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On October 7, 1988, the BYU Law School Alumni Association held its first dinner in Salt Lake City. Rex E. Lee, the founding dean of the Law School and current president of Brigham Young University, was the honored guest and featured speaker.

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It really doesn't seem like 15 years. In some ways it seems longer, because for most of us the period from 1973 to 1988 has been one in which so much has happened. For me, it has been a time when I have had the experiences of dean, professor, assistant attorney general, solicitor general, father, grandfather, and cancer victim. And in those 15 years, I've argued 45 cases in the United States Supreme Court.

If you will reflect back on your experience, it has also been a time of many important events and memories as you have built your careers and families and have begun to move into the highly productive and satisfying middle phase of your professional life.

For most of us, therefore, these have literally been the best years of our lives. Because much has happened, it may seem like more than 15 years.

And yet in other ways it seems like a short time since that memorable August 27, 1973, when we all met together in the Jesse Knight Building. Let me help you put it in perspective. Could I see by show of hands how many of you are 36 years or older? That means that you are now as old or older than I was when I was appointed the dean of this Law School. I'll give you another one. The average age of our graduates—from

the first class to those who graduated just last April—is about the same as the average age that Bruce Hafen, Dale Whitman, Keith Rooker, and Gerry Williams were when we started the school. And one final perspective is this: We have now admitted, in the entering class of 1988, the child of one of our own graduates. Her name is Cay Lynn Carr Reed, whose father, Chuck Carr, was a member of our charter class.

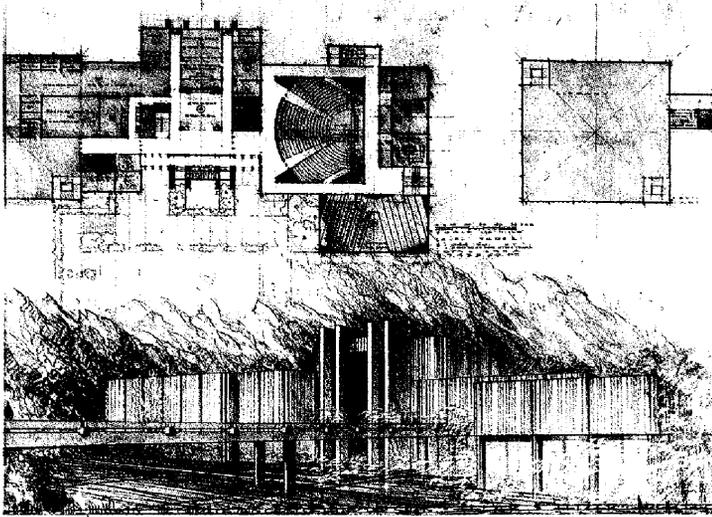
I would like to consider with you this evening three phases of the J. Reuben Clark Law School's progress: first a look at the past, then an assessment of the Law School today, and then finally, just a brief word about what the future may hold.

The first part is, in a sense, the most pleasant, because you will find that when you get old, you enjoy reminiscing. If you've already started enjoying it, maybe that tells you something about your age.

The starting point, of course, was not that day we first met in the Jesse Knight Building. It began two years earlier. My first real exposure came when President Ernest L. Wilkinson visited me in Phoenix, where I was practicing; told me about the plans for the new school; and explained that he was traveling around the country getting the views of some Mormon lawyers

in different parts of the country. He also told me that I might be interviewed by a search committee that had been set up to pick the first dean, and that interview soon took place.

It was an interesting committee. President Marion G. Romney was the chairman, and the members were Elder Boyd K. Packer; Elder Marion D. Hanks; Neal A. Maxwell (in his then capacity as commissioner of Church Education); my friend Dallin Oaks, who had just been named president of BYU; and Ernest Wilkinson. I was really very pleased that such an



There was a raging debate about whether the exterior of the new building would be cast stone or brick. Fortunately, the cast stone won.

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impressive group would want to interview me, but I didn't have much to say because I knew nothing about starting a new law school (or even maintaining an existing one). I thought the idea of a law school at BYU was an exciting idea, but a bad one. I remember only two specific things that I told the search committee. First, there was an expectation among Church members that the school would become a forum for right-wing ideology—and that must be avoided—and, second, the dean should come from the ranks of established law professors. The second observation, incidentally, came in the context of my comments about my friend Terry Crapo. I told them I thought that he had one of the finest legal minds in the Church, and President Romney asked if they should make him the dean. I told them unequivocally no. It was important that the founding dean know something about how to run a law school (which a practitioner would not), and it was also important that the dean be someone other legal educators would recognize.

They took me instead of my advice.

That first eight months, from about October 1971 through June 1972, was without any doubt the most stressful and anxiety-laden period of my life. It was exciting, and it was heady. There was a thread of

exhilaration as I realized that for the first and only time two of my three major interests in life—my Church and my profession—would directly coalesce. And I was part of it!

There was much to be done—a new building to design, arrangements to be made for a temporary building, an initial public relations effort to launch with members of the bar, other schools, and the rest of BYU. There was a raging debate about whether the exterior material on our new building would be the beautiful cast stone that you see there now, or the yellow brick that is on so many other buildings on campus. But if you put all those issues together on a worry scale of ten, they would all add up to a collective four or five.

There was one item that, all by itself, measured a constant 10 during that entire first eight months—the faculty. Everything hinged on the kind of people making up the team on that opening day. They would be important not only for that year; they would also affect the quality of faculty and students we would have for years to come. They were *the* key to our success.

I was particularly concerned about getting some experienced academics. In the first place, we needed some people around who knew how a law school was supposed to work, and I certainly couldn't supply that. And again, if we were going to be accepted within the law school world, we needed to have some people the law school world would recognize.

Obviously, people of the quality we wanted who would be willing to run the risk of leaving their exiting teaching positions and throw their lot in with an unaccredited and unproved school at BYU would be members of the LDS Church. And it was at this point that I discovered a sobering—even terrifying—reality. I listed all LDS law professors who were teaching at decent law schools and had the kinds of qualifications we wanted. This will surprise you, and it certainly did me, but in those days there were only about 15 people I could even put on that list. I also had another list of names I knew quite a bit better; they were highly competent practitioners who I thought would make good teachers. But I also knew that if we were going to succeed we had to attract a critical mass from that very skimpy universe of existing LDS law professors.

President Oaks kept assuring me that everything was going to be all right. I remember so well his standard line: We all knew that the Law School didn't make sense from a rational standpoint, that the Lord had decided there would be a Law School here, and that the Lord wasn't going to let us fail. Deep down I could follow his reasoning, but I kept asking Dallin and the Lord, why, if that were so, did the months keep going by, and I couldn't hire anyone but Bruce Hafen and myself? Everywhere I went, people kept asking me, "Who else do you have?" It was a perfectly logical question, because a most important consideration for a law professor is who his or her colleagues are going to be. And all I could say was, "Well, if you come, there

will be you and me.” For some reason, that didn’t seem to persuade very many. My friend Willard Pedrick, who had been the first dean at the Arizona State University Law School in Tempe where I was living at the time, told me that the most influential single development in the pre-opening days of their school was Professor Ed Cleary’s commitment to join them, and that my most important task was to get just one faculty member of national stature.

About March 1972 I had a personal confirmation of what President Oaks had been telling me. I still hadn’t hired anyone. I had all kinds of people who were not on my list who were very anxious to be hired, and I concluded even if it meant that Bruce Hafen and I would have to do all the teaching ourselves for that first year, I wasn’t going to compromise our standards. But I was really getting nervous. While I was still talking to some good people, no one had told me yes, and I had been trying for months. I was sitting in fast and testimony meeting in Tempe one day that spring, with my insides churning over what was going to happen, when an inner peace came over my soul, and left me with two impressions—one general and one more specific. The general impression was that Dallin was right: Just be patient and everything would turn out okay. More specifically, I had the impression that Carl Hawkins was going to be involved. I didn’t credit the more specific impression very much, because it just didn’t make sense. I had talked to Carl three times, twice in Michigan and once in Provo. Each time he was helpful and encouraging in a general way, but he made it clear that we shouldn’t count on him. And though he was too gracious to explain the details, they were obvious to me. He was a full professor at one of the nation’s most prestigious schools; his family was settled; and he was serving as a stake president.

I was not above trying whatever would work. Three times I asked President Romney to make just one exception to the Church’s usual policy and break the ice by calling just one person to serve on our faculty. I even did the work for him. I gave him the name, Carl Hawkins, and I wrote out what he was supposed to say. Three times he gently reminded me that we don’t do things that way.

By May 1972 things began to happen quickly. I think I remember Carl as the first to accept, but he and Ed Kimball both came on board about the same time. And once he and others began to say yes, that gave us the momentum we needed. The nightmare was over, never to be repeated. By late fall 1972 we had not only the nine people we needed for our first-year faculty, but also a three-man head start toward the increment for the second year. The nine who made up that original faculty were Ed Kimball, Keith Rooker, Dale Whitman, Gerry Williams, Woody Deem, Carl Hawkins, Bruce Hafen, Dave Lloyd, and the barefoot boy from St. Johns. The additional three for the second year were Monroe McKay, Dale Kimball, and Doug Parker.

The quality of the first class was number two on my priority list during those early months. The quality of our first students would not have as lasting an impact as the quality of our first faculty, but I concluded that it would last for several years. Moreover, the members of the first class were necessarily taking more of a risk than any future classes, and, consequently, during the school year 1972–73 Bruce and I spent a large share of our time recruiting our charter class. Frankly, money helped. We developed some very fine speeches about sharing the one-time experience of creating something really significant, but I will tell you that once the university committed some scholarship money to us, we started talking to an entirely different group of people. But money wasn’t the whole story. You did take a risk. You were participants in the creation, as were all those earlier classes. And I think it fair to say that your risk paid off.

The single event I remember most prominently about recruiting that first class was a special reception that we held in the Wilkinson Center in January 1973. We had assembled all the members of the faculty for our first faculty meetings, which we held in the canyon, and then after that two-day session, we held a special reception for the students. The room was full of anticipation and good feelings, and we took full advantage of both. Carl Hawkins gave a short talk, and in his low sonorous tones he simply assured everyone that this really was going to be a legitimate law school; that the faculty was going to be populated with some of the profession’s best; and that students should not hesitate to come and join us, as he and others had, in this exciting new endeavor. You could feel the anxieties melting away. And they were replaced by relief.



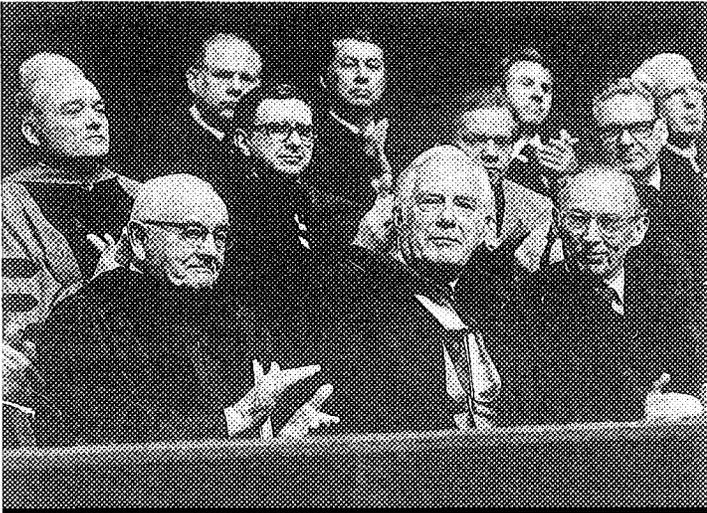
On May 1, 1973, administration and Church officials gathered for ground-breaking ceremonies. The building was completed in 1975.

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Throughout that initial student recruitment, I was conscious of some other advice from my friend Willard Pedrick. He told me that one of the unfortunate facts about life is that every new law school has to have a first class. The only way to deal with that, he said, was just to get rid of them as soon as you could, and then fumigate the building. There were times during those days down at St. Francis that I thought I caught glimpses of what he was talking about, but generally our experience was the opposite. I have never felt closer to any class than I have that first one.

So much for 15 years ago. What about the BYU Law School of 1988? My first observation is that it was a good law school 15 years ago, and it is still a good law school today. Those two facts are not unrelated. In large respects, the quality of the school today was influenced by the quality of the faculty and students of 15 years ago.

But there are some differences. Some of that young faculty of yesteryear are now the veterans, and we have some outstanding new people, including two of our own graduates. Two of our very best, Terry Crapo and



President Spencer W. Kimball, Chief Justice Warren E. Burger, and Justice Lewis Powell attended the September 5, 1975, dedication ceremonies

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Woody Deem, are no longer with us. We've also lost some of our students and graduates: Glen Gritts, Tom Echohawk, Gregg Alford, David Sylvester, Michelle Neilsen, Max Jensen, Danny Phillips, and Peter Christensen.

I suppose the largest single difference I detect is a recognition that the Law School is legitimate and probably here to stay. Our students no longer worry about whether we are really teaching law so that they can practice once they graduate. The delicate problems of accreditation that occupied such a large share of our resources for most of a decade are behind us. And beyond accreditation, we are accepted by the law school world, and frequently used as an example of how it

ought to be done when a new law school is brought into existence. Recruiters come from all over the country, and I do not know any major city in which we do not have some of our graduates with major firms. We have an excellent reputation with the most discriminating law-graduate employers, the federal judges. And I doubt whether any other school in history has had five United State Supreme Court law clerks out of its first 13 graduating classes.

In short, I feel good about where we are. What about where we are going? In 1971, when the Law School's creation was first announced, my reaction, and that of most knowledgeable, objective outside observers was that it was not a good idea. The reasons were very practical. You couldn't get enough good faculty members nor enough good students to have a good law school at BYU. You wonder what I worried about from November 1971 through June 1972? The image that kept coming back to haunt me was of an opening day late in August 1973 where about 20 students were being taught by Bruce Hafen and me.

The overriding questions in those days was: Since the practical, objective problems are so real, what is the Law School's purpose? There was a group of people who were anxious to supply an answer to that question. They felt that a law school at BYU, bearing the name of J. Reuben Clark, would right all the wrongs that had been inflicted upon the Constitution since the 1803 *Marbury v. Madison* decision. And if that sounds like too humble an objective, this group had all the right answers to what the Constitution really meant and was counting on us to carry them out. And when I say the "right answers," I use that word in two different senses. We were to become, in short, the academically legitimate spokespersons for one narrow, ideological point of view. The effort to put us into this mold, had it succeeded, would have deprived us of any serious stature and credibility in the academic and professional world at large. But it was a very serious effort, pursued on more than one front, and dealing with it consumed a substantial amount of our resources for several years after the school opened its doors.

But that's just a historical footnote. It was a very real problem, but it is now behind us. If our purpose was not to become the university-based legal voice for one ideological point of view, then what was it? And for that matter, what is it? Certainly the question is no less relevant today than it was 17 years ago. There was no official statement of mission or purpose for the Law School when it was created, and none has been issued since. I have always felt that the only effect of such a statement would be limiting.

Yet surely there has to be a purpose. And every one of us who has been involved in this school—whether in 1971 or 1981 or 1988—has been convinced that there is a purpose. Otherwise, why would people leave the very attractive positions that they had and come and join this effort? And part of the advantage of not having a formally stated purpose (besides the fact that no one

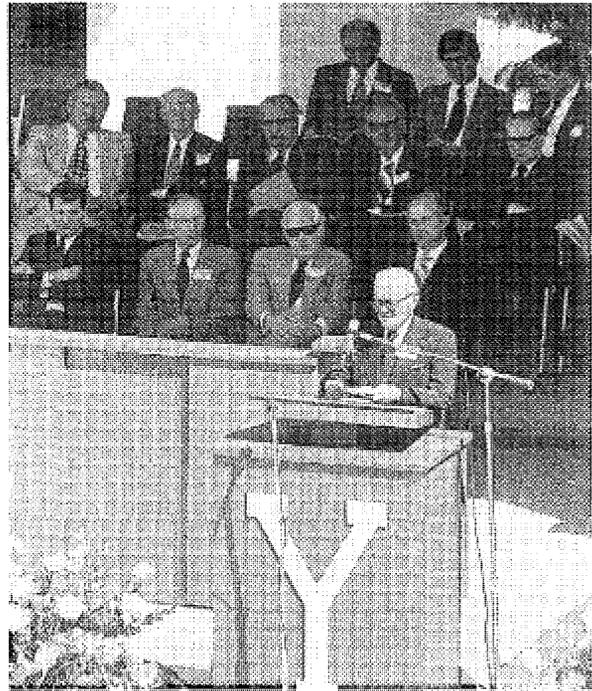
was really sure what it was) is that everyone involved was free to formulate his or her views.

So what is the mission of this Law School? I'm not sure. But I'm convinced of two things. The first is that it is multifaceted and probably can't be reduced to a few words, or even a single sentence. The second is that the amalgam of values that constitute the mission of this Law School will become more apparent to us over the years. I've always felt that way. In the early days, I used to respond to the frequent questions about the school's mission by saying, "Come back in 10 years and we'll see." One of our students solemnly announced to some of his friends and family that the mission of the school had been revealed to me, but that I'd been sworn to secrecy for 10 years.

What I really meant, of course, and what I still believe, is that the value of this institution—and therefore its mission—becomes more apparent as we see what has come from it. In very general terms, there has been a benefit to The Church of Jesus Christ of Latter-day Saints from having what is almost a generation of lawyers trained by some of the nation's best law teachers in a setting that not only accepts the legitimacy of restored truth, but affirmatively believes in it. To date, we have turned out about 1,800 graduates who have been educated in that singular environment. Helaman had his 2,000 stripling warriors; we have almost reached that. That kind of infusion into the ranks of Church leadership throughout the world has to have had, in my humble opinion, a positive effect. Turning to more specific considerations, the addition of a law school of our quality has upgraded the university, both in the intellectual dimension that it has added to the university's on-going activities, and also in the influence that its graduates have had as they have penetrated every major bar association in the country. I am also conceited enough to think that through our graduates we have added materially to leadership within the Church, within our communities, and certainly within the professional and business world. There's a temptation in this regard to point to a few very visible examples such as the owners of a steel mill, some law professors, a mission president, some judges, and some high officials in federal and state governments.

But the story really isn't told by a dozen or so individuals. The impact has been both broad and deep. And perhaps most important has been the effect the school has had on individuals. This school occupies a very large share of the total package of things that I consider important, and that is also true for many hundreds of people.

The word "mission" has a special meaning for most people who have attended this school. In my mind it conjures up very specific memories, most of them pleasant. It refers to a segment of our lives in which we gave of ourselves in larger measure than at any other time, and because we were willing to give, there were corresponding benefits to us. And this two-year experience to which we attach the label "mission" is



At the building dedication, President Marion G. Romney said that at BYU students could "obtain a knowledge of the laws of man in light of the laws of God."

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one for which the world at large has no counterpart

I think there are some apt comparisons between that conventional Mormon concept of "mission" and the mission of our Law School. We're here to teach and learn law just like any other school. And there can be no compromising of the objective. If we don't do that well, nothing else will matter much. 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. What are its precise contours? I'm not sure that question should ever be precisely answered. Because one of our great strengths is in each of us supplying our own detailed answers.

That is not a task for the faculty alone. In the accomplishment of that task you are like Helaman's stripling warriors, and we need you. We need you in so many ways. We need your help in recruitment and placement. We need your help as public relations spokesmen. We need your help in seeing to it that among the present generation and future generations of law students, the memory and the ideals of people like Woody Deem and Terry Crapo will live on.

In short, this is not and never has been J. Reuben Clark's Law School, nor Bruce Hafen's Law School, nor Carl Hawkins' and Ed Kimball's and Gerry Williams' Law School. Each of us is an equal shareholder, and in our hands we hold the responsibility of seeing to it that the next 15 years—and the next and the next in perpetuity—will be just as good as the first 15.

