



LOOK

by Scott M. Matheson Jr.

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PHOTOGRAPHY by Bradley Slade

HEAD

PREPARING *for* LIFE'S CHALLENGES



THE FOLLOWING
ADDRESS
WAS PRESENTED
AT THE J.
REUBEN CLARK
LAW SCHOOL
CONVOCATION IN
THE PROVO
TABERNACLE ON
APRIL 22, 2005.

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

The talent and the accomplishment in this room are truly extraordinary. Through years of hard work, discipline, and dedication; through the times when you wondered whether you would reach this day; through all the highs and lows of law school; you have finally made it. All of us here are deeply impressed and very proud of each and every one of you. But enough about the parents—I need to turn my attention to the graduates!

Speaking of the graduates, I want to thank one of you in particular for sending me an e-mail earlier this week with some tips on what I should say this afternoon. It was entitled “The top 10 things a ‘Utah man’ can do to tame a Cougar crowd.” I’m not making this up; this was a real e-mail. The first tip is: “Refrain from mentioning football.” The second tip is: “Don’t mention basketball either.” So, even though I quite enjoyed football and basketball this year, I won’t mention either. If we have time at the end, however, maybe we can talk about gymnastics.

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

YOU NEED TO MAINTAIN BALANCE IN YOUR LIVES . . .

BETWEEN TILLING THE LEGAL FIELD AND SMELLING



THE FLOWERS.

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

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

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

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

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

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

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

Today marks the end and the beginning: the end, to be sure, of your legal schooling, but the beginning as well, because your legal education has just begun and that journey will continue for your entire legal careers. As you take the next step on that journey, I wish to

pose two questions: (1) what makes you different as a lawyer? and (2) what should you do to meet the demands of that role? In the time we have, I can only offer a few observations, however incomplete, about these questions.

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

You have, no doubt, broadened your intellectual horizons, developed a variety of skills, and learned much about the law. But, as impressive as all of that sounds, each of you is fundamentally the same person who came to law school in the first place. Your law professors, as important as they have been to your education, are latecomers in your lives. Long before you had even heard of the Rules of Professional Conduct, your families had already taught you about morality and helped you develop your code of ethics. Your parents, family, religious leaders, teachers, life experiences, and faith had forged your strength of character. Learning the law did not change that. It is worth recalling what Elder Dallin Oaks said in a speech a few years ago at my law school: "There are innumerable examples of personal conduct in violation of our religious/moral foundations that is not prohibited by the professional codes regulating the conduct of lawyers." The fundamental character you brought to law school should remain at the core of your professional and personal lives.

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

When most of you were 16, you received a license to drive a car. You learned the rules of driving and hopefully took a driver education class. Most of you probably were not especially good drivers when you first received your licenses. You needed experience to develop skills and judgment. Nonetheless, you had your license, which permitted you to surround yourself in two tons of metal with a big engine and to move at high speeds.

Lifetime Students of the Law and of People

by Julie Stanger

The following excerpts are taken from a talk given at the
BYU Law School Convocation on April 22, 2005.

Almost three years ago we sat together in room 205 for our first day of orientation. As you may recall, Dean Hansen explained that the law is similar to a foreign language and that our goal here would be to learn this language to the best of our ability. He reminded us that as with the learning of any language, fluency and competence in the law would take time and diligent study. During these three years of stumbling through a type of "language lab," we have learned words and phrases like "res ipsa locutor," "adverse possession," "consideration," "strict scrutiny," and even the infamous Erie doctrine's acronym ECISAJ, which stands for Essential Characteristic of the Independent Federal System in Administrating Justice.

But, as James Monroe once said, "The question to be asked at the end of an educational step is not 'What has the student learned' but 'What has the student become?'" One answer we have in common: Each of us has become a true learner. As true learners we are lifetime students of both the law and of people. As noted by many, the best lawyers are those who understand the intricacies of both the law and human interaction.

First, we are students of the law. Learning the law does not mean we are good at memorizing statutes or even our class outlines—we all wish it were that simple. The reality is that being a lawyer means being a perpetual learner. Almost every day of our career will present us with different challenges that may require new knowledge and a new set of skills. We can be confident that our legal education has prepared us to face those challenges. After three years of the Socratic method, we need not fear the unknown. Our basic skills acquired here have equipped us with the ability to embrace a lifetime of learning, and that is the essence of the practice of law.

Second, during our legal education we have become students of people. In his opening remarks to the recent first-year class, Dean Worthen explained:

While learning to think like a lawyer is the core component of the study of law . . . the true study of law requires development of characteristics other than analytical and communicative skills. It requires an ability to understand and deeply care about the human condition. . . . Law matters in the real world.

Law matters to real people. As lawyers we are vested with the obligation to remember the human element behind every transaction and interaction.

So, in response to Madison's question "What has the student become?" we are not mere speakers of legalese nor are we yet great attorneys. However, as we learn from those around us by treating each client, colleague, family member, and stranger with the respect, civility, and grace they deserve, we will become fluent in the true language of the law.

Honor Their Trust Through a Life of Faith

by Daniel H Walker, '05

The following excerpts are taken from a talk given at the
BYU Law School Convocation on April 22, 2005.

It is estimated that BYU law graduates pay approximately one-third the amount of tuition that graduates of similarly ranked, private law schools pay. Behind the special funds used to provide this two-thirds subsidy are the faces and lives of not only the wealthy but also the desperate immigrant family working two or three jobs to keep food on the table, the disabled veteran trying to maintain hope, the five-year-old learning what 10 percent means, and many more. Their investment in us represents a sacred trust that cannot be neglected without important personal and institutional consequences.

In order to truly honor what is more than a monetary investment, we must maintain our faith. For aspiring practitioners of man's laws to live lives of faith, at least two key principles in relation to God's laws must be understood.

The first principle is this: Spiritual things are learned and understood according to spiritual laws.

We must recognize the limits of our newly acquired knowledge. When one uses man's limited wisdom to measure the infinite means and purposes of God, faith is destroyed and by and by truly good legal scholarship ceases. We will all be tested in this regard on some point or another, and we will be better off in time and eternity if we measure the doctrines and philosophies of men by standards of revealed truth and not the other way around.

The second principle is this: The Lord's valuation scale is different than the world's scale.

What we value must remain independent of worldly dictates—monetary gain over peace, career advancement over family development, and even reason over revelation.

The world is moving toward a belief in a form of equality that treats not only people but also conduct as equal, attempting to divorce all manner of conduct from personal and societal consequences. On the Lord's scale, all people are equal, but not all conduct is equal. Conduct and consequences are inseparably connected and will be forever. There must be recognition of what is right before God if we are to maintain our faith as individuals and as a society.

As graduates of BYU Law School, ours is a sacred trust. As we go into the world, we will meet many who have made an investment in us. We will be best equipped to bring peace to their lives and the lives of others through our knowledge of the law if our own lives have a foundation of faith.

My hope is that long after our one-third of the cost to attend BYU law school has been repaid we will be found living lives of faith. May we ever learn and understand spiritual things through the application of spiritual laws, and may we ever value all things according to the Lord's valuation scale.

The privilege to drive allowed you to transport yourself for long distances more quickly than with other forms of transportation. This privilege to drive, if exercised carelessly, also put you in a position to cause great damage, even death, to yourself and others.

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

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

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

You know from your learning and experience that power can be used for good or for evil, that unchecked power can produce human misery and destruction, and that properly channeled power can produce remarkable human achievement and progress. You also know that lawyers are keepers of a venerable constitutional tradition, one that self-consciously recognizes and checks power. Our constitutional design is the product of a debate over power—the relationship between the nation and the states, among the branches of government, and, most important, between the government and the individual.

Within that constitutional design, with all the checks and balances and review and oversight, we ultimately place much confidence and trust in people and institutions to use good judgment in the exercise of power. As attorneys you will make decisions and take actions that will have enormous impact on others. You have this power because centuries of legal tradition and generations of those who have developed and upheld it have made what you have possible. Almost every

LINCOLN SAID:

"IF I HAD EIGHT HOURS TO CHOP DOWN A TREE,

I WOULD SPEND SIX HOURS SHARPENING MY AXE."



lawyer every day, whether he or she is a prosecutor, public defender, law firm associate, legal services attorney, or general counsel, makes choices that will have impact. That attorney has power to make a difference, and that is exactly what you will have as you graduate from this law school.

With power comes responsibility. When confidence is placed in an attorney's hands, that attorney has assumed a position of trust. With trust comes the power to act, and with power comes responsibility. You will now become part of the American legal tradition, and that makes you a guardian of the rule of law. Wherever you work, whenever you act as a lawyer, you will be an important part of our system of justice. And that system and your calling is dedication to the rule of law.

That's why what you are about to do is so important. For the rule of law is secure only when steadfast lawyers and judges respect,

follow, and practice it every single day in everything they do. That's what lawyers do. We witness it in every courthouse in every community every day.

Yes, you are fundamentally the same individuals who started at this law school three years ago, but you leave with power and responsibility that you did not have before. You have the power to help people and make the world a better place, and you have the responsibility to safeguard the rule of law with fidelity to a legal tradition that makes this extraordinary opportunity available to you.

What should you do to meet the demands of this role? Each of you ultimately will have to find your own way. I wish to offer five modest suggestions.

First, "Stay close to your law school friends." You started law school a little over one thousand days ago. It was probably evident early on that the friends you would make in law school would also one day be your professional colleagues. Today I wish to stress the converse of that statement. That is, to remind you that your professional colleagues from law

school are also your friends. Through these three years, your classmates have become your soul mates, your brothers and sisters in law. In the years to come, they will become your law partners, opposing counsel, judges, bar association leaders, and legislators. They will be your professional colleagues.

You are entering an exciting and challenging profession that will bring its share of ups and downs. Through it all, your friendships will provide support and understanding. They will be one of the important constants, and I promise they will grow even more important over time. Your family is, of course, your core source of support and your primary responsibility, followed by your close personal friends. But your law school friends should be an important circle in your lives as well. Stay close to them.

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

But the advice that there is no such thing as a small thing had an additional, more significant meaning than efficient time management. When you represent the interests of others, people are relying on you to help them with their problems, often at times of great stress. Whatever the legal matter may be, to your clients, it can be one of the most important things in their lives. Whether it's drafting a will, providing tax advice, working on an adoption, handling an immigration matter, or defending someone charged with a crime, your client is relying on you to do what you can within the rule of law to help. Your clients

need your legal knowledge and skills, your diligence, and your best judgment. Most important, they need and deserve your compassion, respect, and loyalty.

As President Faust said at a J. Reuben Clark Society fireside two years ago, "The compensation a lawyer receives ought not to be his primary interest. The interest of the client always has to be the first consideration. If you will follow that rule, you and your family will be taken care of." So remember, there is no such thing as a small thing, especially to your clients, who deserve your compassion and respect.

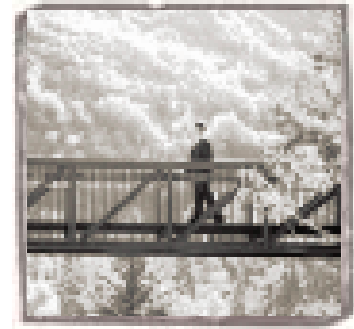
Third, "Achieve balance between and quality within your professional and personal lives." You need to maintain balance in your lives between work and family, between professional obligation and personal responsibility, between tilling the legal field and smelling the flowers. Many times I have heard speakers urge new law graduates to resist the pressures of total immersion in their legal careers, to make time for family and friends for those things that are important outside the law. I agree wholeheartedly, but in recognizing the importance of time outside your legal career, do not fail to give sufficient concern to the quality of time spent inside your legal career.

Life's best hours may not be billable ones, but the hours you spend working as a lawyer should include some of your better times. Think about how you want to spend that time, how you want to remember those moments that will mean the most. In looking ahead, what commitments are you prepared to make that will bring high purpose and satisfaction to your professional life? Those are personal decisions that all of you will have to make, and if you succeed in achieving quality time in your professional life, you should find it easier to achieve balance with your personal life as well. So seek balance between and quality within your professional and personal lives. And, I should add, be supportive of others who are trying to achieve this balance as well.

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

Fifth, "Follow your heart, and don't let opportunities pass you by." You came to law school with dreams and aspirations. Never let go of them. If anything, add to them. You have embraced the message *carpe diem*, "seize the day." You obviously would not be here if you had not applied to law school. You just as clearly will not meet your goals and reach your full potential and contribute as much to your profession and your community if you do not pursue the opportunities presented to you.

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



I've talked about the empowerment and responsibility you assume as you take this next step. I've suggested that you stay close to your friends; give respect and compassion to your clients; always prepare, prepare, prepare; achieve balance and quality in your personal and private lives; and pursue your dreams.

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

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

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

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

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

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