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YOUR  
STUDY  
OF LAW WILL  
GIVE YOU  
PERSPECTIVE  
AND WILL  
ALLOW YOU TO  
SEE AND  
UNDERSTAND  
LIFE AND  
ITS PROBLEMS  
AND CHALLENGES WITH  
GREATER  
CLARITY.

DEAN  
JAMES R.  
RASBAND



*Ashley Smith, 1L, is a professional singer/songwriter who has brought her talents to the Law School.*

**O**n behalf of my faculty colleagues and the administration and staff, I welcome you to J. Reuben Clark Law School. Of the many choices and opportunities you had, I am convinced you have chosen well by enrolling here. You are about to embark on the adventure of a lifetime.

I have titled my remarks “Law and Perspective.” The word *perspective* comes from the Latin *perspectus* or *perspicio*, which means “to look through” or “see clearly.” *Webster’s* defines *perspective* as “the capacity to view things in their true relations or relative importance.” My belief and my hope for each of you is that your study of law will give you perspective and will allow you to see and understand life and its problems and challenges with greater clarity. It is that vision, insight, and perspective that will make you leaders and will enable you to compose disputes for those who lack perspective and cannot see a way through a vexing problem.

If you consider the nature of most graduate education, its purpose is to narrow your field of vision and train you as an expert in a particular field, the classic example of which is a dissertation on a narrow subject on which no one else has written. The study of law, by contrast, is designed to broaden your field of vision and equip you with the tools to make judgments across the full range of human experience.

For example, during this first semester you will study Tort Law, which is the law of personal injury, but our goal is not to turn everyone into expert personal-injury lawyers. Rather, the goal is to have you think about concepts like unreasonable risk, causation, and the scope of an individual’s responsibility in society. Similarly, you will take Property Law, where the goal is not to make sure you can write up a mortgage or a lease but to have you think about the nature of ownership—what makes something property? What limits can society place on our use of property? You will take Contracts, where the goal

is not to teach you how to write contracts but to have you think about why some agreements are binding and why others might not be, why it matters when someone takes action in reliance on the promise of another, and so forth.

Thus the goal of much of the study of law is not to create specific expertise but to teach broad principles that will allow you to handle the multitude of challenges that will find their way to you in the practice of law—or simply in the course of your life. Expertise is important: we are all grateful for expert physicians and expert bridge builders, and you will need to develop plenty of expertise as lawyers, which is why we have a robust curriculum of professional skills. But the core of your first-year experience is designed to broaden your perspective and field of vision.

There may be times in your classes when you are tempted to say, “Stop with all the theory; stop the talk about what the law should or could be; stop with the underlying policy and philosophy. Just tell us what the rule is or how this applies to the exam.” I hope you will understand why the faculty members resist that plea. Although it is common to hear concerns that law faculty “hide the ball” by not simply laying out the black-letter law, please understand that what they are trying to do is teach you that it is more important to understand why a ball might disappear in the bright sun or how a ball might shift in reaction to a gust of wind than to make sure the ball ends up in your glove. The truth is that once you understand speed, trajectory, wind, and sun, you’ll end up catching a lot more balls.

I am not sure if many of you are golf fans, but you have probably seen that when a golfer has an important putt, he or she will spend time viewing the putt from a variety of different angles or perspectives to figure out how the putt will break. Legal education seeks to increase your perspective in the same way. The more perspectives you see and understand, the more likely it is that you will design the right rule or the right solution for your client. Thus, in addition to helping you focus on the principles that underlie legal rules, Socratic questioning is intended to help you see a problem from different perspectives and better triangulate a workable solution.

Your classmates’ perspectives and opinions will be an essential part of how you increase your perspective and how you learn to see problems from different angles. Because you and your classmates come from different backgrounds and have had different life experiences, it is likely—indeed certain—that you will not always see eye to eye about which rules are best for ordering society. Sometimes it can be frustrating to have your views challenged, but—in the parlance of the

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day—that part of legal education is a feature, not a bug. In law practice, whether in deal making or in litigation, once you understand the concerns animating the “other side,” it is much easier to find an acceptable resolution. And even if you cannot find a solution, you will better understand the nature of a just resolution to the dispute.

### **Be a Good Shepherd, Not a Hireling**

As you embark on a career as a professional—and, frankly, as a student and in every aspect of your life—I hope you will remember a lesson on perspective taught by the Savior in the parable of the good shepherd in John 10. Jesus described a difference between a good shepherd and a hireling: a hireling is someone who is paid to care for the sheep, as opposed to the shepherd, who owns the sheep. As Christ described, when the wolf comes, the hireling “leaveth the sheep, and fleeth.” Why does the hireling run away? Because, Jesus said, “[his] own the sheep are not.” By contrast, He said of Himself, “I am the good shepherd. . . . I lay down my life for the sheep” (John 10:12, 14–15).

Let me suggest that choosing the perspective of the shepherd rather than that of the hireling will be the key to success in almost every setting in which you find yourself, including employment. I still remember when I headed off to my first job at age 14 as a stocker and checker at the Carmel Drive-In Market in my hometown of Carmel, California. My father took me aside and told me that there were two ways to look at any job: I could have an employee’s mentality or an owner’s mentality. As he described it, employees are focused on making sure that they are fully compensated for everything they do and that the boss never impinge upon their free time. My dad explained that if you insist on getting paid for everything you do, that is precisely what will happen—you will be paid for everything you do, but only that. If, on the other hand, you have an owner’s perspective and if you act like the failure or success of the business depends upon you, then you will eventually be the owner.

I think I said something like, “Dad, I don’t want to own the Carmel Drive-In Market. I’m only going to be stocking shelves and spraying lettuce. Then I’ll be on my way to the beach.” My attitude was precisely his concern. Now, of course, my dad’s goal was not that I would someday own the Carmel Drive-In Market. He



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left a successful job  
in Jamaica to come to  
law school at BYU.*



*Born in Seoul, South Korea, and now a Canadian citizen, Minji Kim, LL, has come to study law at BYU.*

was teaching a truth about every setting in which I would find myself: to be successful I had to seek to build up the organizations of which I was a part—I had to have the perspective of an owner rather than of just a hireling.

I am not sure I have always succeeded at that, and it is certainly easier to do with some jobs than with others. But his point was an important one. In the workplace it may be tempting to think you are a mere employee and that the scope of your duty is to complete the assignments given. I would encourage you to give more. Think of yourself as the owner of the enterprise in which you work. Don't worry about doing more than your "share." In fact I hope it will be said of BYU lawyers that they always do more than their share, that they pick up the slack for others, and that they can be counted on to ensure work is of the highest quality.

Understanding the shepherd versus hireling perspective is also important in your relationships with clients. If you see a client as an opportunity to churn some billable hours, you will just be paid for your billable hours. But if you see the client as a person who needs your help, if you make his or her problem your own and look for a way to resolve it, and if you don't look to charge for every last hour, you will be paid many times over with satisfaction, with a relationship, and, yes, with additional billable hours.

I probably ought to clarify what I mean by making a client's problems your own. When a client, a member of your congregation, or a family member comes to you, they are often frustrated, burdened, and unable to see a way forward. A shepherd lawyer is one who mourns with the client, comforts the client, and bears the client's burdens so that he or she can feel some peace amidst the uncertainty and anxiety. This does not mean you are charged with simply doing whatever the client asks of you. A shepherd lawyer, as opposed to a hireling lawyer, also takes seriously his or her role as a counselor. Lawyers are not just zealous advocates; they have a duty to help clients understand the path that will bring them the greatest peace. Sometimes that will mean convincing a client that litigation is not the answer. Sometimes it will suggest compromise. Sometimes it will mean dissuading a client from embarking on a risky or dishonest course of action. In the end, good counseling only comes with clear perspective.

In addition to in the workplace and with your clients, I hope you will see yourselves as owners of this law school rather than merely consumers. You inherit an extraordinary legacy of students and faculty who have gone before you, but you will also create a legacy. I hope you will see the Law School as a project whose success depends upon you. I hope that you will invest in study, in preparation, and in the class conversation as though the class's success depends upon you.

Now, I recognize that doing more than your share in your employment and being quick to bear the burdens of clients is not easy and is not without risk to other important values. We know, for example, that being a shepherd in our families is even more critical. And when

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BYU before beginning  
law school.*

we add Church and civic responsibilities to the list of organizations in which we are to act like an owner rather than a hireling, it can feel quite daunting. I do not have a ready answer for how to balance all these competing demands. Partly, I think that is okay. Allocating our time and energy is one of those things we are supposed to learn by our experience. We won't always get it right.

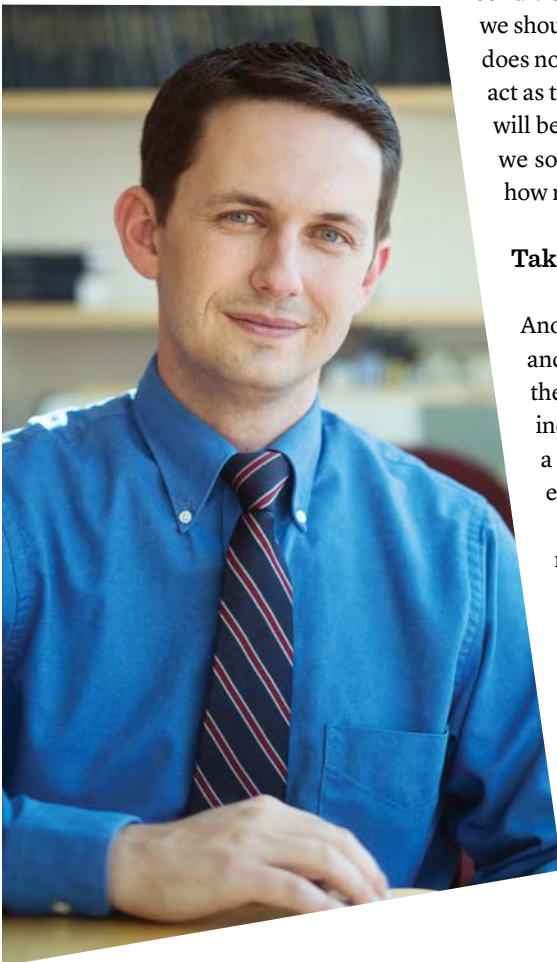
Sometimes we talk about balance as though it is a steady state where we figure it all out and then move forward effortlessly. In my own experience, it is much more like sailing: we tack this way and then that way as we try to move forward in all kinds of winds and conditions. But if we don't always tack exactly when we should and we don't always sail the perfect course, it does not invalidate the underlying principle that when we act as the owner or shepherd, our success and satisfaction will be greater. We will reap the harvest of the perspective we sow. Our daunting task is to choose which harvest, or how much of so many good harvests, we want to reap.

### **Take a Long-Term Perspective**

Another key part of perspective that you will need in law school and in the practice of law is a focus on the long-term rather than the short-term. The most important project of a legal education—indeed, the most critical project of all education and of our lives—is a long-term one. President Spencer W. Kimball once said that the entire project of BYU was to produce “education for eternity.”

If you have a long-term perspective, you are willing to risk embarrassment in the classroom, to raise your hand and give your view of a judge's reasoning, or to answer a perplexing question posed by a faculty member. Please do not worry about making mistakes. If you leave your intellectual ship safely in the dock and never attempt to sail, it will do you little good. It is the sailing that gives you the experience. Be willing to take risks in class. Be willing to talk to your professors outside of class. These opportunities are among the great privileges of a legal education at BYU, and I hope you take advantage of them.

Remember that most embarrassment is short term. You've probably heard the Mark Twain quote “Humor is tragedy plus time.” You will look back and



IT IS A GREAT PRIVILEGE... TO ENGAGE IN  
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chuckle about silly things you or a classmate or a faculty member said. We all do.

If you have a long-term perspective, you will also treat classmates as lifetime colleagues. You may have the better of the argument today, but that may not be true tomorrow. Before I pen a snarky post or hit send on a snide email, I can ask myself how it might read in six months or if there is possibly a different way of understanding the issue.

Likewise, professionally, when interacting with opposing counsel, remember that this case may not be your last one against them. If they ask for some slack on a scheduling matter because of a family issue, you should know that someday you may need the same kindness.

If you have a long-term perspective, you are also better equipped to face ethical challenges. Most ethical lapses occur in a moment of deadline panic when short-term fear of failure, such as not turning in a brief or a paper, can lead to dishonesty—such as plagiarizing a page or two. Don't let the short-term gain trump the long-term benefits associated with a reputation for integrity.

### Pursue Law in the Light

If seeing the relative importance of events clearly requires a long-term perspective, clarity of vision depends even more on light. It is hard to perceive that which we cannot see. The fears and phantoms of night are dispersed by the light of dawn.

As some of you may be aware, the Law School has as its mission “to teach the laws of men in the light of the laws of God.” This mission comes from some remarks of President Marion G. Romney on the very first day of classes at this law school in 1973. I have always thought it was a beautiful way to express the project of BYU Law, but frankly, it is challenging to discern precisely what is meant by studying the laws of men in the light of the laws of God.

It is interesting to me that he did not say that our task was to study the laws of men *and* the laws of God. The exhortation was to study the law “*in* the light of the laws of God.” His words are echoed in Psalm 36:9: “For with thee is the fountain of life: in thy light shall we see light.” A similar idea is set forth in Doctrine and

Covenants 88:67: “That body which is filled with light comprehendeth all things.”

There is a lot to unpack in the Law School's mission statement. I have suggested before that the focus on pursuing law in the light suggests that our task is to pursue truth. The reference to the light of God's law also hints at the long-term—or, more appropriately, the *eternal*—perspective that I have already suggested should guide your approach to the study and practice of law.

But as I have thought more about our mission statement, I am convinced that studying law *in* the light of the laws of God also suggests that the laws of God cast light upon and clarify the wisdom of the laws of men and that we should not shy away from inquiring how the two match up. Of course, that process will not always be clear, particularly when we must weigh laws of God that are necessarily in tension in a pluralistic society. As one simple example, how ought we to judge blue laws that restrict certain activities on Sunday? Such laws are seemingly aligned with God's law of the Sabbath, but what about the doctrine set forth in the 11th article of faith that while we claim the privilege of worshipping God according to the dictates of our own conscience, we allow all men that same privilege?


Not only are we faced with resolving issues where principles are in some tension but also where there is—because God's laws tend to focus on principles rather than on specific applications—a wide range of laws and social ordering in which we are left to our own devices to learn by hard experience what is the wisest and best policy. But if the appropriate correspondence between the laws of men and the laws of God is not always easy to discern, that should not be troubling; instead, it should be humbling to think about how much we have to learn. It is a great privilege—and a challenge from which we should not shy away—to engage in conversation and study of the laws of men in the perspective of the light of the laws of God.



### Remember Those in the Last Wagon

If our perspective and vision are enabled by the light of God’s law, one more thing will be true: our perspective and concern will reach beyond ourselves to others. At the Law School we sometimes talk about this in terms of helping those in “the last wagon.” As you are aware, the official name of the Law School is J. Reuben Clark Law School, named after J. Reuben Clark Jr., who was a counselor in the First Presidency under President David O. McKay. Earlier this morning you watched a DVD that taught you a little about J. Reuben Clark. Toward the end of the DVD, you may recall hearing an excerpt from what was perhaps his most famous general conference address, titled “To Them of the Last Wagon.” President Clark recounted the struggles and sacrifices of the common pioneer Saints, who, without the resources of the leaders, struggled faithfully across the plains in the last wagon of every wagon train. He then exhorted the Church to remember those in the last wagon.

Your legal training will place you among those in the first wagons of society, and others will look to you for counsel, advice, comfort, and healing. The legal education upon which you embark today will give you significant power and influence in society—indeed, in almost any group of which you are a part. As dean of this law school, this is precisely what I want. I want you to be influential leaders. But as you wield your influence, I hope your perspective and your field of vision will always include the least of these—those in the last wagon.

As I said when I began, I am convinced that law school was a wise choice for you, and I am grateful that you have decided to join us at J. Reuben Clark Law School. Our communities, our society, and our respective faiths need the talents, skills, principles, and perspectives you will learn and develop over the next three years. My colleagues and I are excited to join you in what I hope will be one of the most fulfilling and ennobling challenges of your life. Welcome to J. Reuben Clark Law School. 

*Sarah Bodily, 1L,  
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for BYU–Hawaii  
before coming  
to law school at BYU.*