

Anonymous No More



by Lovisa Lyman

Photography by John Snyder



For 20 years the law library at the J. Reuben Clark Law School was

unnamed—or rather, it was generically called the **BYU** Law Library. Finally on May 1,

1995, it was officially christened the Howard W. Hunter Law Library at a ground-

breaking ceremony that doubles the library's floor space.¹ But why so long nameless?

And why the name of Howard W. Hunter? ◦ The answer to both questions

might be something akin to the reason Hunter gave for not taking a partner until the

last two years of his practice: "A partnership is like a marriage; it

has to be right." Naming a building on **BYU** campus (rarely done

because of monetary contributions but rather to honor exem-

plary service to the Church and to society) also should be right.

Nothing could be more fitting than the new name of the library.

◦ Howard W. Hunter's relationship with the Law School

and library did not begin with the assigning of the name, of course.

In 1970 then **BYU** president (a former attorney) Ernest L. Wilkinson suggested to another former attorney, Elder Marion G. Romney of the Council of the Twelve, that the Church might establish a law school. Elder Romney presented the idea to Harold B. Lee, then first counselor in the First Presidency. President Lee referred the suggestion to the **BYU** Board of Trustees, of which Elder Hunter was a member. A former attorney himself, Elder Hunter greeted the proposal enthusiastically. According to his son Richard, "He could anticipate the academic excellence that would become an integral part of the new law school and envision the

school's potential to teach and influence young people as they learned the law in the light of the gospel."² Once the law school was approved, Hunter participated in the selection of the first dean and in early fund-raising efforts. In recognition of his many contributions to the school's growth, the Howard W. Hunter Professorship was established in 1989 to honor its namesake and open the way for improved teaching and research possibilities. The naming of the library is merely a capstone to President Hunter's years of support and to his excellence as scholar, attorney, and church leader.



Learning in the light: The north wall of the Hunter Library with its two-story windows is popular with students in search of a sunny study space.

Legal Training

Not unlike some students who now study in the Howard W. Hunter Law Library, Hunter completed his legal

education under difficult circumstances. He had originally intended to

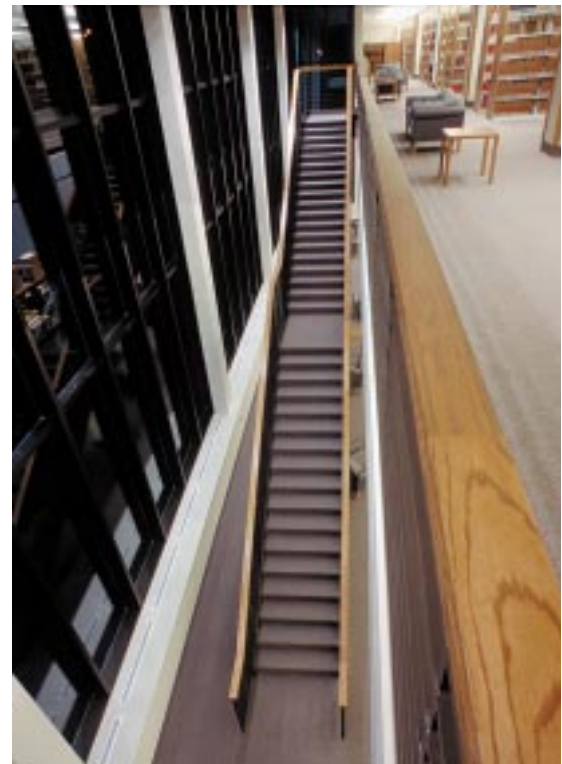
pursue a banking career when his bank closed in 1932. For the next two years, as the depression continued to ravage the economy, he worked at anything he could find, including painting bridges and packaging and peddling laundry soap door to door. In 1934 a friend who worked as a title examiner for Los Angeles County Flood Control District tutored Hunter in his spare time and then recommended him for a job. The Flood Control District provided Hunter with a steady, secure position, but, he wrote: "For a long time I had wanted to get back in school. My work with the Flood Control District was principally legal in nature. I was examining titles, writing legal opinions as to the sufficiency of documents, and preparing actions in eminent domain to condemn properties for flood control purposes. I also assisted the attorneys with the evidence and preparation for trial, and on occasion was present at the trial of the actions. It was finally my decision to go to law school and work for a degree."³ He and his friend at the Flood Control District decided to pursue law careers, but neither could afford to leave the jobs they had. So they opted to attend Southwestern University, the largest of the three law schools in Los Angeles, where evening classes were offered. Because he had not yet completed an undergraduate degree, Hunter began by taking prerequisites and honing his study skills. Eight years had passed since high school graduation, and he felt at a great disadvantage competing with younger students who did not work full-time or support a family. "His weekday schedule consisted of studying on the bus and streetcar on the way to the office; working from eight to five, with more studying at noon while eating a sack lunch brought from home; munching an apple and memorizing as he walked several blocks to the university; attending classes from six to nine; studying on the ride

home; eating dinner with [his wife] Claire after 10; then studying again until midnight or later. On evenings when he was too tired to stay up and study, he would set the alarm clock to wake him up earlier in the morning. He followed this schedule for the next five years."⁴

During his first year at the university, the couple's six-month-old son William was diagnosed with anemia caused by an ulcerated intestinal diverticulum. Surgery was performed, but hours later the baby died. Though the young couple was devastated, solace came with the births of two more sons before Hunter graduated from law school. The first of these, John, was born one night near the end of Hunter's first year of legal study. "The night wore on," he wrote in his journal, "and midnight passed. By this time I had finished my lesson assignment. It was not unusual for me to study far into the night, but not all through the night. After a few short walks and reading several weeks ahead in the textbook, the sky was commencing to turn red in the east and the mocking birds were chattering in the trees outside the window.

"The nurse came in a few minutes after five o'clock, while I was still reading *Blackstone*, to tell me we were parents of a baby boy."

Two years later they were at the hospital again for the birth of son Richard. Hunter recorded: "When John was born, I was reading *Blackstone*, but this time it was *Cases on Wills and Testaments* when Dr. Stratford came in to tell me we had another son."⁵ (Both sons have followed their father into law. John is now a judge, and Richard has a thriving practice.)



The north staircase connects the second and third floors and provides an excellent view of Mount Timpanogos and Squaw Peak.

"With a crescendo that ended in final examinations, law school came to an abrupt end in the first week of June 1939,"⁶ wrote Hunter. He and two other students tied for highest honors in his class. Officials had to recompute the grades in decimals to figure out the exact order. By two-tenths of 1 percent, Hunter missed first place and second place by one-tenth of 1 percent. Thus he placed third in his class and received a bachelor of laws *cum laude*. (Later, when Southwestern adopted the doctor of jurisprudence, Hunter's degree was changed retroactively.) Thus ended his difficult but illustrious pursuit of a law degree, commemorated in 1977 when LDS law students at Southwestern University named their student organization after him. But the studying was far from over.

As World War II geared up in Europe, Hunter tried to concentrate on the bar exam he was scheduled to take just four months after graduation. The teacher of the bar review course told Hunter and his fellows to look hard at the students on their right and left sides because only one in every three class members would pass. The examination, which lasted for three days, was "one of the most grueling experiences of my life," recorded Hunter. "After the third day I was completely exhausted. I had done my best but there was the anxiety of not knowing whether or not that was good enough."⁷

Results were several weeks in coming. He knew that a thin letter would mean that he hadn't passed. A fat letter would include forms to be completed for admission to the bar and courts. In mid-December Claire called him at work. Hunter asked, "Is it a thick or a thin letter?" Claire responded, "A fat one." Hunter wrote: "I felt a surge of blood to my head and I closed my eyes and waited for her to open and read the letter. The hard work and the sacrifices we had made were at a successful conclusion."⁸ In January 1940 he was sworn in and admitted to practice before the California Supreme Court and other California state courts. In February he was admitted to the bar of the u.s. District Court for Southern California and the following April to the bar of the u.s. Circuit Court of Appeals for the Ninth Circuit.

Law Practice

Several legal matters were already awaiting his attention

when he rented office space in the suite of offices of another attorney and established his

solo practice. The offices included a law library where Hunter did much of his research,

sometimes assisted by a librarian or his secretary. Later his practice would keep him

and two secretaries busy for long hours, but he continued to be a solo practitioner with no clerks or computer databases to help him. He did his own painstaking research and writing. Beyond legal writing, he was a prolific diarist, carefully documenting his own and family activities. Early on he began his own library collection of law books and titles related to his other interests, all carefully ordered on the shelves. For materials not included in his own or the office library, he used the court library collections.

For the first five years of his practice, he continued to work for the Flood Control District, spending half a day there and half a day in his office. By the spring of 1945, however, his clients required more of his time, and Hunter resigned from his other job to become a full-time lawyer.

Hunter's practice, which flourished for 19 years, concentrated on estate planning and business, corporate, real estate, and probate law. He served on more than two dozen boards, some of them until the time of his death. His partner, Gordon L. Lund, who joined him for the final two years of his practice, suggested that his kindly nature probably kept him from becoming involved with criminal law or domestic relations. As an ecclesiastical leader, however, he was often drawn into situations where his legal expertise was needed. Frequently these took the form of helping childless couples arrange for adoptions. When clients couldn't pay, he gave them free legal advice, often not even collecting money he had advanced.

Hunter believed that people were good, though he was sometimes disappointed. Once he entered an oral agreement with a client he had known for many years. When

the client subsequently refused to pay what he owed, Hunter was obligated to take him to court, where the judge ruled in Hunter's favor. "Out of this experience I learned a great lesson not to rely on an oral agreement or to trust a fellow man. Regardless of this lesson," quipped Hunter, "I have chosen not to follow it."

In 1948 a colleague asked his permission to recommend his name to the governor of California for a judgeship. Hunter declined because, as he wrote in his journal, "My law practice was treating me well, and I wanted the freedom to work in the Church and carry on my own interests."¹⁰

By 1958 the practice and his Church work filled his time almost to capacity. He used every spare minute for study on one project or another. He chose to ride the streetcar to work and back so he could work during the two hours it took to travel. One of his sons would meet him at his stop to walk home with him, or, when they had their licenses, in a car to drive him home. As his life became more hectic, he considered adding a partner to free him up for more time with his family and for the traveling he enjoyed so much. At this point he received a call from Gordon Lund, a member of the stake over which Hunter presided. Since Lund's partner had recently died, he was looking for a new one, and he thought Hunter might know of someone. Hunter's firm became Hunter and Lund. The partnership was a success, and no clients were lost when the two joined forces or when Hunter left for full-time Church service.

In short, Hunter's was the sort of practice that 50 years later would justifiably win him the accolades of the Ninth u.s. Circuit Court of Appeals in Pasadena. In 1990 that court began to honor members

of its bar who had served for more than 50 years. Hunter was the first to be so designated. Longtime friend and fellow attorney John S. Welch said on that occasion, "It may seem unusual that the program should be launched with recognition of a man whose active practice of law essentially ended in 1959. But I suggest that the choice is a wise one and fitting." He then went on to explain why: "President Hunter ... loves the law. ... He loves it in its grand tradition; he loves it in its broadest concepts, including the civil law and the spiritual, both of which are so much a part of his life. I doubt if there has ever been any attempt in his own mind to compartmentalize the two, or that he has ever seen any need to do so. ...

"Back in 1939 when he finished law school, lawyers did not think nearly so much of the practice of law as a business as we do today. ... If he were still practicing law he would still be doing it in that old-fashioned way. ...

"But more to the point is the contribution which he made to the quality of the profession itself. For over 50 years, in and out of active practice, he has stood as a highly visible example to all of the lawyers and law students who know him or know of him (and they number in the tens of thousands). He epitomizes the practice of law in the classic style: honor,



The oak "Hunter Chair" was designed in consultation with students and faculty. It combines comfort with the mission-style elegance of the Hunter Library furnishings.

Clockwise, beginning in the upper left:

- (1) The conference room facilitates meetings and group presentations without disturbing other library patrons.
- (2) The Hunter Library now has about 20 times the public study space it had before expansion. Nearly half of the public study tables have connections to the campus computer network.
- (3) Computer-assisted legal research training, including Westlaw, Lexis, CD-ROM, and internet research, is conducted in the second-floor legal research training room.
- (4) The rare book room houses the Hunter Library's special collection of old and rare books.





The third-floor popular reading room provides a retreat where students can browse magazines, read newspapers, and visit with classmates.



Four busts by artist Avard Fairbanks that portray Lincoln at different stages in his life are on loan to the Hunter Library from the university's Museum of Art.



The second-floor reception area is a popular gathering place for study groups.

ethical conduct, courtesy, gentility, the art of making the adversarial system work while sticking to the rules, and, though I list it last—as a component of first importance—integrity.”¹²

To this praise Hunter responded: “It’s true that I have an interest in the law—a deep interest. I haven’t actually practiced

as a lawyer for a few years now. . . . But I still think of those days that were precious to me in the courtroom and with clients.

“What a great thing it is to have the privilege of being personal counsel to people who have needed legal help.”¹³

Hunter’s plans for more freedom and leisure came to an abrupt end on October

day at the office, traveling overnight to Salt Lake City, attending the weekly temple meeting of the First Presidency and the Twelve, taking care of business matters accumulating on his desk at the Church Administration Building, then taking an overnight train back to Los Angeles and going directly to his law office for another full day’s work. Sometimes he varied the routine by leaving California on Tuesday evening, and occasionally he took a late-night flight rather than the train one or both ways.”¹⁴

Saturday, July 2, 1960, was a bittersweet occasion. He recorded in his journal: “Today I finished most of my work at the office. Nearly all of the pending matters are completed. I was alone in the office today with the realization that my practice of law was now at an end. I made notes on a number of files and left them on the desk for Gordon [Lund]. I had a sick feeling as I left the office. I have enjoyed the practice of law and it has been my life for the last number of years, but in spite of this I am pleased and happy to respond to the great call which

has come to me in the Church.”¹⁵ Even after the Hunters made their permanent home in Salt Lake City, Hunter continued to visit his old office and maintain relationships he had established over the years. “And while he would not actively practice law in Utah, he was qualified: on January 29, 1963, he was admitted to the Utah State Bar.”¹⁷



Each student is assigned one of the 467 personal study carrels, which includes a full-extension file drawer, locking bookcase, storage shelf, electricity, task lighting, and a 10-megabits-per-second ethernet connection for campus and internet access.

The library’s 27 group-study rooms facilitate collective academic learning and also support clinical and skills-related courses.

9, 1959, when he was called as an apostle. When sustained by the Church membership, he promised, “I am willing to devote my life and all that I have in this service.”¹⁴ After his calling he was allowed time to put his affairs in order in California. For many months he commuted between Los Angeles and Salt Lake City, “boarding a train in Los Angeles on Wednesday after a

Church Service

For Hunter, Church and profession overlapped, and

“he never saw any need to draw a bright line between those two fields of service.”¹⁸ When

he began law school, his bishop, sensitive to the burdens he was carrying, did not

call him to any time-consuming church assignments until after he completed his degree. But once he graduated, the hiatus was over, and in August 1940 he was called to be a bishop. Other demanding church

assignments followed, including that of stake president, before he was called as an apostle and, subsequently, for the last months of his life, as Church president. Long before these assignments came, how-

ever, he “had established a hierarchy of values upon which personal, professional, and spiritual decisions were based. Nothing was more important to this man of great faith nor ranked higher on his list of priorities than wholehearted service to God.”¹⁹

The many kinds of service he rendered to the Church over the years are well documented. Not surprisingly, his Church assignments often called on skills he had gained as a law graduate and an attorney, for, as he observed, “the process by which conclusions are drawn is similar in both law and Church administration.”²⁰ Among these were negotiating for land to build Church buildings; raising funds for construction (including those to build the Los Angeles Temple); implementing budget measures to free Church units from debt; evaluating requests for temple cancellations involving legal issues; organizing stakes all over the world, and serving on the board of the New World Archaeological Foundation, as president and chairman of the board of the Polynesian Cultural Center in Hawaii, and as president of the Church’s Genealogical Society. In all these assignments his finely tuned legal mind functioned in the ecclesiastical setting where wisdom, logic, and clear thinking—yoked with a discerning spirit—were required.

None of his challenges as an attorney were more difficult than those surrounding the establishment of the Jerusalem Center for Near Eastern Studies—Brigham Young University. In those negotiations his legal training, understanding of other cultures gained in his wide travels, and spiritual sensitivity were all called into play. From its inception in 1979, Hunter played a major role in acquiring property and planning and constructing the center. “Yet when the final lease agreement papers were signed in 1984, rapidly escalating local opposition almost derailed the project. Elder Hunter’s crucial negotiations, along with a letter supporting the center from the United States Congress, helped resolve concerns. In May 1989 Elder Hunter, then in a wheelchair following back surgery, offered the Jerusalem Center’s dedicatory prayer.”²¹

In negotiating with foreign governments and in giving advice and counsel to

Church membership, he knew how to logically frame and present an argument. “His conference addresses and other talks frequently [used] syllogistic logic; the inescapable conclusions invariably [consisting] of important gospel principles.”²² One such speech delivered to BYU law students exemplifies this tradition. He addressed the issue of whether lawyers can be successful and live righteously simultaneously. “He vigorously assured [the students] that it was not only possible but easy. The key he gave was integrity. And then, true to form, for points and authorities he cited the book of Job, where Job, described as a perfect and upright man, said to his critics, after a series of undeserved tests of character, the cause of which he could not fathom, ‘My lips shall not speak wickedness, nor my tongue utter deceit. . . . My righteousness I hold fast, and will not let it go: my heart shall not reproach me so long as I live.’”²³

In his presentations to the Council of the Twelve and the First Presidency, he often used a legal approach. At the groundbreaking for the Howard W. Hunter Law Library, President Thomas S. Monson joked that Elder Hunter sometimes said, “May I approach the table of the First Presidency?” Of these approaches to the high Church bench, President Gordon B. Hinckley observed: “Brother Hunter was kind and gentle. But he also could be strong and persuasive in his statements. . . . He knew how to present a matter. He laid out the various premises in orderly fashion. He moved from these to his conclusion. When he spoke we all listened. His suggestions most often prevailed. But when they were not accepted, he had the flexibility to withdraw his advocacy, to accept the decision of the President of the Church, his prophet, and to thereafter go throughout the Church furthering with conviction the conclusion that was reached and the program determined upon.”²⁴ Once, when Elder Hunter had persuasively defended an issue to the Brethren, Elder Harold B. Lee closed the meeting by commenting, “If I were ever in difficulty and wanted a brilliant defense attorney, Brother Hunter, you would be my choice.”²⁵ Truly the promise of his patriarchal blessing was fulfilled in both

his professional and Church service: “[T]hou shalt be known for thy wisdom and thy righteous judgments.”²⁶

The goal of the Howard W. Hunter Law Library is to support the very things the Church’s fourteenth president epitomized as a scholar, attorney, and Church leader. The wedding of the law library with the name of Howard W. Hunter is fitting; it is right.

Notes

1. See Spring 1995 *Clark Memorandum* for a detailed description of the new structure.
2. *The Howard W. Hunter Professorship in the J. Reuben Clark Law School, Brigham Young University* (unpublished; available from the J. Reuben Clark Law School, Brigham Young University).
3. *The Howard W. Hunter Professorship*.
4. Eleanor Knowles, *Howard W. Hunter* (Salt Lake City: Deseret Book, 1994), 87.
5. Knowles, 90.
6. Knowles, 92.
7. Knowles, 93.
8. Knowles, 93.
9. Knowles, 119.
10. Knowles, 121.
11. John S. Welch, “Howard W. Hunter Talk for November 26, at the Ninth Circuit of Appeals” (unpublished though extensively cited in “President Hunter Honored for Fifty Years of Legal Service,” *Ensign*, March 1991, 75).
12. Welch.
13. “President Hunter Honored for Fifty Years of Legal Service,” *Ensign*, March 1991, 75.
14. “President Howard W. Hunter: The Lord’s ‘Good and Faithful Servant,’” *Ensign*, April 1995, 12.
15. Knowles, 151.
16. Knowles, 153.
17. Knowles, 154.
18. Welch.
19. *The Howard W. Hunter Professorship*.
20. *The Howard W. Hunter Professorship*.
21. “President Howard W. Hunter: The Lord’s ‘Good and Faithful Servant,’” 15.
22. *The Howard W. Hunter Professorship*.
23. Welch.
24. Gordon B. Hinckley, “A Prophet Polished and Refined,” *Ensign*, April 1995, 34.
25. Thomas S. Monson, “President Howard W. Hunter: A Man for All Seasons,” *Ensign*, April 1995, 31.
26. Knowles, 227.