Clark Memorandum: Fall 2005

J. Reuben Clark Law Society
BYU Law School Alumni Association
J. Reuben Clark Law School

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LOOKING AHEAD

PREPARING FOR LIFE'S CHALLENGES

by Scott M. Matheson Jr.

PHOTOGRAPHY by Bradley Blade
LOOKING AHEAD

PREPARING for LIFE'S CHALLENGES

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PHOTOGRAPHY by Bradley Alder
resident Hinckley, President Samuelson, Dean Worthen, honored guests, faculty, family, friends, and members of the Class of 2005: It is a great honor and privilege to be here with you today and to be asked to serve as your commencement speaker.

The talent and the accomplishment in this room are truly extraordinary. Through years of hard work, discipline, and dedication; through the times when you were truly challenged; and through those times when you shared your joy with others, you have become the graduates you are today. I am very proud of each and everyone of you. But enough about the parents—I need to turn my attention to the graduates!

Speaking of the graduates, I want to thank one of you in particular for sending me an e-mail earlier this week with some tips on what I should say this afternoon. It was entitled “The top ten things a Utah mum can do to tame a Cougar.” I’m not making this up; this was a real e-mail. The first tip is: “Refrain from mentioning football.” The second tip is: “Don’t mention basketball either.” So, even though I quite enjoy football and basketball this year, I won’t mention either. If we have time at the end, however, maybe we can talk about gymnastics.

This graduation is a special moment in time, your special moment, a joyful celebration of great achievement in a forum overflowing with pride and affection. This is the moment that I would like to begin with a story. Seven years ago when I became dean of the law school up north, Dean H. Reese Hansen invited me to spend some time with him at the J. Reuben Clark Law School. We started in his office, and from there he took me to every nook and cranny of the building, including the spectacular new Howard W. Hunter Law Library. He introduced me to every person we encountered and shared his views about serving as dean of a law school.

That day marked the beginning of a wonderful personal friendship and professional association, leading to many consultations between us and from which I have learned much benefit through the counsel and wisdom of Dean Hansen. What Dean Hansen did that day was actually a continuation of the strong working relationship he had established with my predecessor, Dean Luc Tintlebaum, and one that Dean Worthen and I are committed to continue.

For you and them, this day is the culmination of years of hope and dreams and the beginning of new hope and more dreams. It’s so important to have hope. Martin Luther King Jr. said, “We must accept finite disappointment, but we must never lose infinite hope.” We have infinite hope for all of you.

Let’s get the most practical advice out of the way. Floss your teeth, put on sunscreen, buckle your seat belt, don’t smoke, eat vegetables, get more sleep. If you do all of those things, you will be healthier and probably happier. You didn’t need to go to law school for all of that, but it’s still good advice.

Let’s talk about the legal world. This is a special moment in time, your special moment, a joyful celebration of great achievement in a forum overflowing with pride and affection for a shared accomplishment. I find three circumstances surrounding law school, and the beginning of new hope and more dreams. It’s so important to have hope. Martin Luther King Jr. said, “We must accept finite disappointment, but we must never lose infinite hope.” We have infinite hope for all of you.

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This graduation is a special moment in time, a joyful celebration of great achievement in a forum overflowing with pride and affection for a shared accomplishment. I find three circumstances humbling and daunting, because there is more meaning to this moment than a few remarks can possibly express. But that has rarely stopped a graduation speaker, especially when it comes to giving advice.

Let’s get the most practical advice out of the way. Floss your teeth, put on sunscreen, buckle your seat belt, don’t smoke, eat vegetables, get more sleep, and basketball this year, I won’t mention either. If we have time at the end, however, maybe we can talk about gymnastics.

Today’s ceremony is important for many reasons, none more important than thanking the parents, spouses, family, friends, and, I suppose, other lending institutions, who have provided and will continue to provide enormous strength and support through the love, confidence, and faith they have placed in you.

For you and them, this day is the culmination of years of hope and dreams and the beginning of new hope and more dreams. It’s so important to have hope. Martin Luther King Jr. said, “We must accept finite disappointment, but we must never lose infinite hope.” We have infinite hope for all of you.

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This spirit of collaboration between the deans is reflective of the relationship between our law schools. Faculty are invited to participate in academic programs at both schools, students attend jointly sponsored job fairs, and administrators often consult each other on issues of mutual concern. Students from both schools attend the J. Reuben Clark Society dinners, and several members of your faculty have taught as visiting professors at my school. A few years ago I invited Dean Hansen to be our graduation speaker. Finally, Beth Hansen, director of your Career Services Office, is a reliable supplier of my favorite confection: lemon bars from the BYU bakery.

Not only have I had the opportunity to work with your dean and many of your faculty, but I also have worked with many of your alumni in various legal circles. I have great respect for this fine law school and value highly my friendships and associations here. We are in this enterprise of legal education together, and because of that we are better law schools and better lawyers.

Today marks the end and the beginning: the end, to be sure, of your legal schooling, but the beginning as well, because your legal education has just begun and that journey will continue for your entire legal careers. As you take the next step on that journey, I wish to...
pose two questions: (1) what makes you differ-
ent as a lawyer? and (2) what should you do to
meet the demands of that role? In the time
we have, I can only offer a few observations,
however incomplete, about these questions.

What makes you different as a lawyer?
Consider the impact law school has had on
you. After three years of classes, lectures,
meetings, moot courts, research papers,
memoranda, and trying to balance all of this
with family, work, and other demands, what has all of this done to you?

You have, no doubt, broadened your in-
tellectual horizons, developed a variety of skills,
and learned much about the law. But, as
impressed as we are of that sounds, each of us
is fundamentally the same person who came
to law school in the first place. Your law profes-
sors, your attorneys, and they who have
taught you, are lumpsmaker in your eyes.
Long before you had even heard of the Rules
of Professional Conduct, your family has
already taught you about morality and helped
you develop your code of ethics. Your parents,
family, religious leaders, teachers, life experi-
ences, and faith guided your strength of charac-

ter. Law learning the law did not change
that. It is worth recalling what Elder Oaks
said in a speech a few years ago at my law
school. There are innumerable examples of
personal conduct in violation of our reli-
gious moral foundations that is not prohibited
by the professional codes regulating the con-
duct of our profession. The fundamental charac-
ter you brought to law school should remain at
the core of your professional and personal lives.

You are fundamentally the same
individuals who arrived at this law school
three years ago, but you have added some
dimensions. Receiving your diploma today is
more than formal recognition of an educa-
tional accomplishment. It also signifies your
entry into the legal profession, and with that
you will have a certain power and responsibil-
ity that others do not.

What makes you different as a lawyer?
You were not wise or, as you received a
license to drive a car. You learned the rules
driving and hopefully took a driver edu-
cation class. Most of you probably learned
quickly than with other forms of transporta-
tion. This privilege to drive, if exercised care-
lessly, also put you in a position to cause great
damage, even death, to yourself and others.

With your graduation and admission to
the bar, you are put in the driver's seat once
again—this time on the highway of the law.
When you receive the license and privilege of
practicing law, just as with driving, you will
need time and experience to develop your skills and judgment. You will be in a position
to do both good and harm.

The dean will hand you more than a
diploma today; he will give you the power
that comes with being an attorney in
American society. He knows that, and so
doesthe legal profession. This is one of the
most important reasons why they work so hard
and care so deeply about the time you spend
with them at this law school.

Your faculty know what you may not yet
fully comprehend and appreciate: when they
stand before you in the classroom, they see
a room full of law students, but they also see
future judges, legislators, prosecutors, defense
attorneys, law firm partners, corporate coun-
sel, CEOs, entrepreneurs, and yes, even law professors.

What makes you different as a lawyer?
You know from your learning and expe-
rance that power can be used for good or
for evil, that unchecked power can produce
human misery and destruction, and that prop-
egedly channeled power can produce remarkable
human achievement and progress. You also know
that lawyers are keepers of a vener-
able constitutional tradition, one that self-
consciously recognizes and checks power. Our
constitutional design is a delicate balance:
drivers' education, the relationship between
the nation and the states, among the branches of
government and, most importantly, the
relationship between the government and the
individual.

Within that constitutional design, with all
the checks and balances and review and
oversight, we ultimately place much con-
dence and trust in people and institutions.
As attorneys you will make decisions and
take actions that will have enormous impact
on others. You have this power because cen-
turies of legal tradition and generations of
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sors, in any measure, are the same professors
your education, are loners in your lives.
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speech a few years ago at my law school: There
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/or moral foundations that is not prohibited
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duct of lawyers. The fundamental character
you brought to law school should remain at
the core of your professional and personal lives.
You are fundamentally the same individuals
who arrived at this law school three years ago,
but you have added some dimensions. Receiving your diploma today is more than formal recognition of an edu-
cational accomplishment. It also signifies your entry into the legal profession, and what that
means is that you will have a certain power and responsibil-
ity that others do not.
What do you owe us, or do you receive a
license to drive a car. You learned the rules
drive and hopefully took a driver edu-
cation class. Nonetheless, you had your license, which permitted you to
surround yourself in two tons of metal with a big engine and to move at high speeds.
When most of you were 16, you received
your license, which permitted you to
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I’ve talked about the empowerment and responsibility you assume as you take this next step. I’ve suggested that you stay close to your friends, give respect and compassion to your clients, always prepare, practice, achieve balance and quality in your personal and private lives, and pursue your dreams.

Finally, as important as your chosen profession may be, never let it stand in the way of being a good parent, spouse, or caregiver; never compromise your core principles.

I’ve started off talking about hope. You truly are our hope, and we hope all of you will dedicate yourselves to making an imperfect world better and more just. Remember, you have the power to do just that. And you will.

Fourth, ‘Do your homework.’ Most of you have been in school for about 20 years of your lives. You have completed your last day of school. But for those who think the days of homework are over, think again. A wise lawyer said the three keys to successful lawyering are preparation, preparation, and preparation. I had the privilege of working in the law firm of one of the great trial lawyers of the 20th century, Edward Bennett Williams. He was approaching the end of his career and said he was not sure he wanted to try anymore cases. He loved presenting a case and had taken care of it. So instead of an opinion that gave him pause. He continued to try cases, and it was his painstaking thorough preparation combined with his extraordinary gifted advocacy skills that made him so effective as a trial lawyer. President Abraham Lincoln, one of our greatest constitutional lawyers, was adamant about preparation. If I had eight hours to chop down a tree, he said, I would spend six hours sharpening my ax.

Fifth, ‘Follow your heart, and don’t let opportunities pass you by.’ You came to law school with dreams and aspirations. Never let go of them. If anything, add to them. You have embraced the message carpe diem, seize the day. You obviously would not be here if you had not applied to law school. You just as clearly will not meet your goals and reach your potential without commitment and contribution as much to your profession and your community if you do not pursue the opportunities presented to you.

I have been fortunate to use my legal training in a variety of interesting and satisfying ways, but I also stand before you as someone who, like most lawyers I know, has not received every job I have pursued. That has not prevented me from trying, and it should not prevent you from trying either. So if you want to become a law firm associate or a prosecutor or a public defender, apply for the job. If, after appropriate legal experience, you wish to become a judge, seek the appointment. If you want to be a school board member or a legislator or maybe even governor, run for the office. Sure, you may not make it, but you won’t have a chance unless you try. Good things can happen when you do.

As you embark on this wonderful adventure, remember your values, those values that brought you here and will take you through life’s challenges. Remember that all anyone can ever ask of you is that you do your best.

Scott M. Matheson Jr. is dean of the University of Utah’s College of Law.
Important. For the rule of law is secure only when steadfast lawyers and judges respect, confidence is placed in an attorney’s hands, that attorney has assumed a position of trust. With trust comes the power to ... power to make a difference, and that is exactly what you will have as you graduate from this law school.

Second, “Treat your clients with dignity, courtesy, and respect.” During my first week of practice, an experienced member of my law firm came to me and offered the following advice. “Remember, there is no such thing as a small client.” At first I thought he was cautioning me not to take too much work, because even the seemingly simple matter has subtle and unforeseen complexities. I learned that lesson the hard way when I agreed to work with another senior attorney for what was supposed to be one day and eventually logged over 300 hours on the case.

Life’s best hours may not be billable ones, but the hours you spend working as a lawyer should include some of your better times. Think about how you want to spend ... professional and personal lives. And, I should add, be supportive of others who are trying to achieve this balance as well.

As President Faust said at a J. Reuben Clark Society fireside two years ago, “The compensation a lawyer receives ought not to be his primary interest. The ... especially to your clients, who deserve your compassion and respect.”

You need your legal knowledge and skills, your need your legal knowledge and skills, your diligence, and your best judgment. Most important, they need and deserve your compassion, respect, and loyalty. As President Faust said at a J. Reuben Clark Society fireside two years ago, “The compensation a lawyer receives ought not to be his primary interest. The interest of the client always has to be the first consideration. If you will follow that rule, you and your firm, and if you succeed in achieving quality and ... and practice it every single day in everything they do. That’s what lawyers do. Witness it in every courthouse in every community every day.

Fourth, “Do your homework.” Most of you have been in school for about 11 years of your lives. You have completed your last day of school. But for those who think the days of homework are over, think again. A wise lawyer said the three keys to successful lawyering are preparation, preparation, and preparation. I had the privilege of working in the law firm of one of the great trial lawyers of the 20th century, Edward Bennett Williams. He was approaching the end of his career, and said he was not sure he wanted to try anymore cases. He loved presenting a case and trying it in court, but it was the agony of trial preparation that gave him pause. He continued to try cases, and it was his painstaking thorough preparation combined with his extraordinary gifted advocacy skills that made him so effective as a trail lawyer. President Abraham Lincoln, one of our greatest constitutional lawyers, was adamant about preparation. “If I had eight hours to chop down a tree,” he said, “I would spend six hours sharpening my axe.”

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Finally, as important as your chosen profession may be, never let it stand in the way of being a good parent, spouse, or caregiver, never compromise your core principles.

This law school has served as the bridge that leads to the potential for tremendous personal and professional growth, and to the assumption of responsibility for the best that the American legal tradition has to offer, and to a vast array of professional callings that will allow you to exercise power in the interest of justice.

As you embark on this wonderful adventure, remember your values, those values that brought you here and will take you through life’s challenges. Remember that all anyone can ever ask of you is that you do your best.

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I wish you all the best and my most heartfelt congratulations.

Scott M. Matheson Jr. is dean of the University of Utah S. J. Quinney College of Law.
Assumptions

Lawyers must never make assumptions.
Lawyers must never make assumptions.

By Brett G. Scharffs
“You did what?!” my Uncle bellowed.

“I assumed you saw me pass you,” I said defensively.

My Uncle Dick, no children of his own, had brought 13-year-old me along on one of his epic bicycle treks down the California coast near Carmel. Inevitably he ended up waiting for me to catch up, and when I finally did, he was ready to hop back on his bicycle and begin pedaling again. For once, when I caught up, he was deep in conversation with another cyclist on the side of the road. I waved and hurried on, savoring the prospect of choosing my spot to rest and wait for him for a change. Finally, I stopped and rested. So this is what it feels like to be out front, I thought.

But when 30 minutes passed, I got nervous enough to climb on my bike and pedal back. When I got to the spot where I had passed my uncle, he was no longer there. Now I was concerned, and I decided he had better continue retracing my trail, although I couldn’t be sure that he hadn’t passed me at some point during my rest. By the time I met up with him, he must have been pretty worried, but all I saw was anger.

“Why what?” he repeated.

“I assumed you saw me pass you,” I said defensively.

“Ass!” he answered doubtfully.

“Continue,” he ordered. “Ass...”

“Stop! What does that spell?”

“Ass!” I answered. Doubtfully.

“Ass!” he ordered.

“What does that spell?” he demanded.

I hesitated. “u... m...”

“That’s what assuming does,” he declared. “Makes an ‘ass’ out of ‘you’ and ‘me.’”

“I don’t ever assume,” he said sarcastically. “Spell it.”

“I meekly complied. “A-s-s.”

“You what?” he demanded.

“I assumed you saw me pass you,” I said defensively.

“You assumed!” he bellowed. “That’s what assuming does!”

“It is as important for me to avoid making these assumptions as it is for you. And, while you are probably not the good guy, you might not be well not be the bad guy either. You very well may understand the other guy, in a partial and limited way. And you are probably not entirely wrong. Although your spouse and I are certain that you are not entirely right.”

Unfortunately, avoiding these assumptions requires a large dose of self-doubt, empathy, and humility, and there is precious little in our professional education or practice that helps us cultivate this particular set of habits or traits of character. Indeed, our professional lives are organized and structured in a way that almost compels us to make these particular assumptions.

What is it about the professional lives of lawyers that makes us particularly prone to making assumptions as it is for you? And, while you are probably not the good guy, you might not be well not be the bad guy either. You very well may understand the other guy, in a partial and limited way. And you are probably not entirely wrong. Although your spouse and I are certain that you are not entirely right.”

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Unfortunately, avoiding these assumptions requires a large dose of self-doubt, empathy, and humility, and there is precious little in our professional education or practice that helps us cultivate this particular set of habits or traits of character. Indeed, our professional lives are organized and structured in a way that almost compels us to make these particular assumptions.
lawyers are particularly prone to mistakes that arise from making assumptions. Let me explain.

As lawyers we often have to make snap judgments, sometimes in rapid-fire succession, which often are built on an undergirding of assumptions. We also make assumptions in writing an opinion letter, sometimes informally, as when we are communicating the message with a directness and clarity that makes the experience as vivid today as it was over 25 years ago. “Don’t ever assume,” he ordered, and to his credit my Uncle Dick ‘you’ and ‘me.’”

“You what?” he repeated.

“I assumed you saw me pass you,” I said defensively.

“You assumed?” he said sarcastically. “Spell it.”

I meekly complied. “A-s-s . . .”

“Stop. What does that spell?”

“Ass!” I answered doubtfully.

“Continue,” he ordered.

“u . . . m-e . . .”

“That’s what assuming does,” he declared. “Makes an ‘ass’ out of ‘you’ and ‘me.’”

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We often deal with people or situations that seem quite familiar, and we become adept at noting patterns and similarities. After years of practice, we lawyers may come to believe that there is nothing we haven’t seen before.

One of my mentors, Dean Anthony Kronman, has argued that legal training, especially the case method, cultivates in students an attitude of “moral cosmopolitanism” that is best expressed, perhaps, by the old Roman motto nihil humanum est mei nocere, “nothing human is foreign to me.” Lawyers are less likely to be gullible than they were before beginning their legal training, but they are also less likely to be trusting, and are unlikely to be surprised by human selfishness and perversity. Having seen so much so many times, it becomes easy for lawyers to mistakenly think they know exactly what is going on when they encounter a situation that looks very familiar.

We assume we understand the other guy because we have become expert in assessing situations and people. This can lead us to making mistakes, and often inaccurate, assumptions about people or situations based upon a paucity of real evidence. Thus, one of the most common quips about lawyers is “often wrong, never in doubt.” We may jump to conclusions too quickly. For example, we are all familiar with how biases and prejudices of various sorts tend to become more hardened and extreme as we grow older.

PASSING JUDGMENT

Closely related to assumptions made when stereotyping are assumptions made when passing judgment. As lawyers we are constantly passing judgment on others. Are they telling the truth? Can they be trusted? Are they virtuous or vicious? Over time we get better at making snap judgments. The tendency to pass judgment emotionally and confidently grows stronger as we gain experience and expertise—and, simply as a facet of growing up. As we age, our mode of problem solving gradually changes from one based upon analysis and calculation to one based upon instinct and intuition. In his book The Wisdom Paradox, neuroscientist Elliott Goldburg describes this process:

Frequently, when I am faced with a situation outside the office to be a challenging problem, the general mental computation is somehow circumvented, rendered, as it were, unnecessary. The solution comes effortlessly, seamlessly, seemingly by itself. What I have lost with age is my capacity for intellect work, I seem to have gained in my capacity for instantaneous, almost unfairly easy insight.

Today, people urge us to believe that the immediate judgments we make in a blink of an eye are more accurate and reliable than the decisions we make when we engage in a lengthy process of investigation, thought, and deliberation. For example, in his book Blink, Malcolm Gladwell describes an experiment involving student evaluations of teachers. A psychologist gave students “three ten-second video clips of a teacher—with the sound turned off—and found they had no difficulty at all coming up with a rating of the teacher’s effectiveness.” When the clips were cut back to five seconds, “the ratings were the same.” These ratings were “remarkably consistent even when she showed the students just two seconds of videotape.” When these snap judgments were compared with evaluations made by students after a full semester in a professor’s class, the outcomes were essentially the same: “A person watching a silent two-second video clip of a teacher or he or she has never met will reach conclusions about how good that teacher is that are very similar to those of a student who has sat in the teacher’s class for an entire semester. That’s the power of our adaptive unconscious.”

But our instantaneous judgments and snap assessments are almost certainly incomplete and quite probably wrong. Why? For one thing, our stereotypes and judgments often rest upon prejudices that we don’t even suspect we possess. For example, in the past 30 years since putting up with an action plan aimed at increasing the number of women in the top music and opera positions and the committees evaluating them has become commonplace, “the number of women in the top U.S. orchestras has increased fivefold.”

Another cause of our predisposition to judge imperfectly is the human capacity for self-deception, which is surely one of our most highly developed capacities. Consider the hypocrisy of those who labeled the more (or small part of the speak of dust) in his brother’s eye, but failed to consider the chain (a large piece of tan or metal that is long in proportion to its thickness) that was in his own eye. Why is it that we have such a keen eye for spotting self-deception in others, but a big blind spot for recognizing it in ourselves? Part of the reason, I suspect, is that we tend to judge ourselves based upon our intentions, whereas we judge other based upon their actions.

CORRECTIVE ACTIONS

I would like to suggest several concrete steps we can take to counteract the tendency to make unwarranted assumptions, including the assumption that we are the good guy, the assumption that we understand the other guy, and the assumption that we are right.

KEEP AN OPEN MIND

First, when trying to counteract these powerful assumptions, it is important to keep our minds open to contrary evidence. Myson of Chen, one of the Seven Sages, advised: “We should not investigate facts by the light of arguments, but arguments by the light of facts.” Judge Learned Hand is often considered the most influential American judge who was never on the Supreme Court. Judge Hand was famous for the painstaking and even-handed approach he took to the law. Justice Edin Frankfurter occasionally referred to Hand as the “modern Hamlet,” and Hand’s biographer, Gerald Gunther, noted that Hand was “uncertain about the proper result in most cases, even after decades of judicial experience.” Hand believed that every judge should first and foremost entertain the possibility that he or she might be mistaken. Hand said:

Of those qualities on which civilization depends, next after courage, it seems to me, comes an open mind, and, indeed, the highest courage is, as Holmes used to say, to stake your all upon a conclusion where you are aware tomorrow may prove false.

The truth is we may not be the good guy and we almost certainly do not understand the other guy. This is not only because we have not walked the proverbial mile in his moccasins, we often lack the imagination and empathy to even consider what such a journey might look and feel like. A few years ago, I wanted to learn more about the word “empathy,” so I looked it up in my 15-volume Oxford English Dictionary. Imagine my surprise when the word “empathy” was nowhere to be found.” Upon reflecting, on my treatment at the hands of my rorators as a student at Oxford, it seemed to make quite plain that this was a concept that was not even a linguistic possibility at Oxford.

One reason we sometimes trust our assumptions more than we should is that we mistake having our assumptions vindicated does not mean that it is or was justified. Justification involves having a sufficient basis in reason for believing that the assumption is true. For example, a general rule can be inferred from a majority of evidence and proof, but arguments by the light of facts.

But the fact that one of our assumptions has been vindicated does not mean it is or was justified. Justification involves having a sufficient basis in reason for believing something to be true. A belief that Mormon men are narrow-minded and sexist is only justified if, based upon a broad array of evidence and proof, a general rule can be inferred from a majority of evidence and proof.
We often deal with people or situations that seem quite familiar, and we become adept at noting patterns and similarities. After years of practice we lawyers may come to believe that there is nothing we haven’t seen before. One of my mentors, Dean Anthony Kronman, has argued that legal training, especially the case method, cultivates in students an attitude of “moral cosmopolitanism” that is best expressed, perhaps, by the old Roman motto nihil humanum alienum meum esse, “nothing human is foreign to me.” Lawyers are less likely to be gullible than they were before beginning their legal training, but they are also less likely to be trusting, and are unlikely to be surprised by human selfishness and perversities. Having seen so much so many times, it becomes easy for lawyers to mistakenly think they know exactly what is going on when they encounter a situation that looks very familiar. We assume we understand the other guy because we have become expert in assessing situations and people. This can lead us to making confidents, and often inaccurate, assumptions about people or situations based upon a paucity of real evidence. Thus, one of the most common quips about lawyers is “Often wrong, never in doubt.” We may jump to conclusions too quickly. For example, we are all familiar with how biases and prejudices of various types tend to become more hardened and extreme as we grow older.

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First, when trying to counter these powerful assumptions, it is important to keep our minds open to contrary evidence. When I was a law student at the University of Chicago, I was fortunate to have a philosophy professor who taught me to question everything. I have always been grateful for his influence. I have always been grateful for his influence. Today some people urge us to believe that the immediate judgments we make in a blink of an eye are more accurate and reliable than the decisions we make when we engage in a lengthy process of investigation, thought, and deliberation. For example, in his book Blink, Malcolm Gladwell describes an experiment involving student evaluations of teachers. A psychologist gave students “three ten-second video-tapes of a teacher—with the sound turned off—and found they had no difficulty at all coming up with a rating of the teacher’s effectiveness.” When the clips were cut back to five seconds, the ratings were the same.” These ratings were “remarkably consistent even when she showed the students just two seconds of videotape.” When these snap judgments were compared with evaluations made by students after a full semester in a professor’s class, the outcomes were essentially the same: “A person watching a silent two-second video clip of a teacher he or she has never met will reach conclusions about how good that teacher is that are very similar to those of a student who has sat in the teacher’s class for an entire semester. That’s the power of our adaptive unconscious.”

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One of the most common quips about lawyers is “Often wrong, never in doubt.”
contempt rather than compassion. Believing the worst of others serves as grounds for treating them with disregard. To be skeptical is to doubt whether someone is telling the truth; to be cynical is to doubt whether there is such a thing as truth, or whether being truthful always justify one's means. One can be doubtful, wary, and watchful without being contemptuous, sneering, and sarcastic.

A skillful, cynical legal technician is dangerous, the more dangerous for being the more skilled. In your practice as lawyers, there will be times when it will prove more difficult than you can possibly imagine to keep your skepticism from degenerating into cynicism. Especially at moments of extremity, it is useful to ask ourselves whether we have crossed the line from skepticism to cynicism. If we have, or if we cannot say for certain that we have not, we should be alarmed—not only out of concern for the damage we may work but also out of concern for the welfare of our own souls.

A third way in which we can avoid some of the pitfalls of unwarranted assumptions lies in having a measured tentativeness about our opinions, even those we hold strongly. In our practice as lawyers, there will be times when it will prove more difficult than you can possibly imagine to keep your skepticism from degenerating into cynicism. Especially at moments of extremity, it is useful to ask ourselves whether we have crossed the line from skepticism to cynicism. If we have, or if we cannot say for certain that we have not, we should be alarmed—not only out of concern for the damage we may work but also out of concern for the welfare of our own souls.

My purpose has not been to denounce all assumptions. To the contrary, I have suggested that our work as lawyers requires us to make assumptions. Rather, my purpose has been to warn us that unwarranted assumptions can lead us astray, but because they engender a kind of professional arrogance and hubris for which lawyers are all too famous.

Whereas the adversarial system drives us to think of ourselves as the good guy, if we try to keep an open mind and strive to develop empathy, if we remain unconvinced of making snap judgments and our increasing capacity to recognize patterns creates a strong tendency for us to assume large number of cases. Even then, a justified belief will probably be qualified by the variety of cavats and limitations that have emerged from our observation of numerous examples of the phenomena in question to account for exceptions and variations. It is easy to mistake vindication as justification, especially given our tendency to give more weight to evidence that confirms our preconceptions and to discount evidence that calls our assumptions into doubt. Perhaps this explains why many members of minority groups are so sensitive to portrayals of members of their group that reflect stereotypes. The American winter∑Examiners® West once observed, “We want the facts to fit the preconceptions. When they don’t, it is easier to ignore the facts than to change the preconceptions.” This tendency to ignore facts that do not fit our preconceptions, while problematic for everyone, can be even more problematic for the lawyer. As La Rochefoucauld memorably said, “There is nothing more horrible than the murder of a beautiful theory by a brutal gang of facts.”

Many a courtroom lawyer has witnessed the massacre of their beautiful theories. As we identify with our cause . . . we tend to caricaturize, villainize, or in extreme cases even dehumanize our opponents. As we become convinced that our side is right and the other side is wrong, we become more and more likely to commit the fallacy of invincible reasoning, which is the assumption that because one’s side is right, the other side is wrong. As we become convinced that our side is right and the other side is wrong, we become more and more likely to commit the fallacy of invincible reasoning, which is the assumption that because one’s side is right, the other side is wrong. As we become convinced that our side is right and the other side is wrong, we become more and more likely to commit the fallacy of invincible reasoning, which is the assumption that because one’s side is right, the other side is wrong. As we become convinced that our side is right and the other side is wrong, we become more and more likely to commit the fallacy of invincible reasoning, which is the assumption that because one’s side is right, the other side is wrong. As we become convinced that our side is right and the other side is wrong, we become more and more likely to commit the fallacy of invincible reasoning, which is the assumption that because one’s side is right, the other side is wrong. As we become convinced that our side is right and the other side is wrong, we become more and more likely to commit the fallacy of invincible reasoning, which is the assumption that because one’s side is right, the other side is wrong.
A lawyer must be skeptical. We see people acting at their self-interested worst. Clients do not always tell the truth, even to their lawyers. Memories tend to be selective and self-serving. Opposing counsel often engage in grandstanding and gamesmanship. A lawyer cannot afford to take things at face value; the unexpected and improbable must be foreseen and planned for. How things will look in litigation must be anticipated at a time when partners seem to see eye to eye. Lawyers encounter human beings treating each other with almost inconceivable indifference and brutality. Lawyers know too much to be completely trusting.

But a lawyer must not be cynical. The Oxford English Dictionary defines a cynic as “one who shows a disposition to dislike or doubt the sincerity or goodness of human motives and actions, and is wont to express this by sneers and sarcasms.” The cynic exhibits contempt rather than compassion. Believing the worst of others serves as grounds for treating them with disregard.

To be skeptical is to be unprejudiced by human selfishness, to be cynical is to maintain that there is no such thing as selflessness. To be skeptical is to realize that people sometimes behave in ways that are unscrupulous or deliberately hurtful, to be cynical is to doubt whether there is such a thing as sincerity or goodness. To be skeptical is to recognize that we are all capable of evil, to be cynical is to believe only the worst about each other. To be skeptical is to recognize that matching means to ends can be difficult and counterproductive, to be cynical is to believe that one’s ends always justify one’s means. One can be doubtful, wary, and watchful without being contemptuous, sneering, and sarcastic.

A skillful, cynical legal technician is dangerous, the more dangerous for being the more skilled. In your practice as lawyers, there will be times when it will prove more difficult than you can possibly imagine to keep your skepticism from degenerating into cynicism. Especially at moments of extremity, it is useful to ask ourselves whether we have crossed the line from skepticism to cynicism. If we have, or if we cannot say for certain that we have not, we should be alarmed—not only out of concern for the damage we may work but also out of concern for the welfare of our own souls.

Doubt thyself

A third way in which we can avoid some of the pitfalls of unwarranted assumptions lies in having a measured tentativeness about our own opinions, even those we hold strongly. In short, at age 80, Judge Hand delivered the Olive Wendell Holmes Lectures at Harvard Law School. To the dismay of many in the audience, he expressed doubt about the correctness of the recent school desegregation cases. But, quoting Benjamin Franklin, Hand acknowledged his doubts about his own conclusions:

Having lived long, I have experienced many instances of being obliged by better information or fuller consideration to change opinions even on important subjects, ... that the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others.

Unfortunately, this attitude does not seem to be characteristic of most of us as we grow older. The more common tendency is to become more set in our ways, more set in our ways, and to reassess honestly our prior conclusions. Charles Alan Wright suggests that “[i]n spite of being a modern Hamlet—or, more likely, because of it—Learned Hand is firmly enshrined in the small group of judges who universally are regarded as great.” Simply being unsure or indecisive is not what made Hand great, rather, it was his open mind, his willingness to entertain opposing possibilities and to characterize each in its best possible light, and his capacity to understand and feel the independent force exerted by each side of an argument.

As we identify with our cause . . . we tend to caricaturize, villainize, or in extreme cases even dehumanize our opponents.
that we understand the other guy, if we sub- ject our stereotypes to verification, if we temper our skepticism before it degenerates into extremism, if we genuinely try to develop empathy, then we may retain the capacity for reassessment and correction. And whereas we may get mesmerized in exercising judgment as we grow in expertise and even wisdom over years of deliberate practice it, like 80-year-old Judge Learned Hand, we can retain a healthy measure of self-doubt, then our judgments may be tempered by a sense of humility and open-mindedness that may enable us to transcend our natural inclinations and limitations, in life as well as in the law.

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Religious Doctrine and the Language of the Law

BY DEREK P. PULLAN

While working as an attorney in South Africa, Mahatma (Mohandas K.) Gandhi began to study the Bhagavad Gita (The Gita). As he pondered upon the meaning of the Gita’s term samabhava, or “equability,” his “study of English law came to [his] help.” He wrote: “I understood more clearly in light of the Gita teaching the implication of the word trustee. My regard for jurisprudence increased, I discovered in it religion.”

This observation opened my eyes to the frequent use of legal language in scripture. At these coordinates—where religion and the language of the law intersect—legal training can provide deeper spiritual understanding.

How these doctrinal-legal coordinates came to exist is a question for etymologists. The human family may have imported into its legal institutions the terminology of a divine justice system. It is equally plausible that God and His prophets chose the language of extant legal institutions to teach religious truths. Whatever the explanation, the result is the same—a scriptural text brimming with legal metaphor.
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Still, the demands of this Creditor whose “yoke is easy” and whose “burden is light.” Redeemed sinners answer to a new legal rules defining the relationship between principal and agent shed light on the meaning of this passage. In sin.

I believe on my name, that they may come unto me and have everlasting life. As in much else that pertains to equitable remedies, the court of equity has the power of devising its own remedy. The good news is that Jesus Christ can redeem the encumbered soul. By the intercession of Jesus Christ, the Advocate with the Father, Jesus Christ the righteous. The Apostle Paul taught that Jesus Christ “appear[s] in the presence of God for the sinner: More than 3,000 years ago Isaiah confidently prophesied, ‘For God is near, and he will prove me innocent. The Sovereign Lord himself defends me—who, then, can prove me guilty?’ In the first century John confirmed the Lord’s role as defense counsel for the penitent: ‘And if any man sin (and repent), we have an advocate with the Father, Jesus Christ the righteous.’ In the New International Version of the Bible (NIV), this verse reads: ‘But if anybody does sin, we have one who speaks to the Father, our Advocate.’

In this dispensation the Lord poignantly described our need and resultant gratitude for the Lord’s representation: ‘For our words will condemn us, yea, all our works will condemn us; . . . and our thoughts will also condemn us.’ In the Psalms, the Lord calls himself the Advocate. ‘But if anybody does sin, we have one who speaks to the Father in our defense.’ ‘And if any man sin [and repent], we have an advocate with the Father, Jesus Christ the righteous.’

As the only omniscient judge, the Lord has unbridled power to judge. However, the nature of equitable remedies suggests something more. The Utah Supreme Court recently explained that equitable remedies are “distinguishable by their . . . adaptability to circumstances.” Certainly, in equity cases, the Lord will not play favorites. However, the nature of equitable remedies suggests something more. The Utah Supreme Court recently explained that equitable remedies are “distinguishable by their . . . adaptability to circumstances.”

The good news is that Jesus Christ can redeem the encumbered soul. Black’s Law Dictionary defines redemption as “the act of reclaiming or regaining possession by paying a specific price.” Through His suffering Jesus Christ paid the price of sin for the penitent. On condition of redemption, He “reclaimed” them and thereby “appreciates the demands of justice.” Those who sold themselves for nothing are “redeemed without money.” Redeemed sinners answer to a new Creditor whose “yoke is easy” and whose “burden is light.” Still, the demands of this new arrangement are real. ‘Grace is not cheap,’ taught Elder Bruce C. Hafen. ‘It is very expensive, even very dear. How much do you have to do to receive the peace that comes from the Father, God asks all that we have.’

Finally, the Lord’s redemption is in part unconditional. Through His own death and resurrection, all of God’s children are reclaimed from temporal death. Having paid this debt too, Christ becomes the rightful owner of our physical bodies. The Apostle Paul taught this doctrine: ‘The Saints at Corinth to refrain from sexual sin, he wrote: ‘For ye are bought with a price: therefore glorify God in your body, and in your spirit, which are God’s.’

As the only omniscient judge, the Lord comprehends all of the factors influencing our obedience and disobedience, including the thoughts and intents of our hearts. Thus final judgment will be perfectly fair and individualized—equitable.

The Lord’s knowledge of the human condition is not secondhand. Paul taught: ‘For we have not an high priest which cannot be touched with the feeling of our infirmities.’ An alternate translation from the Greek is: ‘For we have not an high priest unable to sympathize with our weaknesses.’ ‘In atoning for sin, Jesus Christ also suffered “emotions, and pain of body, hunger, thirst, and fatigue,” even more than a man can suffer, except it be unto death.’ That suffering included experiencing our weaknesses. Thus the Lord’s judgment will be equitable—’because the commands change with changing circumstances but because the Judge Himself has infinite knowledge and infinite empathy. This is what Paul taught by his repeated teaching that Jesus Christ is “full of grace, equity, and truth, full of patience, mercy, and long suffering.”

Our unwise Advocate—who retained the wounds of crucifixion as physical evidence—suffered punishment for sin in our place.” Like the Fifth Amendment, divine law prohibits punishment being imposed twice for the same offense. Thus, in our defense, the Lord pleads guilty. His vicarious suffering is a complete affirmative defense. When pro- \n
fore, it exempts the penitent sinner, who is found ‘guilty before [the] Father at that day when [He] shall stand to judge the world.’

In his 39th Meditation, the Puritan Minister Edward Taylor (c. 1642–1729) poignantly described our need and resultant gratitude for the Lord’s representation: ‘My case is bad, Lord, be my advocate. My sin is evil, I am under God’s arrest. Thus has the best pleading, plead my state. Although its bad Thy plea will make it best. If Thy plea plead my case before the King I‘ll amound my love of God and glory biforn."

The charge is violating God’s laws, the breach of which is sin. Only those who keep all of the commandments merit salvation, ‘for the Lord cannot look upon sin with the least degree of allowance.’ Those who do not keep the commandments merit punishment. The evidence against us is overwhelming—for our words will condemn us, yea, all our works will condemn us, and our thoughts will also condemn us.” Paul succinctly described our desperate circumstances: ‘By the grace of God I am what I am, and the Lord was gracious to me, according to His purpose which He had formed inwardly in Christ Jesus toward me.’

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Principal and Agents

In a revelation to the Prophet Joseph Smith, the Lord expressed his disapproval of that judgment—agents and ye are agents, ye are on the Lord’s errand, and whatever ye do according to the will of the Lord is the Lord’s business.” The legal rules define the relationship between principal and agent shell light on the meaning of this passage.

The commands of God do not change with the changing circumstances of every case. Otherwise, divine law would be reduced to what Pope John Paul called “the widespread spirit of relativism.” This spirit, stated the Pope, “has cast double on reason’s ability to know the truth, which alone satisfies the human heart’s restless quest for meaning.” In the breach of divine law, however, each person is unique. While not controlling, a person’s capacity, experience, perception, understanding, knowledge, intent, and motive combine to influence his decisions for good or evil. In the criminal justice system, efforts are made to understand these factors. But in a temporal world, they can never be fully known or understood.” As the only omniscient judge, the Lord comprehends all of the factors influencing our obedience and disobedience, including the thoughts and intents of our hearts. Thus final judgment will be perfectly fair and individualized—equitable.

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Principal and Agents

In a revelation to the Prophet Joseph Smith, the Lord expressed his disapproval of that judgment—agents and ye are agents, ye are on the Lord’s errand, and whatever ye do according to the will of the Lord is the Lord’s business.” The legal rules define the relationship between principal and agent shell light on the meaning of this passage.

The commands of God do not change with the changing circumstances of every case. Otherwise, divine law would be reduced to what Pope John Paul called “the widespread spirit of relativism.” This spirit, stated the Pope, “has cast double on reason’s ability to know the truth, which alone satisfies the human heart’s restless quest for meaning.” In the breach of divine law, however, each person is unique. While not controlling, a person’s capacity, experience, perception, understanding, knowledge, intent, and motive combine to influence his decisions for good or evil. In the criminal justice system, efforts are made to understand these factors. But in a temporal world, they can never be fully known or understood.” As the only omniscient judge, the Lord comprehends all of the factors influencing our obedience and disobedience, including the thoughts and intents of our hearts. Thus final judgment will be perfectly fair and individualized—equitable.
The good news is that we need not keep the commandments merit punishment. The evidence against us is overwhelming—"for our words will condemn us, yea, all our works will condemn us; ... and our thoughts will also condemn us." Thus the Lord's judgment will be equitable. However, the nature of equitable remedies suggests something more. The Utah Supreme Court recently explained that equitable remedies are "distinguishable by their . . . adaptability to circumstances." Foreclosure and Redemption

In this dispensation the Lord repeatedly taught that the penitent sinner who repents will be "redeemed with-out money." In his 38th Meditation, the Puritan Minister Edward Taylor (c. 1642–1729) poignantly described our need and resultant gratitude for the Lord's representation:

My state is bad, Lord, be my advocate.
My sin is sin, I'm under God's arrest.
Thou has the hint of pleading; plead my state.
Although it's bad Thy plea will make it best.
If Thou wilt plead my case before the King,
I'll wagonloads of love and glory bring.

In the breach of divine law, however, our unlimited knowledge of the human condition is not secondhand. Paul taught: "For we have not an high priest which cannot be touched with the feeling of our infirmities." An alternate translation from the Greek is: "For we have not an high priest unable to sympathize with our infirmities." In atoning for sin, Jesus Christ also suffered "temptations, and pain of body, hunger, thirst, and fatigue, even more than man can suffer, except it be unto death." That suffering included experiencing our deepest personal and communal weaknesses.

Thus the Lord's judgment will be equitable—not because the commandments change with changing circumstances but because the Judge Himself has infinite knowledge and infinite empathy. What is important is the scriptural teaching that Jesus Christ is "full of grace, equity, and truth, full of patience, mercy, and long-suffering." The commands of God do not change with the changing circumstances of every case. Otherwise, divine law would be reduced to what Pope John Paul called "the widespread spirit of relativism." This spirit, stated the Pope, "has cast doubt on reason's ability to know the truth, which alone satisfies the human heart's restless quest for meaning."

Principal and Agents

In a revelation to the Prophet Joseph Smith, the Lord compared judgment to a trial procedure to describe final judgment. As the accused, each of us will stand trial before the "bar of the great Jehovah, the Eternal Judge of both quick and dead." There we are "arranged . . . to be judged according to [our] works." The final determination is either "guilty" or "guiltless." The charge is violating God's laws, the breach of which is sin. Only those who keep all of the commandments meet salvation, "for the Lord cannot look upon sin with the least degree of allowance." Those who do not keep the commandments merit punishment. The evidence against us is overwhelming—for our words will condemn us, yea, all our works will condemn us, and . . . our thoughts will also condemn us." Paul succinctly described our desperate circumstances: "By the . . . law there shall no flesh be justified. . . . For all have sinned, and come short of the glory of God." The Lord's knowledge of the human condition is not secondhand. Paul taught: "For we have not an high priest which cannot be touched with the feeling of our infirmities." An alternate translation from the Greek is: "For we have not an high priest unable to sympathize with our infirmities." In atoning for sin, Jesus Christ also suffered "temptations, and pain of body, hunger, thirst, and fatigue, even more than man can suffer, except it be unto death." That suffering included experiencing our deepest personal and communal weaknesses.

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Agency is a fiduciary relationship created by express or implied contract or by law, in which one party (the agent) may act on behalf of another party (the principal) and bind that other party by words or actions. Agency enables a person, through the services of another, to broaden the scope of his activities and receive the product of another’s efforts, paying such other for what he does but retaining for himself any net benefit resulting from the work performed.

As Principal, the Lord’s work is to bring to pass “the immortality and eternal life” of His children. He calls and authorizes agents to assist in His work. The agency relationship is established by the covenant of baptism, as well as by the oath and covenant of the priesthood. Those who receive baptism take upon themselves the name of the Principal, Jesus Christ, “having a determination to serve him to the end.” Similarly, those who receive the priesthood promise to “live by every word that proceedeth forth from the mouth of God.” By His agents the Lord broadens “the scope of [His] activities” on the earth. Saved souls—the net benefit derived from the work performed—belong to Him alone.

Agents of the Lord are well compensated. On the effective date of the contract, they receive the gift of the Holy Ghost. Their ultimate reward for faithful service is eternal life. Speaking to “servants” of God, Paul taught: “For the wages of sin is death; but the gift of God is eternal life through Jesus Christ our Lord.”

Paul knew well another principal of spiritual agency: It is not a question of whether you will be employed and compensated but by whom. Writing to the Romans, Paul taught that “to whom ye yield yourselves servants to obey, his servants ye are . . . whether of sin unto death, or of obedience unto righteousness.” How important it is for us to work for and receive wages from the Lord!

Mercifully, the Principal is not so concerned with when agents begin work but that they come when called. The Lord taught this truth in the parable of the laborers in the vineyard. There he likened the kingdom of heaven to “a man that is an householder” who goes into the marketplace “early in the morning to hire laborers into his vineyard.” The laborers are hired for “a penny a day.” At the third, sixth, and ninth hours of the day, the householder returns to the marketplace, each
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God provided a means of spiritual adoption. In contrast, His children are supported in their trials, and their troubles, and their afflictions, and shall be lifted up at the last day.

This process is best illustrated by the experience of King Benjamin's people. After bearing the sorrows of their prophet-mother, they repented and promised limitless obedience to God. Seeing this, King Benjamin declared:

And now, because of the covenant which ye have made ye shall be called the children of God, his sons, and his daughters; for behold, this day he hath spiritually begotten you, for ye say that your hearts are changed through faith on his name; therefore ye are born of him and have become his sons and his daughters.

The people then took upon themselves the name of Christ, their adoptive Father.

Spiritual adoption differs from civil adoption in important ways. First, while the goodness of God “actually draws us to him,” only the child can initiate spiritual adoption.

And now, because of the covenant which ye have made ye shall be called the children of God, his sons, and his daughters; for behold, this day he hath spiritually begotten you, for ye say that your hearts are changed through faith on his name; therefore ye are born of him and have become his sons and his daughters.

The rights of an adopted child include the right of inheritance. The child “sustain the legal relationship of parent and child, and have all the rights and are subject to all the duties of that relationship.”

Outraged by this seeming injustice, they complain: “These last have wrought but one hour, and thou hast made them equal unto us, which have borne the burden and heat of the day.”

In contrast, spiritual adoption effects a change in their very nature—a change that is so comprehensive that it is called being “born again.”

What a gift to know that we can literally be “changed from [our] carnal and fallen state, to a state of righteousness.”

So it is in the kingdom of heaven. Time in the vanity is not so important as coming when called. Agents of the Lord are not hourly employees. Each is called to receive the Priesthood Precious’ penny. That penny is “all that [the] Father hath.” There simply is no more to give.

ADOPTION AND INHERITANCE

Spiritual adoption was a gift given to the children of God. The scriptures describe this process as an adoption. Spiritual adoption is not a new parent-child relationship by operation of law, it is powerless to effect a reform. In contrast, spiritual adoption effects a change in their very nature—a change that is so comprehensive that it is called being “born again.”

What a gift to know that we can literally be “changed from [our] carnal and fallen state, to a state of righteousness.”

All sin and weakness to which natural men and women are inclined—pride, envy, greed, lust, cruelty, fear, addiction—can be changed to a state of righteousness through faith on the name of Christ.

The only prerequisite for spiritual adoption—the thing that, if you will, fulfills the mission to God. Surrender of self is the paramount duty of the new parent-child relationship. As you submit your wills to God, you are giving the same thing you can actually give God: that He really is yours to give.

Like children adopted under law, adopted sons and daughters of God enjoy the right of inheritance. As Paul taught “the Spirit itself beareth witness with our spirit, that we are the children of God: And if children, then heirs; heirs of God, and joint-heirs with Christ.”

See, even ye parent, to one set of beings. While civil adoption may be a new parent-child relationship by operation of law, it is powerless to effect a reform. In contrast, spiritual adoption effects a change in their very nature—a change that is so comprehensive that it is called being “born again.”

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...
Spiritual adoption is remarkably similar. In our fallen state we are ‘carnal, sensual, devilish.’ Alma described this condition in familial terms. He wrote: ‘Whosoever bringeth forth evil works, the same becometh a child of the devil.’

While not appearing in the King James Version of the Bible, the Greek term παράγοντας (paragontas) was used by the NRSV as a reference to the Holy Ghost. See Bible Dictionary, ‘Paradigms,’ John 14:26, 15:26, 1 Corinthians 12:3, 13:4, Romans 8:16, Galatians 5:18. This is a unique New Testament use of παράγοντας (paragontas) in reference to the Holy Spirit. The International Standard Bible Exhaustive Index (ISBE) uses παράγοντας (paragontas) to mean the term comes from some nouns, such as παράγοντας (paragontas) which is a legal term, but with a slightly meaning than found in the defense.

The only prerequisite for spiritual adoption—this being ‘a stranger to us, then we will merely end up serving other masters. The sovereignty of these other masters is real, even if they are lesser things and the pressing cares of the day.’

Second, all children are born to one set of parental conditions. While civil adoption may merely change the legal relationship of parent and child, spiritual adoption transforms the child ‘with love and instruction in righteousness.’ 1

Reverence and obedience to the gospel, we become ‘candidates for the fulness of salvation’ and ‘accounted as sons and daughters of Jesus Christ.’ In contrast, Heavenly children ‘are supported in their trials, and their troubles, and their afflictions, and shall be lifted up at death’s day.’

This process is best illustrated by the experience of King Benjamin’s people. After hearing the sermon of their prophet-king, they repented and promised future obedience to God. Seeing this, King Benjamin declared: ‘Now and, because of the covenant which ye have had to be called the children of God, to his sons, and his daughters, for behold, this day he will both spiritually and temporally restore you, for ye are born from henceforth to die, being brought into the kingdom of God, will ye receive the spirit of adoption;’

The people then took upon themselves the name of Christ, their adoptive Father. 2

Amen.

And now, because of the covenant which ye have had to be called the children of God, to his sons, and his daughters, for behold, this day he will both spiritually and temporally restore you, for ye are born from henceforth to die, being brought into the kingdom of God, will ye receive the spirit of adoption; and prove yourselves worthy of it, by walking in the steps of them that have before you; and thus ye shall receive a crown in heaven; and if ye shall depart in the spirit in which ye have received the crown, ye shall be numbered with them who are the companions of my Father’s covenant, and shall sit down in the kingdom of the Father, in the presence of God, and the holy angels.’

See, it is in the kingdom of heaven. Time in the vernacular is not so important as coming when called. Agens of the Lord are not hourly employees. Each is called to receive the President’s precious ‘penny.’ That penny is ‘all that [the] Father hath.’ 3

There is no more to give.

ADOPITION AND INHERITANCE

We are saved we must become ‘sons and daughters of God.’ The scriptures describe this process as an adoption. Adoption is a legal act which creates the relationship of parent and child where did not previously exist and which now exists as a right of the parent’s paternal rights. 4

When a final decree of adoption occurs, ‘a child may take the family name of the adoptive parent or parents.’ 5

Then, the adoptive parents and the child ‘sustain the legal relationship of parent and child, and have all the rights and subject to all the duties of that relationship.’ The rights of an adoptive child include the right of inheritance.

Spiritual adoption is remarkably similar. In our fallen state we are ‘carnal, sensual, devilish.’ Alma described this condition in familial terms. He wrote: ‘Whosoever bringeth forth evil works, the same becometh a child of the devil.’ As parents, the devil thwarts the best interests of their children and is consistently guilty of nonsupport. 6

Mercifully, God provided a means of spiritual adoption.

Lk. 8:15-43

Note: This page contains the biblical text and commentary. The Bible coming from the King James Version 1611. Biblical references are given in the text for easy cross-reference. The commentary is based on the interpretation of the biblical text and may include historical, cultural, and theological perspectives. All comments are made in the context of the original language and the historical and cultural setting of the biblical text. The commentary is intended to provide a deeper understanding of the biblical text and its significance.

Annotation 1: The biblical text and commentary are presented in a readable and understandable format. The text is formatted in a way that facilitates easy reading and comprehension. The commentary is provided in a concise and clear manner, using bullet points and abbreviations to highlight key points and important details. The commentary is designed to be accessible to readers of all levels of biblical knowledge.

Annotation 2: The biblical text and commentary are presented in a way that promotes critical thinking and discussion. The commentary encourages readers to think about the biblical text from multiple perspectives and to consider its relevance for contemporary issues. The commentary is intended to stimulate thoughtful engagement with the biblical text and to encourage readers to reflect on its meaning and significance.

Annotation 3: The biblical text and commentary are presented in a way that promotes reflection and personal growth. The commentary is designed to help readers connect with the biblical text on a personal level and to consider its implications for their own lives. The commentary is intended to inspire readers to live a life of faith and to apply the biblical teachings to their daily lives.

Annotation 4: The biblical text and commentary are presented in a way that promotes spiritual development. The commentary is designed to help readers grow in their understanding of the biblical text and to deepen their relationship with God. The commentary is intended to encourage readers to seek a deeper connection with God and to live a life of purpose and intent.

Annotation 5: The biblical text and commentary are presented in a way that promotes wisdom and understanding. The commentary is designed to help readers gain insight into the spiritual teachings of the biblical text and to apply these teachings to their daily lives. The commentary is intended to promote wisdom and understanding and to help readers live a life of wisdom and insight.

Annotation 6: The biblical text and commentary are presented in a way that promotes justice and compassion. The commentary is designed to help readers understand the biblical teachings on justice and compassion and to apply these teachings to their daily lives. The commentary is intended to promote justice and compassion and to help readers live a life of justice and compassion.

Annotation 7: The biblical text and commentary are presented in a way that promotes love and forgiveness. The commentary is designed to help readers understand the biblical teachings on love and forgiveness and to apply these teachings to their daily lives. The commentary is intended to promote love and forgiveness and to help readers live a life of love and forgiveness.

Annotation 8: The biblical text and commentary are presented in a way that promotes peace and reconciliation. The commentary is designed to help readers understand the biblical teachings on peace and reconciliation and to apply these teachings to their daily lives. The commentary is intended to promote peace and reconciliation and to help readers live a life of peace and reconciliation.
When I hear the word sacrifice, I often think of the terrible trials of the martyrs: from Abel to Isaiah to Peter and Paul, to Joseph and Hyrum to the victims—including my own relatives—of Haun’s Mill. Brother Turley will give us dramatic examples of the sacrifices made by the Prophet Joseph and others to bring us the blessings of modern-day scriptures. Their lives are dramatic, their suffering a profound testimony of their faith. I do not doubt they returned to our Father clothed in glory, welcomed into the peace and love of His rest. On the other hand, in modern language, sacrifice often suggests deprivation, giving up a great, or not so great, thing. The word is often used casually: “Oh! The sacrifices I make for you!” Today I want to talk about our own sacrifices, less dramatic than those of the great martyrs and not as silly as those in common language, but frequent and holy in their own right. I also want to talk about the blessings our Father gives us for those offerings.

Let us start with the meaning of the word sacrifice. The Latin and Old French roots of the word sacrifice are sacred and work. Sacrifice is similar to offering. Offering comes from an Old German word meaning “to do zealously, to serve God.” So historically, sacrifice is doing a sacred work or zealously serving God. The history of these words brings them nearer to my own feeling about them than the casual modern usage. One of my favorite poems about sacred offering is a Christmas hymn by Christina Rossetti, “In the Bleak Mid-Winter”:

This talk was given at the Women’s Conference at Brigham Young University on April 29, 2005.
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This talk was given at the Women’s Conference at Brigham Young University on April 29, 2005.
We are something like Wesley. As I talk about sacrifice today, I will be talking about our love, sacred gifts, and offerings to God.

President Benson wrote: “This is a day of sacrifice, and the opportunities are ever present” (Ezra Taft Benson, “This Is a Day of Sacrifice,” Ensign, May 1979, 19)

Most of us can avoid the major sins—thief, murder, adultery. Our downfalls are the little things. Do you have a little sin that you treasure, holding it close, sometimes enjoying it with a guilty pleasure? Let me tell you a few I have seen. I won’t tell you which is mine.

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Angry
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Deny Yourself of Ungodliness

Most of us can avoid the major sins—theft, murder, adultery. Our downfalls are the little things. Do you have a little sin that you treasure, holding it close, perhaps covering it like a guilty secret? Most of us have at least one. In our hearts we know we must give them up sometime. In the meantime, we rationalize them, indulge them, and enjoy them with a sometimes guilty pleasure. Let me tell you a few I have seen. I won’t tell you which is mine.

### SENSE AND SENSIBILITY

#### 1. DENY YOURSELF OF UNGODLINESS

#### 2. SELF-JUSTIFICATION . . .

#### 3. IS A MODEL OF THE SLIPPERY SLOPE WE FIND AS WE PUT OURSELVES FIRST, OUR FATHER AND OUR OBLIGATIONS TO OTHERS LAST.

#### 4.

- **Deny Yourself of Ungodliness**
  - Most of us can avoid the major sins—thief, murder, adultery. Our downfalls are the little things.
  - Do you have a little sin that you treasure, holding it close, sometimes enjoying it with a guilty pleasure? Let me tell you a few I have seen. I won’t tell you which is mine.

- **Self-justification . . .**
  - The idea that we offer our love to the Father and the Savior is the beginning of our path to eternal life and salvation, but what does love mean? Is it an unquestioning and unexamined declaration of love? I think not.

- **Is a Model of the Slippery Slope We Find As We Put Ourselves First, Our Father and Our Obligations to Others Last.**
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- **Put Ourselves First, Our Father and Our Obligations to Others Last.**
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**The idea that we offer our love to the Savior and the Father is the beginning of our path to eternal life and salvation, but what does love mean? Is it an unquestioning and unexamined declaration of love? I think not. In his epistle, found in the New Testament, James, the brother of Jesus, reminds us: “But wilt thou know, O vain man, that faith without works is dead?” (James 2:26).

- Later in the same epistle he says, “For as the body without the spirit is dead, so faith without works is dead also” (James 2:26).

- I think the scripture applies equally to love. If we have love, we bring it to life through works. If we have love, it is embodied in what we do. The idea that love is embodied in service is at the core of every mother’s heart. It is found in other places too, for instance, in one of my favorite movies, The Princess Bride. Remember the opening scene—the grandfather is going to read to his grandson, who isn’t sure he wants to hear it but grudgingly agrees.

- Grandfather: Oh. Well, thank you very much. It’s very nice of you. Your vote of confidence is overwhelming. All right. [Book open now, he begins to read] The Princess Bride, by S. Morgenstern. Chapter one: “Buttercup was raised on a small farm in the country of Florin. Her favorite pasttimes were riding her horse and tormenting the farm boy that worked there. His name was Wesley, but she never called him that.”

- To the kid: Isn’t that a wonderful beginning?

- The kid: Yeah. It’s really good.

- Grandfather: “Nothing gave Buttercup as much pleasure as ordering Wesley around.”

- [Rattner]: “Farm boy. Polish my horse’s saddle. I want to see my face shining in it by morning.”

- Wesley: “As you wish.”

- [Rattner]: “As you wish was all he ever said to her.”

- [Rattner]: “Farm boy. Fill these with water—please.”

- Wesley: “As you wish.”

- [Rattner]: “That day, she was amazed to discover that when he was saying, ‘As you wish,’ what he meant was, ‘I love you.’ And even more amazing was the day she realized she truly loved him back.”

**The idea that we offer our love to the Savior and the Father is the beginning of our path to eternal life and salvation, but what does love mean? Is it an unquestioning and unexamined declaration of love? I think not.**
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**The kid:** Yeah. It’s really good.

**Grandfather:** “Nothing gave Buttercup as much pleasure as ordering Westley around.” [Rattvay]: “Farm boy. Polish my horse’s saddle. I want to see my face shining in it by morning.” [Westley]: “As you wish.” [Rattvay]: “Farm boy. Fill these with water—please.” [Westley]: “As you wish.”

[After a pause] “That day, she was amazed to discover that when he was saying, ‘As you wish,’ what he meant was, ‘I love you.’ And even more amazing was the day she realized she truly loved him back.”

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We are something like Wesley. As I talk about sacrifice today, I will be talking about our love, sacred gifts, and offerings to God. President Benson wrote: “This is a day of sacrifice, and the opportunities are ever present” (Ezra Taft Benson, “This Is a Day of Sacrifice,” Ensign, May 1979, 32). He considered sacrifice an opportunity, not a burden. The four sacrifices he suggested we make were: deny yourself ungodliness, be willing to serve a mission, solemnize your marriage in the house of the Lord, and serve with your time and means to build the kingdoms of God on earth. These four sacrifices are a good outline for each of us. Let’s consider them and think how these four sacrifices bring us closer to eternal life and salvation.

### Deny Yourself of Ungodliness

Most of us can avoid the major sins—thief, murder, adultery. Our downfalls are the little things. Do you have a little secret that you treasure, holding it close, perhaps, coveting, cherishing it like a guilty secret? Most of us have at least one. In our hearts we know we must give them up sometime. In the meantime, we rationalize them, rationalize them, and enjoy them with a sometimes guilty pleasure. Let me tell you a few I have seen. I won’t tell you which is mine.

1. **Missing meetings or Church obligations to indulge in a personal amusement, from spending the day in bed reading a book to going camping.**
2. **Stopping in Las Vegas on the way to Disneyland for a little harmless gambling. “I never go over my $5 [$10, $50] limit, so it isn’t really gambling.”**
3. **Emotionally or physically abusing someone in our family.**
4. **Lying about our achievements to make ourselves look better to others or to feel better in our own eyes.**
5. **Participating in violent or overtly sexual films or television shows.**
6. **Criticizing the bishop, the stake president, the Relief Society president, or an officer or General Authority of the Church.**
7. **Watching violent or overtly sexual films or television shows.**
8. **Undermining the reputation of others through malicious gossip.**
9. **Emotionally or physically abusing someone in our family.**
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**Father and our obligations to others last.**

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**SELF-JUSTIFICATION...**

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**IS A MODEL OF THE SLIPPERY SLOPE WE FIND AS WE PUT OURSELVES FIRST, OUR FATHER AND OUR}
We must serve and give, and in doing so we say to Father, “I love you.” And we know, surely as we breathe, that in accepting our service—our sacred offering, our sacrifice—He loves us too.

I pray we may all understand that sacred offerings and works of mercy are a joyful service to our Father that will bring us closer to eternal life and salvation, in the name of Jesus Christ, amen.

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Be Willing to Serve a Mission

President McKay said every member is a missionary. President Benson repeated the message, although, from the context of his talk, I think he was thinking of full-time missionaries, for youth and adult students. But we are all representatives of The Church of Jesus Christ of Latter-day Saints. We do not need to wear a black-and-white name tag, give a talk in sacrament message before we leave, or even spend time in the MTC.

How can we serve as missionaries? Let me give you an example. I had a client with a major national corporation. He was located in Provo for several years by his company. During those years, and in that Provo neighborhood, he, his wife, and their children were welcomed by their neighbors. They were befriended. They were not abandoned when they showed no interest in being members of the Church. They continued to be accepted as part of the neighborhood, their children were welcomed in their schools. They never returned to Utah again, but they told every one they worked with that the Mormons in Utah were great friends, great neighbors, and the finest people in the world.

We all know such stories also. I know of neighbors who are ignored once it is clear that they do not want to take the discussions on faith. Our mission efforts include helping people understand the gospel in word and action. We are all that much more of a testimony to those who wish to be protected. We will be blessed if we also give them a picture that is the picture of the Church others see.

How is being a good neighbor sacrificing? Why sacrifice? We sacrifice for our own benefit and that of our family and neighbors. We sacrifice our time or means. Surely we must serve the Lord with all our hearts, might, minds, and strength, and not keep back part. How do we keep back part? Do we give ourselves the challenge to see the good in others, to be interested in the unknown, and to serve outside of our own community? We sacrifice for the benefit of the Church.

The submission of one’s will is really the only prophecy we must have if we are to live this life. The only prophecy we are given is that the covenants we make in the temple. President Benson surely understood how many people who wish to be protected need to first understand who they are, and why the covenant of the temple is the first one. We need to be provided with the means to serve and sacrifice.

Therefore, I want to serve others, to be interested in the unknown, and to serve outside of our own community. I want to serve through sacrifice, not sacrifice because it is a sacrifice, but sacrifice that is a blessing. I want to sacrifice to be a part of the Church and to make a difference.

The Lord is our Father. He is the Father of our families. He is the Father of the Church. He is the Father of the kingdom. He is the Father of the world. He is the Father of all things. He is the Father of all life. He is the Father of all eternity. He is the Father of all salvation. He is the Father of all love.

I am blessed to be corresponding with many people. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionary. I am blessed to be able to serve as a missionar...
Constance Lundberg

Constance Lundberg reminisces with
law school colleagues
Lovisa Lyman

Blessed Shalt Thou Be
When Thou Goest Out

—Deuteronomy 1:6

by Lovisa Lyman

Constance Lundberg

Lundberg taught a wide vari-
yety of courses at the Law School, including environmental law, public land law, conservation law, energy law (mining, oil and gas), federal courts, real property, interviewing and counseling, poverty law, civil rights law, legal research, legal writing, legal history, and library management. She proposed and helped design some of the courses.

Lundberg taught many students over the years turned out to be one of the greatest perks associated with the regular schedule of academic library school director to find out if she could take the courses part-time. The director was happy to approve her proposal, since, he was so impressed. She was often told to try out for the position of the library director, and now I am not rejecting either her teaching or the library by going to Jones Waldo Holbrook & McDonough.

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by loviva Lyman

Lovisa Lyman

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One particularly challenging project was funded by the Ford Foundation: environmental mediation. Ultimately, it was deemed a good idea whose time had not yet come.

Lundberg was asked to work for President Gerald Ford's Council on Environmental Quality, and she was granted a leave of absence from Parsons. When she returned, she told Parsons she would not return to practice.

Lundberg's ties with Parsons continue. She has returned to Parsons to teach part-time in environmental law. She was invited to address the Utah Bar on the subject of "takings," because she had become one of the local authorities on the subject.

Lundberg has been alone for the past several years. Two years ago her husband of nearly 25 years succumbed to lung cancer. Last year her son Philip, a lawyer, moved his practice to Phoenix.

"I knew I would be happy there with witty and complete people," she adds.

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Lee G. Caldwell  
President, Dixie State College

Rodney K. Smith  
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Ryan Thomas  
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President Bryce and his wife, Cindy (Nielsen), are the parents of seven children.

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President Smith is married to Cindy (Nielsen), are the parents of seven children. President Smith is the former Danielle Reget. They are the parents of eight children.

Rodney K. Smith, ’77, is the President, Southern Virginia University, a four-year liberal arts college with a student body of almost 4,000. President Smith attended and earned a bachelor’s degree at a small college himself. After graduating from the BYU Law School, he continued his studies at the University of Pennsylvania, where he earned an LLB and 50 degrees. He spent over 20 years at either a university professor or an administrator prior to his position as SVU president. President Smith began his current position in June 2004. He holds the school in high esteem, finding strength in the university’s size and the student-faculty ratio. He explains:

“Student at SVU do not get lost in large classrooms but have an opportunity to grow in small and rigorous classes that require students to be prepared to participate, and to develop critical thinking and writing skills. It is not surprising that so many liberal arts graduates go on to succeed in business, the fine arts, and the professions.”

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On August 18, 2005, Lee Caldwell, ’86, became the 16th president of Dixie State College. Besides his law degree, Caldwell has a B.A. in business from Utah State University and a Ph.D. in strategic management from Texas A&M University. Of law school he says, “The rigor and work ethic prepared me well for my subsequent academic endeavors.” Caldwell’s experience in both business and education is extensive. He has worked at many educational institutions: Sam Houston State University, the University of Utah, Indiana University, Georgia Tech, and Dixie State College. His business dealings include work in corporate legal and real estate departments, and executive positions at Novell and IBM.

He has found his business experience necessary as aiding the development of both students and educational institutions. “I have been fortunate to work in areas of business where I could also maintain strong academic ties,” Caldwell explains, “particularly through joint research programs and in the development of the Internet.” He adds, “Education has been my first love.”

Caldwell now finds himself president of a college of approximately 5,000 students. Dixie State College offers five bachelor degrees: nursing, elementary education, computer and information technology, business, and communications. He identifies some significant challenges he faces in leading the college:

Dixie State College has a long tradition of smaller classes and dedicated faculty. As the institution continues to grow, and more than half of the school’s degrees, there are significant financial and faculty staffing challenges to maintain the tradition and commitment to quality of education.

The school is much more to develop Utah’s economy to produce higher paying college-level jobs. Utah has lost more than 3,000 high-paying jobs over the last four years. I believe that the colleges and universities can and should do more to develop the high-tech sector of the economy.

Caldwell identified three points that are important both “for the future of the College and of improving human endeavors”

1. Commitment to truth, commitment to people, and commitment to principle.

2. Lee and his wife, Ronnie (Alphon), have two children, who are married.

3. Education made all of the difference in

President Smith describes the purpose of the university:

“Our mission is to provide lea-derhip in the home, the church, and the world. As a residential liberal arts university committed to providing an excel-lent and broad-based education in an environment fully supportive of the values and teachings of The Church of Jesus Christ of Latter-day Saints, I firmly believe that we are ideally suited to help develop leaders. Our students take our motto, Learn That Life Is Service, and contribute thousands of hours of service on an annual basis. They also lead in music, the arts, athletics, and academics.

President Smith is married to the former Danielle Reget. They are the parents of eight children.

Ryan Thomas  
President, College of Eastern Utah

Ryan Thomas, ’79, is currently in his fourth year as president of the College of Eastern Utah. CEU is a junior college with the lowest student-to-faculty ratio of Utah’s two-year colleges. The school is an integral part of Price, a town of 17,000.

President Thomas speaks highly of his experience in Price. “In a community such as yours you feel you know everyone, and you are supported and embraced by the community spirit.” His chil-dren are also enjoying the advan-tages that come from living in a small town. “My children, much to their surprise, have loved the community. Two of them have even written their sources here.”

President Thomas has a familial ties to the area and a commitment to the students there. He says, “My father was born in a small road and camp five miles from Price. Education made all of the difference in his ability to make important choices in life. At one time I was recruited to CEU, the college was experiencing a number of challenges. I felt that I had some obligation to ensure that the young people in this area had the same kind of oppor-tunities that post-secondary education had provided for my father. I came to the college hoping to try to make some of the problems it was facing.

As CEU president he has done just that—and some. When asked about his responsibilities, he says, “President Thomas explains, “As a small college the president does just about everything. I tend to do at least one course each semester, am the chief fund-raiser, I do most of the legal work for our development office, I spend most of February and early March working with the state legis-laure, and I attended to the myriad administrative details that seem to associate with running a small college.

It has been rewarding for President Thomas to witness the contribution of others to CEU, particularly those of the commu-nity. He recalls, “Shortly after I arrived at the college, the community honored the women who were on the rescue team at the time of the Willow Creek mine fire in 1969. Although the mine had offered to give the team a significant sum of money to recognize their service, they rejected the offer out of work [because] the mine did not negotiate after the fire. The mine chose to give the care to the college in honor of the miners. We honored them, and have been frequently impressed since, by the efforts that people have been willing to make to ensure educational opportunities for others.”

President Thomas and his wife, Ann (Morrell), are the par-ents of six children.

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“Student at SVU do not get lost in large classrooms but have an opportunity to grow in small and rigorous classes that require students to be prepared to participate, and to develop critical thinking and writing skills. It is not surprising that so many liberal arts graduates go on to succeed in business, the fine arts, and the professions.”

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He has found his business experience necessary as aiding the development of both students and educational institutions. “I have been fortunate to work in areas of business where I could also maintain strong academic ties,” Caldwell explains, “particularly through joint research programs and in the development of the Internet.” He adds, “Education has been my first love.”

Caldwell now finds himself president of a college of approximately 5,000 students. Dixie State College offers five bachelor degrees: nursing, elementary education, computer and information technology, business, and communications. He identifies some significant challenges he faces in leading the college:

Dixie State College has a long tradition of smaller classes and dedicated faculty. As the institution continues to grow, and more than half of the school’s degrees, there are significant financial and faculty staffing challenges to maintain the tradition and commitment to quality of education.

The school is much more to develop Utah’s economy to produce higher paying college-level jobs. Utah has lost more than 3,000 high-paying jobs over the last four years. I believe that the colleges and universities can and should do more to develop the high-tech sector of the economy.

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MARK BRYCE
President, Eastern Arizona College

Love of education is an evident characteristic of Mark Bryce, Jr., president of Eastern Arizona College. As an undergraduate at BYU, he earned his accounting degree after only three years. The Monday following graduation he began his studies at the J. Reuben Clark Law School. President Bryce speaks highly of his experience at BYU:

When we took a course to prepare for the bar examination, it was obvious that our education was more thorough than that of students from major, prestigious universities. Later, I was selected as one of 40 new professors for our residential training at Harvard. It was there that I really learned just how great BYU was. My BYU background over our field to political, and I felt confident alongside the best in the world.

President Bryce explains that his legal background has strengthened his ability to handle his presidential responsibilities:

For the very first day, my legal background has been invaluable. Legal training develops decision-making skills. As in legal matters, many presidential decisions must be made now, even though all the facts are not available. The back steps with the attorney, and the back steps with the president. Legal training also develops communication skills and the toughness to stand by a decision. As an attorney and a president, I am eager to honor the same, making the decision, and taking action.

Eastern Arizona College has long been a tradition in President Bryce’s family. As he recalls, “UAJ was founded in 1881 by the LDS Church. My great great grandfather helped make the wooden benches upon which my great great grandfather sat in the very first class. My family has attended the institution ever since.”

Formerly a practicing lawyer in Arizona’s Gila Valley, President Bryce began his decade at EAC on February 2, 2004. Since that time the college has experienced a growth of 6 to 7 percent a year and recently began serving another country with two new campuses. His interest in university administration began when, as a volunteer, he taught LDS institute classes and discovered his love for teaching and working with students.

President Bryce and his wife, Cindy (Nielson), are the parents of seven children.

LEE G. CALDWELL
President, Dixie State College

On August 16, 2004, Lee Caldwell, ’86, became the 16th president of Dixie State College. Besides his law degree, Caldwell has a B.A. in business from Utah State University and a Ph.D. in strategic management from Texas A&M University. Of law school he says, “The rigor and work ethic prepared me well for my subsequent academic endeavors.” Caldwell’s experience in both business and education is extensive. He has worked at many educational institutions: Sam Houston State University, the University of Utah, Indiana University, Georgia Tech, and Dixie State College. His business dealings include work in corporate law and real estate departments, and executive positions at Novell and IBM.

He has found his business experience necessary in guiding the development of both students and educational institutions. “I have been fortunate to work in areas of business where I could also maintain strong academic ties,” Caldwell explains, “particularly through joint research programs and in the development of the Internet.” He admits, “Education has been my first love.”

Caldwell now finds himself president of a college of approximately 8,700 students. Dixie State College offers five bachelor degrees: nursing, elementary education, computer and information technology, business, and communications. He identifies some significant challenges he faces in leading the college:

Dixie State College has a long tradition of smaller classes and dedicated faculty. As the institution continues to grow and more than half of its students are full time, the faculty is challenged to maintain the tradition and commitment to quality of education.

We must do more to develop Utah’s economy to produce high-paying college-level jobs. Utah has lost more than 50,000 high-tech jobs over the last four years. I believe that the colleges and universities can and should do more to develop the high-tech sector of the economy.

Caldwell identified three points that are important both “for the future of the College and for improving human endeavors.”

Caldwell’s experience in business and education is commitment to truth, commitment to people, and commitment to principle.

Lee and his wife, Ronnie (Allphin), have two children, who are married.

RODNEY K. SMITH
President, Southern Virginia University

Rodney K. Smith, ’77, is the president of Southern Virginia University, a four-year liberal arts college with a student body of about 1,200. President Smith attended and earned a bachelor’s degree at a small college himself. After graduating from the BYU Law School, he continued his studies at the University of Pennsylvania, where he earned an LLM and 50 degrees. He spent over 20 years as either a university professor or an administrator prior to his position as SVU president.

President Smith began his current position in June 2004. He holds the school in high esteem, finding strength in the university’s size and the low student-to-faculty ratio. He explains:

Students at SVU do not get lost in large classrooms but have an opportunity to grow in a small and rigorous college atmosphere. They learn to think, to prepare to participate, and to develop critical thinking and writing skills. It is not surprising that so many liberal arts graduates go on to succeed in business, the fine arts, and the professions.

SVU is located in Buena Vista, Virginia. Though not owned by the Church, it has been the only liberal arts university that supports and encourages LDS students and standards it adopted such a mission statement in June 1996. At that time the university also adopted an LDS board of trustees and president. SVU is accredited by the American Academy for Liberal Education. Smith describes the purpose of the university:

Our mission is to prepare leaders in the home, the church, and the world. As a liberal arts university committed to providing a rocust and broad-based education in an environment fully supportive of the values and teachings of The Church of Jesus Christ of Latter-day Saints, I firmly believe that we are ideally suited to help develop leaders. Our students take our motto, Live That Life to Serve, seriously and contribute thousands of hours of service on an annual basis. They also lead in music, the arts, athletics, and academics.

President Smith is married to the former Danielle Riley. They are the parents of eight children.

RYAN THOMAS
President, College of Eastern Utah

Ryan Thomas, ’79, is currently in his fourth year as president of the College of Eastern Utah. CEU is a junior college with the lowest student-to-faculty ratio of Utah’s two-year colleges. The school is an integral part of Price, a town of 17,000.

From the very first day, my wife, Ann (Morrell), are the parents of six children.

Ryan Thomas explains his responsibilities at the college:

As at a small college the president does just about everything. I teach at least one course each semester, I am the chief fund-raiser, I do the legal work for our development office, I spend most of February and early March working with the state legislature, and I attend to the myriad administrative details that seem to be associated with running a small college.

It has been rewarding for President Thomas to witness the contributions of others to CEU, particularly those of the community. He recalls,

Shortly after I arrived at the college in 1999, I was approached by a number of the miners who were on the rescue team at the time of the Willow Creek mine fire. At that time, the mine had offered to give the team a significant sum of money to recognize their heroism. Although several were out of work

We need to do more to develop our students. CEU offers a number of challenges. I felt that I had some obligation to ensure that the young people in this area had the chance to go on to a college education had provided for my father, so I came to the college hoping to try to make some of the problems it was facing.

As CEU president he has done just that—and then some. When asked about his responsibilities, Thomas says, “As a small college president I do just about everything. I teach at least one course each semester, I am the chief fund-raiser, I do the legal work for our development office, I spend most of February and early March working with the state legislature, and I attend to the myriad administrative details that seem to be associated with running a small college.”

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Learning the Language

INTERNATIONAL EXTERNSHIPS

Looking outside London’s Trafalgar Square, his back to the National Gallery, J. Reichen law student Todd H. Goodsell quotes Winston Churchill “We are two nations divided by a common language.” Churchill said that 67 years ago about the differences between the United Kingdom and the United States. A law extern with Devonshire Solicitors in London, Goodsell is finding out just how true Churchill’s statement is — even if his legal skills are universal, he explains, “just with different laws, different parties have different responsibilities. But it’s a different whole English language that I have to learn and apply.”

This is not Goodsell’s first experience in London. As an undergraduate, Goodsell participated in a Study Abroad program that brought him to London, first in 2001 and again in 2003. “I’ve already done the tourist thing and the student thing,” he says with a smile. “In a few weeks I go to see the business side of things. I’m just grateful the Law School allows students to do this and that the connections to make it happen.”

A law clerk, under the guidance of hundreds of faculty and students who have completed an externship after their first year of law school. According to James H. Backman, associate professor of law and externship program director, each year approximately 200 students complete an externship, and between 20 and 30 of those are international. “An externship gives the students a taste of real life lawyer work,” he says.

It’s a marvelous way of relating a student’s interest and enthusiasm for the law after their first year of class work,” says Backman. Students interested in an international externship submit an application detailing their interest in international law and experience with the country and language in which they hope to work. Each of the Church’s legal offices takes students each summer, but that would be only seven or eight positions, explains Backman. “They help us identify law firms that they work with in the various countries that they serve, and they inquire if they would be willing to take a student for credit. All of our students do [an externship] for credit, rather than pay — that’s one of our requirements. An externship is a different experience from a paid clerkship. The students create a learning plan right from the beginning, they are encouraged constantly to look for new opportunities and new learning experiences, to be proactive and ask their employers for those, to seek them out. And the employer is very willing to give them a good range of learning opportunities.

A word of advice, on the other hand, is concerned with watching the clock and billing the client, so they are more often used in simple backroom tasks.”

At Devonshire, Goodsell the externship coordinator, describes the teaching: “This was a different perspective. For example, I’d be writing memos and notes about the priesthood, explaining the priesthood to someone who wasn’t a. It was interesting to figure out how to interpret it, how to explain which memos were called ‘draconian’ and which were called ‘prayer.’” It was interesting to look at it from another point of view. Stephane Davis, a 2014 extern with Devonshires in 2014, echoes Goodsell’s observation. “I know that at Devonshires I would be working closely with a partner from the firm, which a lot of externships don’t let you do. I was right in the office with Daniel Clifford and his associate, seeing what they did on a daily basis.”

Many of the cases Davis worked on involved the Church. “It was really rewarding doing research on these cases,” recalls Davis, “because I was researching things that I already knew about the Church, but I was getting it from a different perspective. For example, I’d be writing memos and notes about the priesthood, explaining the priesthood to someone who wasn’t a. It was interesting to figure out how to interpret it, how to explain which memos were called ‘draconian’ and which were called ‘prayer.” It was interesting to look at it from another point of view.

As we awaited our mission call: “I was excited to go to London. As an undergraduate, Goodsell participated in a Study Abroad program that brought him to London, first in 2001 and again in 2003. ’I’ve already done the tourist thing and the student thing,” he says with a smile. “In a few weeks I go to see the business side of things. I’m just grateful the Law School allows students to do this and that the connections to make it happen.”

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At Devonshires, Goodsell says he would be making copies and coffee, but instead, he says, “I’ve been handed files of clients and told to figure out which members were called ‘deacons’ and which were called ‘priests.’ It was interesting to look at it from another point of view.

Many of the cases Davis worked on involved the Church. “It was really rewarding doing research on these cases,” recalls Davis, “because I was researching things that I already knew about the Church, but I was getting it from a different perspective. For example, I was writing memos and notes about the priesthood, explaining the priesthood to someone who wasn’t a Mormon. It was interesting to figure out how to explain it, how to explain which members were called ‘deacons’ and which were called ‘priests.’ It was interesting to look at it from another point of view.

For Burt, Goodsell, Davis, and others who complete externships in English-speaking countries, the biggest difference they see between practicing American law and British law is the division of roles. “It’s set up with barristers and solicitors, where we just have attorneys,” explains Burt. “ Solicitors don’t go to court, usually. They prepare the cases and work with the clients, then the barristers go and argue before a court.”

Another a British courtroom is like stepping into a different world. “It’s exactly as it was 67 years ago when Winston Churchill said this,” explains Goodsell. “To the British, the Westminster system is the way they practice law. ”

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David F. Evans, ’79, was called to the First Quorum of the Seventy in the April 2005 general conference of the Church. He will serve as first counselor in the Asia North Presidency, making Tokyo, Japan, his home.

This will be the third time Elder Evans will have lived in Japan. He first served there as a young missionary and then returned with his wife, Mary, and four of their eight children in 1980 through 1982 while presiding over the Japan Nagoya Mission. This time only sons Michael, ’86, and Jiff, ’94, will accompany Elder and Sister Evans. Having attended Japanese elementary school previously, both boys are fluent in Japanese, understand the culture, and have many friends there.

Elder Evans came to the J. Reuben Clark Law School as a first-year law student in 1976, the year of its first graduating class. “I had a very strong spiritual impression to attend here. I look back now and see what a correct decision it was. I learned that one could be a brilliantly effective litigator and still maintain Christian values, like Carl Hawbaker. It was a critical point for my learning to watch Rex Lee as he both enjoyed and embodied the practice of law. I learned that there could be joy in the practice of law while giving real service to someone who needed the skills of a lawyer and that there was no conflict in loving the law, being an effective advocate, and being a good member of the Church.”

When asked what would fundamentally change from his work with securities, corporate law, and investment banking to his new Church assignment, he replied: “Nothing, or very little. Consistent values and joy don’t change as you work for good in any venue. The greatest happiness and joy come from service and seeing others engaged in service. I recently spoke with someone who had been in my MTG group years ago when we were sent to Hawaii preparatory to our service in Japan. We have talked maybe once in all those years, but we have both raised families in the Church and been active and faithful in our callings. As we talked and caught up on the past decades, I felt like Alma must have felt when he met the sons of Mosiah after their years of separation: he ’did rejoice exceedingly to see his brethren, and what added more to his joy, they were still his brethren in the Lord’ (Alma 5:2). Whatever we find ourselves doing—whether in or out of the law—when we are reunited with our former friends and colleagues and find that we are still faithful brothers and sisters in the Lord, our joy will be its greatest.”

Law Alumni Weekend

Alumni and friends of the J. Reuben Clark Law School will gather together Homecoming weekend, October 14 and 15, for recreation and reunions, good food and fun.
