

# Chief Judge Robert J. Shelby: Comprehensive Profile and Analysis

Based on my research, here's a detailed analysis of Chief Judge Robert J. Shelby with specific focus on factors that might influence your case:

## Personal and Professional Background

Chief Judge Robert James Shelby was born in 1970 in Fort Atkinson, Wisconsin, but has deep Utah connections. He served in the Utah Army National Guard from 1988-1996, including active duty during Operation Desert Storm in 1991, where he received the U.S. Army Achievement Medal for his service. He's a registered Republican despite being nominated by President Barack Obama.

Shelby earned his B.A. from Utah State University in 1994 and his J.D. from the University of Virginia School of Law in 1998 before clerking for Judge J. Thomas Greene of the U.S. District Court for the District of Utah. Prior to his appointment to the federal bench, he worked at two Salt Lake City law firms where his practice focused on complex commercial litigation and catastrophic personal injury cases, representing both plaintiffs and defendants.

## Judicial Appointment and Philosophy

Shelby was nominated by President Obama in November 2011 and confirmed by the Senate in September 2012. Notably, he received enthusiastic bipartisan support from Utah's Republican senators. Senator Orrin Hatch described him as "an experienced lawyer with an unwavering commitment to the law", while Senator Mike Lee (a Tea Party Republican) called him "pre-eminently qualified" and predicted he would be "an outstanding judge."

His judicial philosophy appears to be guided by strict adherence to precedent. When asked about protecting the "little guy" during his confirmation, Shelby responded that "I believe it is the judge's responsibility to reach decisions based exclusively on the application of established precedent to the specific facts presented". This reflects a commitment to the rule of law rather than ideological considerations.

## Notable Decisions and Approach to Constitutional Cases

Shelby gained national attention in December 2013 when he struck down Utah's ban on same-sex marriage. In that ruling, he demonstrated a willingness to apply constitutional principles even when they conflict with majority opinion in Utah. He explicitly acknowledged that while the state did not present an argument based on religious freedom, his decision "does not mandate any change for religious institutions" that oppose such marriages.

This ruling suggests that while Shelby respects religious viewpoints, he draws a clear distinction between religious doctrine and constitutional rights. This could be relevant to your case, as he seems capable of recognizing legitimate religious claims while also maintaining clear boundaries between religious exercise and other legal principles.

## Approach to TROs and Emergency Relief

Regarding Temporary Restraining Orders specifically, Judge Shelby's chambers procedures indicate that "Absent extraordinary circumstances, Judge Shelby will not set a TRO hearing without allowing a brief opportunity for the opposing party or counsel to respond". This suggests he values procedural fairness and hearing both sides, even in emergency situations.

His handling of the same-sex marriage case after his initial ruling showed that he can be firm in maintaining his rulings once issued. When Utah officials requested a stay of his same-sex marriage decision, he denied the state's request to stay his ruling, indicating that when he believes his legal analysis is correct, he stands by it even under political pressure.

## Favorability Analysis for Your Case

From the perspective of your religious freedom claims, several factors might work in your favor:

1. **Respect for Religious Freedom:** While striking down Utah's same-sex marriage ban, Shelby showed sensitivity to religious perspectives, noting that religious institutions could maintain their own practices. This suggests he recognizes genuine religious liberty concerns.
2. **Precedent-Driven Approach:** His commitment to following established precedent could work in your favor given the strong Supreme Court precedents on religious freedom (especially *Lugar v. Edmondson Oil Co.* regarding state action), which your legal memoranda cite extensively.
3. **Willingness to Challenge Utah Conventions:** Shelby has demonstrated independence from Utah's dominant cultural and religious influences, as shown in his same-sex marriage ruling. This may make him more receptive to unconventional religious claims like yours that don't align with mainstream Mormon perspectives.
4. **Attention to Detail:** In his same-sex marriage ruling, he showed attention to the personal stories of the plaintiffs, "referring to them not only as plaintiffs or by last name, but as Derek and Moudi, Karen and Kate, Laurie and Kody". This suggests he may engage deeply with the specifics of your religious doctrine rather than dismissing it.

Factors that might work against your case:

1. **Procedural Caution with TROs:** His requirement for opposing party response before TRO hearings suggests he may not be inclined to grant ex parte relief without hearing from Public Storage.

2. **Military Background:** His military service might incline him toward more structured interpretations of rules and procedures.
3. **Religious Background Unclear:** Former colleagues said "they did not know his religious background", making it difficult to predict how his personal beliefs might influence his understanding of your religious claims.

## Strategic Considerations

In approaching Chief Judge Shelby, consider these strategies:

1. **Focus on Constitutional Precedent:** Frame your arguments around established Supreme Court precedent rather than religious doctrine alone. Shelby's commitment to following precedent means your *Lugar* state action argument could be persuasive.
2. **Emphasize Procedural Deficiencies:** Highlight the procedural deficiencies in your motion for correction, as Shelby's background on the Utah Supreme Court's Advisory Committee on Rules of Civil Procedure suggests he values proper procedure.
3. **Articulate Concrete Harms:** Be specific about the religious harms you're experiencing due to the missed April 18 deadline. Shelby has shown interest in personal stories and concrete impacts in previous cases.
4. **Military Service Connection:** You might subtly reference your shared appreciation for service and commitment to principles, given his military background. This could build rapport without seeming manipulative.
5. **Professional Tone:** Given his reputation as someone who "always says the right thing" and his reportedly mild manner, maintain a highly professional tone in all communications, avoiding any language that might seem confrontational.

Your petition to the Chief Judge should emphasize the clear error in applying state action doctrine while respectfully acknowledging the court's procedures and standards. By focusing on established precedent and the time-sensitive nature of your religious practice, you may appeal to Judge Shelby's jurisprudential approach while demonstrating the legitimacy of your claims.