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Clark Memorandum: Fall 2021

J. Reuben Clark Law School

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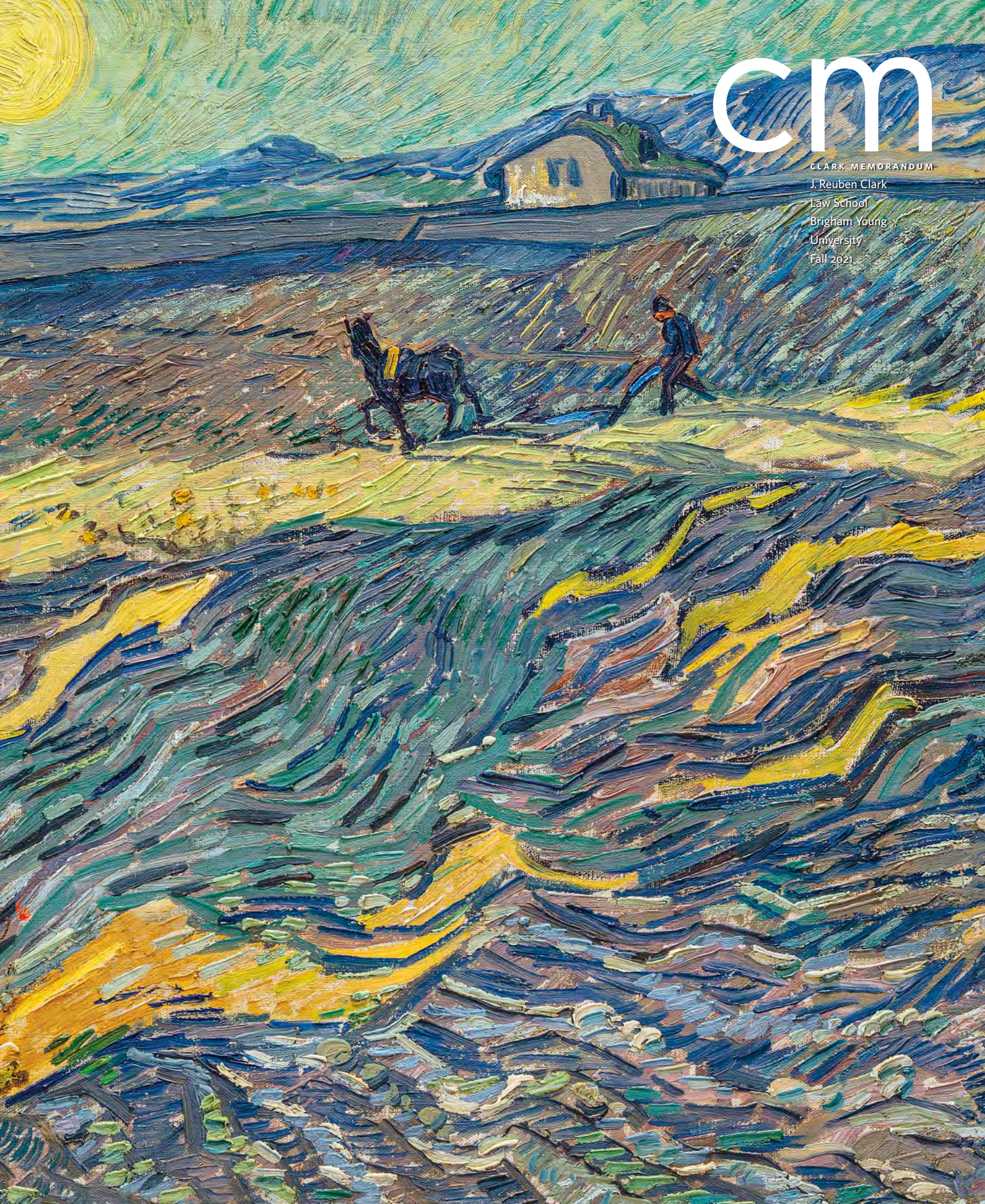


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CLARK MEMORANDUM

J. Reuben Clark

Law School

Brigham Young

University

Fall 2021

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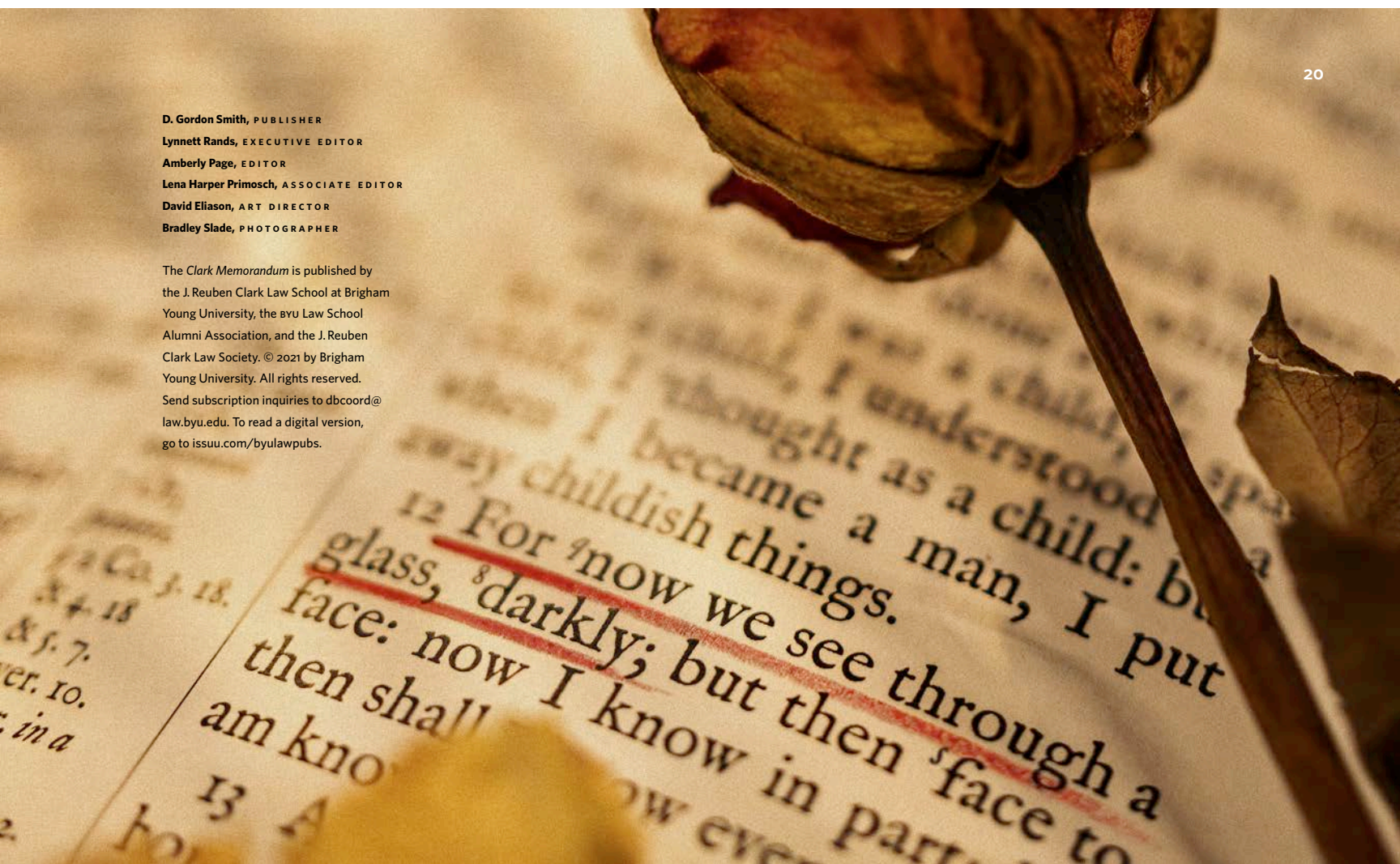


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D. Gordon Smith, PUBLISHER
Lynnett Rands, EXECUTIVE EDITOR
Amberly Page, EDITOR
Lena Harper Primosch, ASSOCIATE EDITOR
David Eliason, ART DIRECTOR
Bradley Slade, PHOTOGRAPHER

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On the first day of classes in August 1973, then BYU president Dallin H. Oaks observed, “We are frequently asked why Brigham Young University is establishing a law school at this time.”¹ He did not answer that question directly but said, “The special mission of this law school and its graduates will unfold in time.”² Fifteen years later, founding dean Rex E. Lee remarked:

We’re here to teach and learn law just like any other school. . . . But there is also a plus factor at work here. We are just a little different from other schools.

*We are doing more than just turning out good lawyers. And it is in that “more” element that the mission of the Law School is to be found.*³



Last summer, in the midst of the pandemic, racial unrest, and political upheaval, I returned to President Oaks’s question: Why does BYU Law School exist? I appointed a mission committee composed of Law School faculty, staff, and students and charged it to develop a new mission statement that articulates our core values, identifies our unique strengths, and directs our future development. The committee fulfilled its charge, and a new mission statement and educational objectives were unanimously approved by the faculty in May 2021.

You can find the mission statement and objectives on page 35 of this issue and on the Law School’s website. I invite you to read and ponder those words in their entirety, but I would like to call attention to some specific language here.

First, the new mission statement declares: “[W]e seek to be and develop people of integrity who combine faith and intellect in lifelong service to God and neighbor.” The phrase “lifelong service to God and neighbor” alludes to the two great commandments: love of God and love of neighbor (see Matthew 22:37–39). In his BYU devotional on August 17, 2021, Elder Dieter F. Uchtdorf said:

When we wonder where we should put our focus as parents, siblings, Church leaders, ministering brothers and sisters, and members of The Church of Jesus Christ of Latter-day Saints, it is already decided:

① *Love God.*

② *Love your neighbor.*⁴

I am grateful that the Law School’s mission statement is focused on these essential ideas.

The mission statement also “recognizes the inherent dignity and equality of each individual” and proclaims our aspiration to welcome “people from the full range of human experience.” One of our greatest challenges as a community is to overcome the natural tendency to exclude those who are different, particularly when that difference is based on race, ethnicity, or LGBTQ+ status. I call on all members of the Law School community to reach for this aspiration, serving as examples of inclusion in our families and profession. For many of us, this will require some changes in our thinking and our actions. For our current students, the program of legal education at BYU Law School is designed to be a transformational learning process, and such a process can be painful or upsetting. I hope we can all navigate this process without a spirit of contention, which the Savior has told us “is not of [Him], but is of the devil, who . . . stirreth up the hearts of men to contend with anger, one with another” (3 Nephi 11:29).

The new mission statement also affirms, “We are committed to the teachings of Jesus Christ and honor His many roles, including healer, peacemaker, mediator, counselor, advocate, lawgiver, and judge.” The word *peacemaker* feels especially important today. Many are troubled by the breakdown in civil dialogue and the corresponding rise in polarization and discord. Now more than ever, compassion, collaboration, and cooperation among diverse individuals and groups are needed to contribute to healing the world.

Peacebuilding (which will be the focus of the 2022 Law and Leadership Conference) and the role of lawyers—especially lawyers seeking to exemplify the characteristics of Christ—in affirming the dignity of all, lifting the burdens of others, and building bridges across differences are recurring themes in this issue.

In another time of tumult and unease, the Savior comforted His disciples, saying, “Peace I leave with you; my peace I give you. I do not give to you as the world gives. Do not let your hearts be troubled and do not be afraid” (John 14:27, New International Version). I urge all of us to follow the model of the Savior to become the sort of people described in the mission statement so that together we may magnify the “‘more’ element” and fulfill the “special mission” of this law school.

D. GORDON SMITH

Dean, BYU Law School

NOTES

1 Dallin H. Oaks, in *Addresses at the Ceremony Opening the J. Reuben Clark Law School*, Aug. 27, 1973, 4.

2 Oaks, in *Addresses at the Ceremony*, 5.

3 Rex E. Lee, “Thoughts After 15 Years,” *Clark Memorandum*, Spring 1990, 17.

4 Dieter F. Uchtdorf, “Five Messages That All of God’s Children Need to Hear,” BYU devotional address, Aug. 17, 2021.



THE
BOOK
OF
MORMON

AND
OF JESUS

TRUTH, CIVILITY, AND ADVOCACY

THE LATTER-DAY SAINT LAWYER'S CALLING

Elder Evan A. Schmutz, '82, *General Authority Seventy*,
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

It is a distinct honor to speak with members of the J. Reuben Clark Law Society. I am impressed by the singular nature of our mission statement:

We affirm the strength brought to the law by a lawyer's personal religious conviction. We strive through public service and professional excellence to promote fairness and virtue founded upon the rule of law.

ILLUSTRATIONS BY CHRISTOPHER THORNOCK

Members of this society represent the best of our profession as they stand for the convictions of those who profess Jesus Christ in the way they live. As members of our society, we should not separate our identity as lawyers from our identity as disciples of Jesus Christ. In this way, we can truly look to Christ, who is “the Apostle and High Priest of our profession” (Hebrews 3:1). I am confident you will continue to exemplify the better angels of the legal profession through your own lives and standards.

I am not a scholar, and this is not intended to be a scholarly presentation. I was a practitioner for many years. And, like you, I am a disciple of Jesus Christ. I would like to reflect on some observations I have made and a few experiences I have encountered over the years, and I would like to invite you who are listening to consider on how we might with more fidelity combine our professional lives with our discipleship. I am especially mindful of the men and women who are now in law school or are recently graduated.

TRUTH IN WORD; TRUTH IN DEED

I remember early in my law school training reading a quote that is inaccurately attributed to Abraham Lincoln: “A lawyer’s time and advice are his stock in trade.” I want to take issue with that statement. As most lawyers in private practice would attest, time spent at work may be necessary to support a bill for legal services or important to elevate a young lawyer in the eyes of the senior partners, but it does not define the value of the lawyer, nor is it central to defining the character we possess or the contributions we make on behalf of those we represent.

In my experience, it is more correct to say that the words—the skillful use of reasoned language, both written and spoken—and the character of the lawyer are a more valuable stock in trade. Whether we focus on transactional law or litigation, we seek to persuade others to move their position in favor of our client’s position. And persuasion—though it must be built on a foundation of legal and procedural principles soundly applied to evidence, to facts—is always accomplished through the skillful use of words and phrases intended to influence thought and action in alignment with our client’s cause.

When the words we use are true and the way we use them aligns with the character of a disciple of Christ, we can “be the means of doing much good in this generation” (Doctrine and Covenants 6:8).

However, words and language are also the means people use to defraud and deceive. Hence, the Savior’s cautionary rebuke to the Pharisees should remain in our hearts:

[E]very idle word that men shall speak, they shall give account thereof in the day of judgment.

For by thy words thou shalt be justified, and by thy words thou shalt be condemned. [Matthew 12:36–37]

The lawyer who seeks to follow Jesus Christ must be vigilant to see that with this skillful use of language we do not cloud, shade, or abuse the truth. We must be honest in all our professional endeavors and communications, just as we must be honest in our personal and private activities. Honesty is entwined with covenant making and covenant keeping. There must be no deceit, and there should be no artifice used to obscure truth in the impressions we create.

We live in the day foreseen by Paul, when “perilous times shall come,” when people would be “ever learning, and never able to come to the knowledge of the truth” (2 Timothy 3:1, 7). We live in a day when misinformation is spread intentionally, when fake news abounds, a day when truth is both hard to find and difficult to discern. There is a public perception that lawyers cannot be trusted and that judicial determinations are often made by corrupt practices and political affiliation rather than by law and justice.

We must stand as a bulwark against deceit. If we are not steadfast in seeing that all our communications are truthful, we can be dulled by the lesser standards that we may see around us. As Elder Neil L. Andersen once observed:

The world would tell us that truth and honesty are difficult to define. The world finds humor in casual lying and quickly excuses so-called “innocent” deception. The contrast between right and wrong is dulled, and the consequences of dishonesty are minimized. [“Honesty—the Heart of Spirituality,” BYU devotional address, September 13, 2011; see Andersen, “The Divine Standard of Honesty,” *Ensign*, August 2017]

As an exclamation point to Elder Andersen’s statement, the Oxford University Press declared that the Oxford Dictionaries Word of the Year for 2016 was the hyphenated word *post-truth*. This recently minted word, according to Oxford, “is an adjective defined as ‘relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief’” (“Word of the Year 2016,” Oxford Languages, Oxford University Press, languages.oup.com/word-of-the-year/2016).

In other words, the developing standard for truth in our society is “difficult to define”; it is relative in its meaning, hewing to no fixed or immutable standard of

honesty in fact or intention. Under this definition, feelings and opinions are substitutes for actual truth. By this standard, if you want to achieve something you believe is right, you can be excused for not speaking truthfully so long as the outcome is expedient.

This shifting standard of truth has an especially pernicious impact on the judicial system and the legal profession.

Unfortunately, it seems that every reference to attorneys and most references to judges found in the scriptures are not flattering. But we can learn from them, and we can commit to scrupulously practice our profession with integrity and truth. One scriptural reference provides a case study.

In Alma 10, Amulek and Alma were confronted by a lawyer named Zeezrom who acted as surrogate for an informal jury of wicked citizens intent on spilling the blood of the prophets. Zeezrom began to question Amulek by cunning device so he could catch him in his words and “find witness against [him] . . . according to the crime which they could make appear” (Alma 10:13). In other words, where no crime existed, Zeezrom was determined to find one and to convict through false witness and crafty traps laid by words and questions. Zeezrom was a well-trained lawyer, “learned in all the arts and cunning of the people [and] . . . skilful in [his] profession” (Alma 10:15).

I will read the brief transcript of Zeezrom’s cross-examination:

[Question:] *Who is he that shall come? Is it the Son of God?*

[Answer:] *Yea.*

[Question:] *Shall he save his people in their sins?*

[Answer:] *I say unto you he shall not, for it is impossible for him to deny his word.* [Alma 11:32–34]

Turning to the crowd, Zeezrom said:

See that ye remember these things; for he said there is but one God; yet he saith that the Son of God shall come, but he shall not save his people—as though he had authority to command God. [Alma 10:35]

Of course, this was a classic case of Zeezrom deceptively twisting Amulek’s words to attack a statement Amulek had not made. In the strength of his righteous courage, Amulek exposed the lie in Zeezrom’s sophistry and ultimately brought Zeezrom “to tremble under the consciousness of his guilt” (Alma 12:1).

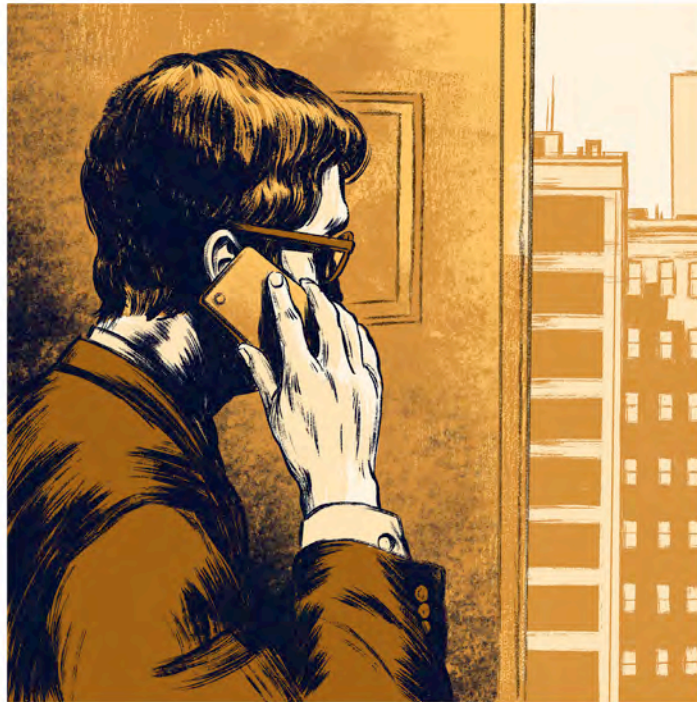
By using Zeezrom as a bad example, I do not mean to lessen the powerful role of an effective cross-examination, nor do I want to suggest that carefully prepared impeachment of a witness who has changed his testimony should not be in the effective advocate’s toolbox. However, fidelity to truth is a standard we must carefully guard, and we should not justify or rationalize any lowering of that standard just because we could gain an advantage in the contest.

Now, let me offer a contrast. About 15 years ago, I was sitting in my office when a call came from a fellow attorney who was as close to me as my own brother, a man I admired greatly as a lawyer and as a man of faith. He was distraught because of a statement he had made in an oral argument during a judicial hearing the day before. He had stayed up all night fretting about it and then called me to discuss it the next morning. Having reflected on his argument as he reviewed the record of the case, he felt a correction was needed but wanted my advice.

As we reviewed the circumstances, what had been said, and what he had learned that made him feel his statement had been potentially misleading, I was convinced that his statement had not been intentionally made, had not violated any provision of the Rules of Professional Conduct, had not been material to the subject or issue of the hearing, and would not impact the decision of the court. I felt that a correction was not required but suggested he call opposing counsel and inform him of the misstatement.

In the end, however, my friend chose to request a telephone conference with the court and counsel so he could correct the statement and any incorrect impression that may have

*Remarks delivered at the
J. Reuben Clark
Law Society
Annual Fireside
on February
26, 2021.*



been left with the court or with counsel. The conference did not change the court's decision, but I am sure it enhanced my friend's reputation for honesty. It also cleared any concern in his mind that he had let stand an untruthful statement.

Elder Andersen described the higher standard followed by my friend:

[Because we are] disciples of Christ, the divine standard of honesty grows within us. . . . "[Putting] off the natural man" is in part a call for a more heightened sense of honesty and truth. ["Honesty—the Heart of Spirituality"; see "Divine Standard of Honesty"; quoting Mosiah 3:19]

Our obligation to be truthful in our communications is not limited to the courtroom. Speaking truth should prevail in all our client communications, in the way we fulfill responsibilities to disclose information to attorneys for opposing parties, in the way we counsel witnesses to prepare for examination, and in the way we seek fairness in presenting the position of our clients or causes. We should hold to a standard of honesty-in-fact and honesty-in-principle in all that we do. We do this by letting our conscience guide us in our communications.

Members of this society, young and old, can benefit from the lesson Elder D. Todd Christofferson learned through his experience with the Watergate proceedings, which led to the resignation of President Richard M. Nixon. Elder Christofferson said:

The life lesson I took away from [Nixon's] experience was that my hope for avoiding the possibility of a similar catastrophe in my own life lay in never making an exception—always and invariably submitting to the dictates of an ethical conscience. [Quoted in Jason Swensen, "How the Watergate Scandal Taught Elder Christofferson to Always Follow His Conscience," Leaders and Ministry, Church News, November 30, 2018]

CIVILITY, KINDNESS, AND CHARITY

Let me now turn to another subject of importance. I speak of the need for civility, kindness, and charity in our professional relationships and discourse. As I look back on the more than 30 years of my legal career, spent mostly in the trenches of litigation, I recall many in our profession whom I came to admire and greatly respect. Many of these I met when we represented opposing parties. In these attorneys I saw examples of cooperation, fair compromise, civility, kindness, and charity. Adversarial representation often turned to long-lasting friendship.

However, I cannot avoid the conclusion that civility among attorneys has eroded since I began practicing. Certainly, there are many attorneys who are consummately professional and respectful in their bearing and communications and outstanding in their skills. But it seems to me that the incidence of sharp dealing, vitriolic rhetoric, less cooperation, and less civility has become more frequent. There is a temptation in our profession to impress clients by being mean and hard dealing, unwilling to extend courtesies or work toward fair compromise. With some, it seems the desire to win at any cost is paramount.

We must stand against that trend. We must remember we are disciples of Christ first and attorneys and advocates second. Or better still, we must be at the same time attorneys and advocates who are disciples of Christ. Thus, we can be effective *advocates* and gracious, effective *adversaries* at the same time.

THE [TELEPHONE] CONFERENCE DID
NOT CHANGE THE COURT'S DECISION,
BUT I AM SURE IT ENHANCED MY
FRIEND'S REPUTATION FOR HONESTY.

A short lesson in the history of politics might provide some guidance in how we can accomplish this. Vitriolic rhetoric when expressing differing political philosophies is not new to our country. In the earliest days of our nation's founding, politics was tumultuous. As one historian described it:

The politics of the 1790s was truly a cacophonous affair. . . . [I]n terms of shrill accusatory rhetoric, flamboyant displays of ideological intransigence, intense personal rivalries, and hyperbolic claims of imminent catastrophe, it has no equal in American history. [Joseph J. Ellis, *Founding Brothers: The Revolutionary Generation* (New York: Alfred A. Knopf, 2000), 16]

For those who have spent much time in the courtroom, that might sound familiar. How, then, did they do it? How did the luminaries of political dialogue and thought in the first decade of our nation's history manage to create from strongly held adversarial differences the foundation for a "new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal"—one that would pass the test proposed by Abraham Lincoln to see whether such a nation "so conceived . . . can long endure" (Abraham Lincoln, Gettysburg Address, November 19, 1863)?

There may have been many other factors that contributed to the successful establishment of this nation in such discordant circumstances, including divine design. But I would like to focus on one reason postulated by an esteemed historian. The founding fathers, this historian said,

all knew one another personally, meaning that they broke bread together, sat together at countless meetings, corresponded with one another about private as well as public matters. Politics . . . remained a face-to-face affair in which the contestants . . . were forced to negotiate the emotional affinities of shared intimac[y] produced by frequent personal interaction. [Ellis, *Founding Brothers*, 17]

Consider, then, the happy consequences that resulted from such personal interaction and familiarity among our founding fathers. It begat trust among political adversaries, which led to honest compromise.

We hope it could be so in our day and in our profession. While, admittedly, our busy professional lives do not permit frequent personal interaction with opposing counsel, we can seek to make the interactions that we do have become opportunities to set aside the adversarial veneer and connect in personal ways. Bar activities and committees provide one avenue for such connection. A kinder tone in telephone calls and correspondence can produce these benefits.

If we as attorneys will let our professional engagements be marked always by civility, courtesy, kindness, and even charity, we would perhaps discover that fair and genuinely held opinions on contracts and court cases, on evidence and law, can be debated by and between friends, resulting similarly in the fruits of trust and beneficial compromise.

I recall an experience I had in the earlier years of my practice that may illustrate the point. I think you will find it hard to believe. I was litigating an aviation crash case for an injured plaintiff. The attorney representing the defendants was much more experienced than I and worked for a well-respected firm. Through the course of the litigation, we enjoyed a remarkably civil and friendly, though adversarial, relationship.

The time came to take several key depositions of experts. They were to be taken in St. George, Utah, which is where my parents lived. During a telephone conversation to plan and arrange for the depositions, the opposing attorney asked where I would be staying in St. George. I told him I was planning to stay at my parents' home, and then, without much thought, I invited him to stay there also and save some money. I assured him that he would enjoy my mother's cooking. To my surprise and his, he accepted the invitation.

Over the course of the depositions, we battled over contested issues and tried to undermine (or defend) expert opinions and limit the scope about which they could testify. At the conclusion of each day, we packed our bags and drove to my parents' home together. There was a comfortable bedroom suite for each of us, where we could separately prepare for the depositions. But we also broke bread together, shared laughter at my mother's table, and

established a lasting friendship. Soon after the depositions concluded, we reached a fair compromise and settlement.

When we are courteous, civil, kind, and charitable in our interprofessional dealings, we remain true to our religious conviction and, thus, to the mission of this society. That obligation for kindness and charity extends to secretaries and office staff, just as it does to opposing parties and adverse witnesses. For example, the fact that we may have a professional duty to confront an opposing witness by pointed cross-examination to bring out evidence helpful to our own client's cause and hurtful to the opposing party does not nullify or create an exception to the second great commandment. The sobering truth of this well-known verse does not have a "litigation exception": "And the King shall answer and say unto them, Verily I say unto you, Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me" (Matthew 25:40).

Adherence to the standards of discipleship does not mean that we must sacrifice the fidelity we owe to our clients or to the cause we advocate. Nor does it mean that we compromise the persuasive logic of our argument or the skill displayed in our written and oral presentations. But it does mean that we can both elevate the dignity of the profession and show forth the attributes of our God by treating others with courtesy and respect.



ADVOCACY AND DISCIPLESHIP

To introduce some final thoughts, I would like to share an experience I once had during the reorganization of a young single adult stake. In our preparations with the stake president, we asked that he select a few of the young adults who were experiencing challenging circumstances in their lives and invite them to meet with us.

We met with a young man in his late 20s who had almost lost himself to drug addiction and criminal behavior linked to his addiction. For the sake of convenience, I will call him Tom. The stake president had informed me that Tom had made an amazing turnaround in his life and that he had a firm testimony of the gospel of Jesus Christ. The president had said I would be impressed by Tom's attitude and progress. But that did not prepare me for the experience we shared.

We sat down across a table from each other. Tom's countenance was shining! It was punctuated by a broad, cheerful smile that spread across a handsome face. But there was much more than a good smile. I felt joy and hope and faith streaming from Tom's countenance.

As we talked, I learned that Tom had been a good-enough athlete in high school to earn a scholarship to play on a university soccer team. However, at the beginning of high school, he had developed an addiction to hard narcotics, which had begun to dominate his life. Because of his natural abilities, Tom continued to play sports at a high level despite his worsening drug addiction. He accepted the scholarship and began to play for the university team. But on the side, Tom became involved with criminal drug distribution.

His life crashed down around him when he was arrested and charged with several felonies. He was ultimately convicted and sentenced to 10 years imprisonment. As he shared his story, Tom described a loving home and a religious upbringing. But as he became increasingly involved with drugs and the activities that went along with it, Tom turned away from the Church, from God, and from any spiritual feeling. By the time he was arrested, he had separated entirely from any feeling that God existed and from any thought that he needed God in his life.

I said, "What happened to change you into who you are now?"

With a bright smile, Tom said: "I started reading the Book of Mormon as soon as I got into prison, and I prayed to know if it was true. God showed me it was true, brought me the greatest joy I have ever known, and told me that if I remained true to what I had been given, He would

make prison a good experience for me. I have remained true, and He has kept His promise."

Looking into Tom's face and listening to his story, I wondered how this had happened. What had prompted Tom to spend his first days in prison reading the Book of Mormon?

When I gave voice to my questions, this is how Tom responded: "I owe everything to my defense attorney; he has influenced my life for good more than anyone else I have known."

Tom went on to explain that his defense attorney had been an effective advocate, but the circumstances of his crimes and the strength of the proof against him was conclusive, so he had pled guilty. However, his attorney's "advocacy" of Tom as a person was much more impactful. Tom's attorney took time to understand and befriend him. He spoke to Tom about his life, where it was going, and how it would end if Tom did not make real changes.

Tom's attorney was devout in his faith, and when Tom showed a willingness to learn, the attorney explained the power of the Atonement of Jesus Christ. The attorney gave Tom a copy of the Book of Mormon, testified that it was true, and encouraged Tom to take it with him to prison and read from it every day.

WE ALSO BROKE BREAD TOGETHER, SHARED
LAUGHTER AT MY MOTHER'S TABLE, AND
ESTABLISHED A LASTING FRIENDSHIP.

You have heard the rest of the story. Tom is wholly converted and is confident that the Lord will guide him and bless him as he keeps the commandments.

As we concluded, I asked Tom this question: "If you were given a choice to return to your life on the college soccer team without changing what you were doing with your life but with the assurance that you would not be arrested or imprisoned—in other words life could go on the way you were living it—or to go through all that you have experienced—five years of imprisonment, the loss of your personal freedoms, and the lifelong mark of an ex-convict on your record—but possess what you have come to know spiritually, what would you choose?"

Without hesitation and with tears springing to his eyes, Tom said, "I would not trade what I have experienced and what I have come to know for anything else this world has to offer. I would gladly go through prison for the gift of coming to know Jesus Christ and receiving the gift of His Atonement."

Since that conversation, I have been thinking about Tom's attorney. I suppose he has an ordinary criminal defense practice, but he had an extraordinary impact on Tom, and I can imagine he has impacted others who have come within the influence of his advocacy. Tom's attorney is a disciple of Christ who exemplifies the mission statement of the J. Reuben Clark Law Society: "We affirm the strength brought to the law by a lawyer's personal religious conviction."

own moral and religious conviction within the context of legal advice.

We are attorneys and advocates. The definition of *advocate* is "one who pleads the cause of another; *specifically*: one who pleads the cause of another before a tribunal or judicial court" (*Merriam-Webster Dictionary* online, s.v. "advocate"). Note that in this worldly definition, neither the righteousness of the advocate nor the purity of the cause is an element of the definition.

But remember that I began this discussion with an invitation to consider how we might with more fidelity combine our professional lives with our discipleship of Jesus Christ. The perfect example of advocacy is Jesus Christ, and the pattern of perfect advocacy is revealed in His own words as He counseled us, those for whom He advocates:

Listen to him who is the advocate with the Father, who is pleading your cause before him—

Saying: Father, behold the sufferings and death of him who did no sin, in whom thou wast well pleased; behold the blood of thy Son which was shed, the blood of him whom thou gavest that thyself might be glorified;


Wherefore, Father, spare these my brethren that believe on my name, that they may come unto me and have everlasting life. [Doctrine and Covenants 45:3–5]

In these sublime and heavenly words, Jesus set forth His qualifications to advocate, identified the Supreme Judge and tribunal before whom He advocates, and revealed His selfless, merciful efforts to plead in our behalf, that we may receive the greatest gift of God: eternal life. The Redeemer's advocacy will lift and repair broken lives. It will give the power of His grace to obtain a reward we cannot obtain by ourselves. It will fulfill our fondest hopes and desires to bring to pass the destiny for which God created us.

With this perfect pattern before us, we can improve our advocacy. When our life of discipleship is coupled with skill and diligence in the discharge of our professional responsibilities, we will "affirm the strength brought to the law by [our] personal religious conviction" and make an impact on those we serve beyond the normal limits of our legal representation.

I invite you, as attorneys and members of this society and as disciples of Jesus Christ, to be an example of His attributes:

- ♦ Be truthful in all your communications: be honest in fact and honest in principle.
- ♦ Be civil, kind, and charitable in all your dealings.
- ♦ Make an impact for good on all whom you represent by your own example and conversation.

I close with a witness of my religious conviction. Jesus is the Christ. I bear witness of His name and His power and His Resurrection. In the name of Jesus Christ, amen. 

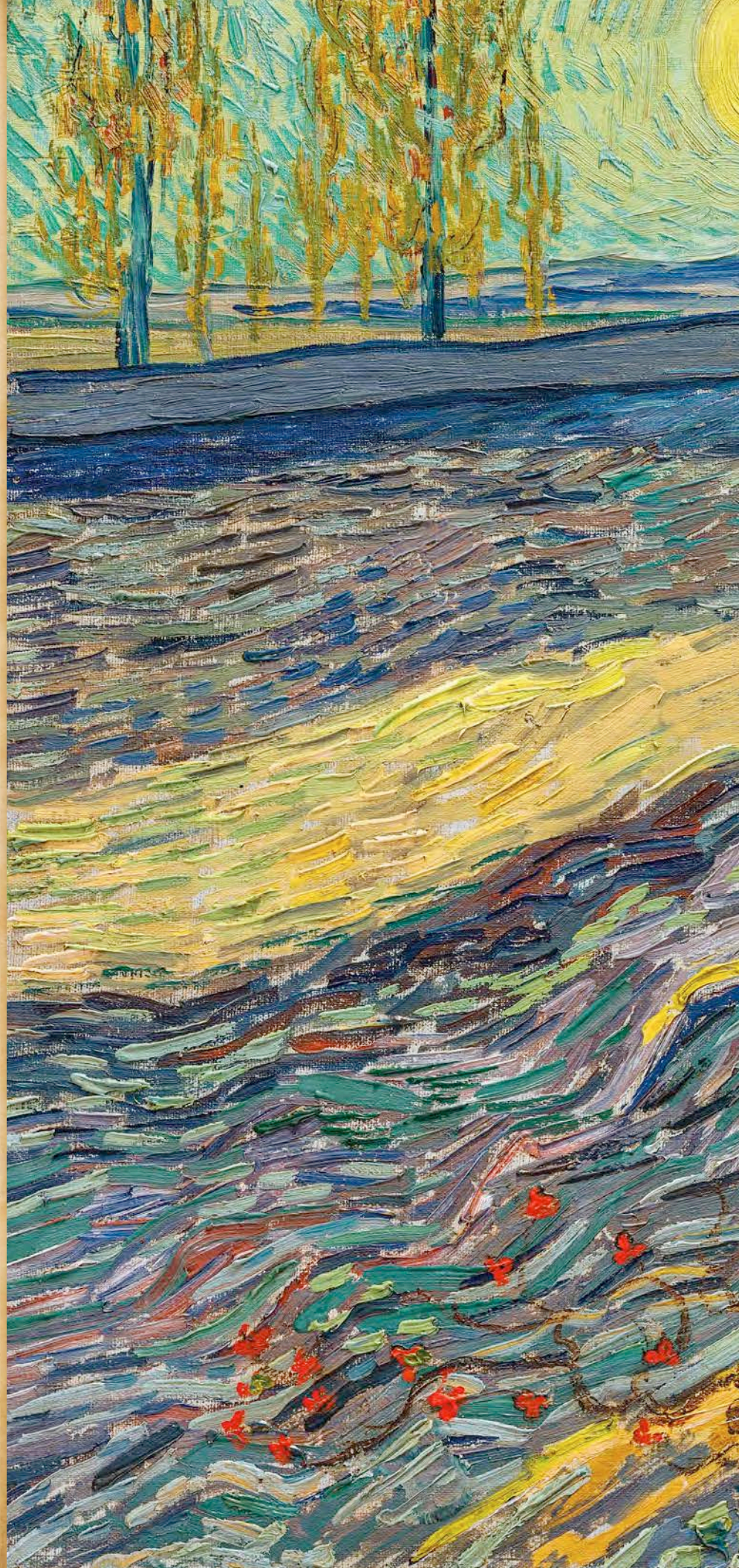
I am not suggesting you should preach the restored gospel and redemption through Christ to each of your clients; that would interfere with your professional engagement. There may be opportunities to share your faith with some at the right time and place. However, I do ask you to consider the many opportunities you have to be "an example of the believers, in word, in conversation, in charity, in spirit, in faith, in purity," and to "neglect not the gift that is in thee" (1 Timothy 4:12, 14).

As an attorney, you have unlimited opportunities to show your character in your conduct, in the nature and tone of your conversation, and in your choices and recommendations when moral issues arise. At times, your counsel to clients will reveal your

CULTIVATING
—
A DEEPER FAITH
—
IN
—
JESUS CHRIST
—

BY **CARL HERNANDEZ III**
'92, Professor of Law, BYU Law

In my church and professional service, I often meet one-on-one with individuals who are searching for peace in their lives. I believe, as Elder Ronald A. Rasband has taught, that in our interpersonal relationships, there are no “chance” meetings in this life but that God brings us together by His “divine design.”¹ Because of this teaching, I try to see every person who seeks me out as someone the Lord has purposely brought into my path. Although I am not always successful, as we visit, I try to listen for three things:





First, I try to really hear what each person is saying.

Second, I try to understand, through the Spirit, what this person may be trying to communicate, even if they are not able to express themselves through the words they are sharing.

Third, I listen for the message the Lord would want me to convey to His beloved daughter or son in that moment—something this person may need to hear and that provides hope and a reminder of the Lord’s love and of His awareness of His daughter’s or son’s challenges, desires, or needs.

Today I convey that same message to you. Our Heavenly Father is aware of your deepest inner yearnings, of every righteous desire of your heart, and of your every need and want. He does not love you from afar; He is always nearby. He always wants what is best for you, and He knows what He desires you to become. That is why He sent His Son, Jesus Christ, not only to show us the way but to *be* the way to become like Him.

In preparation for my address, I reached out to several women who have had a positive influence on my life with the hope of gaining insights into ways they are cultivating a deeper faith in Jesus Christ, particularly in these extraordinary times. I share with you their collective wisdom along with my own thoughts on six ways we can cultivate a deeper faith in Jesus Christ.

1 BELIEVING THE FIRST PRINCIPLES AND ORDINANCES OF THE GOSPEL

First, we cultivate a deeper faith in Jesus Christ by believing the first principles and ordinances of the gospel.

I was raised in a migrant farmworker family, and I became intimately aware of the importance of caring for the soil in which crops and trees are planted.

Every year, farmers deeply cultivate the soil to break up hard and compacted soil to allow nutrients, air, and water to reach seeds and roots that depend on this nourishment. Continued cultivation of the soil allows growing plants and fruiting trees to thrive and flourish while also eliminating harmful weeds that draw nourishment away from the plants or trees. Deep cultivation of the soil, as opposed to scratching its surface, helps to lay the foundation for producing good fruit.

In the parable of the sower, the Savior taught: “But he that received seed into the good ground is he that heareth the word, and understandeth it; which also beareth fruit, and bringeth forth, some an hundredfold, some sixty, some thirty.”²

We are responsible to prepare the soil conditions in which the seeds of our faith are planted.³ We do so by both hearing and understanding the word of God.

As a law professor, I think a lot about the best way to teach our students. In order for our students to become the type of lawyers we want them to become, they must study diligently to learn foundational doctrines of law and the necessary skills to help them become competent and compassionate counselors at law.

I have often been asked if law students have to read and memorize all of the books that are contained in our law library. This is a reasonable question. The task, however, would be a never-ending one since our systems of government contain numerous laws of towns, cities, states, and nations and cover numerous subjects. Not only are these laws practically innumerable, but they are also ever changing, so any attempt to know all laws would be completely unachievable by even the brightest student.

A law student’s ability to correctly apply the law to serve others, however, is dependent on an understanding of the foundations upon which the law is established. Attempting to use the law without this understanding results in incorrect conclusions and an inability to achieve an appropriate solution to the problem at issue. Mastery and deep understanding of the foundations of law and associated practice skills allow students to influence, govern, and alleviate human suffering through the correct application of their knowledge and skills.

In contrast to the volumes of laws that govern cities, states, countries, and nations, the Articles of Faith of The Church of Jesus Christ of Latter-day Saints, written by the Prophet



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Joseph Smith and published over 180 years ago, are contained on a single page and include fundamental doctrines of the Church.⁴ What began as a letter to educate Mr. John W. Wentworth, a Chicago newspaper editor and publisher, about the establishment of the Church ended up as a proclamation of beliefs that contains truths that guide our faith and our conduct.⁵

The simplicity of these statements may often leave us thinking they are best fit for memorization in Primary as we graduate to the more profound doctrines of the Church. In truth, however, their simplicity is much more profound, for “by small and simple things are great things brought to pass.”⁶

The fourth article of faith states:

We believe that the first principles and ordinances of the Gospel are: first, Faith in the Lord Jesus Christ; second, Repentance; third, Baptism by immersion for the remission of sins; fourth, Laying on of hands for the gift of the Holy Ghost.

When Jesus appeared to the people of ancient America, He invited them to come forth and to know Him.⁷ This they did by going forth, thrusting their hands into His side, and feeling the prints of the nails in His hands and in His feet, and they “did know of a surety” that it was Jesus Christ.⁸ Even

*This address
was given
at the 2021
BYU Women’s
Conference.*

though they had seen Jesus with their own eyes and had touched His resurrected body, Jesus found it necessary to teach the multitude the foundational principles of His gospel. He taught them to believe in Him, to repent, to be baptized, and to receive the gift of the Holy Ghost.⁹ This He explained to be His doctrine, or the doctrine of Christ.¹⁰

The doctrine of Christ is a living doctrine that we apply in our lives; applying it is not a one-time event but a process.¹¹ Each day we seek to believe in Christ, we seek to repent, we seek to live our baptismal covenants by worthily partaking of the sacrament, and we seek the companionship and the guidance of the Holy Ghost. As we do so, we are built upon the foundation of His rock.¹²

2 BELIEVING AND TRUSTING CHRIST

Second, we cultivate a deeper faith in Jesus Christ by believing and trusting Him.

Many of you have come to understand deeply through your own life experience that which Elder Richard G. Scott taught about trusting Jesus:

This life is an experience in profound trust—trust in Jesus Christ, trust in His teachings, trust in our capacity as led by the Holy Spirit to obey those teachings for happiness now and for a purposeful, supremely happy eternal existence. To trust means to obey willingly without knowing the end from the beginning (see Proverbs 3:5–7). To produce fruit, your trust in the Lord must be more powerful and enduring than your confidence in your own personal feelings and experience.¹³

In his metaphor of growing the seed of faith, Alma explained that it is enough that we “exercise a particle of faith, yea, even if ye can no more than *desire* to believe, let this desire work in you, even until ye believe in a manner that ye can give place *for a portion of*” the word of God.¹⁴ Sometimes that is all we can do. We can desire to believe, and then we let this desire work in us until we are willingly giving and creating a place in our hearts for a portion of the word of God—whatever portion size that might be.

As a young boy, I learned how to harvest olives from large trees whose branches seemed to tower over me like large, green giants. As a result of this life experience, Jacob 5 and the allegory of the olive tree have significant meaning to me. One lesson that I have learned from this allegory is that the Lord plants us in places in which we will



best have the potential to be tried and tested, to be nourished, to grow, and to bring forth good fruit.

As the Lord of the vineyard planted trees, some were left in the original vineyard, others were planted in the nethermost part of the vineyard, some were planted in the poorest ground, others were planted in good ground, and some were planted in ground that was choice above all other parts of the vineyard.¹⁵ When the servant of the vineyard asked the Lord why he had planted trees in the poorest ground of the vineyard, the Lord rebuked the servant, saying:

Counsel me not; I knew that it was a poor spot of ground; wherefore, I said unto thee, I have nourished it this long time, and thou beholdest that it hath brought forth much fruit.

And it came to pass that the Lord of the vineyard said unto his servant: Look hither; behold I have planted another branch of the tree also; and thou knowest that this spot of ground was poorer than the first. But, behold the tree. I have nourished it this long time, and it hath brought forth much fruit; therefore, gather it, and lay it up against the season, that I may preserve it unto mine own self.¹⁶

Like the servant, we can often question who we are, why and where we have been planted, why we are being tried and tested, how we are being nourished, and whether and how we are growing. Please note that the Lord of the vineyard knows intimately why and where His trees are planted and how to nourish all of the trees that He planted in His vineyard. He did not randomly plant His trees, nor did He neglect to nourish the trees in any part of the vineyard. He did not give more or less nourishment to the trees planted in the poorest ground or in the choicest of all ground. He provided each individual tree with perfect care and nourishment. We must trust God and have the full assurance that He has planted us where we will best be tried and tested and where we will best grow and bear good fruit. We can also rejoice that we are being led to partake of the fruit of the tree of life, which fruit the prophet Lehi described as one that “was desirable to make one happy” and “most sweet, above all” and that “filled [his] soul with exceedingly great joy.”¹⁷

President Russell M. Nelson has taught:

The joy we feel has little to do with the circumstances of our lives and everything to do with the focus of our lives.

When the focus of our lives is on God’s plan of salvation . . . and Jesus Christ and His gospel, we can feel joy regardless of what is happening—or not happening—in our lives. Joy comes from and because of Him. . . . For Latter-day Saints, Jesus Christ is joy!¹⁸

3 BELIEVING CHRIST BY HEARING AND RECOGNIZING HIS VOICE

Third, we cultivate a deeper faith in Jesus Christ by hearing and recognizing His voice.

In this life, we first learn the language or languages communicated by our family. We may then become educated in the language of the subjects we study in school and the language used in the work we do—for example, my students must learn and become conversant in the language of law.

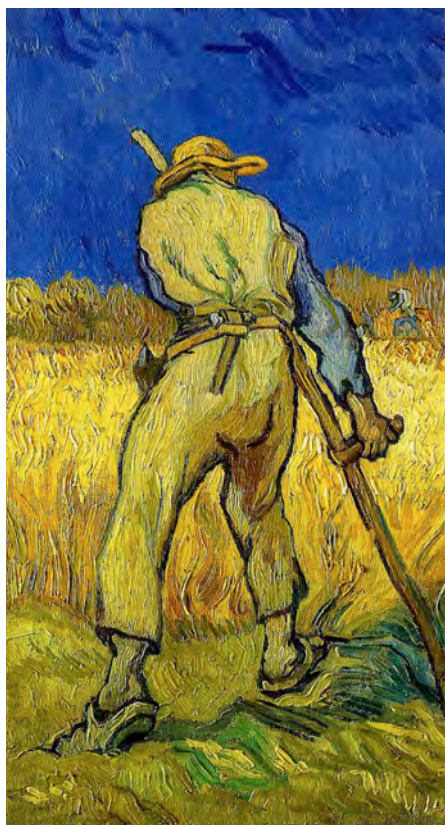
Learning the language of the Spirit and recognizing how and when the Spirit speaks to us is the most important language we can master in this life.

Sister Julie B. Beck taught: “[T]he ability to qualify for, receive, and act on personal revelation is the single most important skill that can be acquired in this life.”¹⁹

The Lord is urging us to learn this language—*now*. Please consider President Nelson’s recent teachings on personal revelation:

[I]n coming days, it will not be possible to survive spiritually without the guiding, directing, comforting, and constant influence of the Holy Ghost.

My beloved brothers and sisters, I plead with you to increase your spiritual capacity to receive revelation. . . . Choose to do the spiritual work required to enjoy the gift of the Holy Ghost and hear the voice of the Spirit more frequently and more clearly.²⁰



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4 BELIEVING CHRIST THROUGH RIGHTEOUS ACTIONS

Fourth, we cultivate a deeper faith in Jesus Christ through righteous actions.

I love the Spanish version of John 1:1: “*En el principio era el Verbo, y el Verbo estaba con Dios, y el Verbo era Dios.*”

The Spanish version of the New Testament describes the Savior as “the Verb,” whereas the English version describes Him as “the Word.”

Faith is a noun and describes persons, places, or things. *Trust* and *believe* are verbs, or words of action or modes of being. Compare, for example, the following:

- ♦ She has faith.
- ♦ She trusts Jesus.
- ♦ She believes Jesus.
- ♦ She loves as Jesus does.

Elder David A. Bednar has taught:

True faith is focused in and on the Lord Jesus Christ and always leads to righteous action. The Prophet Joseph Smith taught that “faith [is] the first principle in revealed religion, and the foundation of all righteousness” and that it is also “the principle of action in all intelligent beings” (Lectures on Faith [1985], 1). Action alone is not faith in the Savior, but acting in accordance with correct principles is a central component of faith. Thus, “faith without works is dead” (James 2:20).²¹

I was baptized and became a member of the Church when I was 14 years old. A few short years later, I was preaching the gospel of Jesus Christ to my brothers and sisters in Paraguay and serving as a branch president in a small branch in Concepción. I believe I was woefully unprepared for service, but I believed in what I was doing.

While I served as branch president, we would often travel to another city, Pedro Juan Caballero, by bus to have meetings. The trip normally took about four hours on clay roads. On one occasion, we traveled there with our entire branch—men, women, children, and missionaries—to attend a district conference. We began our journey, and

about two hours into our trip, it began to rain such that soldiers closed the gates on the road and prevented us from reaching our destination.

The gates leading back to our city were also closed. We were stranded in the middle of a tropical forest far away from any town or city. I saw it as a blessing of the Lord that we happened to be stopped by a small roadside store where we could get food. I was worried because I only had enough money with me to pay for about two days of meals for our branch. After we had been there for two days, the weather gave me no hope that we would be leaving there anytime soon. Even our mission president, a former lieutenant in the Paraguayan army, could not successfully secure our passage. My pleas with the soldiers to let us return home were also unsuccessful.

Sister Naomi Torres and Sister Deanne Savage asked my permission to take the children and plead with the soldiers to let us return home. I remember being very skeptical and telling them that they could try but that our attempts had already been unsuccessful. Undaunted by what surely sounded like my faithless answer to their request, they moved ahead. I can still remember their bold presence as they faced the soldiers and the locked gates. Their pleas were, again, rejected by the soldiers. They were not, however, rejected by the heavens. Within two hours, the clouds parted, the rains ceased, and the sun shined brightly. The gates were opened, and we returned safely to Concepción. Upon our arrival, the rain again began to fall.

These sisters and Primary children demonstrated through their knowledge, faith, and action that they believed that Jesus Christ would deliver us.

When the Savior paid a return ministering visit to His disciples in ancient America, He pointed them to the scriptures for knowledge. He then explained and expounded on the principles of prayer, the ability of the Father to do His works through His Church, the Son’s submission to the will of the Father, His atoning sacrifice, and His ability to draw us to Him.²²

He then commanded:

Verily, verily, I say unto you, this is my gospel; and ye know the things that ye must do in my church; for the works which ye have seen me do that shall ye also do; for that which ye have seen me do even that shall ye do;

*Therefore, if ye do these things blessed are ye, for ye shall be lifted up at the last day.*²³

The ratios contained in this verse are telling in terms of what we know versus what we must do.

5 BELIEVING CHRIST’S PROMISED BLESSINGS

Fifth, we cultivate a deeper faith in Jesus Christ by believing in Christ’s promised blessings.

I have come to understand that modern-day prophets, seers, and revelators teach us how to invoke the Lord’s blessings in our lives by teaching us a pattern that is easily followed. They teach us principles, they issue invitations, and they promise blessings that will flow to us through obedience to those invitations.

For example, President Russell M. Nelson has recently taught us the principle of “let[ting] God prevail in our lives.”²⁴ Here are some of the invitations that followed his teaching on the principle of letting God prevail in our lives:

- ♦ “Are *you* willing to let God prevail in your life?”
- ♦ “Are *you* willing to let God be the most important influence in your life?”
- ♦ “Will you allow His words, His commandments, and His covenants to influence what you do each day?”
- ♦ “Will you allow His voice to take priority over any other?”
- ♦ “Are you *willing* to let whatever He needs you to do take precedence over every other ambition?”
- ♦ “Are you *willing* to have your will swallowed up in His?”
- ♦ “As you study your scriptures during the next six months, I encourage you to make a list of all that the Lord has promised.”²⁵

He then noted several of the promised blessings that will come as result of accepting his invitations:

Live and watch for these promises to be fulfilled in your own life.

My dear brothers and sisters, as you choose to let God prevail in your lives, you will experience for yourselves that our God is “a God of miracles.”²⁶

6 BELIEVING WE CAN KNOW JESUS CHRIST

Sixth, we cultivate a deeper faith in Jesus Christ by believing we can know Him.

At some point in our journey toward eternal life, we must move from knowing about or appreciating our Heavenly Father and His Son, Jesus Christ, to *knowing* Them. “And this is life eternal, that they might know thee the only true God, and Jesus Christ, whom thou hast sent.”²⁷

Elder M. Russell Ballard reflected on this scripture and taught:

In other words, life eternal is predicated upon our own individual, personal knowledge of our Father in Heaven and His Holy Son. Simply knowing about them is not enough. We must have personal, spiritual experiences to anchor us. These come through seeking them in the same intense, single-minded way that a hungry person seeks food.²⁸

As a young boy, I witnessed many acts of service that helped me to see how the Savior might treat others, particularly strangers in our midst. On one occasion, I accompanied my father on an errand he was running in the downtown area where we lived—a small agricultural town in California’s San Joaquin Valley.

I always enjoyed accompanying my father on such quick trips because it gave me the opportunity to be with him and learn from his interactions with others. My father was very friendly and enjoyed talking to others, and he made friends very quickly.

As we walked toward our destination, something caught his attention and caused him to turn toward a frail, elderly man who seemed to be disoriented, discouraged, and distressed.

My father began a conversation with him and discovered that he had traveled from the southern United States and that his destination was still hundreds of miles from our home. He had mistakenly gotten off of the bus at the wrong destination.



My father invited him to come to our home to rest from his travels and to have a home-cooked meal. He helped him into the front seat of our vehicle while I climbed into the back seat. When we arrived at our home, my father introduced him to my mother and allowed the weary traveler to rest from his journey.

My mother immediately went to the kitchen to begin making a meal for our guest. I can still vividly remember his wrinkled and worn face, his twinkling eyes, and a smile that revealed few teeth.

My father sat him at the head of our dining room table while my father sat next to him at his side and conversed with him while he ate. I was seated at the opposite end of the table and watched intently as he ate until he was full.

Our visitor told my mother how grateful he was for the meal, how much he enjoyed it, and how appreciative he was that she had taken the time to make something soft that he could actually eat because he had no teeth.

My father then took him back to the bus stop and helped him to board another bus that would take him to his intended destination.

I remember what happened and the heavenly feelings I felt on that day as if it had happened yesterday.

My professional practice as a lawyer has often brought me into contact with individuals who are in great distress. Some are experiencing conflict due to misunderstandings, mistakes, and perhaps unintentional or sometimes intentional misinterpretation or misapplication of laws that govern our interactions as human beings. Some are suffering significant distress because they do not know how to navigate the complex laws that govern our society or they do not know where to turn for help. In my teaching, I try to help my students understand that everything they do as a lawyer must be carefully guided and measured against their knowledge of the law, against the principles of the gospel of Jesus Christ, and by the Spirit of the Lord. In essence, we teach them to “be healers.”²⁹

*Hernandez’s parents, Carl and
Petra Hernandez*

Many students and volunteers working in the BYU Community Legal Clinic and the No More a Stranger Foundation have taken time virtually every week of their lives to serve immigrants in our community, who are often destitute and traumatized by their life experiences. They have prepared themselves to serve through diligent study and significant personal sacrifice as they apply their legal skills to give others hope for the future. They come to love those they serve and often remark that they receive much more from those they serve than what they have given through their service.

They fulfill the Lord's command to "succor the weak, lift up the hands which hang down, and strengthen the feeble knees."³⁰

The Savior taught three parables about those who will enter the kingdom of God. In one parable, the five foolish virgins who did not have their lamps ready with oil were denied entry into the kingdom of God, with the Savior saying, "You never knew me."³¹

How we see and treat others reflects how close we are to the Savior, particularly those who are different, in whatever way, than we are. In another parable, the Savior drew particular attention to those He identified as "the least of these":

Then shall the King say unto them on his right hand, Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world:

For I was an hungred, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in:

Naked, and ye clothed me: I was sick, and ye visited me: I was in prison, and ye came unto me.

Then shall the righteous answer him, saying, Lord, when saw we thee an hungred, and fed thee? or thirsty, and gave thee drink?

When saw we thee a stranger, and took thee in? or naked, and clothed thee?

Or when saw we thee sick, or in prison, and came unto thee?

*And the King shall answer and say unto them, Verily I say unto you, Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.*³²

We can know the Savior by helping our brothers and sisters whom God, by His divine design, brings into our paths. In these moments, we will mutually feel the Savior's love as we envelop each other in the arms of His mercy and we each come to know Him.

CONCLUSION

In summary, we can cultivate a deeper faith in Jesus Christ by

- ① believing the first principles and ordinances of the gospel,
- ② believing and trusting Christ,
- ③ believing Christ by hearing and recognizing His voice,
- ④ believing Christ through righteous actions,
- ⑤ believing Christ's promised blessings, and
- ⑥ believing we can know Christ.

I bear my witness that I know that Jesus is the Christ. He is my Advocate with the Father, my Deliverer, my Redeemer, and my Savior. He is everything to me. Of His name I bear witness, even Jesus Christ, amen. [cm](#)

NOTES

- 1 Ronald A. Rasband, "By Divine Design," *Ensign*, November 2017; quoting Neal A. Maxwell, "Brim with Joy," BYU devotional address, January 23, 1996.
- 2 Matthew 13:23.
- 3 See Dallin H. Oaks, "The Parable of the Sower," *Ensign*, May 2015.
- 4 See James E. Talmage, *The Articles of Faith* (Salt Lake City: The Church of Jesus Christ, 1890, 1975), 6.

- 5 See Joseph Smith, letter to John Wentworth, "Church History," *Times and Seasons* 3, no. 9 (1 March 1842): 709; *History of The Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts (Salt Lake City: The Church of Jesus Christ), 4:540; and Joseph Smith, "The Wentworth Letter," *Ensign*, July 2002; see also Talmage, *Articles of Faith*, 6–7.
- 6 Alma 37:6.
- 7 See 3 Nephi 11:14.
- 8 3 Nephi 11:15.
- 9 See 3 Nephi 11:31–41.
- 10 See *id.*; see also 2 Nephi 31:2, 10–21.
- 11 See, e.g., Brian K. Ashton, "The Doctrine of Christ," *Ensign*, November 2016.
- 12 See 3 Nephi 11:39.
- 13 Richard G. Scott, "Trust in the Lord," *Ensign*, November 1995.
- 14 Alma 32:27; emphasis added.
- 15 See Jacob 5:13, 21, 25, 43.
- 16 Jacob 5:22–23.
- 17 1 Nephi 8:10–12.
- 18 Russell M. Nelson, "Joy and Spiritual Survival," *Ensign*, November 2016.
- 19 Julie B. Beck, "And upon the Handmaids in Those Days Will I Pour Out My Spirit," *Ensign*, May 2010.
- 20 Russell M. Nelson, "Revelation for the Church, Revelation for Our Lives," *Ensign*, May 2018.
- 21 David A. Bednar, "Ask in Faith," *Ensign*, May 2008.
- 22 See 3 Nephi 27:13–20.
- 23 See 3 Nephi 27:21–22.
- 24 Russell M. Nelson, "Let God Prevail," *Ensign*, November 2020.
- 25 *Id.*; emphasis in original.
- 26 *Id.*; quoting Mormon 9:11.
- 27 John 17:3.
- 28 M. Russell Ballard, "Feasting at the Lord's Table," *Ensign*, May 1996.
- 29 James E. Faust, "Be Healers," *Life in the Law*, vol. 2, *Service and Integrity* (Provo: J. Reuben Clark Law School, 2009), 83–89, digitalcommons.law.byu.edu/life_law_vol2/12.
- 30 Doctrine and Covenants 81:5.
- 31 See Joseph Smith Translation, Matthew 7:33; also David A. Bednar, "If Ye Had Known Me," *Ensign*, November 2016.
- 32 Matthew 25:34–40.

ART

Cover (detail) and pages 12–13: *Landscape with Ploughman*, Vincent van Gogh, 2 September 1889; page 15: *The Sower*, Vincent van Gogh, 19 June 1888; page 16: *The Mower After Millet*, Vincent van Gogh, 20 September 1889.

...that creepeth upon the
earth after his kind: and God
saw that it was good.

26 ¶ And God said, 'Let us
make man in our image, after
our likeness: and let them have
dominion over the fish of the
sea, and over the fowl of the air,
and over the cattle, and over all
the earth, and over every creeping
thing that creepeth upon the earth.'

¹ Heb.
created to
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¹ ch. 5:1

Ex. 2:4

Wis. 2:23

Col. 3:10

1st Cor. 15:49

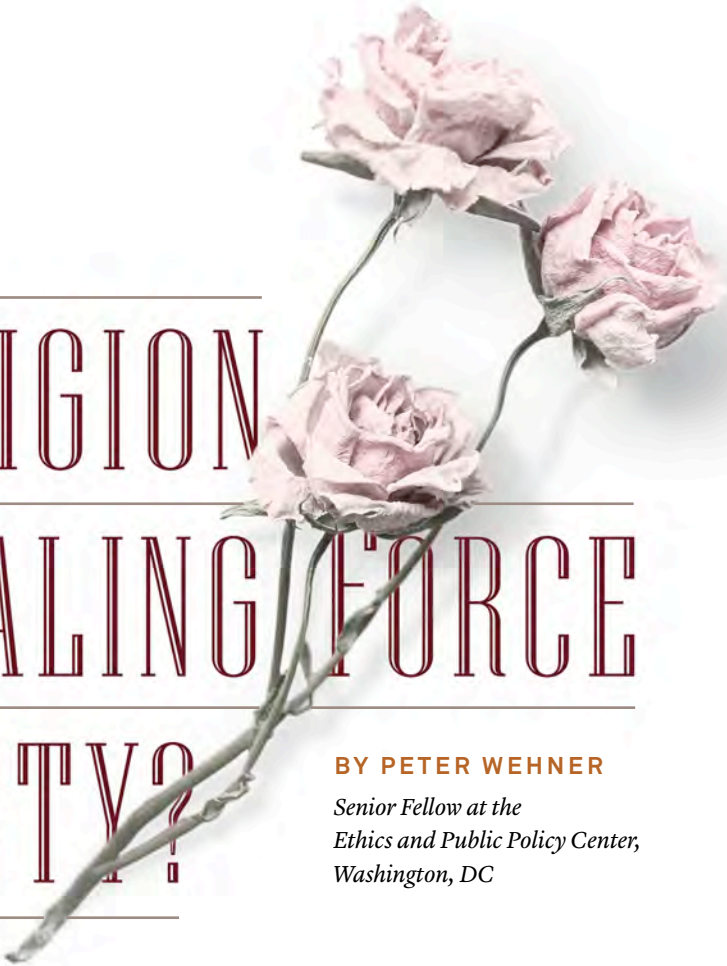
1st Cor. 15:50

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CAN RELIGION BE A HEALING FORCE IN SOCIETY?

BY PETER WEHNER

*Senior Fellow at the
Ethics and Public Policy Center,
Washington, DC*

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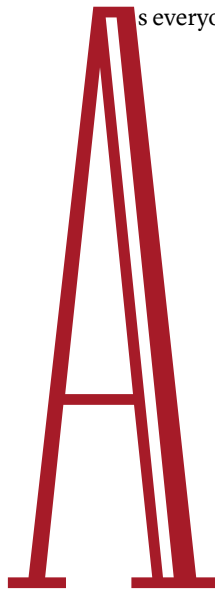
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The theme of this year's conference, "Religion's Role in Overcoming Divides and Strengthening American Democracy," is timely because our divisions are so deep and so daunting. To answer the question—the urgent question—of what role religion can play in being an agent of repair and reconciliation, it is helpful to briefly assess the polarized state of the nation.

WHERE WE ARE AS A SOCIETY



As everyone knows, we just experienced one of the most difficult and divisive years in our history. In 2020 we faced a once-in-a-century pandemic, racial unrest, protests in the streets, a deeply contentious election, and, in early January of 2021, an unprecedented act of political violence in which the citadel of democracy, the US Capitol, was attacked by people seeking to overturn the results of a free and fair election.

Even common-sense public health measures to take in the midst of a pandemic—measures like wearing masks and social distancing—were politicized to the point that they became symbols of America’s “culture war.”

Survey data confirms that we are seeing intense partisan division and animosity; partisans’ views of the opposing party are now more negative than at any point in memory. Knowledgeable observers are saying that “the nation [is] confronting the greatest strain to its fundamental cohesion since the Civil War.”¹ Majorities in both parties express not just unfavorable but *very* unfavorable views of the other party. Sizable shares of both Democrats and Republicans say the other party stirs feelings of not just frustration but fear and anger. Studies tell us that “Democrats and Republicans both say that the other party’s members are hypocritical, selfish, and closed-minded, and they are unwilling to socialize across party lines.”²

These trends were happening even before the nation was waylaid by COVID-19, when the objective conditions of the country were reasonably good. So there is something deeper going on—issues having to do with our soul and spirit, a confusion of purpose, and a breakdown in human relationships and intimacy. As a friend of mine put it to me, “There’s the feeling we’re at each other’s throats. There’s no sense of pride in being a part of anything and no sense of belonging.”

Social scientists now speak about America “coming apart,” by which they mean a new upper class and a new lower class have dramatically diverged in core behaviors and values. The top and bottom of White America increasingly live in different cultures, with the powerful upper class living in enclaves surrounded by their own kind, ignorant about life in mainstream America, and the lower class suffering from erosions of family and community life that strike at the heart of the pursuit of happiness. That divergence puts the success of the American project at risk.

THE CURRENT ROLE OF THE CHURCH IN COMMON LIFE

For the purposes of this event, I will focus on the Christian church in general and American evangelicalism in particular. That is the world I know best, and it is the faith community I have spent much of my life being a part of. Evangelicals make up fully one-quarter of the US population, so what happens in that subculture matters to the rest of the nation.

It is important to point out that there are millions and millions of individual Christians who are doing remarkable work to care for those living in the shadows of society and to heal our nation’s wounds. Most people of the Christian faith who I know are decent, honorable people and good citizens. I am indebted to people of the Christian faith who have helped shape me and who have come alongside me in times of hardship and grief.

But in terms of our common life—our civic society and our political life—there has been a breakdown. Let me go a step further: much of what is being done by Evangelical Christians is damaging our civic fabric and undermining the public witness of Christianity.

The way many Christians are engaging in politics is troubling. If I had to boil down my concerns to a single sentence, it would be this: In too many cases, evangelicals are subordinating Christian faith to political tribalism, partisan loyalties, and political power; in doing so, they are using methods and means that are fundamentally at odds with what American theologian Eugene H. Peterson called “the Jesus Way.”³

Peterson argued that the American church is enamored with the truth of Jesus but ignores the method by which Jesus embodied that truth. Christianity is obviously not just about affirming a particular creed or set of dogmas but following the ways of Jesus—modeling

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one's ways and means after His. That goes for every area of our lives, including politics and cultural engagement. According to Peterson, "We can't suppress the Jesus way in order to sell the Jesus truth. The Jesus way and the Jesus truth must be congruent."⁴

A non-Christian I know told me that what is unfolding is "consistent with what sociology theorizes about religion: its evolutionary purpose is to foster in-group solidarity. Principles serve rather than rule that mission." This certainly is not my view of faith, but in the current circumstances—given what has played out in the public over the last few decades and especially over the last half-decade—this is not an unreasonable conclusion for him to draw. And he is not alone. This perception is multiplying. I have heard from pastors in different parts of America who describe what is happening as a "generational catastrophe," in large part because young people in particular see faith as an instrument of division in our democracy instead of an instrument of healing.

WHAT THE CHURCH CAN DO

My concern, then, is that many Christians are not offering an alternative to the worst tendencies in our society but are accelerating them. We need to turn that around. Followers of Jesus need to light candles instead of simply curse the darkness, and there are things that can be done writ small and writ large. Some of them are connected to politics; many are not. But together they can influence our culture and our wider society for the better.

With that in mind, here are some suggestions for how faith—specifically the Christian faith—can be a force for healing American society and strengthening American democracy.

First, we need to articulate and show we take seriously Christian anthropology. What I mean by that is that we need to demonstrate to a watching world, in a compelling and persuasive way, that we are made in the image of God—and that others, including those with whom we disagree, are also made in the image of God.

The Latin term *imago Dei* has its roots in Genesis, where we are told that **God created man and woman in His own image.**⁵ This scriptural passage implies that we humans are in the image of God in our moral, spiritual, and intellectual natures, that each of us has inestimable worth and inherent dignity. There are special qualities of human nature that allow God to be manifest in each of us.

The great distinctive of Christian involvement in public life should be to care for all—for those within our political and religious tribes and those without. There should be no one on the outside, treated as alien or subhuman, including—and even especially—the poor and the weak, the dispossessed and the abused, or the wounded traveler on the road to Jericho. Think about how profoundly better things would be if we showed the world that we will not pass by on the other side.

Second, Christians need to model listening well. We need to listen in order to learn, not just listen in order to respond. We know that to successfully communicate with people who hold views different than we do, they need to feel heard and to feel that others are showing a genuine interest in them. It is not effective to lecture people or to marshal facts in an effort to overwhelm them—and it certainly does not work to make others feel insulted, dishonored, or under attack. We need to show a real interest in others. Genuine interest builds trust, which in turn builds bridges.

But it goes deeper than that. There is such a thing as collective wisdom, and we are better off if we have within our orbit people who see the world somewhat differently than we do. **"As iron sharpens iron,"** the book of Proverbs says, **"so one person sharpens another."**⁶ But this requires us to actually engage with and carefully listen to people who understand things in ways dissimilar to how we do. It means we have to venture out of our philosophical and theological cul-de-sacs from time to time. It is worth the effort.

We also need to see those with whom we disagree as being in mid-story—and see ourselves in mid-story as well. None of us is a completed work. We might keep in mind, too,

what has been said of Pope Francis: He is an evangelist, not an activist. He believes in encounter rather than confrontation.

Third, people of the Christian faith should model what it means to debate and to disagree well. All of us can do better at viewing debate less as an arena for conquest and more as an arena for learning. Let me explain what I mean. C. S. Lewis referred to his childhood friend Arthur Greeves as his "first" friend and the philosopher and poet Owen Barfield as his "second" friend. According to Lewis:

The First [Friend] is the alter ego, the [person] who first reveals to you that you are not alone in the world by turning out . . . to share all your most secret delights. There is nothing to be overcome in making him your friend; he and you join like raindrops on a window. But the Second Friend is the [person] who disagrees with you about everything. He is not so much the alter ego as the antiself. Of course he shares your interests; otherwise he would not become your friend at all. But he has approached them all at a different angle. He has read all the right books but has got the wrong thing out of every one. It is as if he spoke your language but mispronounced it. How can he be so nearly right and yet, invariably, just not right? . . . When you set out to correct his heresies, you find that he forsooth has decided to correct yours! And then you go at it, hammer and tongs, far into the night, night after night, . . . each learning the weight of the other's punches, and often more like mutually respectful enemies than friends. Actually (though it never seems so at the time) you modify one another's thought; out of this perpetual dogfight a community of mind and a deep affection emerge.⁷

What is striking is that both Lewis and Barfield treasured their friendship precisely because they helped each other see things that they would otherwise have been blind to. They felt like they helped each other widen the aperture when it came to seeing truth.

"In our arguments," Barfield said, "we always, both of us, were arguing for truth, not for victory."⁸ If we could move closer to the Lewis-Barfield model of dialogue and debate, we would all be far better off. It would certainly help us think of our national politics as something other than a fight to the death.



2 Co. 3. 18.
4. 18
5. 7.
er. 10.
in a

...I thought as a child: but
when I became a man, I put
away childish things.
12 For now we see through a
glass, darkly; but then face to
face: now I know in part; but
then shall I know even as also I
am know

13 A
hop
death
faith
know
love

Fourth, Christians should model humility and epistemic modesty. A few years ago over breakfast with a friend of mine, social psychologist Jonathan Haidt, I asked him what constructive contribution Christians could make to public life. An atheist who finds much to admire in religion, Jon answered simply: “Humility.”

That is a perfectly reasonable hope. Yet humility is hardly a hallmark of American Christianity, especially (but by no means exclusively) among those Christians prominently involved in politics. There we often see arrogance, haughtiness, and pride, which is not only the “original sin” but also arguably the one most antithetical to a godly cast of mind.

My own understanding of humility is inextricably tied to a decades-long journey of faith. From it I have become convinced that Christians should be characterized by humility. This does not mean followers of Jesus should be indifferent to a moral order grounded in eternal truths or unable to judge some things right and others wrong. But they ought to be alert first and foremost to their own shortcomings—to the awareness of how wayward our own hearts are, how even good acts are often tainted by selfish motives, and how we all struggle with brokenness in our lives. This is not an argument for self-loathing; it is an argument for self-awareness.

At the core of Christian doctrine is the belief that we have all fallen short, that our loves are disordered, that our lives are sometimes a mess, and that therefore we are in need of grace. As a result, some of the defining qualities of a Christian’s witness to the world should be gentleness, an irenic spirit, and empathy. The mark of genuine humility is not self-abasement as much as self-forgetting, which in turn allows us to take an intense interest in the lives of others.

In my last conversation with Steve Hayner—president of Columbia Theological Seminary and an enormously influential figure in my life—before he died in 2015, he said: “I believe in objective truth, but I hold lightly to our ability to perceive truth.”

What Steve meant by this, I think, is that the world is unfathomably complex. To believe we have mastered it in all respects—that our angle of vision on matters like politics, philosophy, and theology is just right all the time—is ridiculous. This does not mean one ought to live in a state of perpetual doubt and uncertainty. If we did, we could never speak up for justice and moral truth. It does mean, however, that we are aware that what we know is at best incomplete. “**We see through a glass, darkly**”⁹ is how Saint Paul put it in one of his letters to the Corinthians; we know only in part.

My point is not that humility is uniquely available to Christians; it is simply that Christian teaching and tradition affirm its importance. None of us sees the truth in its totality, and all of us need the eyes and ears of others—friends, writers, and those from earlier ages—to help us in the journey.

Fifth, we should model grace. Here we can learn from the author Philip Yancey, who in his marvelous book *What’s So Amazing About Grace?* wrote this:

*Grace comes free of charge to people who do not deserve it, and I am one of those people. I think back to who I was—resentful, wound tight with anger, a single hardened link in a long chain of ungrace learned from family and church. Now I am trying in my own small way to pipe the tune of grace. I do so because I know, more surely than I know anything, that any pang of healing or forgiveness or goodness I have ever felt comes solely from the grace of God. I yearn for the church to become a nourishing culture of that grace.*¹⁰

In his marvelous biography of Abraham Lincoln, originally published in 1917, Lord Charnwood said of him, “This most unrelenting enemy to the project of the Confederacy was the one man who had quite purged his heart and mind from hatred or even anger towards his fellow-countrymen of the South.”¹¹

Here is a more contemporary example: Six summers ago, nine African Americans were gunned down during a Bible study at Emanuel African Methodist Episcopal Church in Charleston, South Carolina. The gunman, Dylann Roof, was motivated by racism. Less than

48 hours after the killings, the victims’ families were allowed to speak directly to Roof at his first court appearance. The family members spoke in honest, unaffected ways about their grief and heartache. Yet they bestowed forgiveness upon the man who had killed their loved ones. It was an extraordinary moment. These Christians vividly demonstrated how forgiveness can result in not just healing but also political change. Within days of their courtroom statements, then South Carolina governor Nikki Haley endorsed removing the Confederate flag from state grounds. Within weeks, the state legislature voted to take it down. People who would not have reversed course under the threat of boycotts and political attacks changed their minds after amazing acts of grace. Division gave way to unity because a group of wounded Christians elevated the sights and spirits of everyone around them. The greatest and most powerful Christian distinctive is not the exercise of power; it is the offer of grace.

In saying all this, I want to emphasize that in offering grace, in listening well to others, and in showing proper humility, we should not be indifferent to telling the truth or calling out lies and liars. We should not fail to criticize what deserves criticism or stay silent in the face of wrongdoing. Christians are not called to be passive in the face of maliciousness.

CHRISTIANS IN EXILE

A few years ago Mark Labberton, president of Fuller Theological Seminary, delivered a lecture titled “Creating Beauty in Exile”¹² that helped me to see things in a different way than I had in the past. In the lecture he offered a distinct way for Christians to conceive of their calling, from seeing themselves as living in a Promised Land and “demanding it back” to living a “faithful, exilic life.” This very different approach creates different expectations and understanding of our situation, our place, our posture, and our purpose.

President Labberton spoke about what it means to live as people in exile, trying to find the capacity to love in unexpected ways—to see the enemy, the foreigner, the stranger, and the alien and to go toward

them rather than away from them. He asked what a life of faithfulness looks like while living in a world of fear.

In the lecture Labberton recounted remarkable stories of people who have creatively, courageously, and faithfully engaged with the world—the woman who lost 41 relatives in the Rwandan civil war and yet found a way to extend grace amidst the toxicity of bitterness, resentment, and hatred; the woman and her guild who made beautiful quilts for those traumatized and suffering in hospitals in eastern Congo, showing there was a place for beauty even in the context of utter dislocation and violence; the church that held traditional beliefs on human sexuality while tending to the AIDS garden in Golden Gate Park with humility, love, kindness, and compassion and, in the process, developing understanding, trust, and meaningful relationships; an African American student who bore witness to a racial reality he faces that would otherwise go unseen by others; Egyptians on the Fuller campus who, in the aftermath of ISIS killings of Christians in Egypt, turned a memorial service into a celebration of those who were martyred.

Mark Labberton concluded his lecture this way:

The reason why this enterprise of culture care is so critical is because it awakens to us, as [the artist] Mako [Fujimura] often says, no longer talking in terms of culture war but culture care. Culture care is an expression of faithful, exilic life—how do we actually show up, building houses, planting gardens, loving and seeking justice, being people who seek the shalom of our enemy fortress, for it is in that shalom that we will find our shalom. These are calls to a different set of instincts.

And I hope that . . . [we] acknowledge we are in a period where the tectonic plates are shifting; where the church is in one of its deepest moments of crisis—not because of some election result or not, but because of what has been exposed to be the poverty of the American church in its capacity to be able to see and love and serve and engage in ways in which we simply fail to do. And that vocation is the vocation that must be recovered and must be made real in tangible action.¹³

CHRISTIANS IN POLITICS

I will close with this final thought: I have spent my entire life in politics, and I do not regret having done so for a moment. I understand that politics has downsides and dark sides, which is simply to say it is a human enterprise, like every other on earth. But it matters, and it should matter to people of faith. The reason is that, at the end of the day, when all is said and done, engaging in politics is about pursuing justice, even if imperfectly. And justice always matters.

My encouragement to others, and especially to the younger generation, is to not withdraw from politics but to find a better way to engage with it. The political-cultural movement I have in mind will require Christians to make a compelling case for social order and moral excellence but to do so with a generosity of spirit, all the while offering a healing touch.

It will require Christians to be less fearful and more hopeful, less anxious and more confident that God is sovereign and His purposes do not ultimately rest on our efforts. Christians engaged in public life should model calm trust rather than panic and vitriol born of anxiety. We are called to be faithful, not successful.

So keep a critical distance. Be willing to speak truth to power. Hold on to timeless principles. Seek the welfare of the city to which you have been called. Do not compromise your integrity in exchange for access to power. And use the same ethical standards on people in your party that you use for people in the other party. The words of Martin Luther King Jr. are instructive: “The church must be reminded that it is not the master or the servant of the state, but rather the conscience of the state. It must be the guide and the critic of the state, and never its tool.”¹⁴

I am grateful for those who, because of their faithfulness and their love of our country, have acted as the conscience of the state. cm

NOTES

- 1 Ronald Brownstein, “Trump Leaves America at Its Most Divided Since the Civil War,” CNN Politics, January 19, 2021, [cnn.com/2021/01/19/politics/trump-divided-america-civil-war/index.html](https://www.cnn.com/2021/01/19/politics/trump-divided-america-civil-war/index.html).
- 2 Shanto Iyengar, Yphtach Lelkes, Matthew Levensky, Neil Malhotra, and Sean J. Westwood, “The Origins and Consequences of Affective Polarization in the United States,” *Annual Review of Political Science* 22 (May 2019): 129, annualreviews.org/doi/full/10.1146/annurev-polisci-051117-073034.
- 3 See Eugene H. Peterson, *The Jesus Way: A Conversation on the Ways That Jesus Is the Way* (Grand Rapids, Michigan: Wm. B. Eerdmans Publishing Company, 2007).
- 4 *Id.* 6–7.
- 5 See Genesis 1:26, KJV.
- 6 Proverbs 27:17, NIV.
- 7 C. S. Lewis, “The New Look,” *Surprised by Joy: The Shape of My Early Life* (New York: Harcourt Brace, 1955), 193–94; emphasis in original.
- 8 Owen Barfield, *Owen Barfield on C. S. Lewis* (Middletown, Connecticut: Wesleyan University Press, 1989), 128.
- 9 1 Corinthians 13:12, KJV.
- 10 Philip Yancey, *What’s So Amazing About Grace?* (Grand Rapids, Michigan: Zondervan Publishing House, 1997), 42.
- 11 Lord Charnwood (Godfrey Rathbone Benson), *Abraham Lincoln* (New York: Henry Holt and Company, 1917), 454–55.
- 12 See Mark Labberton, “Beauty in Exile,” Fuller Studio, June 9, 2017, YouTube video, youtu.be/HGUf5cuRWoU.
- 13 *Id.* 43:02–44:13.
- 14 Martin Luther King Jr., “A Knock at Midnight,” *Strength to Love* (New York: Harper & Row, 1963), 47.



A quarrelsome wife is like the
of a leaky roof in a rainstorm.
restraining her is like restraining
or grasping oil with the hand.

- 17 As iron sharpens iron,
so one person sharpens another.
- 18 The one who guards a fig tree will eat its
fruit, over protects their master will be

Navigating Life's Uncertainties

By Erin Goodsell, '07

ASSOCIATE GENERAL
COUNSEL AT QUALTRICS

I love BYU Law School.

Going to this law school is the most important decision I have ever made. Like my classmates, I received a world-class education, made lifelong friends, and had more freedom and flexibility than my peers who graduated from pricier schools with heavy student loan burdens.

But this law school benefited me in unique ways. My husband, Todd, and I met in a first-year study group. We married in our second year and welcomed our first of four children shortly after graduation. Each job I have had since graduating stems from my BYU degree: then dean Jim Rasband connected me with Judge J. Clifford Wallace for my clerkship, a BYU alum opened the door for me at Cooley, and the recruiter at Qualtrics sourcing my position was looking for people with Utah ties who would be willing to relocate to Provo on short notice.

Illustrations by Guy Billout





Attending this school gave me my family, job, and home. I hope my experience doesn't increase your anxiety about choosing wisely—it shouldn't, and I'll explain why later. I do, however, need to give credit where credit is due.

If you do choose to attend law school, wherever you go, your first day of class will likely introduce you to a foundational legal concept: precedent. In the legal system, precedent means that a principle or rule established in a legal case will be binding on or persuasive to future cases addressing similar issues or facts. Precedent facilitates stability and predictability in our legal, political, and economic systems. In the corporate world where I practice, businesses rely on precedent to know whether their transactions will be enforceable or whether their conduct might be penalized. In other civil and criminal contexts, precedent encourages fairness by aiming to treat similarly situated individuals equally.

In our personal lives, we also look to precedent for guidance. When facing an unfamiliar situation, we may study what others in similar circumstances have done and what their outcomes were to inform and optimize our own response. Maybe that is part of why you are here today. I have been to countless events like this one looking for an example of how to be a woman of faith with a successful career and a thriving family. Growing up in Utah County in the 1980s and 1990s, I did not know any women who worked outside the home other than schoolteachers. By the time I started law school, I knew a few—but most were my professors. I still did not know any women lawyers I could talk to about being a woman in the law, much less balancing that with family and other commitments.

Fortunately, women—including women of faith—are now entering the legal profession in droves. Technology also helps us connect with a wider range of women than ever, and over the years I have found many excellent support groups and mentors, male and female, both online and in person.

But I can tell you this: after years of searching, attending events like this, and meeting hundreds of other lawyers, mothers, and professionals, I have never found that elusive person whose life could serve

as a precedent for my own—not one person with my same background, interests, skills, family situation, and job. She is not out there. She is *me*. I have learned, as Glennon Doyle wrote in her book *Untamed*, that “[e]very life is an unprecedented experiment. This life is mine alone. So I have stopped asking people for directions to places they’ve never been. There is no map. We are all pioneers.”¹

Realizing that our life is unmapped and unprecedented is daunting, but even courts have to move beyond precedent to create progress. If courts always followed precedent, Linda Brown could not have successfully challenged racially segregated schools. And if women’s lives always followed precedent, 2021 wouldn’t see us celebrating our first madame vice president or this law school’s first predominantly female graduating class. So today I won’t give you any directions for your own life—I have never lived it—but I will share three navigational instruments that might help you on your own unmapped path.

GUIDING PRINCIPLE 1

Identify Your North Star

Thousands of years before your journey began, explorers relied on stars to navigate new territory. In 800 BC, Homer’s archetypal traveler Odysseus “never closed his eyes, but kept them fixed on the Pleiads”² as he sailed across the Mediterranean. Around the same time, Polynesian seafarers used celestial navigation to spread across the South Pacific.

Identifying your personal guiding stars can orient you to your path and enlighten you during difficult decisions. Your star may be a particular job or position you want to have someday or something you want to accomplish. It may be a general principle or value that you want to adhere to or a vision of the kind of person you want to become.

One of my guiding stars is my commitment to God and to following divine direction. I am not perfect at this, but in

Inviting divinity into my decision-making prompted me to consider applying to law school even though I had spent most of my college years preparing for history PhD programs. It also ultimately led me to BYU Law School.

As you have already heard, choosing to attend BYU Law School is the single most important decision I have ever made. But—and I can only confess this here because I *did* end up choosing BYU—it was not the school I had planned on attending. I had been admitted to my dream school on the East Coast, and everyone, including myself, assumed I would enroll there. But because I was committed to discover and carry out God’s will for me, I was open to the unexpected answer I got when praying over my decision. At the time, trusting God and declining my dream school felt like a sacrifice, but that so-called sacrifice has been my greatest blessing. As the apostle Paul wrote, my eye had not seen, my ear had not heard, and my heart could not even imagine what God had prepared for me.⁴

One critical caveat here—especially for those of you who may be concerned that you haven’t received clear direction about whether and where to attend law school: For me, whether and where to attend law school really mattered. And perhaps for that reason I got an unmistakably clear answer. Most of my decisions have not been like that.

I don’t view God as having a detailed divine blueprint that we are capable of spoiling if we step off of some predetermined path but rather as a cocreator we work with to answer the question “[W]hat is it you plan to do with your one wild and precious life?”⁵ The story of the brother of Jared from the Book of Mormon illustrates this beautifully. Sometimes God tells us exactly how to build a boat to get from point A to point B. Perhaps more often God leaves us to our own devices and helps us make it work—even if all we can muster seems like a pile of rocks. I will talk a bit more about this later, but I

didn’t want to leave anyone in a panic because she didn’t receive an angelic visitation telling her to attend law school!

Another of my guiding stars is commitment to my family. For me, a family and a career is not an

either/or proposition, but when deciding between career options and other activities that take my time, I try to select those that I hope will optimize family happiness.

Sometimes this has meant passing on professional opportunities. As a law student and for the first several years of my career, I dreamed of going into academics. Although I worked toward transitioning to an academic path, the timing and circumstances never seemed right for my family. During the time in my career that I should have been pursuing fellowships or another advanced degree or original research, I had three babies in three years. It just didn’t make sense for me to uproot my family for a fellowship or postgraduate program with no maternity leave, limited benefits, a fraction of my law firm pay, and likely several years of hopping around before landing a tenure-track position.

Instead, I enjoyed my firm’s generous maternity leave, a flexible schedule that—while admittedly stressful and unpredictable—allowed me to juggle work and young children, and a salary that provided a comfortable living in a neighborhood we had grown to love with excellent schools and activities for our kids. Ironically, the large law firm job that many assume will wreck one’s family life was surprisingly supportive as I built mine. While I certainly had my “what might have been” moments as I mourned a career dream that wasn’t to be, my decision to stay at that firm instead of switching career paths led me to the position I have today—an incredibly rewarding job that I never could have predicted or prepared for.

In *How Will You Measure Your Life?*, the late Clayton M. Christensen wrote that “if the decisions you make about where you invest your blood, sweat, and tears are not consistent with the person you aspire to be, you’ll never become that person.”⁶ Focusing on guiding stars does not mean that you won’t face personal or professional setbacks, but it will inspire decisions that reflect your deepest values so that you become the kind of person you want to become. As Lin-Manuel Miranda sings about the intrepid seafarers who kept their eyes fixed on the stars, “At night, we name every star; we know where we are. We know who we are.”⁷

*This address
was given
at a Women
in Law event
on January
28, 2021.*

“pray unto the Father in the name of Christ, that he will consecrate [my] performance . . . , that [my] performance may be for the welfare of [my] soul.”³

Make Friends with Uncertainty, Your Traveling Companion

Stars are glittering guides, but they won't illuminate our entire path or spare us from the uncertainty we feel while navigating uncharted territory. Even Nephi, on an assignment straight from God, had to proceed step by step, "not knowing beforehand the things which [he] should do."⁸ Sometimes uncertainty bubbles up as we set off down an unprecedented path and don't know what is coming next. Other times it erupts when a goal we once had no longer seems right or when we have tried and failed at something and we don't know how to recover or what to do next. All too often, uncertainty erodes our own self-confidence. How can we live with—even make friends with—this traveling companion?

I imagine we have all dealt with the uncertainty and fear we feel when we cannot predict what our path holds. When I feel stuck or confused, I remember an analogy that President Gordon B. Hinckley shared in 2002 that comforted and inspired me when I was upending a lot of my existing life plans. Recounting his days working for a railroad with tracks that threaded the passes through western mountain ranges, he described:

It was in the days when there were steam locomotives. Those great monsters of the rails were huge and fast and dangerous. I often wondered how the engineer dared the long journey through the night. Then I came to realize that it was not one long journey, but rather a constant continuation of a short journey. The engine had a powerful headlight that made bright the way for a distance of 400 to 500 yards. The engineer saw only that distance, and that was enough, because it was constantly before him all through the night into the dawn of the new day. . . .

And so it is with our eternal journey. We take one step at a time. In doing so we reach toward the unknown, but faith lights the way.⁹

Sometimes, like that engineer, all we can do is "press forward with a . . . perfect brightness of hope"¹⁰ and trust that God will be "a lamp unto [our] feet, and a light unto [our] path."¹¹ Even if that lamplight

only gets us through a few steps at a time, at least it will help us move beyond the unending analysis paralysis that so often accompanies uncertainty.

But sometimes we aren't just uncertain about what is coming next on the track. Sometimes we feel like the locomotive has gone completely off the rails. What do we do when our plans don't pan out or life brings unanticipated challenges? How can we "be still and still moving"?¹²

My husband and I graduated from law school on the cusp of the 2008 financial crisis. This was a challenging time for many lawyers who found themselves unemployed after law firms froze hiring and conducted layoffs. I was fortunate to land a job at Cooley, but my husband couldn't find full-time work. While we were grateful for my employment, it was never our plan for me to be our family's sole financial support—

I hadn't even wanted to work full-time—and we definitely didn't expect my husband to be a stay-at-home dad. It was isolating and overwhelming for both of us.

While I eventually grew to love my practice at Cooley and our atypical family arrangement has worked well for us, it was a rough few years. I felt like we were totally off track from our plans, impatiently trudging along until my husband could find a job and we could get back to living our "real" life.

I was wrong. As many religious and wisdom traditions teach, our "real" life—even if it isn't our ideal life—is right here, right now. There is no other life, no better life, lying in wait until some past problem resolves or future event materializes. President Thomas S. Monson frequently taught us to "[l]earn from the past, prepare for the future, [and] live in the present."¹³ Eckhart Tolle put it most bluntly: "Most people treat



the present moment as if it were an obstacle that they need to overcome. Since the present moment is life itself, it is an insane way to live.”¹⁴

I finally started to recover from this insane way of living as though the present were an obstacle after my third child was born. I had struggled with returning to work after the birth of my second child, and I wanted things to go better this time. In considering how I could ease the transition, I felt prompted to start a gratitude journal the first day I went back to work.

This daily gratitude practice did not change any challenging circumstances; if anything, my degree of difficulty increased because I now had three young kids instead of two. But my gratitude practice changed the way I experienced those circumstances—and so it changed my life. Gratitude opened my eyes to many wonders and kindnesses I experienced every day and to the hand of a God I had felt a bit abandoned by in the wake of my perceived life derailment. I realized I had not been abandoned at all—God was everywhere in my life if only I looked.

President Dieter F. Uchtdorf taught this principle beautifully, referring to the golden tickets from Roald Dahl’s *Charlie and the Chocolate Factory*:

So many people today are waiting for their own golden ticket—the ticket that they believe holds the key to the happiness they have always dreamed about. For some, the golden ticket may be a perfect marriage; for others, a magazine-cover home or perhaps freedom from stress or worry.

There is nothing wrong with righteous yearnings—we hope and seek after things that are “virtuous, lovely, or of good report or praiseworthy.” The problem comes when we put our happiness on hold as we wait for some future event—our golden ticket—to appear. . .

. . . Never stop hoping for all of the righteous desires of your heart. But don’t close your eyes and hearts to the simple and elegant beauties of each day’s ordinary moments that make up a rich, well-lived life.

The happiest people I know are not those who find their golden ticket; they are those who, while in pursuit of worthy goals, discover and treasure the beauty and sweetness of the everyday moments. They are the ones who, thread by

*daily thread, weave a tapestry of gratitude and wonder throughout their lives. These are they who are truly happy.*¹⁵

Many of you are in a building or planning phase of life. These phases can be exciting but challenging, and sometimes we are tempted to believe that happiness is just around the corner—when we finish this semester, survive the LSAT, get accepted to law school, finally start down a career path, or attain a certain golden ticket position, income or status. But wisdom, experience, and even science teach that happiness is not something we find when we reach our goals or attain some future state. I know people who have had success beyond their wildest imagination and have won multiple golden tickets but who are no happier than they were when that success was a pipe-dream. Those who were happy while working toward their goals were happy once they reached them. Those who were insecure and unsatisfied remained unsatisfied even after achieving long-awaited dreams.

It is our attitude about our circumstances and not our circumstances that defines our happiness. The most powerful way I have found to manage the uncertainty and heartache that we will all face is to stop dwelling on past disappointments or worrying about what the future holds and instead attend to the only real life I have: the one that is unfolding in front of my eyes minute by minute.

GUIDING PRINCIPLE 3

Trust Your Captain—You!

The last source of uncertainty I mentioned is uncertainty in ourselves, which I want to address now in my final navigational guideline: trust your captain—you! Trust your ability to meet the challenges of unfamiliar territory, and trust your judgment and intuition as you make your own navigational decisions.

One major roadblock I have faced in my life and career is a lack of confidence in my abilities, no matter how stellar my previous track record. Women in particular suffer from this “confidence gap.” It is challenging to close, but I want to share one approach that has been particularly impactful to me.

For most of my life I have gravitated toward things that I knew based on previous experience I would be good at and avoided activities in which success was uncertain (or, worse yet, failure was likely). When I first started at a law firm, because I had so much practice and positive feedback about my writing ability in school and my clerkship, I was tapped to do a lot of brief writing as a junior associate. This provided many professional opportunities and an unusually broad exposure to different practice areas and attorneys, and I certainly recommend you learn about and leverage your strengths as I did. But in most careers we reach a point where we have to expand our skill set and learn to do things that might not come naturally to us. At least at Cooley, I couldn’t make partner just by writing briefs, so I needed to develop the full skill set of a litigator.

This was scary. I didn’t know if I would be good at or enjoy doing things such as taking a deposition or managing a complex discovery process. For a while I tried (unsuccessfully) to find a way to only stick to brief writing!

At the same time, something small but significant happened in my personal life. After the birth of my third child, in addition to being prompted to keep a gratitude journal, I also felt prompted to start running, even though I have always been a terrible athlete. Given my inclination to stick to activities that I excelled at, I had never spent much time on physical fitness. But I knew I needed to do this. I needed to get over the embarrassment that observers might think I looked slow and awkward or that several senior citizens would pass me in my first 5K (true story). And while I never became any good at running, running enriched my life. It improved my physical and mental health. It opened doors to meaningful friendships. It gave me a fun way to explore new places. I learned that I didn’t have to be great at something or have innate talent to learn from, enjoy, and improve at it.

That lesson gave me the courage to tackle new challenges in other areas of my life, including at work. I sought out new professional opportunities and learned that I enjoy and am good at aspects of legal practice beyond brief writing. I discovered that

I love working with tech companies, and while an earlier version of me would have shied away from the industry because I have no tech background, I dove in and focused on building skills that matter most in tech, such as intellectual property, privacy, and licensing. That is how I wound up where I am today. Qualtrics wasn't looking for a brief writer; they were looking for a well-rounded technology lawyer. I never would have become that without venturing into new professional territory.

I should add that I did try some things along the way that didn't work out, and I put my heart, soul, and a significant amount of effort into exploring and applying for some jobs I didn't get. So my point is not that taking risks always works out; some of mine did, and some did not. My point is a more fundamental lesson about confidence that I learned along the way: True confidence isn't believing that you will succeed at a task. True confidence is knowing that whether or not you succeed by external measures, you are no more or less valuable as a human soul and you will be okay. That kind of confidence empowers us to try new things without any guarantee of success. Brené Brown has taught that vulnerability "is not about winning. It's not about losing. It's having the courage to show up when you can't control the outcome. No vulnerability, no creativity. No tolerance for failure, no innovation."¹⁶ As I have learned in my undistinguished running career, true confidence is knowing that running the race is worth it even if you lose.

But there is one more fundamental roadblock I have faced: doubt—not just in my ability to achieve a goal but about whether I am allowed to aim for it in the first place. Sometimes cultural and social pressures seem to tell me that my goals aren't goals that people like me should have and that something in me is broken for wanting them.

As I have reflected on my search for other women attorneys at events like these, I have realized that I was looking for more than a guide to show me how to live my life. I was looking for permission to live the life I felt called to live. If I could find a happy, successful lawyer who was still a good mom and contributed to church and community, then I could give myself permission to do the same thing. If I could find enough

quotes from general authorities that said it was okay to pursue an education and work outside the home even if it wasn't a financial necessity, then I could give myself permission to pursue an advanced education and career, whether or not I "needed" to. If I could get clear direction from God telling me to attend law school or pursue a particular professional path, then I didn't need to worry that doing so might be misguided.

What I am trying to remember, and to remind you, is that no other woman, friend, neighbor, teacher, family member, church leader, mentor, advisor—no one—has ever lived your life. You are the foremost authority on your own life. While I treasure wise and inspired counsel from each of those sources, please remember that you don't need anyone's permission to think what you think, feel what you feel, want what you want, or be who you are.

Your Creators made you in our Divine Mother's own image, blessed you, and called you good.¹⁷ Who is to say that you didn't inherit from Her the very spark that inspires your unprecedented aspirations? Sometimes trusting God means taking a step you didn't think you wanted to take. Many times trusting God means trusting the divinity within yourself that is calling you to seek after good things.

I think this is part of what Carol Lynn Pearson conveys in her revelatory poem "Power":

*When she learned that
she didn't have to plug into
someone or something*


like a toaster into a wall

*when she learned that she
was a windmill and had only to
raise her arms*

*to catch the universal whisper
and turn
turn
turn*

*she moved
oh, she moved*

and her dance was a marvel.¹⁸

Today I have compared life to a journey; hopefully the navigational instruments I have shared will help you on yours. Perhaps your life will look more like a wild dance than an unbroken journey, but however you choose to move through life, it will be unprecedented. And it will be a marvel. 

NOTES

- 1 Glennon Doyle, *Untamed* (New York: Dial Press, 2020), 60.
- 2 Homer, *The Odyssey*, book 5.
- 3 2 Nephi 32:9.
- 4 See 1 Corinthians 2:9.
- 5 Mary Oliver, "The Summer Day," in *House of Light* (Boston: Beacon Press, 1990), 60.
- 6 Clayton M. Christensen, James Allworth, and Karen Dillon, *How Will You Measure Your Life?* (New York: Harper Business, 2012), 75.
- 7 Opetia Foa'i and Lin-Manuel Miranda, "We Know the Way," from *Moana* (Disney, 2016).
- 8 1 Nephi 4:6.
- 9 Gordon B. Hinckley, "We Walk by Faith," *Ensign*, May 2002.
- 10 2 Nephi 31:20.
- 11 Psalm 119:105.
- 12 T. S. Eliot, "East Coker" (1940); in *Four Quartets*, no. 2, part V (1943).
- 13 Thomas S. Monson, "In Search of Treasure," *Ensign*, May 2003.
- 14 See Eckhart Tolle, *Stillness Speaks* (Vancouver, Canada: Namaste Publishing; Novato, California: New World Library, 2003), 42: "Do you treat *this moment* as if it were an obstacle to be overcome? . . . Almost everyone lives like this most of the time. Since the future never arrives, except *as* the present, it is a dysfunctional way to live" (emphasis in original).
- 15 Dieter F. Uchtdorf, "Forget Me Not," *Ensign*, Nov. 2011; quoting Articles of Faith 1:13.
- 16 Brené Brown, in *A Call to Courage*, Netflix documentary (2019).
- 17 See Genesis 1:27–28, 31.
- 18 Carol Lynn Pearson, "Power," in *Finding Mother God: Poems to Heal the World* (Layton, Utah: Gibbs Smith, 2020), 135.



Setting a Lofty Vision

BYU LAW'S NEW MISSION STATEMENT AND EDUCATIONAL OBJECTIVES

On May 13, 2021, after a year-long study conducted by a committee of BYU Law faculty, administration, staff, and students, the BYU Law faculty approved a new mission statement and educational objectives for the Law School. The committee had been charged with updating the existing mission statement and educational objectives to articulate the core values of BYU Law, identify its unique strengths, and direct its future development.

In announcing the adoption of the new statement and objectives, Dean D. Gordon Smith said:

The Committee engaged with a wide array of stakeholders, including current students, alumni, faculty, staff, and administrators of the Law School and university, and reviewed the mission statements of other Law Schools and materials particular to the founding of the J. Reuben Clark Law School. In all of this work, the Committee was guided by the question of why the Law School exists and how we might arrive at a shared sense of meaning about the overall purposes and effects of our work.

While the Law School is required by Standard 204 of the ABA to have a mission statement, the committee worked not merely to meet the basic requirements of the standard but to develop a mission statement and educational objectives that might set a lofty vision around which we are united and offer some practical guidance for the next iteration of the Law School as we approach the 50th anniversary of its founding.

The full text of the new BYU Law Mission Statement and Educational Objectives is presented here and is also available online at law.byu.edu/mission.

BYU Law Mission Statement

Founded, supported, and guided by The Church of Jesus Christ of Latter-day Saints, the J. Reuben Clark Law School is an integral part of Brigham Young University and embraces the university's global mission and aims.

BYU Law recognizes the inherent dignity and equality of each individual and welcomes people from the full range of human experience. We are

committed to the teachings of Jesus Christ and honor His many roles, including healer, peacemaker, mediator, counselor, advocate, lawgiver, and judge. In striving to emulate His example, we seek to be and develop people of integrity who combine faith and intellect in lifelong service to God and neighbor.

As a community, we aim to advance justice, mercy, liberty, opportunity, peace, and the rule of law. To these ends, BYU Law prioritizes inspiring teaching, rigorous study, and influential scholarship in an environment that values diversity, fosters unity, motivates excellence, nurtures leadership, promotes innovation, engenders empathy, and cultivates compassion.

BYU Law Educational Objectives

1 Prepare students for meaningful careers and contributions in the diverse settings of a global legal market by focusing on the key competencies of a legal education grounded in legal theory, enhanced by experiential learning, and enlightened by the laws of God. A BYU legal education will

2 Afford students opportunities to develop leadership, transactional, and litigation skills.

3 Equip students with cross-cultural competence, preparing them to engage and communicate effectively across difference.

4 Inspire students to acquire and maintain the highest levels of professionalism, civility, and ethics.

5 Embrace a whole-building approach, engaging every member of the BYU Law community in developing the professional competencies, character, and diversity of our students' gifts.

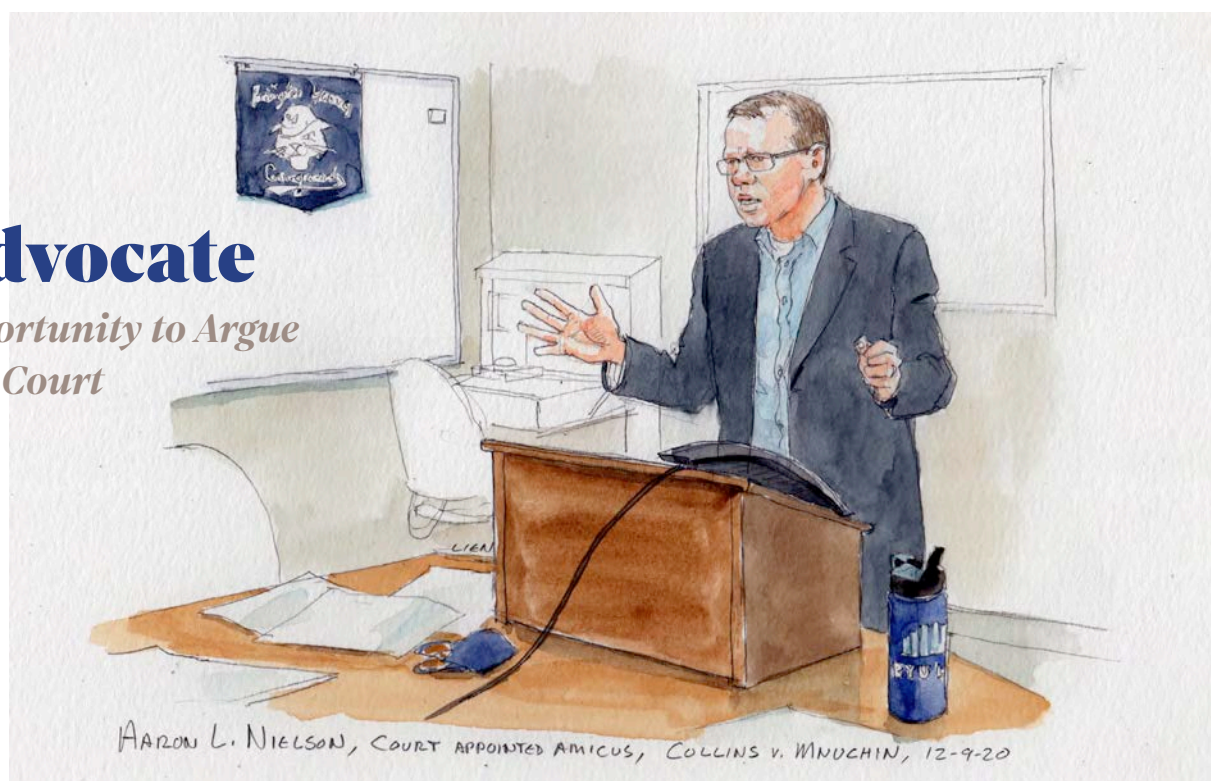
6 Develop and facilitate world-class, innovative scholarship and engage in respectful, civil dialogue that welcomes a diversity of voices and beliefs in an environment of intellectual honesty, academic freedom, and abiding faith.

7 Invite all members of our community to develop a service-oriented mindset and provide opportunities to use legal skills to aid those in need.

8 Instill respect for the US Constitution, human rights, and the rule of law.

An Able Advocate

One Attorney's Opportunity to Argue Before the Supreme Court



BY RACHEL EDWARDS

In August 2020, BYU Law professor Aaron L. Nielson joined a select group of attorneys when he was appointed by the US Supreme Court as amicus curiae in *Collins v. Yellen* (formerly *Collins v. Mnuchin*) to defend the constitutionality of the structure of the Federal Housing Finance Agency (FHFA). The case was argued during the October 2020 term, and the Court issued its decision in June 2021, holding by a 7-2 vote that the FHFA's leadership structure violates the separation of powers.

For Nielson, the invitation to argue as amicus before the Supreme Court was completely unanticipated. "It's an opportunity that every lawyer hopes to have but nobody expects that they will. I certainly didn't expect that I would," he says.

Nielson, who received a JD from Harvard Law School and an LLM from the University of Cambridge, joined the faculty of BYU Law School in 2013. Prior

to that, he was a partner in the Washington, DC, office of Kirkland & Ellis LLP, where he continues to be of counsel. He also clerked for Judge Jerry E. Smith of the US Court of Appeals for the Fifth Circuit, Judge Janice Rogers Brown of the US Court of Appeals for the DC Circuit, and Justice Samuel A. Alito Jr. of the US Supreme Court. Nielson's work has been published in many journals, recently including the *University of Pennsylvania Law Review*, *Duke Law Journal*, *University of Chicago Law Review*, and *Georgetown Law Journal*. He is an expert on administrative law, antitrust law, and federal courts.

Collins was a case suited to Nielson's expertise. It involved questions about the extent of the US president's control of independent federal agencies such as the FHFA. The Trump administration declined to defend the FHFA's structure—in which the president could

only fire the FHFA director "for cause"—so in August 2020 the Supreme Court invited Nielson to brief and argue the case.

"Many lawyers arguing in the Supreme Court have already been working on the case, either as the trial lawyer or in the court of appeals," Nielson says. "That wasn't the case here. I was invited into the case at the Supreme Court level after the Court had already granted certiorari."

Preparing for Argument

With the brief due in October, Nielson had two months to get up to speed. He quickly assembled his team, starting with friend and colleague Christopher J. Walker, a professor of law at the Ohio State University Moritz College of Law, and other experts, including Iantha Haight, a BYU Law research librarian; Joshua Prince, who helps with BYU Law's Supreme Court Advocacy Clinic; and James Heilpern, a

corpus linguistics fellow at BYU Law. A group of BYU Law students rounded out the team. “We divided into three groups,” Nielson says, “which we called ‘Team Separation of Powers,’ ‘Team Background,’ and ‘Team Parade of Horribles.’ The latter focused on determining all of the things that could happen depending on how the case was resolved.”

According to Nielson, writing the brief was a collaborative effort, with each group contributing content. He says, “In the end, there were only two names [Nielson and Walker] on the brief, but it really was an immense amount of work from a lot of different people who wanted to make sure the Court had the best possible argument.”

In preparation for oral argument, Nielson’s team conducted three moots, including one with members of the BYU Law faculty. Due to COVID-19, the argument before the Court was scheduled to take place by telephone. Nielson practiced accordingly, using Zoom in the moots but turning the camera away so that he wasn’t looking at anyone while he was speaking. “A lot of communication is based on reading a face. Since I couldn’t do that in this case, I practiced doing things by ear, especially listening for whether a question was friendly or helpful,” he says.

Nielson estimates that he spent well over 100 hours preparing for the argument. Much of that time was used in refining answers to potential questions that the Justices might ask. “Our team compiled a list of over 100 questions,” Nielsen says. “After the moots, I went to Moab, Utah, alone and essentially spent three days hiking and talking to myself, going through each

of the questions. My wife later joined me, and while we walked together, she threw questions at me from the list so that, over time, my answers became tighter and tighter.”

Advancing the Rule of Law

Throughout the fall 2020 semester, while Nielson was busily preparing for the oral argument in *Collins*, students in his administrative law class had a front-row seat to the process. “Usually a lawyer arguing a case before the Supreme Court has a client, so they have attorney-client privileges they need to protect,” Nielson says. “I didn’t really have a client, so I could say things to my class such as, ‘Here are the arguments they have; here are the arguments we have. What are new arguments?’ I really welcomed their thoughts and reactions because we needed fresh eyes, and students have fresh eyes.”

The respect Nielson has for his students and the value he places on their ideas and insights is a hallmark of his teaching style. He consistently demonstrates a deep investment in teaching and in his students, which is one of the factors that led to his being awarded the BYU Law Alumni Professor of the Year Award in 2019 and, more recently, the Federalist Society’s 2021 Joseph Story Award.

The Story Award is an honor bestowed annually on “a young academic . . . who has demonstrated excellence in legal scholarship, a commitment to teaching, a concern for students, and who has made significant public impact in a manner that advances the rule of law in a free society.”¹ The namesake of the award, Joseph Story, “was appointed to the Supreme

Court at the age of 32, served as the first Dane Professor of Law at Harvard, and wrote the *Commentaries on the Constitution of the United States*.”² Nielson says, “In my classes I always talk about my ‘Mount Rushmore of Supreme Court Justices,’ and by any measure, Justice Story is on that list. He was very much an academic at heart, thoughtful on a whole range of issues. I admire the breadth of his intellectual interests.”

Arguing Before the Court

The oral argument in *Collins* took place on December 9, 2020. Nielson presented his argument telephonically from a conference room on the fourth floor of the Law School. BYU Law’s tech team had rerouted a landline to the room in order to meet the Court’s requirements. “I never thought I would argue before the Supreme Court, and I certainly didn’t think that my argument would be via telephone from Provo, Utah,” Nielson says.

During the argument, his entire team was listening and emailing each other back and forth. Nielson asked Walker to moderate the comments and text him only if necessary to avoid distraction. “In that sense, we were all virtually together, although I was alone in the room,” Nielson says. “I brought in one of the podiums that I use for teaching, and when it came time to argue, I stood at the podium. I’m sure I was doing hand motions.”

Nielson had been allotted 15 minutes but was given more time during the actual proceedings. “The Justices did their best to let me engage, and I did my very best to answer every question,” Nielson recalls. “They were respectful and polite and listened to what I had to say.”

Although Nielson felt prepared, he noted that one question from Justice Stephen G. Breyer surprised him. “You could tell that this case concerned issues very near and dear to his heart,” Nielson says. “During the argument, he essentially said, ‘I’ve dissented in these cases, and I’ve lost. Why should I keep dissenting? Why shouldn’t I throw in the towel?’ It was an honest question on his part. I think the answer I came up with was fine, but that was not a question I was expecting.”

On June 23, 2021, Justice Alito delivered the opinion of the Court, holding that the restriction on the president’s authority to remove the director of the FHFA violated the separation of powers. “It took the Court more than six months to resolve the case,” says Nielson. “It was an extremely complex case, encompassing not only the separation of powers issue but a complicated statutory issue and the remedy issues. Obviously, after I read the opinion, I realized there were additional things I could have said, but that is part of the process. At the time, I felt I was given all the time I needed to address the Justice’s questions and concerns. My job as amicus was to be helpful to the Court. I am so grateful for the opportunity and that, with the help of so many people, I was able to do that job.”

The Court agreed, noting specifically in its opinion that Nielson had “ably discharged his responsibilities.”³

NOTES

1 “Joseph Story Award,” Federalist Society, fedsoc.org/joseph-story-award.

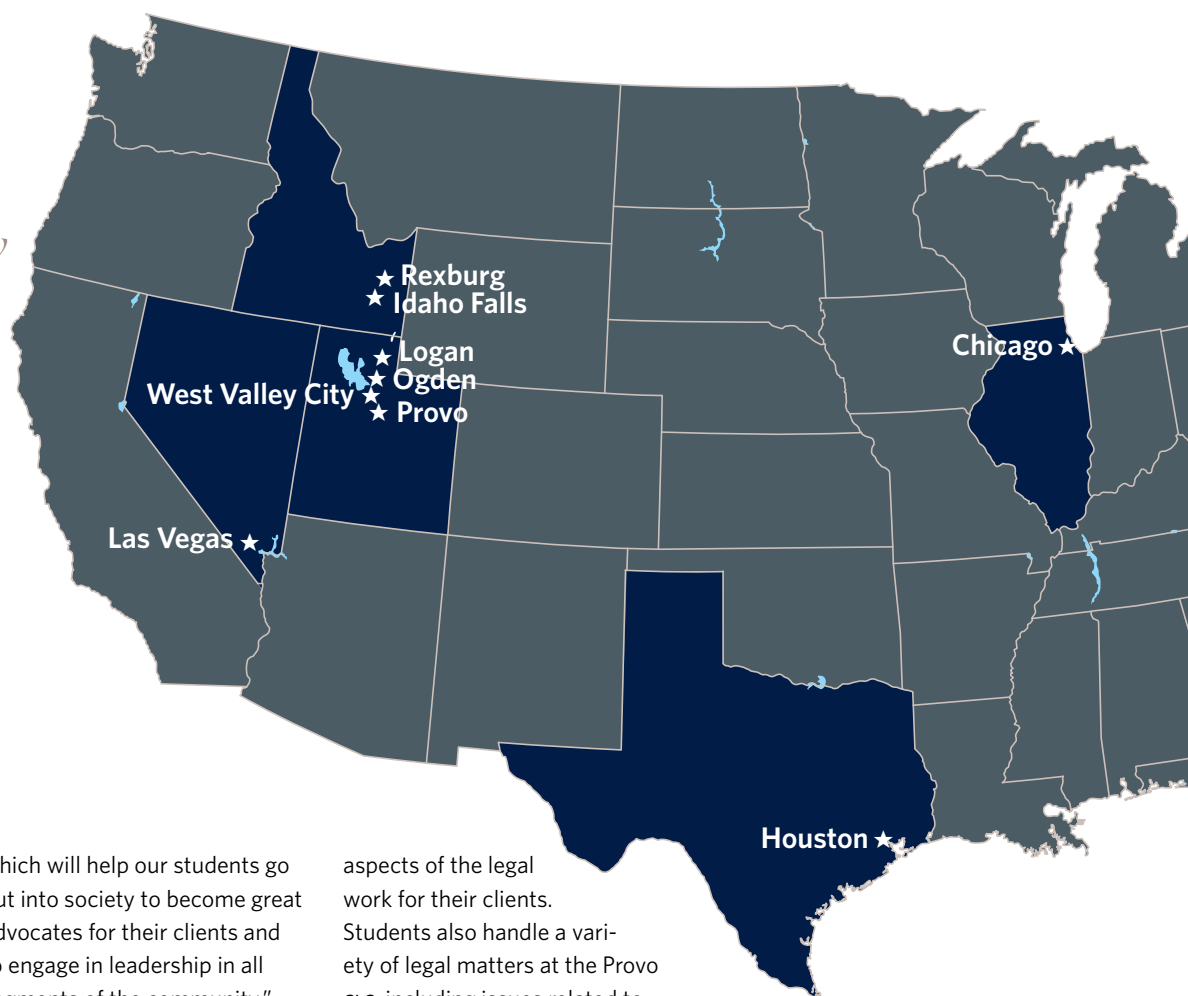
2 *Id.*

3 *Collins v. Yellen*, No. 19-422, slip op. at 12 (U.S. June 23, 2021).

Expanding Our Reach

The Opening of Four New Community Legal Clinics

BY RACHEL EDWARDS



In September 2017, BYU Law opened its first Community Legal Clinic (CLC) in Provo, Utah, creating an opportunity for second- and third-year law students to provide pro bono legal services to marginalized and underrepresented members of the community while gaining practical legal experience. In partnership with the No More a Stranger Foundation (NOMAS)—a non-profit organization dedicated to advocating on behalf of and together with individuals from immigrant, migrant, and refugee backgrounds—the Law School has since added CLCs in other parts of Utah, Idaho, and Illinois. In 2021, four new clinics will open in Texas, Idaho, Nevada, and Washington, DC, bringing the total to 10 clinics.

“We view a law degree as a leadership degree,” says BYU Law professor and CLC supervisor Carl Hernandez III, ’92, “one

which will help our students go out into society to become great advocates for their clients and to engage in leadership in all segments of the community.”

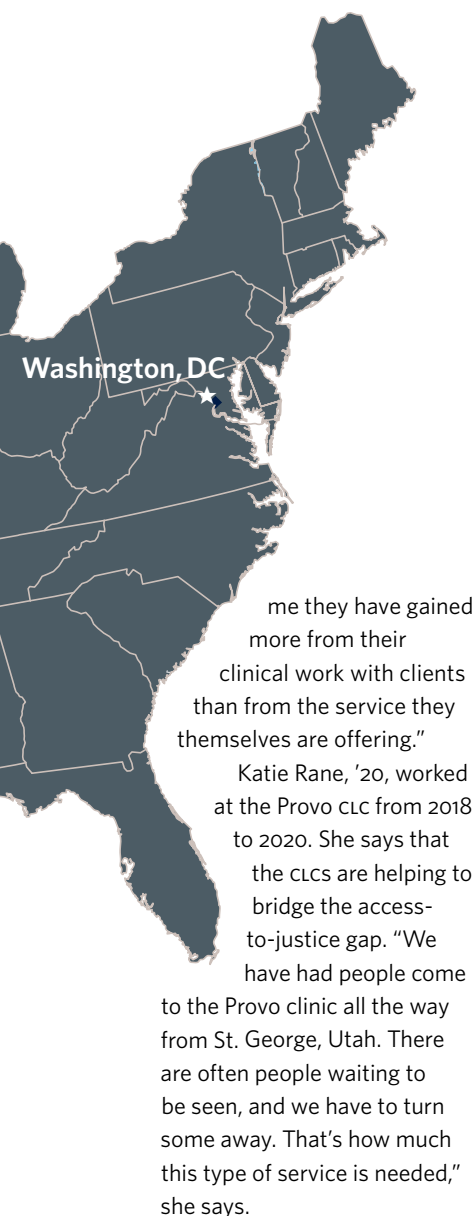
Hernandez teaches constitutional litigation and professional skills courses at BYU Law and supervises the legal work of the BYU Community Legal Clinic in Provo. He and BYU Law adjunct professor Athelia Graham, ’19, work together with students at the clinic, where Hernandez says students “are learning to exercise some of the most important and fundamental skills required of those in the legal profession.” Once a week, students conduct client intake interviews, which they later discuss with Hernandez in a classroom setting. According to the Utah Rules of Professional Conduct, eligible law students are authorized to enter into attorney-client relationships and take responsibility for many

aspects of the legal work for their clients. Students also handle a variety of legal matters at the Provo CLC, including issues related to immigration, housing, employment, contracts, and more.

“BYU Law’s legal clinics provide students with direct, hands-on client representation

from start to finish,” Hernandez says. “[Students’] engagement with clients changes their perspective about the world and about life. Students often tell





Opening Even More Clinics

Prior to working in the CLC, Rane volunteered at the South Texas Family Residential Center in Dilley, Texas—the largest family immigration detention center in the United States—helping families with asylum applications. That experience changed the trajectory of her career. “I came away from Dilley thinking, ‘I didn’t really know any of this was happening. What am I going to do about it now that I do know?’”

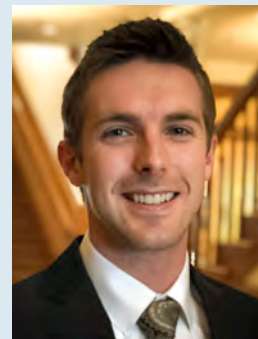
In 2019, Hernandez was looking for ways to expand the reach of the CLC, so, together with Rane, he founded NOMAS. As executive director, Rane oversees the clinics in Utah, Idaho, and Illinois.

One challenge that Hernandez and Rane have faced in expanding the clinics to other places in the US has been determining how to staff them without relying solely on BYU Law students. “We worked with the immigrant services program of The Church of Jesus Christ of Latter-day Saints to develop a scalable model,” Hernandez says. Unlike the Provo CLC, the additional clinics exclusively provide legal immigration services, such as asylum, citizenship, family-based lawful permanent residence, and assistance related to Deferred Action for Childhood Arrivals (DACA) status.

One benefit of taking this targeted approach is that it creates an opportunity for non-lawyer volunteers to become involved. “NOMAS offers an eight-week training course on the fundamentals of immigration law for interested individuals to become accredited representatives who are authorized by the Department of Justice to do legal work in our immigration clinics,” Rane says. The foundation has a memorandum of understanding with the J. Reuben Clark Law Society (JRCLS) and will contract with JRCLS attorneys who will direct and oversee the legal work in different locations. Attorneys can also volunteer to work on cases. “It’s pretty exciting because we can now invite anyone who is interested to become trained and volunteer in our clinics,” Hernandez adds. “Volunteers and supervisors

Motivation to Keep Going

Adam Erickson, '21, first heard about the Community Legal Clinic near the end of his 1L year. “I was immediately drawn to the idea of using the law to help people who are less advantaged,” he says. Erickson then worked in the clinic during his 2L year, managing a caseload of clients who needed help navigating immigration issues. “At the end of the semester, their cases were not closed,” he recalls. “We had developed a good relationship, and I wanted to keep working with them. They were real people, and just because the semester had ended, it didn’t mean their problem had ended. That was motivation for me to keep going.”



As a 3L, Erickson became one of two lead fellows for the Provo CLC and took on additional administrative responsibilities. He says that “a challenge and a benefit” of working at the clinic is the autonomy students are given. “Professors Hernandez and Graham expect each student to stay on top of their caseload because students are the primary contact—often the only contact—with the client,” says Erickson. “It was a great opportunity to learn independence and responsibility as a law student.”

Erickson graduated from BYU Law in April 2021 and will be joining Haynes and Boone LLP, a corporate law firm based in Dallas, Texas, to practice patent law. He hopes to continue his involvement with immigration law in Texas. “These clinics are filling a need,” Erickson says. “When it comes to immigration, there’s just enough uncertainty that many clients end up going to an attorney and getting charged for legal work that is tedious but not terribly complex. We can help people who can’t afford to pay for an attorney or for whom it would be a significant burden to do so.”

are trained in one area—immigration—and in only a few different types of cases so that the work doesn’t overwhelm the clinics.”

Serving as the Savior Would

According to Rane, the NOMAS mission goes beyond providing free legal services. “We are educating and training people in immigration law and bringing people together from

different worlds as we do that. Many individuals who volunteer at NOMAS don’t have prior knowledge of immigration law, while others are immigrants themselves,” she says. The name of the foundation, No More a Stranger, was inspired by Matthew 25:35–36: “For I was an hungred, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in: Naked, and ye clothed me: I was sick, and



ye visited me: I was in prison, and ye came unto me.”

“We want people to interact with and understand different cultures and different viewpoints and to come to love each other,” Rane says. “We view our clients as people we can serve but who can also serve us by giving back. When we file a case, we invite the client to come back and volunteer with us by translating documents or helping with our country-conditions database. We will help people with legal services, and we will help more people understand immigration law, but we hope to do more than that. Our mission is to help people come together and truly see each other as brothers and sisters who are able to love and serve each other.”

It has been nearly five years since the first Community Legal Clinic opened, and Hernandez says the impact has been far-reaching. “We have wonderful stories of individuals whose lives are being changed, who

are able to fully participate in our communities because of the work that our students are doing,” he says. “The clinics create opportunities for our clients, helping them to resolve issues often caused by power imbalances in our system of governance and to get fair representation when they wouldn’t otherwise have it.”

Rane and Hernandez foresee expanding the clinics beyond the 10 that are currently operating or in the process of opening. Hernandez believes a natural next step is to partner with other programs of study at BYU, as well as other law schools, so that more students can take advantage of the opportunity to serve and gain experience in this way.

“Our hope is to serve in the way the Savior serves,” Hernandez says. “He wants us to serve the strangers in our midst. The Lord is able to do His own work, but if we want to be involved, He will let us.”

BRADLEY SLADE (2)

A Rewarding Experience

Lynae Bevan, 3L, developed an interest in immigration law during law school and decided that working in the Community Legal Clinic would be a great way to get hands-on experience. For Bevan, helping immigrants with asylum cases and applications for temporary protected status is rewarding, and interacting with real clients has been a confidence-boosting experience.

Working at the clinic also gave her experience in problem-solving. “At the clinic, you deal with all sorts of problems, and they are usually problems that you’ve never dealt with before,” she says. One memorable case Bevan handled involved helping a client file a wage claim and collect pay that was owed to him by an employer who had disappeared. “My client had a young family, and going three weeks without



pay was a significant burden. If you can’t buy your family groceries, you can’t afford to hire an attorney,” Bevan says. “The most rewarding times are when I am able to help someone who would not have had help without the clinic.”

Bevan is currently interning with NOMAS and hopes to work with the forthcoming CLC in Las Vegas after graduation. She says: “The clinics are not only great at teaching you to have compassion for all types of people, they also help you develop practical skills. The clinic has helped me learn how to manage my time. It’s also refreshing to take a break from studying and actually meet with clients. I think these things will help me as a practicing attorney.”

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J. REUBEN CLARK LAW SCHOOL
J. REUBEN CLARK LAW SOCIETY
BRIGHAM YOUNG UNIVERSITY
PROVO, UT | 84602-8000

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