



lawyers

by H. Reese Hansen

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who made a

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difference

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in my life



VICE PRESIDENT CHAPMAN and university officers, Dean Matheson, distinguished faculty, graduates, families, and friends. It is an honor to be here with you celebrating the graduation of the law school class of 2001. Being here, at my alma mater, makes this an especially wonderful day for me. I admit at the outset that I am under no illusion that my remarks will be the most memorable part of today for any of you, especially the graduates. I frankly state that I did not remember who the speaker at my graduation was until my wife found a copy of the program among our scrapbooks two weeks ago. I have no idea what he said, although I am reasonably sure it was important. But this is a day primarily for congratulations, celebration, and thanksgiving. Graduates, this is the day long looked forward to by your parents. Perhaps now, they hope, there will be some return on their investment in you—maybe a will or a contract or deed or *something*. Spouses, children, and friends look forward to the return of your cheery temperament, more frequent visits, and a regular payday. I extend my warmest congratulations to all the graduates and to families and others who have supported them throughout their law school years.

Twenty-nine years ago I graduated from this law school. My wife, Kathryn, who is here with me this morning, was there on that day with our four little boys. We had decided to go to law school several years after graduating from Utah State University. I still remember vividly, even after these nearly 32 years, my first day in law school. I was a young father with three children, from a little farm and railroad town in the northernmost reaches of Utah, unsure of anything about law school; but I wanted to become a lawyer. Because I had been out of college for five years, I was a bit older than all but one or two of my classmates, and I didn't know a single person there. In the next weeks I became sure of one thing about law school: every single living, breathing human being in my class was at least twice as smart as I was.

Like most students, I initially found the Socratic Method intimidating, if not humiliating. For those of you who have not experienced law school, the Socratic Method is a manner of teaching where students are randomly called upon to stand and describe and explain things under persistent questioning from the professor. The Socratic Method is also the reason that law school is the only place where YOU LEARN TO HATE YOUR OWN NAME. In law school, students struggle as they learn the meanings of a whole new vocabulary of legal jargon, like *stare decisis*, which is Latin for "we stand by our past mistakes." The com-

petitiveness of law school and the fear of failure can create debilitating anxieties in students. My first-semester grades were four F's and a D. The dean called me into his office and said, "Kid, you've got to stop spending all your time on one subject." (See James D. Gordon III, "Humor in Law Teaching," *Clark Memorandum*, Spring 1991, pp. 2–6.)

Seriously, I have often reflected on the fact that it was here at the University of Utah Law School that my real education began. I will always remember with great fondness the teachers I studied under and the marvelous education I received. I treasure the friendships that were forged among classmates here. A group of about eight of us who studied together through much of law school still get together from time to time for lunch. In a show of the truest of true friendships, they even once came to Provo! (But only if I paid the bill, which I was glad to do, just so they could each have the personally enriching experience of being in Utah County for two hours.) Two of my study-group partners have worked on the faculty with me at BYU, and several others have taught part-time at the [BYU] Law School. Some of the greatest friendships of my life were formed in law school, and I dare to say it will be the same for today's graduates.

Coming back to speak at your graduation has caused me to reflect on my life in the law and what I have learned in it that may be helpful to you. I was reminded of the advice given by a second-year law student to an anxious entering first-year student who had asked for suggestions on coping in law school. After some reflection came the counsel: "If I had that first year to do over again, I would study less." The new student's spirits rose, as you can well imagine, because he had heard the usual horror stories about that first year of law school. "I would study less," the second-year student went on, "and think more."

I believe that is not only sound advice for law school but—more relevantly for today's graduates—sound advice for one's entire legal career. Unfortunately, in law, as in life, there is little need to think just to get by. But as Socrates wisely opined that the unexamined life is not worth living, so too one's life, especially in the profession that our graduates are entering today, should

remain—in a constructive, positive spirit—under the gentle watch of a careful eye. Like Nora in Ibsen's enduring play *A Doll's House*, we have an obligation to come to know ourselves for what we really are.

And so, graduates, as you stand at an important crossroads of your life, I have concluded to speak briefly about two great lawyers I have had the privilege of knowing well, whose lives have made an important difference in mine, and who I believe are worthy models to consider as you think about what it is that you are going to become in your life as a lawyer.

The first of these great lawyers is Sam Thurman, my law school dean. I will always remember the first time I met him. It was in the summer of 1969, and I was working in a good job in Salt Lake City. But my wife and I had decided that for our family it would be a wise thing for me to go back to school and become a lawyer. That way, we reasoned, we could choose where we wanted to live, and we would not be subject to corporate whims to move our family from place to place. I didn't know anything about getting into law school, and so I did what I have since learned everybody who wonders about law school does—I called the dean and made an appointment.

I did not know it at the time, but Dean Thurman was a very prominent figure in American legal education. He was a renowned legal educator who had come from the Stanford Law School faculty to be the dean of the law school at the University of Utah. Among a long list of other significant accomplishments, in 1962 (the year he came to the University of Utah Law School), Dean Thurman served as president of the Association of American Law Schools, which is the most prestigious position anyone can hold in the American legal academy.

Dean Thurman also served as chair of the American Bar Association's section of Legal Education and Admissions to the Bar and was influential in establishing standards for accrediting law schools. Additionally, he served as president of the National Order of the Coif. While he lived in California, he was a member of the California Law Revision Commission and was a director of the National Legal Services Corporation in the early days of public support for legal services for the poor.

What I remember about that first meeting and every other encounter I had with Dean Thurman in and after law school was his dignified manner and genuine kindness and his attentive interest in me as a student and as a person. It was my good fortune to take torts courses from Dean Thurman. He had a brilliant mind and was a first-rate scholar, and he was an excellent teacher who effectively used humor as a teaching tool. I think it was from him that I first got the notion that just maybe I could succeed in law school.

Dean Thurman made large contributions to legal education, especially at this law school. He was an accomplished scholar in subjects ranging from torts to constitutional law, the legal profession, and tax. Because of his expertise he was called upon many times to provide leadership in the profession and in legal education, which he always did because of his love of our legal institutions. Although he was very prominent and highly regarded, he was not preoccupied with himself nor did he require special privileges. He had a way of making you feel important to him. He was utterly decent in every way. Even while I was a student and always after that, I felt that Sam Thurman was my friend.

In a 1996 memorial tribute to Dean Thurman, Professor John J. Flynn described the dean as "an elegant, distinguished, and gentle man to all who met him. Possessed of an outgoing, friendly, and warm personality, Sam Thurman was a natural teacher and an effective leader who led by example." In concluding his tribute Professor Flynn states, "It is a reflection of the truly decent man we all call Sam, a teacher and academic leader who left his students and the institutions and organizations he became associated with much better off than where he found them. He did so by virtue of his own good judgment and unique ability to instill good judgment in his students, colleagues, and all those who had the good fortune to know the gentle man we call Sam" (AALS Proceedings 1996, p. 175, et seq.).

The second of the great lawyers who made a difference in my life was Rex Lee.

I first met Rex in 1972 while I was a 30-year-old, third-year law student at the University of Utah Law School. Rex was a 36-year-old dean of a newly announced, but not yet opened, law school at BYU. He was

in Salt Lake City, appropriately enough, getting advice from Dean Sam Thurman. Dean Thurman invited some students to meet Rex, and I was one of them. Our meeting that day was not much more than a greeting, as I recall. Little did I realize that this young lawyer/dean from Arizona would become an important player in my life. Indeed, because of him, my professional life would become nothing like I had envisioned it would be at the time I decided to go to law school. I became a law teacher primarily because of Rex's encouragement.

Rex was a superbly skillful lawyer. Not long after Rex passed away, the Committee of the National Association of Attorneys General held its annual meeting in Washington, D.C. All 50 state attorneys general attended the meeting, which was held at the Supreme Court. During a question-and-answer period, Justice David Souter was asked how advocacy before the high court had changed in recent times. Justice Souter paused for a moment, then answered: "Well, I can tell you that the biggest change by far is that Rex Lee is gone. . . . he is the best lawyer this justice ever heard plead a case in this court. Rex Lee was born to argue tough cases of immense importance to this nation. He set new standards of excellence for generations of lawyers and justices. No one thing has happened to change the nature of advocacy of this court which has had as much impact as the loss of that one player." (From talk delivered by Utah Attorney General Jan Graham at the J. Reuben Clark Law School, 28 February 1998.)

Rex was the consummate "lawyer's lawyer." He knew the law. He understood the law. Most important, he respected the law. Rex would say, "It is not enough to do the right thing. You must do the right thing in the right way." (Quoting Richard Wilkins, *Clark Memorandum*, Spring 1996, p. 4.)

At the conclusion of his tenure as solicitor general of the United States, in reflecting on the severe criticism he had so often received from conservative politicians, whose causes he refused to carry to the Supreme Court, Rex said, "There has been a notion that my job is to press the administration's policies at every turn and announce true conservative principles through the pages of my briefs. It is not. I'm the Solicitor General, not



the Pamphleteer General.” (From the *New York Times*, March 13, 1996, obituary by David Binder, Section B; Page 9; Column 1.)

When Rex was asked to be president of Brigham Young University following his tenure as solicitor general, he requested permission to try cases before the Supreme Court in his spare time. He posited, “If I were a concert violinist, would you expect me to give up the violin?”

Aside from his gifts as an advocate, perhaps the most easily observable personal quality in Rex’s unusual success was his ability to make every person he met feel immediately that he or she had been brought into the inner circle of Rex’s closest personal friends.

After Rex was twice stricken with cancer and later with peripheral neuropathy, his physical strength and abilities were dramatically reduced. He was in constant pain

have good motives or to be on the “right” side of an issue. Both Sam and Rex were diligent and thorough in their lifelong study of the law. They each spent the effort required to become truly expert in it.

Third, each of them had a genuine interest in other people. They were not self-centered; rather, they displayed kindness and concern in all their interactions with others. They carried themselves with dignity and treated everyone else with dignity. They had a quiet self-confidence rooted in a wholeness of person. These were men who really were the kind of person they each seemed to be.

Finally, I found in each of them a consistent attitude of optimism and gratitude. Every life has its challenges, and certainly Sam Thurman’s and Rex Lee’s lives had their share of difficult times and bitter disappointments. But each of them choose to

ment to the Supreme Court of Utah I ever heard. In that case he represented a derelict woman in a divorce matter. Mr. Rice told the court, “My client, Mrs. McDonald, is a drunk. She has been abandoned by her husband, her family, her church and everyone except her lawyer. I took her case to keep her from being taken advantage of.” He was a deliverer, and he received a pittance for his work.

The most important role of a lawyer is to help and heal. Please remember in your dealing with each other, indeed with everyone you see, to exemplify civility, grace, and integrity. In the end, your self-worth will not be measured by your law school grade point average or class standing, by your beginning salary or, indeed, the total of your lifetime earnings, or by how soon you become a partner. Self-worth is measured by the manner in which you have served others.

We, your families and friends and your teachers take our hats off to you today for what you are and for what you may become.

and had difficulty walking, holding a pen, or eating. Consistent with his tremendous optimism and remarkable grace, however, when asked how he coped with his imposed limitations, his response was: “I stay focused on the abundant things I can still do and the generous blessings which I enjoy.” He further quipped, “I’ll have you know there are five illnesses I don’t have.”

There are some important parallels in the lives of these two great lawyers which are worthy of our notice and emulation.

First among them I note that each of them had a great respect for law, for lawyers, and for the legal system. They understood that so much that is important to our society depends upon respect for the legal profession and system of laws. Each of them, in their own way, found ways to personally contribute by serving the profession and honoring our legal system.

Next, they were each completely competent in their understanding of the law. They knew that it was not enough just to

bear their burdens with grace and patience and to move on in gratitude for the blessings they readily acknowledged.

As you enter the legal profession, I remind you that you are part of one of the noblest professions. Seek to serve its highest purposes. Because of your training, you will have a lifetime of opportunities to provide sacred, healing service to others.

I am reminded of an incident President James E. Faust, a gifted attorney who became president of the Utah State Bar before becoming a General Authority of The Church of Jesus Christ of Latter-day Saints, told in a meeting of lawyers in Washington, D.C. He told this story from early in his legal career about a senior partner in his law firm:

One of your challenges will be to make economic rewards your last consideration rather than your first. This is hard to do. I was taught this by my senior associate, John D. Rice, . . . who was one of the ablest and most successful practitioners at the Utah Bar. He gave the most eloquent oral argu-

And remember that we—all of us including parents, spouses, teachers, and family—have great expectations of you who graduate today. John Trebonius used to take off his hat on entering the classroom when it was the Germanic custom of the day for professors to keep them on. When asked why, he said, “These [students] will some day be [grown], and I do not know but that there sits among them one who will change the destiny of mankind. I take off my hat in deference to what they may become.”

James Monroe said, “The question to be asked at the end of an educational step is not ‘What has the student learned?’ but ‘What has the student become?’” We, your families and friends and your teachers take our hats off to you today for what you are and for what you may become. I encourage you to dream big and to live big. Thank you.

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