

2-12-2013

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### Recommended Citation

Snow, Steven E., "Musings of a Small-Town Lawyer" (2013). *Vol. 3: Religious Conviction*. Paper 14.  
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# Musings of a Small-Town Lawyer

*Steven E. Snow*

Thank you, Dean Rasband, for your kind words. It is a privilege to be back at J. Reuben Clark Law School. It's always nice to meet with students, and I wish you all the best as you navigate your way through the interesting, often difficult, and even surprising study of the law.

To the faculty and administrators present, thank you for all you do to further higher education, particularly the study of the law. I hope you appreciate what an impact you have in the lives of others. My theory is that time passes much slower when we are younger and that at this age the experiences imprinted on the minds and psyches of our young people seem much more meaningful than later learning experiences. You have the opportunity to create these learning experiences. My thanks to you who continue to shape the minds and hearts of those students who will soon be the lawyers of tomorrow.

My own career is evidence of this. Shortly out of law school I became a deputy county prosecutor in Southern Utah. The words of criminal law professor Woody Deem and evidence professor Ed Kimball often rang in my mind as I prosecuted accused criminals in district court. Later, the things I learned in Professor Dale Whitman's real property class, Professor Carl Hawkins's tort class, and Professor Dale Kimball's natural resources class (to name just a few) served me well in private practice. This early introduction to the law from dedicated professors laid the foundation for my own law practice. To them and to you who still carry the torch, I owe a debt of gratitude.

I have chosen to speak this morning about the practice of law in a small town. For reasons I will elaborate later, I chose this path, and I have been grateful I did. Don't misunderstand.

I have been in law offices and conference rooms in high-rise office buildings in New York; I've had the privilege of being present in

congressional offices and hearing rooms in Washington, D.C.; and I've dealt with law firms in Los Angeles that have more attorneys than the entire Utah Bar south of Provo. I know about the opportunities to travel, to earn large sums of money, to represent large multinational companies, and, well, to just go after the brass ring. I understand the lure. I have even stood on the streets of Manhattan and thought, "What if . . . ?" It is exciting, and if that is your goal and your desire, I say go for it!

But before you jump, let me take a few minutes to share with you some experiences about what it is like to practice in a small town.

In 1964 I was 14 years old. One day I came across an advertisement in one of the magazines to which my parents subscribed. The advertisement was from Columbia House Records, and it promised ten 33-rpm record albums for a penny if you joined their record club. Such an offer I could not resist, so I clipped and filled out the ad, enclosed a copper penny, and sent it off. I was thrilled (and my mother was surprised) when two weeks later a package arrived containing 10 record albums. I explained to mother what I had done, reassured her, and settled back to listen to Gene Pitney, Neil Sedaka, Lesley Gore, and others.

Things went along quite well until a few weeks later when I returned home from school to face my angry mother, who displayed to me a bill from Columbia House Records for \$84. You have to understand that in those days \$84 would buy several weeks of groceries for our entire family. To this day I don't recall exactly what went wrong with my new record club arrangement. In hindsight I probably missed the mailing from Columbia House Records to buy the current month's record, or perhaps I simply missed the fine print in the ad. But upon seeing my mother's distress, I did something I had never done before or, for that matter, had ever seen my parents do before—I called a lawyer.

F. Clayton Nelson was a chain-smoking attorney who had his small law office on Tabernacle Street between the post office and Mathis Market. At that time the town of St. George, Utah, had a population of 5,000. The entire population of Washington County, in which St. George is located, was just over 10,000. Attorney Nelson was one of a half dozen lawyers who served that corner of Utah.

I arrived at his office at the appointed time, and he invited me in. He greeted me, asked me about the eighth grade, and then began to examine my paperwork (what little of it there was!). After a couple of draws on his cigarette, he looked up and began to speak. He told me to bundle up my 10 new record albums and return them to Columbia House Records. He further instructed me to write the company a letter in my own handwriting informing them that I was 14 years of age and that I was withdrawing from their record club. As he walked me to the door, I asked him how much I owed him. He told me I owed him nothing but to feel free to call if I ever

needed him again. I did as he instructed, and that was the last I ever heard from Columbia House Records.

F. Clayton Nelson died in 1986, and he is buried in the St. George Cemetery. I would guess he did not long remember that encounter with a 14-year-old boy. I don't remember our family ever needing an attorney during the remaining 22 years of his life, but I do know that from that day forward he was "our family lawyer."

That brief encounter instilled in me a deep and abiding appreciation for lawyers. In just a few minutes he had lifted a burden from my shoulders that had seemed very difficult to bear. I wanted to be like F. Clayton Nelson. I wanted to be able to help others, to solve problems, and to bring resolution and peace to difficult situations. It was on that day as a 14-year-old that I decided I wanted to be an attorney.

Fast forward 12 years. It is now 1976, and I am sitting in this same room in this same building in a similar gathering listening to a small-town practitioner from Richfield, Utah, named Ken Chamberlain. Ken had a law partner named Tex. By now I am in my second year of law school, and we are about to conclude our first full year in the new Law School building.

Mr. Chamberlain had been asked to talk to the law students about small-town legal practice. A veteran of World War II, Chamberlain received his law degree in 1950 from the University of Utah. In 1955 he and his family settled in Richfield, Utah, where he practiced law right up to the day of his passing in March 2003.

For about an hour he extolled the benefits of small-town practice and concluded by answering questions from the students. His practice was diverse and interesting. He had carved out a niche as a bond attorney, which was unusual for a small practitioner in rural Utah. During the time for questions and answers, one of my bolder classmates asked about the money. "What can a law school graduate expect to earn in rural Utah?" Ken informed us that if we worked hard, we could expect to earn up to \$25,000 a year after gaining a few years' experience.

Now bear in mind that this was 1976 and I had turned down an offer of \$10,000 a year as an accounting graduate a couple of years earlier. I was actually encouraged that maybe it was possible for me to practice law in a smaller community similar to where I had grown up.

That is the way things turned out. The following year I accepted a position with a small firm in St. George, Utah, and headed south to become the tenth attorney in Washington County. My starting salary was \$800 a month, but I received a generous raise of \$110 when word was received that I had passed the Utah Bar Exam. By then St. George had grown to nearly 10,000 residents, and the county population was over 20,000. The future seemed bright.

By a stroke of luck I soon had the opportunity to gain a good deal of experience in the courtroom. One of the senior partners, Ronald W.

Thompson, was the sitting county attorney, and an opening became available for a part-time prosecutor. I applied, and the county commission approved the appointment. My time was then divided between private practice and the prosecution of misdemeanors and juvenile offenders. Later I moved up to felony prosecutions.

I found the courtroom to be an exciting arena. I know there are continued debates between solicitors and barristers regarding the value of solving legal matters with litigation. But in a rural law practice, most clients do not have the means to survive protracted litigation; it is an inefficient and expensive way to solve disputes. In criminal matters litigation is important to test our judicial processes and provide checks and balances against government abuse. Unfortunately, in some civil matters it is the only path available to bring finality to a dispute.

But if you are blessed with a competitive spirit—if in prior years you roamed the soccer field or the gridiron, you competed in musical or dance competitions, or you dribbled or spiked the ball on a hardwood court—you will love the courtroom. When the judge turns to the foreman of the jury and asks, “Ladies and gentlemen of the jury, have you reached a verdict?” it is fourth down and goal with three seconds remaining on the clock; it is a 30-foot jumper at the buzzer. There is really nothing quite like it. If you become a litigator you will have frayed nerves, an upset digestive system, and an occasional rush of adrenaline that will make it all worth it.

After a time, another associate in the firm and I decided to start our own law firm. It was January 1979. David Nuffer had been out of BYU Law School for eight months, and I had graduated a year earlier. Dave shaved his beard, and he and I decided we would start wearing ties to the office to make up for our obvious youth and inexperience.

We borrowed \$12,000, bought some office furniture and an IBM Selectric II typewriter, rented an old house, and went to work. At first most of our work involved painting and wallpapering the old adobe home we were renting. I stayed on at the county attorney’s office for one more year, working evenings at the private office. Dave put in 15-hour days to make it all work.

Let me just say here that most of you will at one time or another make a choice regarding your professional associates. While these professional relationships do not rise to the level of a marriage, they do come close. If you don’t count sleeping, during my two decades of practice I clearly spent more time in the company of my law partners than I did in the company of my wife, Phyllis. Keep that in mind as you make decisions in the future regarding folks who will become an important part of your professional life. Let me say that we were richly blessed. David Nuffer and I were partners for 22 years, and during that time I never remember an argument or serious disagreement. Never did either of us raise our voices at one another in anger.

When we began, we sat in our office waiting for the phone to ring. There was little in the way of business and fees. When I left for full-time Church service in 2001, there were 25 attorneys between our offices in St. George, Salt Lake City, and Mesquite, Nevada. David left a year later in 2002 when he was appointed as a full-time federal magistrate in Salt Lake City. Earlier this year he was nominated by President Obama to fill an opening for a federal district judge here in Utah. Last week he was approved by the Senate Judiciary Committee and is one vote away from confirmation. I am grateful I had the privilege to be partners with David Nuffer for more than two decades. They were very good years, and I am grateful for his friendship.

Dave and I had the good fortune to partner and associate with a number of wonderful attorneys through the years. Coincidentally, most of them were J. Reuben Clark Law School graduates. Most of them continue in their legal careers in southern Utah and Salt Lake City. I am grateful to have worked with Chris Engstrom, Lyle Drake, Terry Wade, Randy Smart, Jeff Starkey, Mike Day, and many others. Choose your professional associates well, and your professional life will be much more enjoyable.

As our practice grew, so did the opportunities. We learned early that if you do good work and charge a reasonable fee, you will stay busy. Having grown up in St. George, I had an initial advantage in attracting clients. One disadvantage, however, was that many of those new clients were relatives. The family discount soon became a bit of a joke around the office.

There is a saying that in a small-town practice, one-half of the town loves you and the other half hates you, that is, until you sue the other half and then they all hate you. I was related to half the town, so that did cause some confusion in our conflict checks through the years.

My sense is that Dave and I would have been content with a very small law practice, but it turned out a bit differently for us. At the time we started our firm, St. George and southern Utah was on the cusp of three decades of unprecedented growth. Our opportunities and challenges grew with our community. To complete the work that was coming through the doors, we chose to grow rather than to turn work away and lose potential clients. However, others in our community chose to keep their practices small, and they likewise did well in the expanding local economy.

Gradually our attorneys chose their own areas of specialization. Of all my partners I remained the generalist. I enjoyed the variety of issues and problems and particularly the interaction with clients. In a rural practice you usually juggle a large number of clients with small matters rather than concentrate on large blocks of litigation or transactional work. My practice included municipal clients, real estate, business, environmental law, family law, and an occasional criminal defense matter.

I loved the practice of law. I enjoyed going to work every morning. I liked the people with whom I worked in the office, and yes, I even liked

most of my clients. I felt it was a privilege to help people solve problems, settle disputes, and move on with their lives. Occasionally I was able to right a wrong, change a law, or litigate a significant matter, but most of the time I gave counsel, negotiated settlements, prepared documents, or finalized an adoption. I represented different generations of the same clients and was occasionally introduced as “our family lawyer.” When that happened I would smile to myself and think back to F. Clayton Nelson.

Now, small-town practice may not be for everyone. It is my counsel, however, that you at least consider all your options before you set in motion a career that will likely last 35 to 40 years. In these difficult economic times, smaller firms, or even solo practice, may provide benefits that you may not have considered. Let me suggest two.

The first benefit is your family. One reason you decided to go to law school was to have some control over your destiny. A law degree can provide that opportunity. There are many different paths you can take with your degree. Some of you will be in the public sector, but most of you will earn your living in private practice. Right now, if you are like most law students, you are probably more concerned with getting a job, getting out of debt, and having sufficient income to never eat macaroni and cheese or tuna fish sandwiches ever again. But you will eventually reach a point in your life when time will mean more to you than money. Some of you, to your detriment, will learn this too late. Children grow up very quickly, and it really isn't your money they want—it's your time. If you ignore your family to further your legal career, you will pay a dear price. We were taught early in our law school education that “the law is a jealous mistress.” While this may not sound politically correct in today's world, the principle is true. You who enter the profession of law will find this to be a continual challenge. There is never enough time. No case or document is perfect. The practice of law can be messy. Some matters drag on for months or years. If you like to lead a neat, tidy life in which chores are completed every day, I recommend being a mail carrier for the U.S. Postal Service. Not letting the practice of law consume you will be a challenge you will need to face throughout your career. That is difficult enough. But if you add to that burden the expectation that many large firms have for their associates to bill 200 or more hours a month, something is going to give. Sadly, all too often it is the family. Balance your priorities as you consider your future. Usually, though not always, you will find more time for family in smaller firms in which billing expectations are more modest and small-town family life is more appreciated.

The second benefit is community service. My grandfather was mayor of St. George during World War II; he served on community boards throughout his life; and he was dedicated in his church service. There are some things he taught me about service. He often quoted, “The public service we render is the rent we pay for our place on earth.” All of us have a

responsibility to make our communities a better place. Lawyers are particularly prepared to step forward and make a contribution. Our training helps us to analyze complex issues and identify a way forward. This ability is needed in public service.

Another thing my grandfather often told me was, “I would rather be a big fish in a small pond than a small fish in a big pond.” Meaning, of course, there are more opportunities to make contributions in a small town than there might exist in a large city.

In my personal life I have found this to be true. As I became more established in the practice of law, opportunities came to provide public service. In my case, I gravitated toward education, running for election to the local school board and serving on the statewide governing board over higher education. I also have a passion for the environment and eventually was invited to serve on the board of a regional environmental organization. These opportunities enriched my life, and I hope I’ve made some small difference in the community and state I so dearly love.

Such opportunities will come your way in your career. On the one hand you will be the butt of countless lawyer jokes that your friends and acquaintances will be eager to share. But I assure you, lawyers command respect. You will be an important part of the community, and those same friends and acquaintances will seek you out to serve in various capacities in the community. That doesn’t mean they will always understand you, but they will respect you.

Let me illustrate this with an experience I had shortly after I was called to serve as bishop years ago. In our ward there was a rough fellow who made his living as an excavation contractor. He approached me one Sunday before sacrament meeting, stuck out his hand, and looked me straight in the eye. “I don’t know, Bishop,” he said. “My testimony has been severely tested. Not only is my new bishop a lawyer, he’s a Democrat as well!” (I didn’t bother to ask which offended him the most.)

Take the opportunities to serve. It is my belief that such opportunities will abound if you choose to practice in a small town.

It is a privilege to be a lawyer. It is a noble responsibility to be an advocate, a counselor, and a peacemaker. While I am willing to accept that there is some satisfaction in representing the corporate behemoths of the world, I do know for certain that there is great satisfaction in representing friends, neighbors, and associates in your community. Attending a small-town city council meeting, sitting with local farmers in their irrigation company board meeting, visiting the home of an older couple to counsel them through a simple estate plan, resolving a difficult real estate boundary dispute—these are just a small sample of the kinds of experiences you will enjoy in small-town practice. I am reasonably certain those fellow members of the bar perched on the 52nd floor of a Manhattan high-rise will not have such experiences. As you consider the future, I hope you



will consider the benefits of a small town, with the added benefit of going home for lunch every day if you desire.

Let me conclude with three pieces of advice shared by a friend:

First, always go for the big engine.

Second, the early bird may get the worm, but the second mouse gets the cheese.

Third, don't underestimate the power of stupid people in large groups.

Let me explain. "Always go for the big engine"—in other words, aim high. Set lofty goals. As Emily Dickinson wrote, "Live a big life!"

As to the second mouse and the cheese, in all your planning, plan to be surprised. Life has some great adventures for you, so take advantage of the opportunities that will come. Don't be so busy focusing on your plan or doing your chores that you miss the surprises and opportunities that lie ahead.

Finally, in your professional and personal life it is sometimes necessary to take positions that may not seem popular or accepted. You will represent clients who may be guilty, unpopular, or polarized by society. Given your personal beliefs, there will undoubtedly be times in which your standards and decisions will be questioned or even ridiculed. Do not let the unruly crowd define you personally or professionally. Stand up for what's right, and stand up for those you represent.

Thank you again for this opportunity to be with you this morning. I wish you all the very best as you move forward in your own legal careers. It is my hope that you, too, will enjoy the practice of law. It is also my hope that a few of you will provide legal representation to those fine citizens who reside in the small towns scattered across our great land. And for those who do, I hope that on occasion you, too, will be introduced as "our family lawyer."

*This Honored Alumni Lecture was given at BYU Law School on October 18, 2011. Reprinted from the Clark Memorandum, spring 2012, 9–15.*

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