

In law schools we focus on three styles of legal writing: (1) “informative” or “descriptive” writing provides a balanced analysis of a legal problem or issue, as in memoranda or letters to clients; (2) “persuasive” writing strives to convince the reader to endorse a stated position, as in appellate briefs or negotiation letters; and (3) “recording” attempts to memorialize an agreement or understanding, as in contracts, wills, or real estate documents. Last spring, as I was working with the Utah Supreme Court on the diploma privilege and on regulatory reform of the legal services industry, I realized that I do a lot of writing that does not look like any of those three things. The defining feature of my writing in those projects was that it was part of a *collaborative process of understanding how another person was thinking*.



When I described this to my colleague Michalyn Steele, she analogized it to cross-cultural communication. People often need to adjust their communication style to be understood by others with different cultural values, norms, and behaviors. This is similar to the process I was going through with the court, even though I share many cultural similarities with the justices. Effective communication requires us to come to shared understandings using language that is not only imperfect but idiosyncratic. This process, like the process of striving to understand how the justices were thinking, is an exercise in building unity.

Perhaps ironically, the lexicographers of *The Oxford English Dictionary* separate the various definitions of *unity* into two senses. The first set of definitions is “senses relating to singularity” and includes words like “oneness,” “identity,” and “that quality which makes something an individual entity or unitary whole.” The second set of definitions is “senses relating to union, harmony, or agreement.” Under this set of definitions, distinct “people, groups, institutions, or states” evince “the quality or condition of being of one mind, feeling, opinion, purpose, or action.” The actors may agree or correspond, but they retain their own distinct identities.

When I think about unity within the Law School community, my mind turns to our core values, such as the recognition of dignity inherent in every human, the search for truth through faith and intellect, and lifelong service to God and neighbor. The Law School community I want to inhabit is harmonious, not homogeneous. We aspire to understand and embrace the full range of human gifts and experiences. This sort of unity is not uniformity, and the opposite of this unity is not diversity. The unity I hope to see in the Law School, the university, the Church, and the world is about shared purpose, and diversity is implicit and essential to unity in this sense. The opposite of unity is not difference but contention.

The writer of Psalm 133 observed, “[H]ow good and how pleasant it is for [us] to dwell together in unity!” (verse 1). The journey to unity may not always seem pleasant. It is often marked by sorrows, struggles, and setbacks. As individuals with distinct identities, we will inevitably encounter conflicts and differences of ideas and opinions. But we can work through conflicts to achieve harmony and solidarity. In other words, we can dwell together in unity.

We often think of lawyers as fomenting conflict, not unity. In Alma 11:20 we read about lawyers who “did stir up the people to riotings, and all manner of disturbances and wickedness, that they might have more employ, that they might get money according to the suits which were brought before them.” The articles in this issue of the *Clark Memorandum* offer an alternative vision of lawyering, one we have been speaking with our students about—that of lawyers as peacemakers and proponents of mercy, humility, and a willingness to grow and change.

As we move beyond the pandemic, I hope each of you will reflect on the following questions:

- ♦ What kind of community do I want BYU Law School to become?
- ♦ What do I want my role in that community to be?

As you reflect on these questions, I hope you will remember “how good and how pleasant it is for [us] to dwell together in unity!”

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