



Statement of the President
of the Board of Trustees
of the University of Utah
at the meeting of the Board
of Trustees, Monday, May 14, 1973
at 10:00 a.m.

J. REUBEN CLARK
LIGHTING
BYU CAMPUS
LEVEL THREE - 1



Part of our purpose tonight is to remember the Law School's founding. In that spirit, may I recall just a few images from what was for me a magical time. It was exactly 30 years ago this month, 1971. I was practicing here in Salt Lake City, thoroughly enjoying the practice of law. Somehow as the season of the year turned to fall, I felt the tug and pull of the campus. But if I were to teach, I only wanted to teach law; and if I were to teach law, I only wanted to teach at BYU. I knew that BYU would never have a law school; BYU was an undergraduate institution.

I just never took the idea seriously. Then one day (in March 1971), I heard on my car radio the stunning announcement that Ernest Wilkinson would retire from being president of BYU, and Dallin Oaks, a professor of law from the University of Chicago, would be the new president. Furthermore, I heard that Ernest Wilkinson would play a key role in establishing the new J. Reuben Clark Law School.

Only a few weeks after hearing that announcement, President Wilkinson called me at my firm in Salt Lake City and said that he was coming to Salt Lake and wanted to meet me in the parking lot. He later explained that the parking lot was because he had promised the lawyers in Salt Lake City that he would never recruit from their firms—that's legal training at work. President Wilkinson asked me if I would like to be his assistant in getting the Law School started. I couldn't believe what I was hearing. I didn't know how to answer, because what I wanted to do was teach. I didn't want an administrative job; I've never wanted an administrative job. I just wanted to teach and study the law and write about it. So I told him I would think about it.

A few days later I received a call from Dallin Oaks; it was the first time I had ever talked to him. He said, "I need to see you. I am coming to Provo occasionally now, in the middle of this transition. I'll be moving to Provo in August, but right now I've got to go back to Chicago. Anyway, meet me at the Salt Lake airport just before I get on my plane."

I found it rather strange that these important people wanted to see me in these inconspicuous, off-the-record places. At my first meeting with President Oaks, he told me that Ernest Wilkinson hadn't been authorized to offer me that job. Then he said that he and President Wilkinson sort of saw things differently about the Law School,

and he told me what kind of vision he had in mind for this school and that as president of BYU he'd been charged with that responsibility by the First Presidency. I said, "I love your vision of the Law School, and I just want to teach there, so put me on the list." Just as we parted he said, "Well, I am going to need an assistant to help get things going." And I said, "Well, I know you know a lot of fine people from the University of Chicago, and just remember me when you are gathering names for the faculty."

On July 4, Independence Day, 1971, Dallin Oaks called me at home and asked if I would like to be his assistant. I said, "Do you think this could lead to a teaching position?" He said, "I can't assure you that; we don't even know who the dean will be. In fact, your first job will be to help us assemble background information about the candidates for the dean. But I want to use you in other ways as well, and I would love to have you come."



THE FOLLOWING
EXCERPTS WERE
TAKEN FROM ELDER
BRUCE C. HAFEN'S
ADDRESS AT THE J.
REUBEN CLARK LAW
SCHOOL FOUNDERS
DAY DINNER ON
AUGUST 30, 2001.

I talked to Marie, and we prayed, and we came. We started at BYU the same day that President Oaks did: August 1. In fact, I distinctly remember getting lost that afternoon in the basement of the Wilkinson Center with President Oaks.

Let me relate some of the images that come to me from that time—just a few glimpses. I think of Rex Lee. We don't have these gatherings without me thinking about Rex and others who have been so much part of that experience: Rex, the charismatic 36-year-old lawyer from Phoenix who was asked to be the first dean. Rex loved to tell the story about the day after the interviews had been completed, when he had told them that he didn't think they should have a law school. And then how back in Arizona, his secretary had buzzed him while he was in a meeting with clients. The secretary said—I think this would be an approximate quote—"There's some guy named Harold Lee on the phone. He says it's important. What is this, some kind of relative?" Rex later said that if Harold B. Lee had asked him that day to become a custodian at BYU, he would gladly have done it. That's how he felt about the call.

Then I remember the day not long after when Rex and I were in Dallin Oaks' office when none of the top people we were recruiting for the faculty had said yes yet. We were honestly very concerned. President Oaks then took a phone call from Carl Hawkins. Carl was a stake president in Ann Arbor and a distinguished professor at the University of Michigan, one of the country's finest schools. President Oaks talked with Carl on the phone for just a minute. We couldn't hear the conversation. When he came back to the table where we were meeting on Law School business, I still remember—and always will—Dallin Oaks looking out the window at Timpanogos, saying, only partly to us, "The Lord must really want this law school," and then looking at us and smiling and saying, "and he really wants it to be a good one—Carl is coming." We whooped and hollered. It was like the days of Camelot for me, and this was like the news that one of the mightiest knights in all the land was coming to the round table. As soon as Carl said yes, then, like dominoes, so many others said yes, and then the students came.

I think of an early faculty meeting when we were brainstorming about unique ways

that we could unite our scriptural knowledge with the law. Somehow Rex, leading the discussion, wanted to open it up to a brainstorming mode and asked, "What are some law books that only we could write?" I still remember three of the possible titles: *How to Avoid Probate*, by the Three Nephites; *Jacob and Esau on Fraudulent Conveyances*; and a personal favorite of Rex's—because he found that other people didn't know this name in the Old Testament as well as he did—*Uzzab on Strict Liability* (that's the guy that was struck down for touching the Arc of the Covenant).

I remember when Rex and I were serving in the same student stake at BYU. He was on the high council (a calling, he once said in stake council meeting, that has the best ratio of work to glory of any job in the Church). I was sitting next to Rex in a sacrament meeting in that stake, and I noticed he was dozing, and the meeting was still going on and not very close to its end. As a little friendly reminder, I nudged him and said, "Rex, they just announced that you are going to say the closing prayer." He opened one eye and said, "The First Amendment to the Constitution of the United States protects the freedom of religion. You worship your way and I'll worship mine."

Then there was the day that President Romney interviewed me for my faculty posi-

tion. I had heard the same unfounded rumors that others had heard: that the Law School had some mysterious political objective. So I perked up in my interview when President Romney said, "Now let's talk about your politics." He continued, "Are you either a Socialist or a John Bircher?" I said, "Well, President Romney, some people think that those are the only two choices." He said, "I know; that's why I'm asking you. Are you either of those two?" I said, "No." And he said, "Then you're all right; now let's talk about something else." When I repeated that story to President Oaks, he said to tell that story often.

I always loved President Romney's clear statement about the mission of the Law School: "The purpose of that school is to teach and learn the laws of men in the light of the laws of God." As I look back, I honestly see the hand of the Lord in the formation and growth of this school. I pay revered tribute to those who have made the Law School community what it has become. For many years now, I've heard lawyers and judges from all over the country say that they have been persuaded about the Law School's quality by the quality of its graduates. It is the graduates—and the way they've lived and worked—who have established the Law School, as hundreds of personal examples of what it means to study the laws of man in light of the laws of God.

