

JRCLS

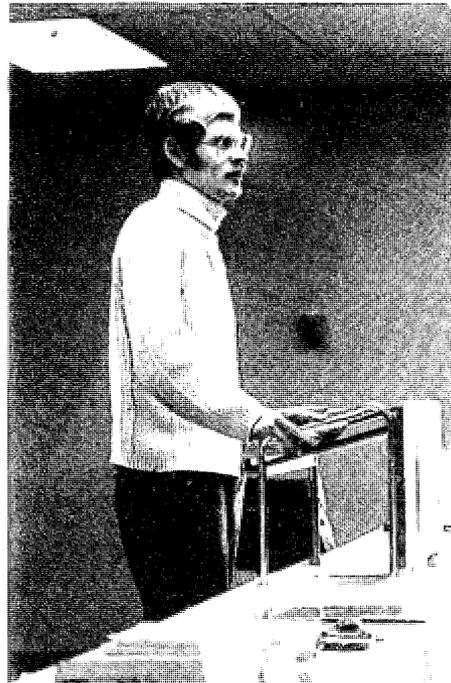
AND THE

ABA/LSD

Few students at J Reuben Clark Law School are aware of the Law Student Division of the American Bar Association, but you can rest assured the ABA/LSD has become well acquainted with the Law School at Brigham Young University over the past year. For the first time since the law school was organized, law students at BYU have become actively involved in the activities of the Tenth Circuit and have contributed significantly to the overall success of circuit functions this year.

SBA President Terry Turner explains, "Last March the newly elected Board of Governors made the decision to give the Law Student Division our full support this year, rather than continue the lukewarm participation characteristic of the past. Our aim was twofold; first, we wanted to see if we could make any impact on circuit and national activities through our increased participation, and second, we wanted to bring home more tangible benefits to law students at BYU realized through active involvement. Our first goal seems to have been met with some degree of success and we are just now in a position where our second goal is within reach if we can just take advantage of the opportunities that are now available to us."

BYU Law Students first appeared *en masse* at the Spring Conference held at Taos, New Mexico last March 23-25 with a delegation of nine, headed by SBA president-elect Terry Turner. Arriving late, the BYU contingent found the conference deadlocked in a three-way split over who should be the next circuit governor. With the battle lines fairly drawn and commitments to the candidates relatively firm, BYU's addition of a fourth candidate, John Chaffin, seemed rather futile. What did exist, however, was a rather unique opportunity to swing the election for either Rich Bellah of the University of Arizona, or Rita Bennett of the University of Tulsa. After some degree of negotiating and political maneuvering, BYU cast their



John Chaffin welcomes delegates to Park City conference

votes for Rita Bennett of Tulsa who was in turn elected on the first ballot. Subsequently, John Chaffin of BYU was named Lieutenant Governor of the circuit, a second position on the circuit was committed to BYU for the circuit newsletter editor and finally, an unconfirmed commitment made to hold the Fall Roundtable in Utah. The unique "swing vote" position at Taos had provided the means by which BYU students could jump into the middle of Tenth Circuit activities and thereby seek to accomplish their first objective of being a viable influence in the ABA/LSD.

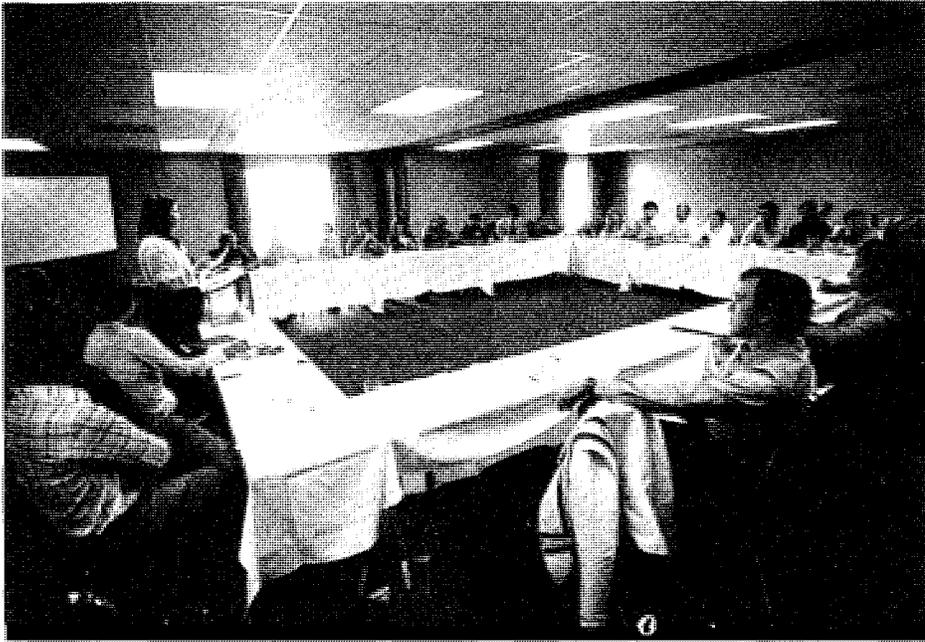
In June, John Chaffin and BYU's ABA/LSD representative June Babiracki attended the Summer Caucus at the University of Tulsa to plan activities of the Tenth Circuit for the coming year. At the caucus, Park City was selected as the site for the annual Fall Roundtable in October under the direction of Mike Eldredge, who

was also appointed to fill BYU'S second spot on the Circuit Cabinet as the Newsletter Editor.

BYU'S appearance on the ABA/LSD scene had been sudden and intense, and from various quarters of the circuit some grumbling and skepticism surfaced in the wake of the summer caucus announcements. For Rita Bennett, the pressure was on. At Taos, she had acknowledged the apparent enthusiasm of the large BYU delegation and announced her intent to take advantage of that enthusiasm. For years, it had been the southern and eastern schools of the circuit who had carried the bulk of circuit responsibility. BYU, on the other hand, had been one of the lowest membership schools in the circuit since its first appearance in 1973. In relying heavily on BYU for the 1979-80 program, Bennett put many of her eggs in one basket which could make or break her term as circuit governor.

Shortly after summer caucus, it was announced that two BYU students had been appointed to national positions. In an unprecedented move, the national ABA/LSD officers appointed Cathy Pennington and Dale Bacigalupi as student liaisons to standing committees of the American Bar Association, positions that

Editor's Note, Postscript: On March 22, 1980 at the spring conference in Laramie, Wyoming, second-year law student Matt Hilton was elected Governor of the new 15th Circuit. In addition, JRCLS swept every award in its class including Best S.B.A., Best S.B.A. Project, Best Newsletter. Five JRCLS law students were awarded the Golden Key, the highest award given in the 10th Circuit, for service in the LSD/ABA. They were John Chaffin, Mike Eldredge, Terry Turner, Kathy Pennington, and June Babiracki.



Cathy Pennington addresses delegates at Park City Fall Roundtable.

go to fewer than half of the law schools in the country. For BYU to land two appointments was highly unusual, and reflected again the high degree of reliance placed on the initial show of enthusiasm by the BYU delegation of Taos. Cathy Pennington, it was announced, would serve as student liaison to the American Judicature Society, and Dale B. Bacigalupi was assigned as liaison to the General Practice Section.

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In August the entire body of the American Bar Association gathered in Dallas for the 101st Annual Convention. Again BYU was well represented with six law students in attendance, one of the largest law school delegations at the convention. For the most part, Dallas proved to be an exercise in being seen but not heard, with one notable exception. When a resolution was introduced in the National Assembly of the Law Student Division calling for a boycott on all states that had not ratified the Equal Rights Amendment by refusing to authorize ABA ac-

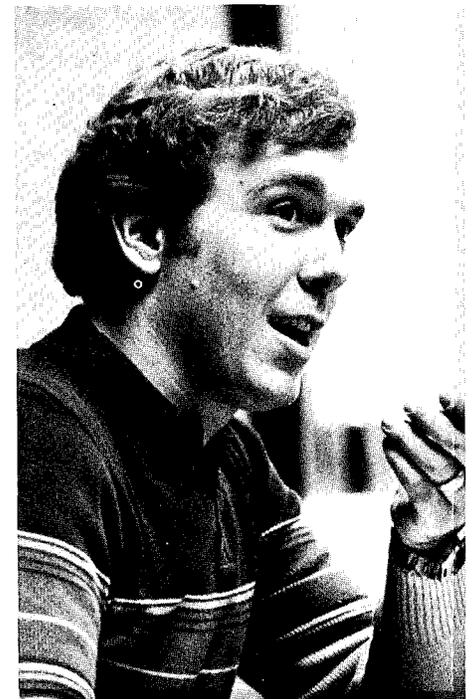
tivities in those states, John Chaffin of BYU was the first to rise against the proposal. Drawing the attention of virtually every delegate on the floor, Chaffin deplored the use of economic tactics to attempt to force the free conscience of those who chose not to agree with the ERA. Reminding the delegates of their status as students of law, Chaffin questioned the suitability of an ABA resolution which ignored the very rights as future lawyers they would be asked to protect. It seemed ludicrous, Chaffin argued, to penalize states simply because they disagreed with the proponents of the ERA. The conclusion of Chaffin's rebuttal brought a rousing ovation from the floor; and though opponents of the resolution appeared to have won the battle, the war was ultimately lost when the resolution passed, ironically with a rider that excluded the Law Student Division from having to participate. As Rita Bennett pointed out, to impose such a sanction on the Tenth Circuit would result in the elimination of every state in the Tenth Circuit, except one, as a possible location for ABA/LSD activities.

One important result did come out of Dallas. The assembly voted to split the Tenth Circuit in 1980, pulling law schools from Oklahoma and Kansas out of the old circuit and joining them with Arkansas schools to form the new Tenth Circuit. Schools in the intermountain states of New Mexico, Arizona, Colorado, Utah and Wyoming would form the new Fifteenth Circuit. The move brought mixed

reactions from schools throughout the circuit. The most severe criticism came from Arizona schools who saw the move as a dilution of the powerful position always enjoyed by the Tenth Circuit on the national level. Others were skeptical that the

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new Fifteenth Circuit would survive due to the apathy that appeared to exist in the intermountain states. Nonetheless, most representatives from the new Fifteenth Circuit schools felt confident that the move was a wise one. Schools in the intermountain area had a great deal of common interests due to the geographical location, in areas such as energy and natural resources, that would serve as a basis for a stronger circuit identification. It was also argued that many schools in the circuit would become more actively involved when the center of activity shifted from Oklahoma to areas closer to the intermountain schools. In the past, some activities located at one end of the circuit had



SBA President Terry Turner



John Chaffin ponders over the political field shortly before election at Taos, New Mexico

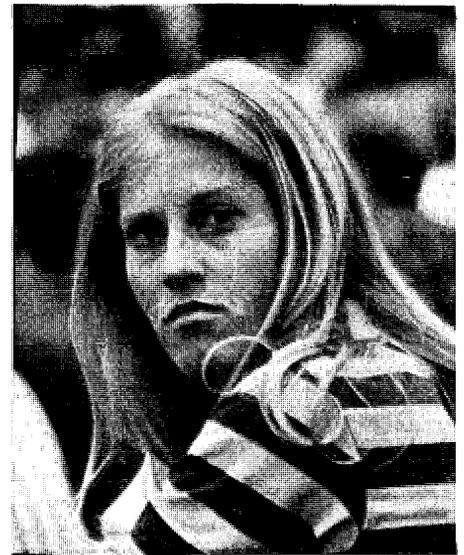
economically precluded schools at the other end of the circuit from attending. Yet even with the split, the new Fifteenth Circuit would still be the largest circuit in the country geographically and schools within that circuit would always be faced with higher costs to participate in ABA/LSD activities. The circuit split still gave the intermountain states their own governor, a budget for eight schools instead of thirteen, and a relatively smaller circuit to travel in, all positive factors which most representatives saw as outweighing the possible negative factors.

Following the Dallas Convention, the attention of the Tenth Circuit shifted to Utah where the Fall Roundtable was scheduled to take place Oct. 19-21 in Park City. In Dallas several school representatives had expressed misgivings at BYU sponsoring the Fall Roundtable, primarily

based on what they feared would be the imposition of LDS standards on their activities. For this reason, Park City had been selected as a "neutral" site where BYU could host the Tenth Circuit in facilities that would not require circuit delegates to adhere to BYU standards. From the outset, the SBA Board of Governors at BYU sought only to make the Tenth Circuit feel welcome and every effort was

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made to insure that no inconveniences were imposed on the visiting delegates. As the same time, however, it was also decided that the conference must prove to be substantively worth the time and expense, and every effort would be made to insure that the schedule included productive sessions directly related to ABA/LSD programs. To these ends, the planning efforts for the Fall Roundtable were directed through Sept. and completed in early Oct. Originally scheduled for the weekend of



Jan Bensen

Oct. 13, the conference was moved back one week to allow Oklahoma law students to attend the Oklahoma-Texas football game. Unfortunately, the unusually mild Indian summer ended October 16, and by the time circuit delegates began to arrive, Winter had beat them to Park City.

Most delegates arrived at Salt Lake International Airport Friday afternoon where they were met by SBA officers and given a quick tour of Salt Lake City. After being taken to the Yarrow Inn in Park City, they were hosted by Rita Bennett to an informal reception which lasted well into Friday night. Saturday morning the business sessions began bright and early and lasted throughout the day covering topics in Legislative Drafting, National Association of Student Bar Association (NASBA) activities, client-counseling competition, Appellate Advocacy competition, liaison programs, MED/LAW Interdisciplinary presentations, and a workshop in Natural Resource Law Forum activities of the University of Utah. Throughout the day, every hour was fully scheduled and no delegate was left without some form of substantial assistance for the ABA/LSD programs of the schools they represented. When the day was over, most delegates agreed it had been one of the most productive Roundtables ever held, and expressed nothing but praise for BYU in hosting the affair. After a Saturday evening prime rib dinner, every delegate at the conference took advantage of BYU's invitation to hear the Mormon Tabernacle Choir at its weekly broadcast from Temple Square early Sunday morning.

After the conference was over, Roundtable Chairman Mike Eldredge reflected, "I think we accomplished most all



June Babiracki, Mike Eldredge, Terry Turner and Cathy Pennington pose with National Secretary Treasurer David Sheinfeld at Park City

of the objectives we set out to do; we gave everyone a full schedule of workshops, we made them feel comfortable in their surroundings, while at the same time, presented ourselves in the same manner we would have on BYU's campus. More importantly, however, I think we succeeded

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in dispelling what might have been described as a stuffed-shirt, incompetent, “zeal without knowledge” type image. For the most part, I think BYU has established its credibility in ABA/LSD affairs.”

With the Fall Roundtable over, the focus of ABA/LSD activities shifted to individual school programs, setting the stage for the SBA's second major objective of bringing home more tangible benefits to BYU law students. One of the spin-off results of increased activity at the circuit level during the fall semester was a marked increase in ABA/LSD membership at BYU. In previous years BYU's average membership had hovered around 13%, but following the fall semester membership drive, the figure jumped to 35%, putting BYU over the magical 30% level and qualifying the school for matching project funds from the ABA. “These funds,”

explains ABA/LSD representative June Babiracki, “are made available for law student projects and will match SBA funding up to \$1,000. We need first to identify suitable projects, determine how much the SBA will fund them, and then make application.”

In evaluating student benefits from ABA/LSD, there are at least two levels at which a law student can expect return on his \$6.50 investment; he can expect benefits on an individual basis, and he can become involved in programs provided by his school's ABA/LSD sponsored programs.

Individual benefits are fairly static and are set at the national level each year. This year, student members received *Student Lawyer* and *The ABA Journal* monthly, they are eligible for low cost insurance, a 35% discount at Hertz rent-a-car, and a 75% discount on registration fees at the ABA Annual or mid-year meetings. In addition, student members are eligible for low student rates if they wish to join any of the 24 substantive law sections of the ABA. Third year law students receive their first year of membership in the ABA free upon passing the Bar.

At the school level, six major programs are available for students having an interest in those areas. They include the Volunteer Income Tax Assistance program (VITA), the Law/Medical Interdisciplinary Council, the Legislative Research and Drafting Program, State and Local Bar Liaisons, Client-Counseling Competition, and Appellate Advocacy Competition. Each of these programs are available to BYU students, and the SBA is ready and willing to initiate those programs which command any degree of stu-

dent interest. In addition, any programs the students may wish to start on their own are strongly encouraged and supported by the SBA so long as there is genuine interest with a viable organization. Students at BYU have already begun organization of a Natural Resources Law Forum similar to the NRLF at the University of Utah Law School, and hope to establish worthwhile programs of interest in the coming year.

Still, the key to success in any law school program is student interest and support. “The ABA/LSD provides us with the framework for six programs,” comments SBA President Turner, “and we have potential for other programs limited only by the imagination of BYU law students. If we are going to succeed at our second goal in ABA/LSD involvement, we've got to make students aware of the opportunities available, and then get in there and use them. If we can't find the interest, then it simply becomes a matter of what may have been, but never was.”

In March, the year's efforts with ABA/LSD will come full circle at the annual spring conference to be held at the University of Wyoming in Laramie. “Perhaps one of our biggest failures this year,” laments Lt. Governor John Chaffin, “has been our inability to get second year students involved. With the Spring Conference coming up we have virtually no one in the second year class ready to step in and carry on. If we had succeeded in using second or first year students all along the way, we certainly would be in a strong position to have a shot at Circuit Governor, and maybe even a national office. Unfortunately, the second year students who have participated on a limited basis have lost interest or become involved with other projects and programs.”

Whatever the immediate future holds for BYU in the ABA/LSD will be determined by next year's SBA Board of Governors and those individual students who choose to pursue individual appointments as liaisons to the sections and committees of the ABA. Regardless of whether or not interest increases in the coming months, one thing is certain, the Spring Conference at Laramie will be determinative of what role BYU will play. It is there that the new circuit governor will be elected, and it is there that interviews will be conducted for liaisons and circuit cabinet positions. After Laramie it will be a simple matter of “The Train's Done Been and Gone.”



Denton Pierson (U of U) and June Babiracki during a break at the Fall Roundtable in Park City