? Any that stood out?

Nuffer: In high school I had a terrific chemistry teacher. I loved chemistry. I had a good physics teacher, as well. I kind of got an attitude about physics that if you didn't understand physics, no wonder nothing works for you because that's how everything works. I had some good German teachers and learned a fair amount of German before I lost interest in everything in my senior year. It became very boring.

Webb: Oh, wow. But you learned German. I think that's really awesome.

Nuffer: Well, it was good, except I went to Brazil on my mission.

Webb: Oh, yeah. What were your hobbies or interests as a child?

Nuffer: Well, I did a lot of electronics when I was a teenager. I don't know if you've heard of Heath kits, but they were kits that you could put together a stereo, a receiver, an amplifier. I made a clock. I just thought that was tremendous fun. When I was a younger kid, my hobbies were just playing outdoors. There was just so much to do. Oregon was always wet, but you could always go out.

Webb: Right. So education-wise, why did you decide to go to BYU?

Nuffer: I didn't—my parents did. They decided that I would go to BYU.

Webb: Why?

Nuffer: I wanted to go to ITT Technical School and study computers.

Webb: Where?

Nuffer: In Chicago.

Webb: Oh, in Chicago.

Nuffer: I had a computer class in high school, which is pretty amazing for 1968, or whatever it was. But we did punch cards and punch tape and had a computer there on site where we could run this stuff and troubleshoot these. Simple, but you learned the concepts of programming that way. So my parents went out with me to ITT, and I thought computers were the future.

Webb: And they were.

Nuffer: Well, they turned out to be. But they would not really have any of that. That was like tech school or trade school, which was not what they wanted me to do. My dad had to really fight for his bachelor's degree. He got home too late from the war to get any GI Bill stuff, and it took him from 1948 to 1960 to get his degree because he had to go to night school.

Webb: How many years, again?

Nuffer: Twelve years.

Webb: Twelve years?

Nuffer: Yeah, he had to go to night school. So they really wanted me to go to college, which turns out to have been the best thing, probably, unless I would have beat Bill Gates to it.

Webb: Okay, but you're going from Chicago to Provo, Utah.

Nuffer: Provo, Utah. And to—

Webb: That had to have been an adjustment.

Nuffer: Absolutely. Provo is not Chicago. There were not a lot of bands playing downtown on the weekends. We couldn't go protest the Vietnam War. Doctor King never came to town in Provo. It was very, very different. I liked it, but I flunked out my first year. I walked away at the end of my first semester, didn't take any finals, and then worked for several months down in Mesa, Arizona, and then decided it was right to go on a mission. So I did that.

Webb: Any influential mentors while you were at BYU?

Nuffer: Well, there were great personalities everywhere. Richard Sorenson was a teacher of anthropology, and I loved the anthropological field. That was a time when Steve Covey was on campus, Hugh Nibley was on campus, Terry Warner was on campus. There were tremendous faculty at that time, and interesting things to do all the time. I think I got much more into it when I got back from my mission. I was more motivated. But tremendous intellectual environment.

Webb: Okay. What were your successes, accomplishments, challenges, any kind of frustrations that you had while you were there?

Nuffer: Well, I got back from my mission, and I was in a big hurry. So I finished my undergraduate in two years. I didn't have any credits from before my mission, but I went straight through. I did summer school. I did what they call interim classes where

you go five hours a day for a week, and you knock out a three-credit class. It was nutty. I went [through] Christmas.

Webb: You had to have been studying a lot.

Nuffer: I had to study a lot, and I graduated with exactly 128 credits, and I put off my accounting and economics classes till the end because I was not a math guy. My wife is all math.

Webb: That's incredible, 128 credits in two years.

Nuffer: Yeah, but I was scared because if I didn't get all my credits, I couldn't go to law school. I was already admitted, but provisionally. So I took this economics class at the end. I needed the three credits, I needed the class. The teacher was a new graduate student, just returned from UCLA. He did not speak English, as far as I could tell. It was all way above my head. I memorized some charts and graphs, took the final. I sneaked into the building late at night to look at the grade board because I was afraid—here's my future. I got a B+. So I could graduate. All I wanted was a D-, just so I'd get credit.

Webb: That had to have been a lot of stress.

Nuffer: It was a lot of stress.

Webb: Just because of that one night, and thinking that this is a make or break, right?

Nuffer: Yeah, it was. That was a white knuckle moment.

Webb: Oh, my gosh. Describe how you met and married your spouse.

Nuffer: We met in a humanities class. It was my first semester back from the mission. It was August of 1973. And it was like the second week of class, and this hippie girl walks in, long hair down to her waist, bright colored clothes, patterned. She's got a backpack. Not many people used backpacks back then. Steve [Snow] said at Utah State they called those people granola girls, which was probably true. But, wow, she was attractive, and she walked into class, and my memory is that she walked in and set her books down, and then I just kept trying to look at her the whole class. And I went and talked to her after class.

Webb: That's so cool.

Nuffer: She was a freshman.

Webb: What was her name?

Nuffer: Lori, and determined, determined not to date or get married.

Webb: Wow.

Nuffer: Because she knew the stories about BYU. So it was a fight.

Webb: Do you care to mention her maiden name, or not?

Nuffer: It was Larsen.

Webb: Okay. So describe any important aspects of family life and raising your children.

Nuffer: Well, we had two children while we were still in law school. The first one was born in Provo, probably during the first year of law school, and the second one was born down here during the summer between the second and third years when we were clerking down here. So that's how we met [Dr.] Clark Staheli who delivered all our other children except the first one who was born in Provo. Law school is very demanding, and the practice of law was very demanding, and going out on our own was very stupid and demanding. But Lori made everything work in those years, and the children remember me being around and being involved a lot. We did a lot of camping and hiking. Their impression is we were out all the time. And you know in St. George you can be out all the time, and Snow Canyon was close. It was the old days. You could drive to Zion any day of the year and just drive in. You know, it was an idyllic place. We'd go out to the North Rim of the Grand Canyon, Arizona Strip, Black Rock Mountain, you know.

Webb: And just have a great family experience.

Nuffer: Right.

Webb: As you look back over your life, what would you like to be remembered for?

Nuffer: Being fair. I've tried to study hard, and I've tried to be fair. And it's hard because people are pulling you one way or the other. You have to look at what the law is. The case I'm working on right now is constitutional. You have to look at what the constitution says, you just have to follow that and give everybody a chance to be heard and give their input and just tell you how they are right. And then you have to sort it all out. And it's a challenge.

Webb: I'm sure it is. Is there anything else that you feel is important that I have not asked you? Just feel free to tell me about that now.

Nuffer: St. George has been very formative for me. I'd be a different person if I hadn't been part of this community. And to a certain extent, we moved here in the community Lyman Hafen [author and lifetime St. George and Santa Clara resident] describes in his books, the small town with close friends. Everybody who is your neighbor is also your friend. And it's a remarkable town for the time that we got to be here. And even now we live in a neighborhood that's all transplants. Every one of us has moved there from

somewhere else. And to some extent, Bloomington Hills was that way when we lived there. But everybody wants to be here.

Webb: They do, don't they?

Nuffer: Yes, except for our kids who all moved away.

Webb: I know. Three of our four kids moved away, too. We just wish they were closer.

Nuffer: Yes. But I think being here gave them the confidence that they could do anything anywhere, and that's great.

Webb: Well, thank you so much for taking the time to be with us here, David. And again, we want to thank David Nuffer for being with us. And we also wish to thank Kimball Willard for providing his video recording studios and his technical knowledge for this oral history interview. This is the 26th oral history interview that I've conducted, and we want to thank you all for joining us. Thank you.

Nuffer: Thanks very much.