



In the Beginning:

The Making of the

J. Reuben

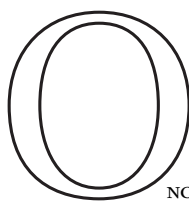




Clark Law School



by Carl S. Hawkins



NCE THE LAW SCHOOL WAS

ESTABLISHED AND RUNNING SMOOTHLY, REX E. LEE QUIPPED THAT IT WAS AN IDEAL SITUATION TO BE DEAN OF THE LAW SCHOOL

WHEN THERE WERE NO STUDENTS OR FACULTY.¹ BUT SUCH A CIRCUMSTANCE WAS NOT A LAUGHING MATTER IN THE

SPRING OF 1972. IN MARCH 1971 BYU'S BOARD OF TRUSTEES HAD ANNOUNCED THE NEW SCHOOL AND APPOINTED A

COMMITTEE TO SEARCH OUT A DEAN AND POTENTIAL FACULTY, BUT A YEAR LATER ONLY THE DEAN HAD AGREED TO ACCEPT

A POSITION. THE SCHOOL NOT ONLY HAD NO FACULTY AND STUDENTS BUT NO BUILDING AND NO LIBRARY.

NATURALLY, WITH NOT MUCH IN PLACE, THE SCHOOL ALSO LACKED ABA ACCREDITATION AND WOULD NOT HAVE IT UNTIL

IT HAD PROVED ITSELF. STILL THE LAW SCHOOL WAS SLATED TO OPEN ITS DOORS IN FALL 1973.

Faculty Recruitment

WHEN APPOINTED dean in 1971, Rex Lee knew he faced serious challenges. But on a 10-point worry scale Lee viewed temporary facilities, design of a new building, and public relations inside and outside of the university as "a collective four or five." But Lee said:

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.²

Outside of the University of Utah law faculty—and there was apparently an implicit decision not to try to take Mormon faculty members away from that institution—there were fewer than 20 experienced Mormon law teachers around the country. Many of these had already been contacted in the dean-selection process. Dallin H. Oaks, recently appointed president of BYU and well-known legal scholar,³ and Lee concluded that fewer than 12 were potential candidates for the BYU law faculty.⁴

While Lee was still in Arizona, he tried to recruit one of the most experienced of these. Ray Davis was on the faculty of the University of Arizona College of Law. A Harvard law graduate, Davis had been teaching law for 18 years and had published widely. Because of his family situation, Davis was unsure of a move to Provo, but Lee maintained contact in hope that Davis would change his mind.

Lee made early contact with one other Mormon law teacher who had as much experience as Ray Davis. After a one-year appointment as a Bigelow teaching fellow at the University of Chicago School of Law, Douglas Parker joined the University of Colorado law faculty in 1952. Parker had

developed such deep personal attachments to his Colorado colleagues that he hesitated to give them up.

At the time I was a tenured professor of law at the University of Michigan. I followed with interest the plans for the new law school at BYU. In April 1971, less than a month after the official announcement was made, I met briefly with Wilkinson, retiring BYU president and early proponent of a law school at BYU, to discuss plans for the school and to advise him about other Mormon law teachers. Though I had great respect for Wilkinson, a former law partner of mine in Washington, D.C., I went away from the meeting doubting that Wilkinson was planning the kind of academic quality I knew at Michigan.

The following August my meeting with the search committee did little to relieve these doubts. I told the committee that Church resources might be better spent on undergraduate education. And when asked whether I thought enough qualified students and faculty could be recruited to establish a good school, I replied that there would be enough qualified students, but that the faculty would be a close call. I also told them that lawyers without teaching experience could and should be included in

the new faculty if the faculty had a core of experienced teachers to establish a strong academic tradition. I was also asked, as were some other candidates, for my views on the Supreme Court's school prayer decision and on some new trends in legal education, including special admissions to enhance racial diversity and some courses dealing with social welfare issues. While my views on these matters were relatively conservative compared to many law teachers, I got the impression that my answers may have been too liberal for some committee members.

I also told the committee that a good law faculty would need more autonomy than was customary at BYU. I took from this meeting some negative impressions that tended to heighten my concerns for the academic quality of the proposed law school, and decided that I would decline any offer to join the BYU law faculty.

A few days after Rex Lee's appointment was announced, Oaks called to arrange for me to meet with him and Lee in the Detroit Metropolitan Airport where they would be waiting several hours for connecting flights. At the meeting I was impressed that planning was now in the hands of qualified men but still certain that I did not want to leave Michigan. I told them that they could expect me to be a friendly consultant and supporter but not a prospective faculty recruit.

When Edward Kimball, a professor of law at the University of Wisconsin Law School, was interviewed by the search committee in September 1971, he let it be known that he was not interested in becoming a dean. He told them that BYU did not need a law school because there were already plenty of schools where LDS members could obtain a good legal education. A new law school would be very expensive, and he doubted whether they could recruit a reputable law faculty at a university that took religion seriously.



There was nothing impertinent about Kimball's candid advice. He was by nature honest and direct, and he felt no need to soften his words to please the committee.

When Rex Lee called to arrange a recruiting visit the following November, Kimball discouraged him from coming. He reiterated that he was not interested in moving from the University of Wisconsin where he had been happily teaching for 10 years. Lee persisted, saying he was visiting other faculty prospects and would like Kimball's ideas on the new law school. Kimball found Lee to be an engaging person, and he enjoyed giving advice on the new endeavor but reaffirmed his own desire to remain in Wisconsin.

Another promising faculty prospect was Dale Whitman. Whitman had practiced in one of Los Angeles' leading law firms before teaching for three years at the University of North Carolina School of Law and one year at the University of California, Los Angeles, School of Law. In 1971 Whitman accepted an appointment as deputy director of the Office of Housing and Urban Affairs of the Federal Home Loan Bank Board in Washington, D.C. When Oaks was in Washington shortly after his appointment as BYU president, Whitman spoke with him about the same concerns Kimball and I shared for the new law school. After Lee was appointed dean, he paid Whitman a visit in Washington. They spent the evening at Whitman's home discussing plans for the building, library, curriculum, and faculty. Whitman asked Lee who else he was trying to recruit. Lee mentioned me and Kimball but admitted that he had not been able to get a commitment from either. Whitman implied that he might be willing to join the faculty if we were recruited, but he wasn't ready to make a decision yet.

Dean Lee sought the advice of Mormon practitioners around the country during the planning stages of the school. Many of them would later serve as "instant alumni" for the new law school and some would join the faculty.

One of these was Keith Rooker with whom Rex Lee had studied at the University of Chicago. After graduation, Rooker went on to practice in San Francisco and Salt Lake City. When he

met with the search committee in 1971, he recommended Rex Lee for appointment as dean. Immediately after Lee's appointment, Rooker spent a long evening with him discussing plans for the school. Rooker thought that he might be willing to leave private practice and support Lee's efforts if he were asked to join the faculty.

Monroe McKay was another practicing lawyer that Lee wanted to recruit. After law school he joined one of Phoenix's major law firms. In Phoenix he became well acquainted with Rex Lee. When Lee was named dean, he shared his hopes and plans with McKay and asked him to think about joining the faculty. The idea of being a teacher appealed to McKay, but, even with his great respect for Dallin Oaks and Rex Lee, he was not sure that a law school at BYU could accommodate his liberal inclinations.

Terry Crapo was another contemporary and personal friend of Rex Lee. Within a few years of his graduation from Harvard Law School, he was a partner in one of Idaho Falls' leading law firms. He served in the state legislature for six years and was majority leader of the Idaho House of Representatives for four years. Lee spoke with Crapo several times about the possibility of joining the law faculty. Crapo was eager to support the new law school, but his ties to church, community, and profession in Idaho were so strong that he could not bring himself to sever them abruptly.

Among practitioners Lee wanted to recruit for the law faculty, none had a more distinguished record of practice experience than Woodruff Deem. He practiced law for two years in Washington, D.C., as an associate of Ernest Wilkinson and then moved to California where he served for 11 years as a deputy district attorney for Ventura County. In 1961 Deem became district attorney of Ventura County. He established one of the state's most professional and highly respected criminal prosecution teams and was elected president of the California District Attorneys Association.

Wilkinson contacted Deem soon after the law school was announced to see if he would be interested. On a visit to Utah shortly thereafter, he was interviewed by Marion G. Romney who told him individ-

uals would not be called to serve like they were in church positions, but that Deem would be welcome and should consider coming to BYU.

Deem did not think of himself as a legal educator, even though he had one of the best training programs for prosecuting attorneys anywhere in the country. A move to Provo would not only disrupt him and his family in the full flower of his career but would result in the loss of his California retirement benefits as well.¹

Dale Kimball was practicing in the same Salt Lake City law firm with Keith Rooker. Several months after Lee became dean, he opened a dialogue with Kimball and asked him to consider joining the faculty. Kimball had never seriously considered teaching before then, but he felt some sense of obligation to help Lee make the law school into one that would be worthy of respect. He didn't feel he could leave his law practice before 1974, however.

Through this busy winter of planning and recruiting activities, Lee was growing increasingly anxious because he had not received a firm commitment from any of the prospective faculty members. Oaks tried to reassure him that it would all work out. Oaks reminded him that he had once thought the school was not a good idea by rational standards. Nevertheless, inspired church leaders had decided to go ahead with it, so Oaks came to believe that the Lord wanted the school and that their efforts to establish it would eventually be blessed with success. With this conviction he had pledged to the board of trustees that he would fight and scratch and work to make it the best law school it could be.²

As a faithful church member, Lee appreciated Oaks' reassurances, but his own anxieties persisted. He envisioned himself and Bruce Hafen³ standing alone to greet the first class.

But then in Spring 1972, while sitting in a church meeting in Phoenix, Lee had a memorable experience. He was listening inwardly to the problems that were bothering him when a feeling of peace came over him and he realized that Oaks was right. Somehow everything was going to work out. He still could not see how it

was going to come to pass, but now his mind was at peace.⁸ He discovered later that something was stirring among several he was trying to recruit.

Ed Kimball was the first to commit. Though he had eagerly followed the progress of the school since he was first contacted and gave much valuable counsel in a running correspondence with Lee, he still had not been eager to leave Wisconsin. His wife, however, began thinking about possible advantages in a move in terms of church associations for their children and nearness to extended families. After a visit to Provo to survey housing prospects and get a feel for the campus, Kimball called Lee in early May to express willingness to join the new faculty.

I was by then moving in a similar direction. Like Kimball, I had corresponded with Lee during the winter on various planning matters and had become convinced that he would make a fine dean and wanted to establish a good school by academic standards. A visit from Bruce Hafen impressed me with his personality and depth of interest in good legal education. As a result of these contacts, I wrote to Lee in February and told him that, though I had not changed my mind about remaining at Michigan, I might consider a visiting appointment for one year.

Lee came to Ann Arbor again in March and made me a firm offer that convinced me that BYU was ready to pay competitive salaries to recruit a good faculty. In April when I came to Utah for general conference, I met with Academic Vice-President Robert Thomas and Commissioner Neal A. Maxwell who laid many of my residual concerns to rest.

Back in Ann Arbor I consulted with my family and fasted and prayed. In mid-May, 1973, I called Oaks. Bruce Hafen provided the following account of what happened at their end of the line:

I remember the day that Rex and I were in [Dallin's] office. . . . Bob Thomas was there. We were talking about the Law School. None of the faculty we had approached or pursued had committed to come yet. It was a tense time. . . . The phone rang and the secretary said, "I think it's Professor Hawkins from Michigan on the phone."

In

May 1972, Carl S. Hawkins, then a professor at University of Michigan Law School and nationally

respected legal scholar, became the second (of the several LDS academics being hotly recruited) to accept a post for the newly authorized BYU Law School. As with other early faculty members, Hawkins' acceptance was a leap of faith. The courage of these earliest faculty members and administrators provided the catalyst needed to move other faculty and students to leap as well. From the time he was first contacted in the "spiritual creation" stages of the school until his retirement in 1991, Hawkins figured in many aspects of planning, staffing, funding, and recruiting. He served as acting dean from 1975 to 1977 and as dean from 1981 to 1985. Few could be better qualified to provide a history of the law school's founding. Rising to that need, he recently completed a book-length draft, titled "The Founding of the J. Reuben Clark Law School," from which this account is excerpted. Hawkins draws on published biographies of key figures, speeches delivered at important junctures, correspondence and conversations with faculty and students, documents collected during his terms as dean, issues of the *Clark Memorandum*, newspaper articles, and his personal history. The result is a thorough recounting of landmark events, conflicts, and resolutions that refined the new institution and brought it to flowering. Included are sketches of the lives of founders, faculty credentials and contributions, student body composition and accomplishments, evolution of the curriculum, major debates over the goals of the school, accreditation struggles, and acceptance into the larger community. From the poignant dedication—"to the memory of Terry Crapo, Woody Deem, and Rex Lee. Our best were taken first"—to the final lines: "Successful institutions . . . are established by people who have a vision that reaches beyond their own concerns and who have the faith to work and sacrifice for that purpose—people like Terry Crapo, Woody Deem, and Rex Lee, whose work lives on in the J. Reuben Clark Law School," the account is honest and fully satisfying.

The accompanying excerpts concentrate on Hawkins' accounts of recruiting the faculty and students for the charter class and the graduation of that class.





Dallin said, "I think I had better take this call." He went to his desk and picked up the phone. He talked too softly for us to hear him, but we waited while he talked, chatting among ourselves. When Dallin came back he was touched. . . . He looked out the window at Timpanogos and then back at us. I saw tears in his eyes as he said, (He had wondered, too, if there should be a Law School here, by the way.) "I guess the Lord really wants this law school." Then he started to smile and said, "I guess he really wants it to be a good one. Carl's coming."

We whooped and hollered. It was like the moment in Camelot when King Arthur says, "Lancelot is coming."

Two other soon followed suit. When Dale Whitman learned Kimball and I had committed, he decided to join with us. Later in the summer of 1972, Keith Rooker confirmed his decision to leave private practice and come to BYU.

Woody Deem was still tentative. He thought it might be wise to test the waters before making a final decision, so he agreed to come as a visiting faculty member or a part-time lecturer in law. Thus his name would figure in the planned announcement to publicize BYU's initial success in recruiting qualified faculty.

The press release issued in August named nine faculty members who would be on hand when the law school opened its doors in one year: Dallin Oaks, Bruce Hafen, Rex Lee, and librarian David Lloyd—plus new recruits Edward Kimball, Carl Hawkins, Dale Whitman, Keith Rooker, and Woodruff Deem.

These nine had impressive professional credentials. All had graduated at or near the top of their classes from five good law schools. All nine were members of the Order of the Coif, the national honorary society for legal scholars. All had law review experience. Collectively they had 51 years of teaching experience at eight law schools, 40 years of experience in private practice, and 29 years of law-related work in government or public service. Three of them had served as law clerks to justices of the United States Supreme Court. Only two or three of the nation's most prestigious law schools could claim as many as three faculty members with that

credential, and no other law school could boast that one-third of its starting faculty had that distinction. Four widely adopted law school casebooks had been published by three of the first BYU law faculty members, and all nine had published articles, notes, or comments in professional journals.

After the initial announcement of the faculty was made, Gerald Williams, who had been a visiting professor at the University of Kabul in Afghanistan and at Arizona State University, was enthusiastically welcomed to the roster. In later years more of Rex Lee's early recruiting efforts would pay off when Monroe McKay, Dale Kimball, Doug Parker, Ray Davis, and Terry Crapo joined the faculty.

Getting a Student Body

IF FACULTY WAS Rex Lee's first order of business, recruiting a charter class was the next. Through the fall, winter, and spring of 1972–73, this was his major preoccupation. As with the faculty, he was looking for quality:

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 risk than any future classes, and consequently, during the school year 1972–73 Bruce [Hafen] 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.¹⁰

Lee's best recruiting assets were his energy and enthusiasm for the task, his powers of persuasion, and his genuine enjoyment of personal contact with prospective students. To those who already knew that they could be admitted to good established law schools, he offered the unique opportunity to come

to a new law school sponsored by their church and to personally influence the kind of law school it would become.

One can see a pattern similar to the faculty recruitment process. Lee and Hafen would identify outstanding individuals they wanted at the law school, initiate individual recruiting efforts, and then use their successes to influence other undecided prospects. For example, Monte Stewart was widely respected as one of the academic leaders in his senior class, and it was widely known that he had been offered admission at Harvard Law School. His decision to join the charter law class at BYU influenced a number of his classmates to do the same.¹¹

Hafen's and Lee's efforts were responsible for most of the star recruits, but a few came from other efforts. For example, Roy Ross, a graduate of Michigan State University who had been offered admission to the University of Michigan Law School, sought my advise. I assured him that the new law school would be a good one by academic and professional standards, that a law degree from BYU would not carry as much prestige or lead to as many employment opportunities as one from Michigan, but that he might find offsetting advantages in terms of closer mentoring relationships and more congenial social relationships. With the added incentive of a full tuition scholarship, Ross chose BYU.

Many students, like Calvin Bayles, attested to "spiritual influence" in their deciding to attend BYU over other schools. From more than 400 applicants, 214 students were offered admission; of these 157 accepted. The ratio of acceptances to offers was much higher than most established law schools, confirmation that the majority of these applicants had special reasons for coming to BYU even though they could have been admitted to other good law schools.

Over half of the charter class were BYU graduates, but 100 of them had previous undergraduate experience at schools other than BYU. One-third came from Utah, with two-thirds from 24 other states. Most were returned Mormon missionaries, and about two-thirds of them fluently spoke a foreign language. Their

median undergraduate grade point average was 3.42, and their median law school Admission Test was 624 (on an 800 scale), placing them in the 90th percentile of all national test takers. The 25 highest LSAT scores for members of the charter class averaged 704, above the 99.5 percentile. The admissions credentials were higher than the national average for all law schools, but the class admitted two years later would register 40 points higher on the LSAT scale, and within five years the J. Reuben Clark Law School would be admitting classes with LSAT scores ranking in the top 20 law schools.

Ground was broken for the law building on Law Day, May 1, 1993,² with completion scheduled for the 1975–1976 school year. But in the meantime, the school had no building of its own. To fill this need, the university leased temporary quarters in a

legal system unless they were rigorously trained in critical analytical thinking, including candid exposure to competing contemporary ideologies.

The principal speaker was Marion G. Romney. He declared, “The board of trustees, in establishing this school of law, did so that there may be an institution in which you, the members of this class, and all those who shall follow you, may obtain a knowledge of the laws of man in the light of the laws of God.”³

Following president Romney’s address, Dean Lee began the first class. David Kimball was the first student called upon to state the assigned case. Lee chose to introduce the case method of study with a series of Supreme Court decisions under the equal protection clause of the Constitution. After witnessing the rigorous analytical questioning to which Kimball was subjected, other students anxiously reviewed their own prepara-

thing of defining importance to the development of a new institution, only to find that it was all they could do to cope with the demands of traditional legal education. They had come expecting that church sponsorship would somehow infuse their legal education with inspired insights, only to find that they would have to master the law by the same grinding processes that were used in secular law schools. Some experienced keen disappointment when conflicting interests in our legal system were not resolved by homilies, and a few felt that they had been misled or even betrayed by the faculty.

Faculty members who had taught at other law schools observed, however, that, except for higher anxiety levels, the charter class performed like typical first-year law students. Unlike my experience in Michigan, however, where I often had to confront my students with more conservative ideas and arguments, at BYU I

“We whooped and hollered. It was like the

former Catholic school, St. Francis, located south of campus on ninth east. Because St. Francis School was too small to accommodate the opening ceremony on August 27, 1973, a capacity audience made up of students and their guests gathered in the Pardoe Drama Theater on the main BYU campus. In that meeting Oaks challenged the new law school to be worthy of its name and to promote devotion to the rule of law and concentrate on teaching fundamental principles of law. He explained that lawyers must objectively study and even be prepared to advocate all rational points of view so they will be able to meet any opposing arguments.⁴ He said,

Students of the J. Reuben Clark Law School must, therefore, be expected to study and master what they may well choose never to advocate. If that principle is clearly understood, it will save a great deal of misunderstanding on the part of our students and those who anxiously watch their instruction.”⁴

Such a statement would have been unnecessary at a secular law school. Oaks wanted to help the school’s supporters to understand that graduates could not become effective defenders of the Constitution and other basic values in our

moment in Camelot when King Arthur says, ‘Lancelot is coming.’”

tion before moving down to St. Francis for the afternoon session in their introductory course in legal method. Regular first-year classes in contracts, civil procedure, criminal law, real property, torts, and legal writing began a few days later.

Most first-year law students experience high levels of anxiety. The case method of study, emphasizing inductive reasoning, specific factual context, and critical analysis more than concept learning, is a disconcerting departure from most undergraduate education. Instead of a “giving person” who fulfills students’ needs and rewards their performance, the law teacher is seen as a relentless, demanding figure, always asking questions, never quite satisfied with the answers.

These anxieties were aggravated for the charter class by circumstances peculiar to the new law school. There were no upper class students to mediate their anxieties by interpreting the “real demands” of the system or by offering personal examples of how to survive. To some extent, members of the charter class became victims of romantic or unrealistic expectations. They had come expecting to contribute some-

had to offer more liberal views to make sure that they received adequate consideration. The charter class included a few students who were just as sharp as the best at Michigan, although the layer at the top might have been just a little thinner at BYU. On the other hand BYU students generally seemed more highly motivated, though they needed or expected more “hand holding” or benevolent assistance from the faculty.

One student observed that the charter class had a “unique and remarkable” relationship with their professors. “These were some of the best legal minds in the country, . . . and without any upperclassmen, we had them all to ourselves. We developed associations with them that went beyond the usual teacher-student relationships. While we respected them, we considered them friends to be trusted rather than professors to be feared. . . . [F]ew law classes in the country could say the same.”¹⁶

Rex Lee later referred to this first year class as “an interesting phenomenon.” He recalled that he had been told by Willard Pedrick, founding dean of the Arizona State University Law School:

*The fact of the first class is inevitable. Every law school has to have one. You wish you didn't, but you do. . . . [W]e don't know why they turn out just the way they do. The most that you can hope for is to get them graduated as soon as you can and then fumigate the building once they leave.*⁷

Dean Lee offered a more favorable assessment of the BYU experience:

*That really wasn't the case with our first class. I've never been closer to any group of students than I was to that one. There were times . . . when the urge to fumigate was prominent, but that class will always hold a very special place in my heart.*⁸

Graduation

THE CHARTER CLASS graduated on April 18, 1976. Of the 156 students originally admitted, 147 graduated.⁹ Following the university convocation in the morning, the Law School held a reception for law graduates and their guests in the afternoon and then met for the official law school commencement exercise in the de Jong Concert Hall of the Harris Fine Arts Center in the evening.

The graduates' first choice for a guest speaker was Dean Rex Lee, then on leave as assistant attorney general in charge of the Civil Division of the Justice Department. Dean Lee was honored to accept the invitation. He told the graduates that there were "few tributes that could please [him] as much."²⁰ He acknowledged the distinctive role of the charter class:

*Clearly, there will never be another class like this one. . . . Never again will the quantity or intensity of effort in recruiting and admitting each individual class member be repeated. Nor for that matter, will it ever need to be, thanks largely to you, and the fact that three years ago you were willing to come and share with the joys—and at that time, the risks—of a new law school.*²¹

Typical on such occasions, Lee admonished the graduates to think of law school as the beginning and not the end of their legal training. Then he closed with these remarks:

Now I'm going to say something that I hadn't really planned today but that I want to be the last words that you hear as a part of your official law school program. A dominant feature of your law school training has been to instruct you in the skills of skepticism. This has been a necessary part of your training as advocates. But I want you to hear one last time from me that while I value those skills as highly as anyone, and while I feel very strongly that the Law School can continue to give that kind of rigorous, intellectual training, there are absolutes in this world. And just as there is a place for skepticism, there is also a place where skepticism is as inappropriate as it is unnecessary. I have serious doubts concerning the eternal verities of the Rule of Shelley's Case, the doctrine of prior restraint, the law of offer and acceptance, or even—as much as it pains me to say so—the Rule of Reason under the Sherman Act.

*But I want you to know, my brothers and sisters, that there are eternal verities. I was not present on the Spring day in 1820 when Joseph Smith saw the Father and the Son, nor was I present some nine years later when he and Oliver Cowdery had hands laid upon their heads and the Aaronic Priesthood restored. But I want you to know with all the surety of one who was not there at that time, that it really happened, and that those truths are far more important than anything that you ever learned in Law School.*²²

Graduates could not doubt that day, though they might have at times in the preceding three years, that the J. Reuben Clark Law School was uniquely a place to "obtain a knowledge of the laws of man in the light of the laws of God."

Notes

1. Unless otherwise noted, factual recitals are based upon the author's personal knowledge, interviews and conversations with persons mentioned, or unpublished memoranda, reports, letters, and documents in the author's files.

2. Rex E. Lee, "Thoughts After 15 Years," *Clark Memorandum*, Spring 1990, 14.

3. Oaks had been professor of law at the prestigious University of Chicago School of Law. He was a productive and widely published legal scholar and an able administrator who had served as assistant dean and acting dean of his law school.

4. Transcript of remarks by Rex E. Lee at a Law School fireside, September 18, 1988, 5–6.

5. Kimball, "Woody Deem; A Colleague Remembers," *Clark Memorandum*, Spring 1990, 19–21; "Woody Deem Retires," *Clark Memorandum*, March 1984, 3–5.

6. Author's notes on remarks of Dallin Oaks at Law School faculty party at home of Rex Lee, August 26, 1988, to celebrate 15TH anniversary of opening the Law School. See also, Hafen, "Law School History," unpublished draft, January 27, 1975, in author's files.

7. Hafen was appointed as assistant to the president for special projects, primarily the planning for the new Law School, soon after Oaks became president of BYU. Hafen's excellent law school record, deep scholarly interests, and superior administrative skills were all called into play in establishing the Law School.

8. Lee, 14–15.

9. Excerpt from transcript of Bruce Hafen's remarks at retirement dinner for Carl Hawkins and Douglas Parker, April 27, 1991.

10. Lee, 15–16.

11. Anecdotal accounts of student recruitment in this section are based upon interviews and conversations with members of the charter class and letters from them in author's files as well as copies of Law School internal memoranda and reports.

12. Significantly, ground was broken on May 1, 1995, for an addition that would double the size of the library and provide facilities for the 400,000 volume collection, burgeoning electronic capabilities, and updated individual student carrels. On that day the library was officially named the Howard W. Hunter Law Library.

13. "Ceremonies Open BYU Law School," *BYU Today* (Alumni Magazine), v. 27 no. 6, September 1973.

14. As reported and quoted in *The Daily Universe* (BYU Student Newspaper, August 30, 1973).

15. *Supra* note 24.

16. Undated [1996] letter from Wilfred W. Andersen in the author's files.

17. Lee, 16.

18. *Ibid.*

19. The 21 members of the class who qualified for early graduation by taking summer classes at BYU and University of Utah are included in this total.

20. Lee, "Convocation Address 1976," *Speeches at the First Convocation of the J. Reuben Clark Law School*, 3.

21. *Id.* at 4.

22. *Id.* at 8.