

## Law School Administration Changes As Lee/Hafen Take the University Helm

The Law School has recently experienced a rapid, extensive shift of people and positions. There is a new dean, Reese Hansen, a new associate dean, Constance Lundberg, and two new assistant deans, Scott Cameron and Hal Visick. The founding dean, Rex E. Lee, has crossed the "bridge" to the other side of campus, with the Law School's former dean, Bruce C. Hafen, to become the president and provost of the university, respectively.

### *Rex E. Lee*

Founding Dean Rex E. Lee has remained a constant force in the shaping of the Law School, and that treasured influence is not lost completely with his new position. Now the Law School must learn to share President Rex Lee with an even larger group than before. In a recent talk delivered to the BYU faculty and staff, Rex offered some insight into the changes being president of the university has created in his life and some contributions he wishes to make to the university.

President Lee found the best method for conveying his views was a question and answer format. He posed the question and then offered an illuminative

answer. President Lee said the responsibility of choosing individuals to help usher BYU into the decade of the 1990s has been his most important challenge. He stated that "my success as your president over the next few years will depend on having the right organization and the right people to fill the appropriate positions." His organizational method can be found in Jethro's advice to Moses about establishing order in exilic Israel. The outline is simple. There should be leaders of thousands, hundreds, fifties, and tens. The vice-presidents, deans, faculty, and departmental heads are those leaders.

The Lee administration has made two major structural changes, creating

positions for a provost and a vice-president for development and university relations. There was also some redistribution of responsibilities among the former three vice-president positions. The changes and reassignments do not reflect a dissatisfaction with the prior administration but are a response to the developing and evolving character of BYU as an institution. President Lee sees a need for a provost, for two individuals with university-wide responsibility.

Rex's response to the question, "Why a provost?" is that he did not find the metaphors of "being chewed up by the job" or "going under in a sea of detail" appealing. He heard

those metaphors frequently during his conversations with knowledgeable people. Lee feared that one individual being swamped with details would crowd out the attention needed for long-range issues and plans. He anticipates that sharing those responsibilities with Bruce Hafen will have a synergistic and positive effect. On his selection of Bruce as provost, Rex commented that "I picked him, very simply, because he is Bruce Hafen, and all of his experience, his understanding of undergraduate and graduate education and the stature he enjoys with the Board of Trustees, led me to the conclusion that these strengths far outweigh the fact that he and I share the same academic home base."

Rex felt it was important to discuss the other new position, vice-president of development and university relations. The issues that led to the creation of the position are relevant to the Law School community, too. Rex explains, "The creation of this position represents some matters of judgment that are important to all of us. With a dynamically expanding Church and with most of the new members coming from parts of the world where the need for funds significantly exceeds tithing and other contributions, it is obvious that if we are to continue and augment the momentum that we now have and become a 'great church university,' we must find additional resources." Church support will not disappear, but with additional funds for the university and Law School, the Church will be able to meet its many other demands.

On a more personal

note, the new president is often asked about what he has had to give up to be president. Despite the demands and constraints his new job imposes, Rex will still be making appearances before the United States Supreme Court. The arrangement with his former firm is that "they will write the briefs and I will do some of the oral arguments." There are many lawyers who would love such an arrangement.

Calming fears that this avocation will detract from his presidential duties, Rex said, "[P]reparing for oral arguments will be for me the most enjoyable possible use of my leisure time, and that is where the time will come from. The most appropriate analogy is this: If I were a violin player, I would surely not stop playing the violin once I became your president. And if once or twice a year I was told that by spending a few Saturdays and evenings practicing a particular concerto instead of playing golf or tennis I could perform at Carnegie Hall, I would surely do so."

President Lee also responded to queries about his health. He is in good physical health. He admits that his measuring rod for health may be different from most people. But by any standard his health is very good. He still makes quarterly cancer check visits back East and remarks that his energy level is not what it was two years ago, but then he has given up running in the Olympics anyway. His emotional health is excellent. This excellence is attributable to his wonderful family, the renewed zest for living, and the fact he likes his

new job. He gives it the "as interesting and attractive a job as I have ever had" rating. Considering his varied career, that is not a bad rating.

In summing up his views of the university's future, Rex made it apparent that the quest for excellence begun by the preceding administration will not be hindered, halted, or hampered. It is his desire to see BYU continue that quest and achieve new and remarkable heights. He cautions that the only brake on BYU's ascent will be if some lose sight of BYU's unique mission.

To illustrate his point Rex resorted to his famous circles diagram. Two circles, one blue circle representing all of BYU and one yellow circle representing all that other good universities do, are partially overlapped. The resulting green area is what BYU has in common with other good universities, that is, intellectual excellence and a superb program that educates students and prepares them for graduate and professional schools and employment. In this green area, while BYU is good, it can do better. President Lee contemplates no real barrier to our becoming the best.

BYU's uniqueness is in the yellow and blue areas, where BYU has nothing in common with other schools. The yellow represents what other good universities do that BYU has consciously chosen not to do—things not essential to any good university. Other universities do them because there is no particular incentive not to. On the other hand, the blue area represents what BYU does that

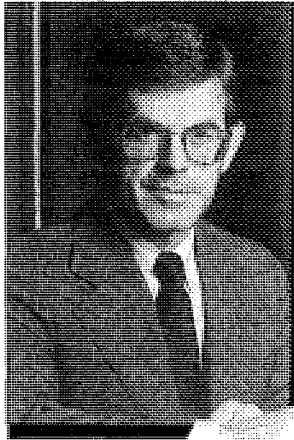
other good universities do not do, and this is where BYU's unique mission falls.

The key to understanding the diagram is realizing that BYU can only achieve its mission with the blue and green areas firmly melded into one. The faculty's continued quality teaching is essential. Also, the integration of gospel principles in teaching is not the responsibility of the people in the Joseph Smith Building alone. And the standard of technical or scholarly competence cannot be allowed to merely coast. Rex quoted his favorite philosopher, his son Michael, "Any time you want to start coasting, just remember that the only direction anyone has ever coasted is downhill."

Firm in his belief that the complexity of the universe itself can be explained in circles, Rex was content to leave his circle diagram and move to the challenges ahead. He will concentrate on cultivating an excellent faculty. Over the next ten years, approximately 33 percent of the faculty will retire, assuming retirement at age 65. Those faculty members must be replaced with people just as good or better. Rex views the faculty as the university. So, the selection of faculty in the coming decade will determine the quality of university there will be for years to come. Decisions on faculty will shape BYU's character, values, what will be taught and how, and the school's reputation. In addition, Rex wanted to acknowledge the support staff of the university and the non-LDS members of the faculty. The whole organization is required to produce the magic that is

BYU. Each individual contribution is valuable and helpful in accomplishing that effect.

In a wide appeal to faculty, staff, administration, students, and alumni, President Lee concluded, "A great future lies before us. I am not talking about 10 years from now. I am talking about right now. Will you join hands with me as we take this, our university, into the decade of the 90s, the gateway to the 21st century? We will do it just as it has always been done, the old-fashioned way, by working, living and doing, at this, the college that we love."



**Bruce C. Hafen**

Former Dean Bruce C. Hafen is excited, eager, and cautious about his new position as provost of the university. Apart from having to continually answer the question "What is a provost?" Bruce is busy learning about the varied and complex aspects of the job. A provost is not, contrary to popular belief, a position peculiar to universities located in Provo. Nor is a provost another vice-president of the university. Rather a provost coordinates the activities, duties, and responsibilities of all

the vice-presidents. Provost Hafen shares with President Lee the general responsibility for the smooth operation and constant progress of the university as a whole. Bruce finds his role more prominent within the BYU community than outside it.

In a way, the shared responsibility and teamwork between Rex and Bruce is reminiscent of the early days of the Law School. Then they were stepping into shoes they had never tried on before and figuring out ways to make a new institution work. Now he has moved to the university level, Bruce feels he is still learning new components of the university every day. One challenge he faces is rapidly gaining an accurate and useful perspective of the university's multitude operations. Other challenges include setting the wheels of the new administration running—two of the three vice-presidents are just as new to their assignments as the provost—and explaining why the university needs two lawyers in its first and second spots.

Bruce is still perplexed by the situation in which he finds himself. He first questioned the need for BYU to have a provost, and if there was a true need, he did not consider himself the one to fill it. He was very comfortable at the Law School and was satisfied with his life when the request for a change altered that serene life-style. He is a firm believer in the principle of rotation among leadership. He can see that this new opportunity will add scope and breadth to his experience and improve his abilities to teach and work with

administration when he returns to a nonadministrative position.

While reflecting on his experience as dean, Provost Hafen was impressed with the sense of commitment to the Law School from its alumni and friends. The commitment is not *just* a feeling of gratitude, but it is also a desire to be a part of an evolving institution by returning value for value received. "The Law School as an institution becomes a reflection of its constituency," remarked Bruce Hafen. "I have been fortunate to witness the Law School and its constituency grow in maturity and attain national worth in the legal community."

He observed that certain foundations of American society have been shaken and destabilized by the events of the past two decades. There is reduced commitment to family, profession, civic duties, and religious values. As a result of this shifting and shaking, BYU, because of its unwavering stand on a variety of social questions, has become more respected in the eyes of the world. Others are beginning to seek out that intangible something that BYU possesses. Consequently, Bruce has two concerns: (1) that the world will not take BYU and its institutions seriously or (2) that the world will take BYU seriously.

On two levels BYU and its students, faculty, and alumni shoulder a heavy responsibility. If BYU is not taken seriously it is because we haven't achieved a necessary standard of professional and technical competence. Such a failure is inexcusable for any university.

Accordingly, the entire BYU community needs to strive to go beyond the requisite level of technical and educational competence. This "we can do the job" ability is the first level of responsibility.

The second concern is that once the world does take BYU seriously it becomes critical that we not let our moral standards deteriorate or slip. This moral component is a large part of BYU's intangible something that is in some ways worth more than mere technical skill alone. As BYU's ethical reputation and pronounced religious character become more widely recognized, every member of the BYU community will be challenged to maintain his or her high level of moral courage and ethical fortitude.

Shifting to the more personal impact of the new position, Provost Hafen noted how a provost's work diet is purely administrative, whereas while dean he could achieve a balance of teaching, research and writing, and administrative duties. Although he retains his position on the Law School faculty, it will not be possible now or in the near future for him to be provost and teach. Bruce will miss the opportunity to teach at the Law School; it provided valuable student contact and the sense of helping to shape exemplary lives.

While it is exciting to see members of the Law School continue and advance in their careers, it is also with reluctance that Bruce gives up the close associations of the past. We, as a Law School community, wish Bruce and Rex success in their new endeavors.



#### **H. Reese Hansen**

In a conversation with the *Clark Memorandum*, Dean H. Reese Hansen expressed enthusiasm and excitement about his new role at the Law School. He has noticed distinct differences between his duties as dean and those of associate dean. As associate dean, Reese felt much of his time was spent dealing with distinctly Law School community issues. Now, as dean, there is a redistribution and much time is spent in an ambassadorial role to a wider pool of interests and demands. Dean Hansen is encountering many more demands for public appearances and public-relations activities.

He has also noted a more active involvement with the university adminis-

tration than he had as associate dean. The realization of how the Law School fits into and coordinates with the rest of the university has been underscored.

Because a dean faces natural pull away from the day-to-day events of the Law School, Reese is determined to maintain contact and involvement with the student body. One way he achieves this goal is by teaching. He teaches because he loves to teach. He enjoys the challenge of distilling some element of knowledge, and he also enjoys the interaction that comes in a classroom.

Concerned for the Law School's future development, Dean Hansen has identified several key projects and programs that will receive substantial

#### **H. Reese Hansen**

attention: (1) procuring additional professorships, a key to maintaining faculty excellence, (2) updating and developing useful major collections in the Law Library, and (3) capitalizing on some of the Law School's unique international strengths.

Reese also feels it is necessary to maintain the administrative manageability of the faculty and the Law School. Responding to questions about growth and expansion, Reese has said the current faculty size is optimal. Yet faculty recruitment is still vital to the academic health of the Law School, and Reese is confident the Law School will enjoy faculty successes similar to

those of the past.

Overall, the deanship has brought positive challenges and a new vigor to Reese. And he still attempts to get his daily running in.

#### **Constance Lundberg**

With her appointment as associate dean, Constance Lundberg adds another facet to her varied and colorful career. An immediate change that she has noticed is that the workload has increased. She also has less control of her schedule, because she feels it is important to maintain an open-door policy. On certain days the door to Constance's office is revolving. The structured environment she maintained as a professor is gone. The time she sets aside to accomplish "need-to-get-done" tasks is 5 to 9 a.m.

The seemingly hectic aspect of the job is what Constance likes best, however. The variety and thrill of not knowing for sure what is coming next is what gives the "kick" for her. She finds that her new duties are more varied than either her experiences in teaching or practice. Her husband, Boyd Erickson, no longer asks her what she is going to do that day. Constance remarked, "This is definitely not a job for someone who has to feel in control."

She does find that her teaching responsibilities help provide some balance and stability to her life. She is currently teaching Property I and is enjoying being back with the first-year students.

"Teaching first-years is refreshing because they do not have the jaded attitude that can develop. They are freer. There is also a feeling

of real contribution to their development," observed Constance. Her contact with first-year students automatically makes one-third of the Law School student body more real and less merely names. That contact helps her to fulfill her role as associate dean.

Constance sees several issues facing the Law School. First, she feels the need for a wider diversity. Diversity is crucial to effective perspective in legal education. A parallel concern with diversity is the comfort level of the Law School's minority students (minority includes categories of race, gender, age, national origin, and culture). The consciousness of the Law School must be raised to help involve minority students as an effective component of the Law School community.

Second, the Law Library needs to be upgraded. A current inability to make requisite acquisitions could prove extremely detrimental if left unchecked. And third, Constance has a personal goal of finding a way to encourage law students to be whole, well-rounded individuals. She believes that individuals learn better when they are happy and fulfilled. Constance hopes to help students feel that way. She is convinced that this human side is critical for successful legal education.

#### **Scott W. Cameron**

Following a nation-wide search that attracted 91 applicants, Scott Cameron has been selected to replace Claude E. Zobell, Jr., as assistant dean of the Law School. Before his return to the Law School,



*Constance Lundberg*

Scott was serving as assistant superintendent of public instruction for the State of Utah. His first official day as assistant dean was November 1, 1989.

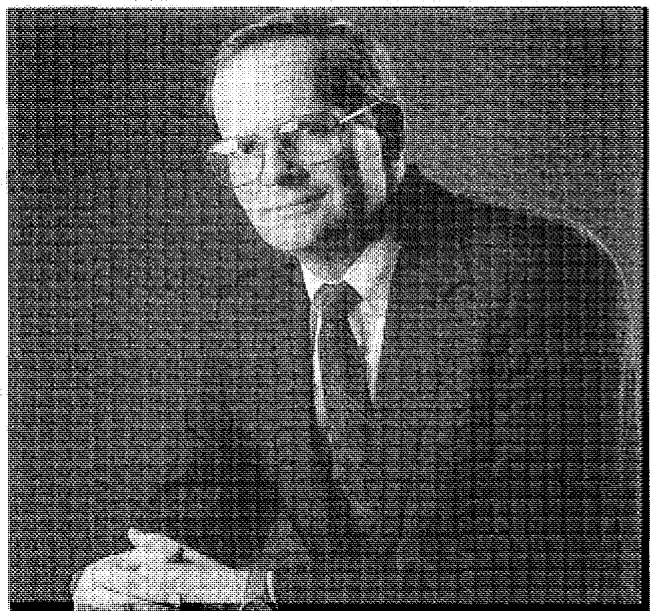
Scott is a charter class graduate of the BYU Law School (1976) and is enthusiastic about returning to help in student recruitment, development, and public relations. Before attending the Law School, Scott earned a bachelor's degree in English and a master's degree in education from Stanford University in Palo Alto, California. After receiving his master's, he spent two years teaching English at Ricks College in Rexburg, Idaho.

Following graduation from the Law School, Scott was associated with Backman, Clark, & Marsh in Salt Lake City, and in 1981 he became a partner of the firm. He continued the practice of law as a partner until 1987, when he entered public service with the Utah State Office of Education, where he was

jointly assistant superintendent of public instruction and federal liaison representative under Superintendent James R. Moss.

In 1976 Scott was admitted to the Utah State Bar and to practice before all United States District Courts of the Tenth Circuit. Active in community service, Scott has served as vice-president of the Utah Chapter of the National

*Scott W. Cameron*



Committee for the Prevention of Child Abuse, on the Advisory Committee of the Governor's Conference on Strengthening the Family (Utah), and on the board of directors of the American Cancer Society (Utah).

Scott is married to Christine Cannon Cameron, and they are the parents of six children.

#### **Hal Visick**

Hal Visick continues his long career of service at Brigham Young University with his appointment as assistant dean and director of the J. Reuben Clark Law Society. Hal recently returned from serving as mission president in the Illinois Peoria Mission, which includes Nauvoo. Before his mission Hal was general counsel and assistant to BYU Presidents Dallin Oaks and Jeffrey Holland.

After receiving his bachelor's degree from BYU in 1955, Hal attended George Washington University Law School, graduating with honors in 1963. He practiced law with the firm of Latham & Watkins in Los





Hal Visick

Angeles from 1963 to 1968 and as a senior attorney with the Ford Motor Company from 1968 to 1970. He was a partner in the law firm of Roberts, Carmack & Johnson for one year before coming to BYU as associate general counsel in 1971. He served as general counsel for 12 years before his mission. Hal was also affiliated with the Salt Lake City law firm of Ray, Quinney & Nebeker during his years as general counsel.

The Visick family connection with the Law School is not new. Hal and his wife, Else, have supported two of their eight children as students in the Law School: Jennifer (1983) and Christopher (1988). Hal has been working closely with the National Committee of the J. Reuben Clark Law Society in setting up new chapters and planning events. He commented that one of the most enjoyable aspects of his current position is being affiliated with the outstanding attorneys on the National Committee

## Howard W. Hunter Professorship Announced

The Southern California Chapter of the J. Reuben Clark Law Society held its first gathering at the Los Angeles Hilton this past May 1989. The soir e fulfilled several functions. It was the kick-off social event for the chapter and an occasion to honor President Howard W. Hunter, President of the Quorum of the Twelve Apostles, and announce the Hunter Professorship established at the Law School.

The evening included an informal reception and dinner with the Hunter family. The master of ceremonies, John S. Welch, has been active in launching the Society in southern California. Mr. Welch serves as the chair for the Los Angeles Committee of the J. Reuben Clark Law Society. Also attending were the members of

the Orange County Committee, chaired by Stuart T. Waldrip.

After remarks by Dean Bruce C. Hafen and John S. Welch, Cree-L. Kofford and the Honorable J. Clifford Wallace paid tribute to and introduced Howard W. Hunter. The first meeting of the Southern California Chapter of the Society was an ideal setting for the tribute to President Hunter and the announcement of the Hunter Professorship. President Hunter practiced law and was a valued member of the bar in the Los Angeles-Orange County area before being called to serve as an apostle in The Church of Jesus Christ of Latter-day Saints.

Delivering the keynote address, President Hunter expressed gratitude to be "back home" in California and turned his remarks to the namesake of the Law Society:

"What a proud and fitting name this law school bears—J. Reuben Clark, Jr. He was a member of the First Presidency of the Church when I was called to be a member of the Council of the Twelve. President Clark will never be forgotten. He made a great impact on the Church with his wisdom, broad background, keen legal mind, and high achievements in law and diplomatic work. He was a prominent international lawyer, having served as solicitor for the U.S. State Department and as Undersecretary of State. In 1933, J. Reuben Clark was serving as United States ambassador to Mexico when he was called to be a member of the First Presidency.

"His life is a powerful example of what Jacob

meant when he said in the Book of Mormon, 'To be learned is good if they hearken unto the counsels of God' (2 Nephi 9:29). He was learned, both in the knowledge of the law and in the ways of government. Because he was a good man, his learning was a good thing. By therefore placing his learning and experience on the altar of unselfish service to the Church and to the spiritual welfare of other people, President Clark blessed us all."

Howard Hunter also focused on the role, image, and responsibilities of lawyers, a theme he has often addressed to Law School audiences. He stressed the value and need for attorneys with integrity "It seems to me that an organization of lawyers who believe in the view about freedom and law as expressed by J. Reuben Clark could be a great source of good for today's society, which seems increasingly racked with confusion and dissension. What a blessing it would be for the American people to be served by lawyers, both men and women, of whom it could be said, 'They are honest, good, and wise lawyers.' I believe that in these times, lawyers like this should be sought for diligently.

"Not only would lawyers of this kind bless the lives of their clients, but I also believe they would play an important indirect role by influencing our entire society to remember the conditional nature of the Lord's promise of freedom in this land."

President Hunter identified himself with John W. Davis' view:

"True, we build no

bridges. We raise no towers. We construct no engines. We paint no pictures—unless as amateurs for our own principal amusement. There is a little of all that we do which the eye of man can see. But we smooth out difficulties; we relieve stress; we correct mistakes; we take up other men's burdens, and by our efforts we make possible the peaceful life of men in a peaceful state." President Hunter encouraged Law Society members to fulfill the challenges and responsibilities that they had accepted.

He closed with a sincere wish that the Law Society everywhere could grow and meet with success—success of purpose, success of stature, and success of high ideals. He offered his commendation to those individuals so endeavored and his gratitude to those who had honored him.

## Justice White Addresses Students

Justice Byron R. White, associate justice of the United States Supreme Court, addressed an overflow crowd of law students in the moot court room on January 27, 1989. The justice had been invited to the Law School to preside over the final round of the annual second-year moot court competition.

Two members of the Law School's faculty—Rex E. Lee and Kevin Worthen—served as clerks to Justice White on the Supreme Court. The justice began his remarks with humorous tributes to both



men. He suggested that Professor Worthen was a markedly more proficient athlete than Professor Lee.

Reviewing the changes that have taken place on the Court since his appointment in the early 60s, Justice White commented that the major change has been in the personnel. Justice Brennan is the only justice still sitting on the court who was there

when Justice White was appointed and confirmed. "The arrival of a new justice on the court is a major event," he stated. "For the first year or two you know that this case or that case would have been decided differently if this replacement hadn't come along." These changes in personnel alter the outcome of the cases and also alter the approaches the Court takes

in making those decisions, according to Justice White.

Justices of the Court are often asked if they are too busy. Justice White answers no to that question. During his tenure on the court the number of signed opinions the court issues has grown by half. He believes that this increase in the number of opinions is attributable to the decrease in time allowed attorneys for oral

argument before the court. In the 60s each side was allowed an hour of argument before the Court. To expedite the easier cases, the court had instituted a summary calendar that allowed for only half an hour of argument per side. The experience with the summary calendar convinced the court that lawyers could do as well in half an hour as they were doing in an hour. The half-hour argument then became the rule. The time change allowed the court to hear twelve cases in a three-day period, rather than the eight cases per week they heard before the change.

Justice White is often asked if the Court is able to get the job done. When he began his service in the early 60s, the Court was receiving approximately 1,800 petitions for certiorari each year. The number of petitions the court receives each year is now closer to 4,500. Justice White is convinced that the Court is refusing to hear cases that would have been heard automatically in the 60s. Congress has the capacity to create additional appellate capacity, he said, but the issue is very divisive. The Court itself is split on the issue, as is the rest of the federal judiciary. Congress, according to Justice White, has taken the position that when the judiciary can get its act together, it will become involved.

According to Justice White, half the cases the Court hears each year are based on constitutional law issues. He commented that the framers of the Constitution intended this to be the result because they had not had a good

experience with the king or parliament. Although the idea of judicial review is not specifically mentioned in the Constitution, the extraneous writings of the framers leaves little doubt that they intended the judicial branch to exercise oversight authority over the other two branches of government. The justice discussed previous attempts to alter this system of judicial review, including President Roosevelt's attempt to pack the court in the 30s. According to Justice White, Roosevelt lost the battle, but he won the war. Over the years of his presidency, Roosevelt appointed enough justices to effect the most dramatic shift in decision making in the Court's history.

At the conclusion of his formal remarks, Justice White entertained questions from the audience. In response to a question on the appointment process of the federal judiciary, Justice White said that he would not make any changes. He felt that the process has worked well down through the years. "I can't imagine that there is anything wrong with the Senate concerning itself with how a judge is going to vote." According to the justice, judges make law all the time, the people have a right to participate in the process through their elected representatives in the Senate.

Another member of the audience asked, considering personnel changes that are always occurring on the court, what role *stare decisis* should play in its decision-making processes. Justice White responded simply, "A big role."

## Board of Visitors Comes to Campus

Since the J. Reuben Clark Law School opened more than 15 years ago, the winter semester has been highlighted by a three-day visit from the Board of Visitors. Board members include outstanding lawyers and legal educators from throughout the country who are invited to Provo to observe the Law School's educational efforts. Their visit helps the faculty and students measure their performance against the yardstick of an outside resource.

This past March the Law School Career Services Office arranged for several Board of Visitors members to participate in panel discussions and informal fire-side talks. Topics included practicing law in the public sector, unique challenges faced by women in law practice, international law practice, and in-house corporate practice.

### *Practicing Law in the Public Sector*

G. Kevin Jones, senior attorney/advisor at the Office of the Solicitor of the United States Department of the Interior and a 1977 graduate of the Law School, began the discussion on a philosophical note: "The practice of law in the public sector is a vital portion of this nation's development, and I believe that it helps to ensure the continuation of a free republic." He emphasized to the students that lawyers who enter this field must be "good people who will act as true servants to the public." Mr. Jones continued, "Although a public-

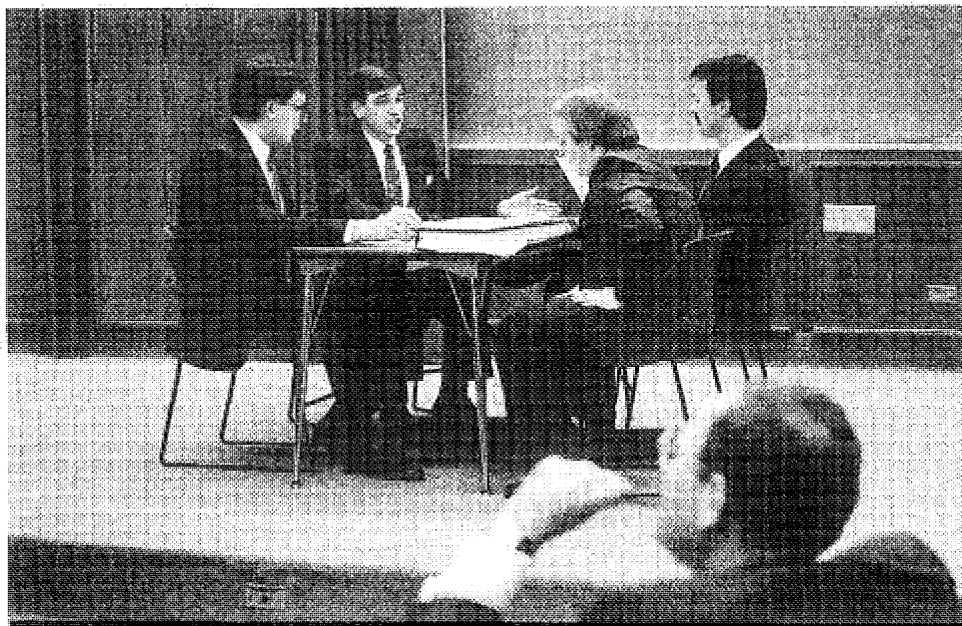
sector practice will never make you wealthy (a top salary after 30 years of experience will likely equal the starting salary of a new associate in a large law firm), this type of work offers intellectual challenge and diversity of practice."

Gay Taylor, general counsel to the Utah State Legislature and a 1980 graduate of the Law School, spoke of her decision to move from a traditional practice in a private firm to public sector work: "I appreciate trying to improve the law not just for one person, one client, but for a whole class of people." She also commented that she felt that she had more autonomy in controlling her personal and professional life. She explained that in her current position she can plan for her busy seasons (during and immediately after the legislative sessions). Ms. Taylor summarized her impressions about her career choice: "The salary is not great, but I feel that I am more than compensated by the personal satisfaction I gain from serving others and being in control of my life."

### *Unique Challenges Faced by Women in Law Practice*

Luisa Lancetti of Wilkinson, Barker, Knauer & Quinn in Washington, D.C., initiated the women-in-practice panel discussion by describing her life-style choices. She recalled the changes that had occurred in her professional life since the birth of her daughter. "In the old days—prebaby—I used to work long hours, late nights, and Saturdays. Now I work 45 to 50 hours a week, and I try not to go into the office on





Saturdays." She admonished the women law students to carefully examine the quality of life they desire before deciding what type of practice to pursue.

Cheryl Preston, then in-house counsel at First Interstate Bank in Salt Lake City (and now a member of the Law School faculty), discussed her experience in a judicial clerkship, with two large private law firms and in the legal department of a bank. She said that she is pleased to see the number of women in law school and in the profession increasing each year. She commented that since she has most often been in the minority as a female attorney, she has frequently felt like a "lightning rod." She explained, "There are so few women in the environment where I've worked that my actions can never go unnoticed." She advised, "If you're going to be that visible, you had better be sure that you're good at what you are doing."

Ed Hunter, managing counsel for Toyota Motor Sales, USA, Inc., observed

that because of the homogeneous student body at the BYU Law School, the students here should "reach out to expand their horizons and their understandings." He further encouraged the women present to acknowledge the foundation that they are building while in law school and then to create opportunities in all aspects of the legal profession for themselves.

#### *International Law Practice*

William F. Atkin of Baker & McKenzie in San Francisco, California, explained to the students gathered in the Moot Court Room that he had stumbled into what he is currently doing in practice. After being encouraged by a law professor to consider opportunities in international law, he accepted a job with the U.S. government that involved international trade. From that point, he went with a private firm dealing in international law.

Mr. Atkin told the group that when someone comes to him and states that he or

she wants to be an international lawyer, he corrects them, "No, what you want to be is a good commercial lawyer with experience in international transactions." He encouraged the students to develop skills that will allow them to readily spot issues and solve problems for international clients. He concluded by stating that "there are opportunities in international law out there. Pursue your interest consistently, and don't expect your dream job to be waiting for you behind the first door that you knock on."

#### *In-House Corporate Practice*

Ed Hunter, managing counsel for Toyota, began his presentation by explaining the basic structure of a corporate legal department. He noted that legal departments in corporations are growing and practice there is as diverse as it would be in private practice. Mr. Hunter observed that although big firm practitioners make more money dollar for dollar than in-

house counsel, large corporations keep pace with market salaries. When asked about the hiring practices of corporations, Mr. Hunter answered that "most corporations are not equipped to give you the kind of training that you need just coming out of law school, so they usually hire laterally from firms." He encouraged students, when the time comes that they are prepared to do corporate work, to make a conscientious effort to get informed about the inner workings of the company that they wish to approach.

## Public Servants Visit Campus

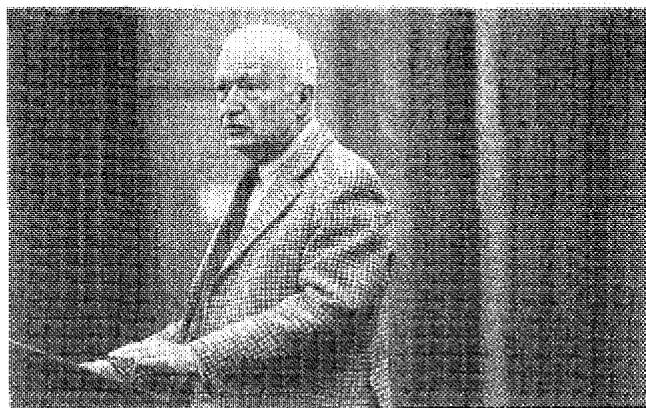
Two outstanding public service representatives visited the Law School during 1989 winter semester. Malcolm Wilkey, ambassador to Uruguay during the Reagan administration, spent several weeks at the Law School in January after completion of his ambassadorial assignment and before becoming chairman of President Bush's ethics commission. And in late March Senator Christopher Dodd (D-Connecticut) spent several hours with law students as part of a visit with three departments on campus.

In addition to team teaching the Public International Law Course, Ambassador Wilkey frequently discussed his decision to enter public life and what that decision has meant to him over the years. During his public career, he has received six presidential appointments, including serving as a

United States Circuit Court of Appeals Judge.

In an open-forum address, Senator Dodd explained why he had opposed military funding to the contras in Nicaragua. During most of the Reagan administration, Senator Dodd was a principal spokesman for the opposition to military funding. He also spoke about his efforts to provide federal funding for child care. In this effort he had joined forces with Senator Orrin Hatch (R-Utah).

*Malcolm Wilkey*



## BYU Sponsors Seventh Annual State and Local Government Conference

In March 1989 a large group of attorneys, state and local government officials, and students convened at the Excelsior Hotel in Provo to learn the latest trends in political, civil, and criminal law. The event was the Seventh Annual State and Local Government Conference, hosted by the Government and Politics Society of the J. Reuben Clark Law School.

Scott Matheson, former governor of the State of Utah, was the featured luncheon speaker. He provided pointers on how to protect the power of local governments. He also encouraged local leaders to join with city and county leaders to strengthen positions of common interest and thereby become an effective "lobby" at the state level.

The keynote speaker for the criminal law section was Justice Christine Durham of the Utah Supreme Court. Justice

Durham encouraged the criminal bar to employ the Utah Constitution in trial arguments and appellate briefs. Recounting the history of the "new federalism," she listed examples of where an argument might be made for materially different outcomes under the Utah Constitution. Justice Durham instructed counsel to research beyond the case law and present historical policy arguments for a state constitutional resolution of issues, especially in criminal-law areas. She lamented the lack of law school courses and continuing education courses designed to acquaint young lawyers with state constitutional analysis.

Ms. Joan Watt, chief appellate counsel for Salt Lake Legal Defenders, addressed the group on ineffective assistance of counsel claims. This topic was timely, as the first ever Utah case to successfully advance an ineffective assistance of counsel claim was decided the same week by the Utah Court of Appeals. The Honorable Judith Billings, a judge of the Utah Court of Appeals, gave no-nonsense directions on the operation of that Court. She also provided valuable brief-writing suggestions.

The final session was a stimulating panel discussion on investigatory stops. The panel included Judge Gregory Orme of the Utah Court of Appeals, Loni F. DeLand, former Treasury agent and noted defense counsel (representing the Utah ACLU), Attorney General Paul Van Dam of the State of Utah, prominent defense attorneys Edward Brass and Fred Metos, and prosecutors Keith Stoney and James Taylor. Each panelist had extensive experience in search and seizure law. The panel was moderated by Utah Circuit Court Judge Lynn Davis.

The civil law session of the conference began with an update on actions by the 1989 Utah Legislature that affect state and local government. Presented by deputy city attorneys Steven W. Allred, Allan J. Moll, and Karl Hendrickson, this discussion was especially interesting because it was one of the first such discussions after the legislature adjourned. Richard Dalebout, Provo municipal council attorney, followed with an update on 1988-89

cases affecting state and local government. Issues before the court this year ranged from First Amendment questions to liability of public officials to zoning. Eugene B. Jacobs, professor emeritus of law at BYU, presented his ideas on ethics in government, warning officials to use care and cite statutes aimed at enforcing ethical behavior by government officials.

In the afternoon session Dale A. Whitman and Walter Miller discussed the constitutionality and legality of impact and linkage fees, giving pointers on drafting ordinances that would survive judicial scrutiny. Mr. Whitman was a visiting professor of Law at the Law School, and Mr. Miller is Sandy City attorney Richard S. Fox, John M. Gardner, and Larry R. Denham examined Security and Exchange Commission disclosure guidelines for state and local bonds, highlighting underwriter responsibilities.

R. Bruce Johnson, Maxwell A. Miller, and Bill Thomas Peters concluded the civil-law portion of the conference with an update on property tax. Mr. Miller pointed out the prolific litigation of state taxation of oil and gas production on Indian reservations. Mr. Johnson cited recent developments in Utah tax procedure, accenting the Uniform Property Tax Assessment and Collection Levy. Mr. Peters discussed other recent developments in property tax.

The goal of this year's political-law section was to explore some practical factors in the political process. Bud Scruggs, chief of staff for Utah's governor

Norman Bangerter and a graduate of the Law School, opened the session by describing a lawyer's perspective of the transfer from politics to government. The next presentation, by David B. Magleby and Dan E. Jones, addressed the legal and ethical controversies in election polling. Mr. Magleby, professor of political science at BYU, reviewed the constitutionality of exit polls under the First Amendment. Mr. Jones explained developments using public-opinion surveys as evidence in court.

The section then moved to a panel discussion on political action committees under the new Utah statute. The diverse panel included David D. Hansen, Utah deputy lieutenant governor, Ed Mayne, president of the Utah AFL-CIO, Joseph A. Cannon, president of Geneva Steel, Betsy Wolf, president of Common Cause for Utah, and Pat Iannone of the Utah Realtors Association. The day's presentations concluded with an election-initiatives panel, with attorney James S. Jardine, Utah lieutenant governor Val Oveson, and Utah County Clerk William F. Huish.

The annual conference is rapidly becoming one of the area's most popular conferences on government and politics. BYU Law Professor Eugene B. Jacobs is the advisor to the Government and Politics Society and is the founder of the annual seminar. The law firm of Ballard, Spahr, Andrews & Ingersoll and the Government Law Section of the Utah State Bar also sponsored this year's conference.

## Graduate Completes Term As Young Lawyers' President

**U**nder Jerry D. Fenn's recently completed tenure as president, the Young Lawyers' Section of the Utah State Bar has experienced tremendous growth in programs and public service projects. The section offers numerous opportunities for its nearly 2,000 members to participate in public service projects. New programs under Jerry's leadership included: the publishing of a legal information pamphlet for graduating high school students entitled "On Your Own"; the People's Law Program, a series of classes on the

The section also offers a program at public libraries entitled "Law School for Nonlawyers," distributes the "Utah Senior Citizens Handbook," and provides lectures in senior citizens' centers on legal topics of interest to the elderly. In addition, the section helps young lawyers develop professionally through continuing legal-education classes at the annual meeting of the state bar, brown-bag luncheons featuring judges and prominent practitioners as speakers, and an annual survey on lawyer compensation. Jerry will continue on the executive council of the section for another year.

Jerry Fenn, class of 1983, is a multifaceted individual in both his professional and personal life. He practices with Snow, Christensen, & Martineau, and



law offered through Salt Lake Community Education; law-day fairs, where people at six shopping malls across the state could obtain basic legal information; and the law for the clergy project, which included the publishing of an informational pamphlet on legal issues for clergy and the sponsoring of seminars for clergy on legal issues.

In addition to his recently completed service as young lawyer's president, he is vice-chairperson of the Utah Alcoholic Beverage Control Commission, and is on several committees of the Young Lawyers' Division of the American Bar Association. Jerry is also a lapidary and an amateur actor who recently played Harold Hill in a local production of *The Music Man*.

## Graduate Named Dean of Capital University Law School

**R**odney K. Smith, a 1977 graduate of the Law School, was appointed dean of the Capital University Law School in Columbus, Ohio.

A graduate of Western Colorado State College, Dean Smith obtained LL.M. and SJD degrees from the University of Pennsylvania Law School after receiving his juris doctor at BYU. He was serving as a visiting professor at the University of San Diego School of Law before the new appointment.

Capital University President Josiah Blackmore stated, "Rodney Smith brings to Capital an excellent record and strong commitment to legal education and scholarship. I am confident that Dean Smith will make a significant contribution to the continued growth of our law school and university"

Smith's appointment followed a nationwide search that began after Blackmore, the former Law School dean, was named president in 1988. Founded in 1966, Capital University's Law School serves almost 700 students each year through its day and evening programs.

Smith holds honorary memberships in the Order of the Coif and the Board of Barristers. His expertise is in constitutional law, sports law, and American legal history, and he has taught at the University of San Diego School of Law, Widener University, and the University of North Dakota. He has also written

three books and many articles and is currently working on two new books.

After graduation from BYU, Dean Smith began his legal career in Bishop, California, where he served as city attorney from 1979-81 and then as a partner in a small law firm

## Dominguez Joins Faculty

**D**avid Dominguez has joined the faculty of the Law School as an associate professor. He comes to legal education from being assistant to the provost at the University of California, Berkeley

A 1980 graduate of Boalt Hall School of Law, University of California, Berkeley, Professor Dominguez began his legal career as a trial attorney for the National Labor Relations Board. While working with the NLRB he litigated many unfair labor-practice charges and negotiated and settled several complex labor and management disputes. He also worked part-time as an instructor at UC-Berkeley, where he created and taught special noncredit courses that introduced minority pre-law students to legal reasoning and the study and practice of law.

In 1988 he left the NLRB to accept the position of assistant to the provost at Berkeley. His assignment included analysis of student retention strategies and design of the 1989 Chicano/Latino conference on educational empowerment. He established a student, staff, and faculty committee to inspire student

achievement and leadership, and he served as the advisor to the *Berkeley Undergraduate Journal* and to the Minority Pre-Law Coalition, which has more than 300 members.

Professor Dominguez graduated *cum laude* from Yale University in 1977 with a bachelor of arts degree in religious studies. At the Law School he is teaching Criminal Law I and II, and coteaching Negotiations and Labor Law.

Commenting on the addition of Professor Dominguez to the faculty, Dean Hansen stated: "Professor Dominguez represents an unusual combination of academic ability and professional experience. His years with the NLRB and his vast experience in minority issues will be beneficial to our students as we work to enhance the curriculum and diversity of the student body."

## BYU Team Repeats Win at Spong Moot Court Competition

**F**or the second time in three years a moot court team from the J. Reuben Clark Law School has won the William B. Spong, Jr., Moot Court Tournament sponsored by the Marshall-Wythe School of Law, College of William and Mary in Williamsburg, Virginia.

This year's winning team members were Eric Adair from San Jose, California; Charlotte Wightman from Pullman, Washington; and Steven Ellsworth from Provo, Utah. Other schools

participating in the annual competition included New York University, University of Southern California, University of Virginia, De Paul University, George Mason University, and the University of Maine.

The members of the team prepared a brief and presented oral arguments on a case involving limitations on federal government employees' First Amendment rights to petition and divulge information to Congress. The alleged violation of the constitutional right raised the question of the appropriateness of a Bivens-type remedy.

## Law Student Wins Writing Competition

**K**enneth R. Wallentine, a member of the class of 1990, recently won the American Bar Association's annual writing competition. His article was chosen over 47 other finalists.

Mr. Wallentine's paper was entitled: "Wilderness Water Rights: The Status of Reserved Right After the Tarr Opinion." The paper will be published in the Law School's *Journal of Public Law*, where Mr. Wallentine serves as editor-in-chief. The paper addressed problems surrounding water rights for federal wilderness areas and the impact of those rights by the Tarr opinion.

Following his selection Mr. Wallentine commented in the *Daily Universe*, BYU's student newspaper, that he had spent a semester writing the paper—around 220 hours.

Wallentine was also recognized by the American Bar Association last spring for other writing he has done, and he has published articles on employment law and constitutional law.

## Library Gift Honors Drew Hawkins

**T**he BYU Law Library recently received a gift of \$500 from Boyd J. (Class of '87) and Felicia Hawkins in memory of their son Drew, who passed away while Boyd was in law school.

Boyd and Felicia helped select the 18 titles that were purchased with the gift; each will bear a commemorative bookplate. The donation was Boyd and Felicia's way of thanking professors, staff, and fellow students who were so generous and thoughtful to them during their years in law school.

Drew was a law school baby, born during fall semester of Boyd's second year. At the time of his birth, law students donated ten to twelve units of blood to Felicia, who had experienced serious difficulties. Thirty-seven days before Boyd's graduation, Drew died of sudden infant death syndrome.

After graduation Boyd joined Davis, Graham & Stubbs in Salt Lake City. He then returned to Utah Valley where he was employed as corporate counsel for Murdock Health Care in Springville. He has since returned to Salt Lake City, where he works for Bonneville International. In February 1989 Felicia gave birth to a baby girl.

## Preston Receives Faculty Appointment

**C**heryl Bailey Preston, a 1979 graduate of the J. Reuben Clark Law School, has joined the faculty as an associate professor and resigned as vice-president and legal counsel for First Interstate Bank of Utah in Salt Lake City.

Her legal experience since graduation has been

Section 2041 to Testamentary Powers of Appointment Held by Incompetent Decedents." She was named a J. Reuben Clark Scholar, an honor that was bestowed on the top 10 percent of each graduating class. Also, for being the top student in her torts and criminal procedure classes, she received the Lawyer's Cooperative Publishing Company Book Award.

Using a presidential scholarship she obtained her prelegal education at BYU, graduating *summa*



geographically varied. She began her legal career as a law clerk to Judge Monroe G. McKay of the United States Court of Appeals for the Tenth Circuit. After completion of this prestigious clerkship, she joined the tax department of O'Melveny & Myers in Los Angeles, California, where she worked for three years before accepting a position with the Salt Lake City office of Holme, Roberts & Owen.

While in law school she served as note and comment editor of the *Law Review*, and wrote an article entitled "Federal Estate Tax: A Possible Exception in the Application of I.R.C.

*cum laude*. She also worked as a teaching assistant in the History Department.

Her civic interests include membership in Utah Lawyers for the Arts and Women Lawyers of Utah, Inc., and she is also a member of the Primary Children's Medical Center deferred gifts committee.

"We are truly grateful to have Ms. Preston return to the Law School," Dean Hansen commented. "She has been a great friend of the school since graduation and has substantially assisted us in an advisory capacity over the years. We look forward to using her talents full-time.

## Faculty Notes

### Jean W. Burns

Since her appointment as associate professor, Jean Burns has been busy teaching Commercial Law I, Commercial Law II, Antitrust, and Conflicts. During the summer of 1988 she taught consumer law at the University of Utah—proving that the Law School doesn't mind sharing talent. Last year she was selected outstanding teacher of the year by the second- and third-year students. Professor Burns has recently published the article "Standing and Mootness in Class Actions: A Search for Consistency," *University of California-Davis Law Review*, 1989. Another article, "Rethinking the 'Agreement' Element in Vertical Antitrust Restraints," will be published in the *Ohio State Law Journal* in 1990. She has also provided service and time in the American Inns of Court, extending her commitment to professionalism in the legal community beyond the walls of the classroom.

### W. Cole Durham, Jr.

Cole Durham continues to enjoy the variety of his teaching responsibilities and his contact with students. He teaches Criminal Law, Legal Writing, a first-year Professional Seminar, Introduction to Contemporary Legal Theory, Church-State Seminar, and team-teaches various comparative and international law seminars.

He is the author of numerous articles and

other publications, including "Religion and the Criminal Law: Types and Contexts of Interaction," in *The Weightier Matters of the Law. Essays on Law and Religion*, (J. Witte & F. Alexander, eds., 1988); "Reminiscence of Dialogue: Beyond the Papers of the Freiburg Conference," *2 Rechtfertigung und Entschuldigung: Rechtsvergleichende Perspektiven* (A. Eser & G. Fletcher, eds., 1988); "Comparative Law in a Rhetorical Key," appearing in the *Harvard Law Bulletin* in 1988; "Foreword: Comparative Law in the Late Twentieth Century," in the 1987 *BYU Law Review*; and "Indian Law in the Continental United States: An Overview," *2 Law and Anthropology Internationales Jahrbuch fur Rechtsanthropologie* 93 (1987).

As faculty advisor to the International and Comparative Law Society, Cole has organized some very successful symposia, covering topics such as trade with China and the new Trade Bill (H.R. 4848). He serves on the board of editors for the *American Journal of Comparative Law* and was recently elected secretary of the American Association for the Comparative Study of Law. He is also an executive board member for the Church/State Center at De Paul University and a member of the National Advisory Board for the Center for Constitutional Studies. In the BYU community Cole's impact is seen in the quality of forums brought to the campus. He is a member of the BYU Forum Committee, which is responsible for selecting and inviting Forum speakers.



**Larry C. Farmer**

Since his return from Harvard and his work there on the Computer-assisted Practice System (CAPS), Professor Farmer has been involved in instructing BYU students about the use of CAPS, teaching Legal Interviewing and Counseling with Constance Lundberg and presenting the seminar Law and Social Sciences. He has not abandoned the CAPS project he set up back in Massachusetts. Larry commuted to Harvard Law School during 1988 to teach a brief, intensive CAPS course there. One of his papers, "A Method for Studying the Interviewing and Counseling Function of Lawyers," was presented at the AALS Section on Clinical Education Conference at the University of New Mexico Law School in October of 1987. The paper was written with Constance Lundberg, who also attended the conference.

**J. Clifton Fleming, Jr.**

Mr. Fleming is the one dean who did not change his position this year. He remains the associate dean responsible for faculty development, teaching assignments, curriculum, academic counseling, and Board of Visitors. This year Dean Fleming is teaching Tax I and Combining and Reorganizing Corporate Businesses.

He recently published "Domestic Section 351 Transfers of Intellectual Property: The Law As It Is vs. The Law As The Commissioner Would Prefer It to Be," 16 *Journal of Corporate Taxation* 99 (1989) and the 1988 supplement to this Shephard's/McGraw Hill treatise "Tax Aspects of

Buying and Selling Corporate Businesses." He continues to work on a second Shephard's/McGraw Hill treatise dealing with the federal tax problems of closely held corporations.

Outside the Law School, Dean Fleming is actively involved in the ABA Tax Section, serving on the Corporate Reorganizations Subcommittee and the Committee on Teaching Taxation (vice-chair designate of the committee and chair of the Program Planning Subcommittee). He was recently appointed to the Tax Advisory Group of the American Law Institute.

**Michael Goldsmith**

Professor Goldsmith teaches Evidence (still giving exams that mentally challenged rhesus monkeys should be able to pass), Criminal Procedure, RICO, and Complex Crimes and Investigations. He has recently published several articles: "RICO and 'Pattern': The Search for Continuity Plus Relationship," 73 *Cornell Law Review* 971 (1988); "Civil RICO, Foreign Defendants, and 'ET,'" 73 *Minnesota Law Review* 1023 (1989) (Coauthored with Vicki Rinne); "RICO and Enterprise Criminality," 88 *Columbia Law Review* 774 (1988); and "Plea Bargaining Under the New Federal Sentencing Guidelines," 3 *Criminal Justice* 3 (1988). He functioned as the coordinator for the "ABA RICO Jury Instruction Project," 1987 *BYU Law Review* 1.

Professor Goldsmith has lectured to law enforcement officials in Colorado, Georgia, Hawaii, Louisiana, Kentucky, Utah, Pennsylvania, Mississippi,

**James D. Gordon III**

Florida, Arizona, California, and Washington, D.C., on RICO, asset forfeiture, and complex investigations. As part of his ABA duties, Goldsmith is a member of the Criminal Justice Section, the White Collar Crime Committee, vice-chair of the RICO Committee, and on the editorial board for the *Criminal Justice Magazine*. He also is on the advisory board for the *RICO Law Reporter*. Professor Goldsmith has testified on RICO reform before the House and Senate Judiciary Committees of the United States Congress.

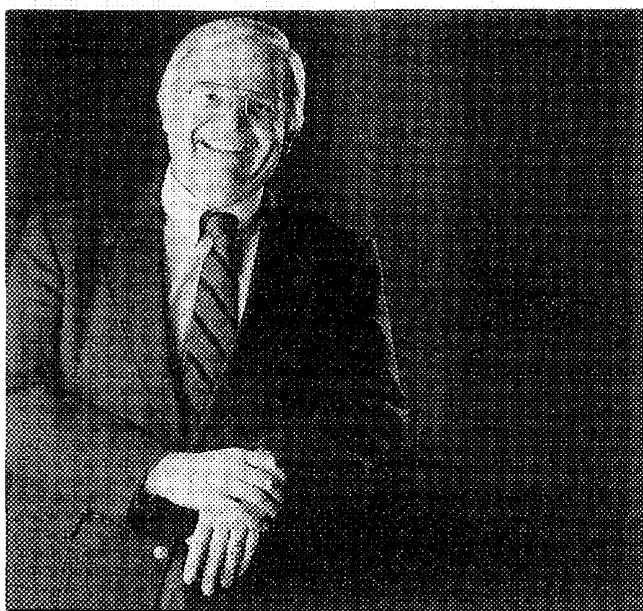
**James D. Gordon III**

Students continue to enjoy the fresh and creative teaching style of Professor Gordon. He is responsible for instilling wisdom in Contracts I, Contracts II, Legal Writing, Securities Regulation, and Professional Seminar. On the other hand, he says that wisdom is not all that it is cracked up to be.

Jim is the author of recent articles entitled "A Dialogue about the

Doctrine of Consideration," *Cornell Law Review* 1990 (in press); "Flying into Blue Sky: Aircraft Leasebacks As Securities," 35 *UCLA Law Review* 779 (1988); and "Common Enterprise and Multiple Investors: A Contractual Theory for Defining Investment Contracts and Notes," 1988 *Columbia Business Law Review* 635. He has also written educational pieces: "An Integrated First-Year Legal Writing Program," *Journal of Legal Education*, and "Teaching Parol Evidence," which has been submitted for publication. He has coauthored with David Magleby "Pre-Election Judicial Review of Initiatives and Referendums," 64 *Notre Dame Law Review* 298 (1989).

Professor Gordon served on the BYU Off-Campus Housing Arbitration Board, providing his even-handed sense of justice and his humor. The *Clark Memorandum* proudly hails the completion of his book, *How Not To Succeed in Law School*.



### Stanley D. Neeleman

Professor Neeleman has returned to the Law School and is currently teaching Business Associations, Tax II, Professional Seminar, and Tax Planning for Individuals. He spent last year with the Internal Revenue Service as professor-in-residence and assistant to the commissioner. More recently, he presented papers at the Philadelphia Tax Institute, the University of Denver Tax Institute, and the Salt Lake Estate Planning Council Fall Tax Institute.

Stan has served as chairman of the Utah Bar Tax Section and director of Utah Lawyers for the Arts. He is also a member of the Governor's Task Force on Individual Tax.

### Richard G. Wilkins

Richard Wilkins is teaching Civil Procedure I, Civil Procedure II, Constitutional Law II, and Civil Rights Actions. He is the author of recent publications: "The Takings Clause: A Modern Plot for an Old Constitutional Tale," 64 *Notre Dame Law Review*

### Stanley D. Neeleman

1 (1989); "An Officer and an Advocate: The Roles of the Solicitor General," 21 *Loyola Law Review* 1167 (1988); and "Search and Surveillance: Defining the Reasonable Expectancy of Privacy," 40 *Vanderbilt Law Review* 1077 (Oct. 1987). In 1988 the Criminal Practice Law Review republished his "Search and Surveillance" article.

Not limiting his work to solely the classroom or research, Richard, with Professor Lynn Wardle, drafted an amicus brief for the Missouri State Legislature for *Webster v. Reproductive Health Services*, \_\_\_\_\_ U.S. \_\_\_\_\_, 109 S.Ct. 3040 (1989). Professor Wilkins also participated in a moot-court program in Washington, D.C., sponsored by the National Association of State Attorneys General. He prepared and presented a mock oral argument about a state constitutional issue and then was part of a panel discussion on the same issue.

Richard also served on the BYU Off-Campus

Housing Committee. In the spirit of civic duty, he has presented various lectures on abortion and the U.S. Constitution to church and civic groups throughout northern Utah. He continues to be an active and talented actor, performing in many local productions.

### Gerald R. Williams

Professor Williams continues developing his interest in negotiations and dispute resolution by teaching Legal Negotiations and Settlement, Remedies, and Alternative Dispute Resolution. Besides teaching classes on the above subjects, Professor Williams is frequently invited to present papers or workshops to various groups of attorneys and judges on negotiation and dispute resolution.

Some presentations that he made during the past two years include "Negotiating Patterns: A Behavioral Perspective," presented to the Sloan School of Management, Massachusetts Institute of Technology; "The Role of Syncretical Thinking," also presented at MIT; "Creating Value in Negotiations," an interactive presentation to the CPR Legal Program Annual Meeting in Seabrook Island, South Carolina; and "Negotiating Development Projects on Behalf of Third World Countries" for the International Development Law Institute in Rome, Italy.

At the request of the American Arbitration Association and the Northwest Center for Professional Education, the paper "The ADR Dynamics of Lawyer-to-Lawyer Negotiation" was presented in Washington, D.C. Also in

Minneapolis, Minnesota, he presented to the American Society of Trial Consultants a paper entitled "Negotiation: Theory and Technique." Gerry is often invited to law firms and corporate law departments to give seminars on negotiations.

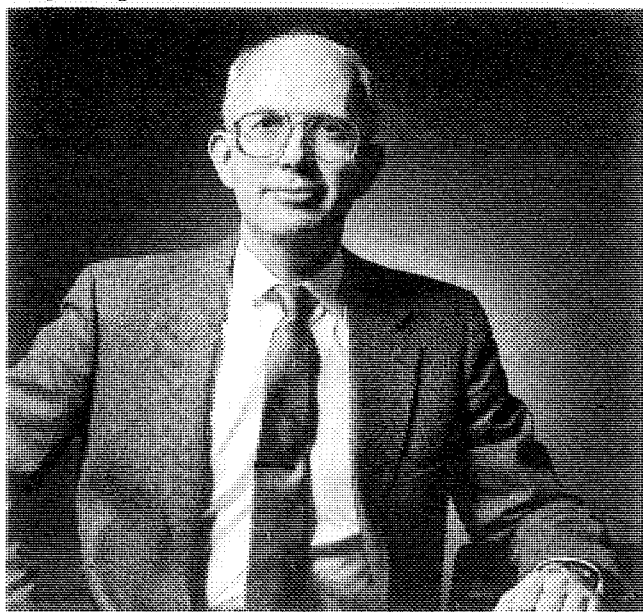
Professor Williams was recently appointed to the American Bar Association Standing Committee on Dispute Resolution. He is also the chair of the Alternative Dispute Resolution Programs and Policies Advisory Committee for the Utah Law and Justice Center. He is a member of Academic Advisory Board for the Center for Public Resources in New York City. For BYU Education Week in Provo on August 15, 1988, he taught a seminar titled "How to Negotiate with Russians, Lawyers, and Other Worthy Adversaries."

### Stephen G. Wood

Stephen Wood teaches courses in four different areas at the Law School: administrative law; comparative law; labor law, including collective bargaining, employment discrimination, and workplace safety and health; and international business transactions. He is professionally active in all four areas. In the American Bar Association's Section of Administrative Law and Regulatory Practice, Stephen is council member for state administrative law, a vice-chair of the Task Force on Federal/State Administrative Relations, and a vice-chair of the Task Force for a Center of State Administrative Law. He is immediate past-chair of the Administrative Practice Section, Utah State Bar.

Professor Wood and two of his former students, Don Fletcher and Richard Holley, recently published an article entitled "Regulation, Deregulation and Reregulation: An American Perspective" in the *BYU Law Review*. Professor Wood is a member of the board of directors of the American Association for the Comparative Study of Law. He is a regular participant in the Council on Education Management's Personnel Law Update, making presentations on "Expanding Issues of

entitled "Flexible Working Hours: A Preliminary Look at the Phenomenon of Flexibility in the American Workplace" that will be published in the *American Journal of Comparative Law*. Working with Chong Liu, a Chinese student attending the Law School, he has written an article that contains the first English translation of the recently enacted Law of Administrative Procedure of the People's Republic of China and a commentary on the provisions of that Law.



Privacy in Employment: Drug Policies, Personnel Relationships, Searches, and Beyond" in 1988 and "Age Discrimination and the Middle Management Squeeze" in 1989.

He is a consultant to the United States Department of Labor and recently was an arbitrator in a dispute involving the Granite School District in Salt Lake City. He enjoys the opportunity to work with law students on advanced projects. He and Alan Sevison, a third-year student, have just completed an article

*Steven G. Wood*

Professor Wood has been particularly active in the international arena. He played a key role in creating the interdisciplinary International Trade Policy course that the Law School offers jointly with the Kennedy Center for International Studies and the Marriott School of Management. He and professors Durham and Riggs are offering several Europe 1992 seminars this year. He was host for two visits from the People's Republic of

China, the first from a delegation of 10 deans and vice-deans from leading law schools; the second from Jia Changcun, senior official of the Bureau of Legislative Affairs of the State Council.

## Class Notes

### *Douglas A. Taggart '78*

Douglas is now with the Ogden, Utah, office of Vancott, Bagley, Cornwall & McCarthy. He practices in business, estate planning, taxation, real estate, and insurance. Before joining the firm, Douglas worked for Beneficial Life Insurance Company and in the office of the Legislative Research and General Counsel. He is on the editorial board of the Utah Bar Journal and serves as a member of the Legislative Affairs Committee of the Utah State Bar. He has, among other calls, served as a seminary teacher and in two bishoprics.

### *Michael Harrison '79*

After graduation from the Law School Michael joined Frandsen, Keller & Jensen, a small general-practice firm in Price, Utah, where he has remained. He served as a bishop from 1984 until 1989 and is currently a member of a stake presidency.

### *Darryl J. Lee '80*

Darryl joined the law firm of McKenna, Conner & Cuneo after graduation from law school and worked in both their California and D.C. offices. He left the firm to join Morton Thiokol, Inc. With Thiokol he was initially responsible for the legal matters for all

Utah-based divisions. He was recently promoted to the position of vice-president for legal affairs and group counsel for the entire aerospace group. He is headquartered in Ogden, Utah.

### *Bruce N. Lemons '80*

Following graduation, Bruce took flight to the then booming, and now stagnant, Denver area and began practicing with Holme, Roberts & Owen, where he is now a partner. Bruce's practice is principally in advising corporate clients about the federal income tax aspects of prospective transactions. In the last two years he has published nine articles relating to various tax subjects and is a coauthor of "S Corporations: Federal Income Taxation," published by Callaghan & Company. Bruce has spoken on tax topics to many groups, including the Independent Petroleum Association of America, the Rocky Mountain Energy Conference, the Tax Section of the American Bar Association, the Tax Section of the State Bar of Texas, and the Virginia Conference on Federal Taxation.

### *M. Patrice Tew '81*

Patrice began practice with Thomas R. Howard and Associates and practiced mainly in family, probate, and corporate areas and was involved in several interstate adoptions. She has done volunteer work for the Republican party, the American Heart Association, and the PTA. In the Church she served as a primary president, in the presidency of the Young Women, and as a teacher in

the Sunday School and the Primary. She is "temporarily retired" and living in Las Vegas, Nevada.

#### **H. Daniel Fuller '82**

Daniel started his own firm, Chapman, Fuller & Bollard, with two other attorneys in October 1987. The firm has since added three associates and is looking for more. His Irvine, California, firm specializes in business litigation. Before striking out on his own, Daniel worked for Paul, Hastings, Janofsky & Walker, and Call, Clayton & Jensen. He has served in the Church as a stake missionary, ward mission leader, and elders quorum president.

#### **Stephen Jerry Sturgill '82**

Jerry was recently elected to partnership in the Los Angeles-based Latham & Watkins law firm. He works in their New York office. Before joining Latham & Watkins, Jerry clerked for Judge Eugene Wright of the U.S. Court of Appeals for the Ninth Circuit. He has been a member of the Zoning Board of Appeals and the board of directors of Phillispe Manor Beach Club. Latham & Watkins specializes in corporate and business law, and Jerry specializes in banking and finance matters.

#### **Steve Barringer '83**

After graduation Steve worked for three years in Washington, D.C., with the solicitor's office of the Department of Interior, where he dealt with water and reclamation law and environmental law. In 1986 he moved to Denver and accepted a position with the Denver-based firm of Holland & Hart. Since

moving to private practice, Steve has specialized in environmental law, with emphasis in water quality, Superfund, and hazardous-waste management. In June 1989 Steve returned to Washington, D.C., to practice with Holland & Hart's office there.

#### **Connie Cutler Knowles '83**

Connie is currently teaching in the legal assistant program of Vincennes University in Vincennes, Indiana. After law school she moved to Wyoming and practiced in Cody and Casper with the firms of C. Edward Webster II and Murane & Bostwick.

#### **Gordon R. Muir '83**

Gordon joined the Reno, Nevada, firm Folsom & Clark after graduation from the Law School. In 1989 the firm name changed to Hawkins, Folsom, Clark, Salter & Muir. Also in 1989, Gordon obtained an LL.M. degree in taxation from the University of the Pacific, McGeorge School of Law. He practices in the corporate and business areas and in taxation and estate planning. His article "Using Your Personal Computer to Compute the Interrelated Interest Deduction on Estate Tax Deferrals" was accepted for publication by the January/February 1990 issue of *Estate Planning*. He has worked with the Boy Scouts of America and has served as Young Men president, elders quorum president, and second counselor in his ward's bishopric.

#### **Julie Vick Stevenson '83**

Julie has practiced with Ryan, Ryan & Kickey in Stamford, Connecticut, and

McPhillips, Fitzgerald, Meyer & McLenithan in Glen Falls, New York. She is now living in Columbia, Maryland, and plans to take the Maryland bar in the next few years. She passed the bar exams in Virginia, Connecticut, and New York. While in New York Julie served as Relief Society president and served in the presidency while living in Connecticut. In Virginia she served as secretary in the Young Women organization.

#### **Kirk Wickman '83**

Kirk continues to work with Kirkland & Ellis, a 350-lawyer firm based in Chicago, where Kirk's primary work is representing investment banks and corporate clients on stock and bond offerings. Kirk also works with Kirkland's leveraged buyout and venture capital clients. He was elected to partnership in the firm in October 1988. Kirk serves as a counselor in the bishopric of his ward in Homewood, Illinois.

#### **Kevin R. Murray '84**

Kevin recently left Jones, Day, Reavis & Poque to join Winstead, McGuire, Sechrest & Minick in Dallas. He is associated with the firm's public/administrative law section and primarily practices environmental law.

#### **Miriam A. Smith '85**

Miriam recently completed an Academy of Television Arts and Sciences internship at Warner Brothers Television in the Business Affairs Department. Following law school she clerked for the Honorable George E. Ballif of Utah's Fourth Judicial District

Court. She resigned her position as estate administrator in the United States Bankruptcy Court for the District of Utah to accept a scholarship at the Annenberg School of Communications of the University of Southern California.

#### **Kirtlan G. Naylor '86**

Kirt worked for the Ada County, Idaho, prosecuting attorney's office as a deputy prosecuting attorney for two years following graduation. He left public employment to join the Boise office of Imhoff & Lynch, a litigation firm. The law firm is known in Idaho for its innovative computer-assisted litigation system and has represented insurance companies in complex major-disaster litigation.

#### **Paul D. Rytting '86**

Paul has practiced with the Bellevue, Washington, firm Hanson, Baker, Ludlow & Drumheller since graduation, and he practices in real estate, banking, and adoptions. His law review article "Immigration Restraints on International Adoption" was reprinted in the 1988 *Immigration and Nationality Law Review*. He has been teaching early morning seminary for his stake.

#### **Darrell M. Harding '88**

Darrell is engaged in general practice with the Virginia Beach, Virginia, firm of Hayden I. DuBay, P.C. He is handling everything from divorce cases to wrongful death under the Federal Tort Claims Act. He was called as bishop of his ward one month after moving to Virginia Beach and just as he was preparing to take the Virginia bar.