



DEAR ALUMNI AND FRIENDS,



With school starting this week, I had the opportunity to speak to our entering students—another impressive group of men and women who will surely add to the legacy of the Law School. In contemplating what I might say, I returned to what we consider our founding documents—those profound speeches given near the time of the Law School's creation. One of these talks was given by then university president and now Elder Dallin H. Oaks on the first day of law classes on August 27, 1973. In it he described his expectation that the Law School would observe six key principles:

First, the law school should be part of Brigham Young University in all respects, with the law faculty and students fully participating and contributing in the intellectual and spiritual life of the university.

Second, the J. Reuben Clark Law School must in all respects be worthy of the name it bears. It cannot be satisfied with its assured standing among members of The Church of Jesus Christ of Latter-day Saints but must attain a greatness that transcends religious lines and establishes itself in the eyes of legal educators, scholars, the judiciary, the legal profession, the business world, officials of local, state, and federal government, and citizens at large.

Third, the law school must always promote loyalty and understanding of the Constitution of the United States. . . .

Fourth, [it] must always foster an enlightened devotion to the rule of law. . . .

. . . Fifth, [its] curriculum and manner of instruction . . . should approach the law from a scholarly and objective point of view, with the largest latitude in the matters being considered.

Sixth, [it] should concentrate on teaching fundamental principles of law. Its approach should be predominantly theoretical, with appropriate attention to the basic skills involved in lawyering. . . . The half-life of a legal concept, even in these changing times, is measured in centuries, not academic years. . . . A legal training that is predominantly theoretical is best able to equip students with the principles and skills they can apply throughout the shifting circumstances of the next half-century.

Over the years we have attempted to faithfully implement this counsel, including the final injunction that our approach in teaching and scholarship be “predominantly theoretical.” In recent years, however, what constitutes “appropriate attention” to professional skills has been under consideration as both the academy and the bar have felt an increasing need for more skills training. To that end we have added this year to our curriculum a Law and Entrepreneurship Clinic, a Negotiation and Conflict Resolution Clinic, a Community and Economic Development Clinical Alliance, a Government and Legislative Clinical Alliance, and a family law skills lab (pictured left). The family law skills lab joins an immigration law skills lab. The idea—borrowed from our colleagues in the sciences—is to provide a skills practice experience attached to an underlying substantive course.

I am excited by the growth in our skills curriculum, but, in speaking to our new students, I wanted to make clear that the important project of improving their professional skills should not overshadow the foundational project of teaching fundamental principles of law and of teaching them to “think like a lawyer.” This latter idea has been under some criticism of late, but it would be unfortunate if the desire for more professional skills training were viewed as hostile rather than complementary to teaching fundamental principles of law. It is precisely in learning and internalizing those fundamental principles that we develop traits of leadership and wise judgment.

When we are taught the importance of one decision serving as precedent for later decisions or when we learn to view any appeal through the lens of an appropriate standard of review, we are being taught core principles of leadership and fairness. We miss the point of law school if we think the primary goal is to memorize precedents or the appropriate standard for any particular appeal. In the myriad circumstances we will face in our lives, we should evaluate the decisions of those whom we are charged to lead with reference to whether they had particular knowledge of the facts or were instead setting policy and by how broad a precedent a particular judgment might create. Similarly, understanding that most disputes have two sides is not intended as an exercise in moral relativism but as a recognition that tough decisions require deliberation and listening to affected persons before reaching any conclusion.

I won't rehearse my entire speech here—partly because it may well appear in the next edition of the *Clark Memorandum*—but I am convinced that learning to “think like a lawyer,” through first-year case after first-year case, is extraordinary training in leadership and judgment that serves law graduates well wherever life leads them. I hope you have found that to be true however you have chosen to use your law degree.

Warm regards,

A handwritten signature in cursive script that reads "Jim".

JAMES R. RASBAND