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THE ESSENCE OF LAWYERING IN AN

A T M O S P H E R E

of

FAITH

by Kevin J Worthen

THIS IS YOUR FIRST FORMAL MEETING AS LAW STUDENTS.

It is my first formal greeting as a dean. All of us may be wondering exactly where we are, where we are headed, and how we got here.

It reminds me somewhat of the fellow who found himself in front of the Pearly Gates. As he started to go in, Peter stopped him and explained that it's not that easy to get into heaven. "You have to have done something good." "Like what?" the man responded. "For example," Peter asked, "were you religious in your life? Did you attend church?" "No," said the man. "Well," Peter asked, "were you generous with your money? Did you give some to the poor?" "No" "Were you a good neighbor? Did you help

them?" "Not really." Peter, now a little exasperated, said, "Look, I'd like to help, but you've got to work with me. Surely, sometime in your life you did something good for someone. Now think!" After a moment the man said, "There was this one time when I helped an old lady. I came out of a store and found her surrounded by a dozen Hell's Angels. They had taken her purse and were shoving her around, taunting and abusing her. I got so mad I threw my bags down, fought through the crowd, and got her purse back. I helped her to her feet and then went up to the biggest, baddest biker and told him how despicable, cowardly,

and mean he was and spat in his face." "Wow," said Peter, "that really is impressive. When did this happen?" "Oh, about two minutes ago," replied the man.¹ Things really can change quickly for us.

As I have tried to learn a little about the role of a dean this summer, I discovered that the first dean in a U.S. university was John Collins Warren, who was appointed dean of the Harvard medical school in 1816.² "His primary charge," you will be pleased to know, was "to be friendly and charitable to students."³ Although the duties of a dean have expanded considerably since that time, I think that initial charge is still in place, and it is as a friend

that I want to visit with you today, a friend who can hopefully provide some helpful perspective as we begin these new phases of our lives together.

You are a remarkably diverse group with a wide variety of experiences and backgrounds, as Dean Pullins has indicated. We appreciate the diversity each of you brings to the Law School. That diversity will enrich your law school experience more than you likely anticipate at this point. I wish to focus, however, not on your differences but on the two features that you all have in common: ① You have all chosen to study law, and ② you have all chosen to study law at the J. Reuben Clark Law School.



*This
speech was
presented
to the J.
Reuben
Clark Law
School on
August 18,
2004.*

here is more to

these seemingly obvious common features than may initially appear. Let me start with the first. You have all chosen to study law. But what does it mean to study law? Some of you may anticipate that the study of law will involve a massive mind meld, that in the course of the next three years the faculty will, through some mysterious process, convey to you all the statutes, cases, and other legal rules you need to instantaneously answer any question a client might put to you. While you will certainly memorize a number of legal principles during the next three years, a brief tour of the library should quickly convince you that you are not going to have time to internalize all that material.

Some may believe that the study of law is principally a research exercise, that it consists of learning how to find the information you need in that massive library. Although research instruction will be part of your legal education, it is only part. And, while important, it is not the central part.

Many if not most of you are ahead of me on this point and already anticipate that sooner or later I will trot out the shopworn phrase commonly invoked on occasions such as this and inform you that the study of law ultimately consists of teaching you to “think like a lawyer.” That comes closer to the truth, but that phrase involves more than may first appear. Moreover, even a more in-depth understanding of that concept does not completely capture the fullness of the study of law.

But let me start with that concept. What does it mean to think like a lawyer? First, let me clarify a couple of things it

does not mean. Contrary to the impression given by the behavior of some lawyers, “[t]hinking like a lawyer does not mean being argumentative and contentious.”⁴ As one lawyer noted, “You don’t need three years of law school to learn how to annoy and irritate others.”⁵ At the outset, therefore, I implore you not to confuse the untoward actions of some lawyers with the essence of lawyering. While there are times when you need to be zealous in your advocacy, being argumentative and contentious no more makes you a lawyer than shaving your head and wearing Nikes makes you Michael Jordan.

Nor does thinking like a lawyer consist of the ability to use clever rhetoric to take advantage of others. The story is told of a lawyer whose neighbor approached him and asked him how much he charged for his advice. “I charge \$200 for answering three questions,” the lawyer responded. “That’s awfully steep, isn’t it?” the neighbor replied. “Yes it is,” said the lawyer. “Now what’s your third question?” A good joke, perhaps, but not good lawyering. Again, don’t mistake the outward trappings for the essence of the matter. Thinking like a lawyer involves much more than merely being clever.

So, just what does thinking like a lawyer involve? The fact that there is no consensus as to the precise meaning of the term despite its constant use in describing what the study of law is all about⁶ is telling in and of itself because it indicates how deep and multifaceted the concept is. However, I believe it is possible to provide a good insight into what is at the heart of thinking like a lawyer at this point and that such a glimpse will be helpful as you start the process of studying law.

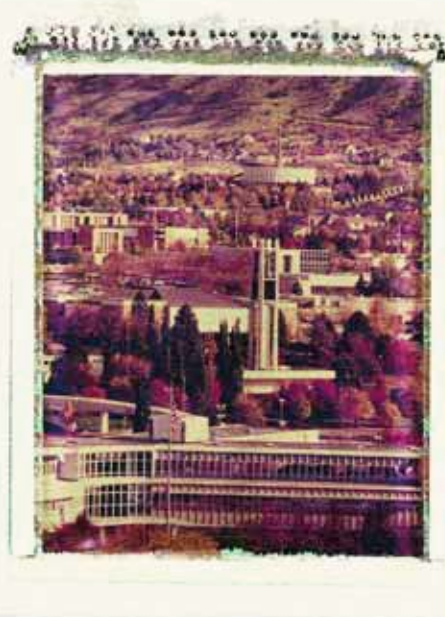
As the words in the phrase suggest, thinking like a lawyer is primarily—though not exclusively—a mental skill, a way of thinking about things that is different from the ways you may have thought about things in the past. It is an analytical method of thinking that requires keen observation, logical reasoning, and a willingness to study matters in depth. It also involves an ability to explain conclusions and reasoning in a logical way.

At the ceremony celebrating the opening of this law school in 1973, then President Dallin Oaks, described part of the analytical and communicative skills that thinking like

a lawyer involves. A person who thinks like a lawyer, he said,

*is a student of meaningful differences among apparently similar situations, and meaningful similarities among situations of no apparent connection. A person who is keen at spotting differences or similarities, discarding the unimportant ones, fastening upon the important ones, and being prepared to explain the reasons for their importance, is well along toward thinking like a lawyer.*⁷

Because it involves a relatively new way of viewing things, thinking like a lawyer can be a challenge. You will be asked to forget some of the habits you have developed and to develop new ones. As one scholar observed,



you will be “expected to learn a new language, a new way of looking at the world, and a new and distinct way of expressing [your] understanding.”⁸ That is quite a task—one that can be painful at times. But the results can be exhilarating. Karl Llewellyn expressed the process lyrically with the classic poem “The Bramble Bush.”

*There was a man in our town
and he was wondrous wise;
he jumped into a bramble bush
and scratched out both his eyes—
and when he saw that he was blind,
with all his might and main
he jumped into another one
and scratched them in again.*⁹

Elder Oaks was a little more direct when he explained:

*Learning to think like a lawyer is rigorous and frustrating. But the objective is worth the effort. The study of law has few equals in disciplining the intellect. Properly conceived and executed, there is nothing mechanical or repetitious about it. It teaches its students a new way to think, and that skill is serviceable beyond the limits of the practice of law.*¹⁰

While learning to think like a lawyer is the core component of the study of law, particularly the first year of study, the true study of law requires development of characteristics other than analytical and communicative skills. It requires an ability to understand and deeply care about the human condition. True legal education involves more than abstract analytical thinking because, at the end of the day, law has an impact well beyond its abstract conception. Law matters in the real world. In fact, law matters a lot in the real world, at both a macro and an individual level. Because law matters a lot, its study cannot be limited to mere mental abstract exercises.

At a macro level, law matters because it ultimately provides the framework for determining and protecting basic rights and obligations in a society. The status and destiny of nations is shaped by how law is created and implemented. It is, in my opinion, not a coincidence that in the founding of the most stable and productive democracy in the world, “[t]wenty-five of the thirty-six signers of the Declaration of Independence, thirty-one of the fifty-five members of the Constitutional Convention, and thirteen of the first sixteen presidents [of the United States] were lawyers.”¹¹ The political structure on which we depend in the United States is largely attributable to the efforts of lawyers who not only thought deeply about the law but also understood its impact on the human condition.

The impact of law at a macro level extends well beyond political rights. A study by the Inter-American Development Bank in 2000 determined that of the more than \$10,000 gap between the per capita income of developed countries and that of Latin American countries, approximately \$6,000 was attributable not to demographic

CREATE AN ENVIRONMENT IN WHICH THE LAWS OF

differences (such as the age of the population) or geographic differences (such as access to transportation and world markets) but to the fact that the public institutions in Latin America—the institutions in which the law plays itself out—were “less effective, predictable and transparent” than those in the developing countries.¹² In other words, if the legal system in Latin America operated differently, each person in those countries could potentially be \$6,000 richer.¹³ Law truly matters at a macro level.

Perhaps more important, however, law matters a great deal at an individual level. Because of the ubiquity and complex nature of law in our society, people are required to trust lawyers with their hopes, their dreams, their fortunes, their rights, and sometimes even their lives. How lawyers deal with those precious commodities is of extreme importance to those people. And, as lawyers really learn how to think like lawyers, how important it is that they learn to really care enough about the human condition that they will refine and use those skills to improve others’ lives.

Because law matters a lot, it matters a lot that you have chosen to study law. At the dedication of the Law School building in 1975, President Marion G. Romney, who was not noted for hyperbole, stated that one of the reasons he worked to have a law school established here was that he had “long felt that no branch of learning is more important to an individual or society than law.” Given the eternal perspective of its author, that statement is worth considerable contemplation. I repeat: “No branch of learning is more important to an individual or society than law.”

Because the study of law matters a lot, it also matters a lot how you choose to study it. What you learn here in the next three years—not just the rules of law, not just research skills, and not just how to think like a lawyer, but the entire spectrum of law in both its intellectual and human aspects—will matter a lot to a lot of people. Thus, I urge you to study law with full intensity.

I urge you to study law the way that Domingo Catricura did. Domingo was a student in an Indian law class I team-taught at the University of Chile Law School a decade ago. Domingo was in his mid-50s at the time and was one of about 25 non-law students who, along with 30 law students, attended the class. The non-law students were invited to attend the course because they were leaders in various Mapuche communities, the Mapuches being the largest indigenous group in Chile. The course primarily covered the history of Spanish and Chilean interaction with the indigenous peoples of Chile and the first comprehensive Chilean Indian law, which had been enacted the year before. I provided a comparative perspective, contrasting the Chilean experience with that of the United States. As is typical of law classes in a civil law system, the course was highly abstract and theoretical.

Although not a law student and therefore without any hope of obtaining a law degree, Domingo attended the three-hour once-a-week class every week, occasionally making a 9- to 10-hour bus ride from his small native village of Chiuimpilli in southern Chile in order to attend. He was anxious to learn everything he could about law, even that which I attempted to convey about U.S. law in my somewhat rusty Spanish. Although of limited economic means, he purchased a small tape recorder to make sure that he thoroughly understood and remembered everything covered in the class. He also took copious notes, which he frequently reviewed with his two teenage children, who occasionally attended the class with him. He absorbed the information in class and wanted to discuss it after-hours.

For Domingo the theoretical aspects of the law were as important as the practical ones, because he sensed, early on, that in law the former drives the latter. And to him the latter mattered greatly, because he hoped it would help him maintain the cultural integrity of his native village. Thus,

Domingo not only read the materials we covered, he reread them, contemplated them, and wrestled with them. Vivid in my memory is the image of Domingo with his tape recorder and notebooks in hand staying after a three-hour lecture in an unheated room in winter following a long day’s travel in order to further discuss the day’s subject.

Domingo, like you, chose to study law. He understood what that meant. I hope that you, like Domingo, soon discover that there is more to your choice to study law than you initially thought and that there is a lifetime of understanding and fulfillment ahead of you if you pursue it the right way.

Let me now turn to the second thing you have in common with one another: your decision to study law at this Law School. This fact may also be more significant than you originally thought—at least I hope it becomes more significant over the ensuing years. A little historical perspective may help initiate that developmental process.

The initial suggestion that law be part of the curriculum at a school sponsored by The Church of Jesus Christ of Latter-day Saints was first made in 1897 when Joseph Whitely, a teacher of civics and public law at the University of Utah, proposed a law course for the Provo branch of what was then the Brigham Young Academy.¹⁴ The proposal went nowhere, because, in the words of former Dean Carl Hawkins, “the time was not propitious” for such an endeavor—in part because the school was in shaky financial condition.¹⁵ I suspect, however, that part of the Church’s reluctance to commit resources to the study of law had something to do with the suspicion that many early Church leaders shared about lawyers and the impact the study of law would have on those who undertook it.

When, in 1882, a young man named James Henry Moyle approached his stake president, Angus Cannon, and expressed his

MAN CAN BE LEARNED IN LIGHT OF THE LAWS OF GOD.

desire
to go east
to study law,
President Cannon's
reaction was quite telling.
According to Moyle's biographer,
President Cannon "brought his fist
down on the counter of the office and
said, 'You are going to hell!'"¹⁶ Fortunately
for Moyle, Angus' brother George, who was
a member of the First Presidency, did not
have the same misgivings, and he arranged
for Moyle to meet with John Taylor, who
was then president of the Church. When
Moyle informed President Taylor of his
desire, President Taylor replied that he too
was "opposed to any of our young men
going away to study law." It was, he stated,
"a dangerous profession."¹⁷ When President
Cannon pointed out that the Church would
always have need to employ lawyers,
President Taylor eventually relented and
agreed that it might be "all right for Moyle
to go," but only after warning him in a blessing
that if he did not constantly seek divine
guidance in the endeavor, he would "go
down and wither away."¹⁸ The experience
made clear that at least some of the leaders
of the Church at that time had severe mis-
givings about the study of law. They might
tolerate it as a necessary evil for a few, but
they were not anxious to promote it.

Given that history, the decision of the
Church leaders to establish this law school
at this university, as well as President
Romney's observation about the importance
of the study of law, may take on new signifi-
cance. Clearly something had happened to
change the Church leaders' views about the
study of law in the years between their inter-
change with James Moyle and the establish-
ment of this school. While there were
undoubtedly a number of things that con-
tributed to that change, I believe one of the
most significant was their close association
with J. Reuben Clark Jr., the international
lawyer and former member of the First
Presidency for whom the Law School is
named. Indeed, when explaining why he

cham-
pioned the cause
to establish a law school at
this university, President Romney
(who was also a lawyer) indicated that one of
his main motivations was "to have perpetu-
ated on this campus the memory and influ-
ence" of President Clark.¹⁹

Thus, we owe more than we may think
to J. Reuben Clark Jr. He not only provided
a name for this law school, he also provided
a model of the positive impact that the
study of law could have on those with deep
religious faith, and he did it in a way that
I believe altered the view of many in the
Church.

J. Reuben Clark was a man of enormous
intellect. When he left Utah to study law at
Columbia University in 1903, Reuben,
stated Elder James E. Talmage, "possessed
the brightest mind ever to leave Utah."²⁰
President Clark was also one who loved
learning. "The eighth grade was the highest
level [of schooling] available in [his home-
town of] Grantsville, so after he finished it
once, he repeated [it] two more years
because he wanted" so much to learn.²¹ He
also understood that intellectual curiosity
achieved its maximum impact when accom-
panied by hard work. "I have learned," he
said in later years, "that work, more work,
and more work is the only way in which one
may acquire knowledge."²² The result of this
combination was evident in his law school
years. In the words of one of his biographers:

*When given an assignment, [Reuben] did far
more than brief a case or two in the customary fash-
ion; he bounded the errant problem back into its
past, rooting through precedents, commentaries,
ancillary discussions, and anything else he could
find. Then, amid a chaos of notes, citations, and
open books piled high, he observed step by step how
the matter came into being.*²³

In other
words, J. Reuben
Clark pursued the study
of law with the same enthusi-
asm and energy that Domingo
Caticura did. Thus, it is not surprising
that President Clark excelled in law school
to such an extent that upon graduation he
was offered a position as assistant solicitor in
the State Department in Washington D.C.,
thus commencing an illustrious career of
public service that culminated in his work as
U.S. ambassador to Mexico some 25 years
later. J. Reuben Clark personified the quali-
ties of intellect, love of learning, and hard
work that make for a successful law student
and lawyer.

Yet, I suspect it is not just the combina-
tion of these qualities but the presence of
others not commonly associated with
lawyers that most impress those who so
fondly remember President Clark. One inci-
dent from his life provides an example.
Many members of the Church are familiar
with President Clark's statement "In the ser-
vice of the Lord, it is not where you serve
but how." Fewer, however, are familiar with
the circumstances under which he made
that statement.

From 1934 to 1951, President Clark was
the First Counselor in the First Presidency
of the Church, serving both Heber J. Grant
and George Albert Smith. In 1951 when
President Smith passed away, President
David O. McKay became President of the
Church, and, as was his right, chose his
counselors. Many were surprised when he
selected Elder Steven L. Richards as First
Counselor and President Clark as Second
Counselor. While they fully supported the
decision, even some of the members of
the Quorum of the Twelve were caught



somewhat off-guard. President Spencer W. Kimball, then a member of the Quorum of the Twelve, wrote in his journal that he was “stunned” when he first heard the news.²⁴ Given his prominence in both the world and the Church, it may have been possible for President Clark to have been upset at what some perceived to be a “demotion.” Instead, he himself presented the names of the counselors for a sustaining vote, and then, in his subsequent remarks, set forth his famous statement that “in the service of the Lord, it is not where you serve but how.”²⁵ President Kimball recorded in his journal his view of that particular conference session: “[T]he congregation was breathless . . . [and] there were many tears throughout the congregation. . . . No one could tell if Pres. Clark carried any scars or injuries. . . . No complaint, no self-pity neither in act nor attitude.”²⁶ President Kimball then added that J. Reuben Clark’s “perfect reactions . . . did more . . . to establish in the minds of this people the true spirit of subjection of the

individual to the good of the work . . . than could be done in thousands of sermons.”²⁷

Among other things, J. Reuben Clark was, for those who established this law school, living proof that the study and practice of law at the highest levels does not necessarily lead to arrogance and pride, nor to a weakening of faith or character.

At the dedication of this building in 1975, President Romney expressed a desire that “all faculty and student body members . . . familiarize themselves with and emulate [the] virtues and accomplishments” of J. Reuben Clark.²⁸ This and other charges given by Elder Oaks and President Romney at the establishment of the Law School and the dedication of this building provide a helpful perspective on the significance of your decision to study law at this law school. I commend those and other “foundational documents”—which will be placed on the Law School Web site shortly—for your reading and discussion in the coming year.

As important as was the impact of the life of J. Reuben Clark on the establishment and direction of this law school, I am convinced that the decision of the leaders of the Church to start this school and to continue to support it so generously did not rest solely on the view that it is okay, or maybe even desirable, for members of the Church to study law at a good law school. Having now become more familiar with the budget figures and the generous subsidy we receive from the Church, I can assure you that if the Church leaders' only goal was to provide a good legal education to 150 students of faith every year, they would have been money ahead simply to provide generous scholarships to deserving individuals, who could then attend one of many outstanding law schools that exist throughout the country. What the founders had in mind, as President Romney stated at the opening ceremony, was the establishment of "an institution"—"an institution in which [students could] . . . 'obtain a knowledge of . . . [the] laws of . . . man' in the light of the 'laws of God.'"²⁹ What they saw—or at least what I envision now—is not just a group of individuals studying law but a community of scholar saints—or to particularize it somewhat more and to put my individual spin on it—an intellectually and spiritually invigorating community in which the law can be studied and lawyers and leaders of diverse backgrounds can be shaped in an atmosphere of faith.

Let me briefly tell you what I mean by this. I envision—and ask you to help create—a community that is both intellectually and spiritually invigorating. On the intellectual level, I envision—and ask you to contribute to—a place where the classrooms, carrels, and hallways are filled with lively discussion about important topics, involving a wide variety of informed viewpoints. That will require that you fully prepare for class everyday, a task that will become more difficult as the months and years roll on. It will require that you attend and participate in academic symposia that occur at the Law School. It will require that you seek out and respect the views of others who disagree with you. It will also require that you be willing to not assume that you already know everything. For some that may be a real challenge. However, experience has shown that you are more likely to advance in knowledge

if you approach topics with a good deal of humility. Justice Byron White, for whom I had the opportunity to clerk, noted on more than one occasion that the law clerks were "rarely in doubt and often in error," while the justices were "often in doubt and rarely in error." There is a great deal of wisdom in that observation, wisdom that can hold the key to a truly invigorating intellectual climate.

On the spiritual level, I envision—and invite each of you to contribute to—a community in which we can help one another work through and consider fully the very real spiritual challenges that the study and practice of law bring to the surface, a community in which we can help one another discover the soul-satisfying aspects of the study and practice of law, aspects whose absence in the modern bar causes so much disillusionment among lawyers today. More specifically, I invite you to take part in the professional seminar courses that are offered, the Spirit of the Law discussions that take place here, and the devotionals sponsored by the university. I also urge you to find ways to be of real service to others around you, both inside and outside the Law School and both inside and outside your faith. If you do that, not only will you improve spiritually, you will also help create a spiritually invigorating environment in which all can be edified.

Most of all, I envision—and ask you to contribute to—a community in which faith is an integral part of all we do. I have pondered much President Romney's charge that we create an environment in which the laws of man can be learned in light of the laws of God. Just how does the light of the laws of God help us as we study the laws of men? The full answer to that question will take years to discover, but I encourage you to begin that process now. Let me suggest two simple initial responses, by way of example of what President Romney may have had in mind.

First, the laws of God teach us that we are all children of heavenly parents and that each has divine potential within. That one truth ought to alter fundamentally the way in which you approach the study of law. It ought to provide more incentive to study earnestly so that you might be prepared to truly help those sons and daughters of God. It also ought to shape the way you interact with

KEVIN J WORTHEN

Kevin J Worthen became dean of the J. Reuben Clark Law School on June 1, 2004, replacing H. Reese Hansen. Worthen joined the Law School faculty in 1987 and has served as associate dean for academic affairs since 1999.

The first JRCLS alum to serve as the school's dean, Worthen graduated first in his class (1982), *summa cum laude*, from the Law School, where he was a member of the Order of the Coif. Clerking for Judge Malcolm R. Wilkey of the U.S. Court of Appeals for the District of Columbia Circuit right out of law school, Worthen then accepted a two-year clerkship with Justice Byron R. White of the U.S. Supreme Court, developing a love for research and publishing that would later encourage him to become a professor. Before joining the faculty at the BYU Law School, he practiced law with Jennings, Strouss & Salmon in Phoenix, Arizona.

Worthen has an extensive background in American Indian law, something he began exploring while attending BYU as a student. "We had at the time a requirement to take 'Horizon' courses (courses designed to give different perspectives on the law) and Indian law was one of them," Worthen said. "I was just fascinated with the subject." His knowledge of American Indian law was helpful when dealing with clients who did business on the vast Navajo Indian reservation in Arizona.

A Fulbright scholar to the University of Chile Law School in the fall of 1994 and Spanish-speaking from a mission in Monterrey, Mexico, Worthen has authored articles about federal Indian law, local government law, and constitutional law.

"Kevin Worthen brings to his new assignment a remarkable combination of outstanding academic and professional accomplishments, proven administrative abilities, sound judgment and exceptional personal skills," H. Reese Hansen said. "He will provide the strong leadership required for the Law School to reach its full potential."

others both inside and outside the Law School as you engage in what is often a stressful process. As your patience wears thin at arguments that seem annoying or at actions that seem indifferent, the laws of God can remind us that, as C. S. Lewis has noted:

It is a serious thing to live in a society of possible gods and goddesses, to remember that the dullest and most uninteresting person you can talk to may one day be a creature which, if you saw it now, you would be strongly tempted to worship. . . . There are no ordinary people. You have never talked to a mere mortal. . . . [I]t is immortals whom we joke with, work with . . . snub, and exploit.³⁰

While the traditional study of law emphasizes the utilitarian importance of tolerating the views and differences of others, the laws of God require it as a manifestation of our love for God and His children.

Second, understanding the laws of God can help us see that the study of law is even more intellectually engaging and profoundly important than we might have ever imagined. Consider, for example, this provocative statement in Doctrine and Covenants, section 88, verse 34: “That which is governed by law is also preserved by law and perfected and sanctified by the same.” I suggest that the unpacking of that statement could involve years of intellectual struggle and produce a plethora of soul-satisfying insights, a process, again, that I hope you begin at this school.

Operating in an atmosphere of faith also means that we create space to share spiritual feelings with one another from time to time. That will usually happen in private conversations. However, I want to follow the pattern set by Dean Hansen in his last public decanal pronouncement at graduation last spring and let you, my friends, know in my first public decanal pronouncement of my faith in our Heavenly Father. I believe with all my heart that He lives and loves each one of us with a love more profound than we can imagine. I believe with all my being that we are literally His sons and daughters, that he has placed us on earth to allow us to experience the things we need to experience in order to eventually enjoy the fullness of joy that He enjoys, and that because of the atoning sacrifice of His Son Jesus Christ, we can experience that joy despite our current imperfections. I also firmly believe that He

has had a hand in the establishment of this Law School and that He cares about what each one of us does with the opportunity we have to study here.

What you do here in the next three years matters a lot. It matters to me. It matters to you. It matters to your families. It matters to countless others. It matters to God.

May we all be blessed as we go forward in this important and wonderfully joyous endeavor is my prayer in the name of Jesus Christ, amen.

NOTES

- ① Thanks to Eldon Bott for relating this and numerous lawyer jokes to me.
- ② Mimi Wolverton, Walter H. Gmelch, Joni Montez, Charles T. Nies, *The Changing Nature of Academic Deanship* 5 (2001) (citing Earl J. McGrath, *The Dean*, 70 J. of Higher Educ. 599, 600 (1999)).
- ③ Wolverton, et al., *supra* note 1, at 5 (citing John S. Brubacher and Willis Rudy, *Higher Education in Transition* (1st ed. 1958)).
- ④ Jack Chorowsky, *Thinking Like a Lawyer*, 80 U. Det. Mercy L. Rev. 463–465 (2003).
- ⑤ *Id.*
- ⑥ David T. ButleRitchie, *Situating “Thinking Like a Lawyer” Within Legal Pedagogy*, 50 Clev. St. L. Rev. 29, 32 (2003).
- ⑦ Dallin H. Oaks, *Becoming J. Reuben Clark’s Law School*, Opening Remarks (August 27, 1973) (fd at 15).
- ⑧ ButleRitchie, *supra* note 6, at 33.
- ⑨ Karl N. Llewellyn, *The Bramble Bush* (1951).
- ⑩ Oaks, *supra* note 7.

⑪ Robert A. Ferguson, *Law and Letters in American Culture* 11 (1964).

⑫ Inter-American Development Bank, *Development Beyond Economics: Economic and Social Progress in Latin America*, at 26 (and Fig. 1.48).

⑬ See Kenneth H. (Buddy) MacKay, Jr., *Corruption, Transparency and Rule of Law*, 13 Fla. J. Int’l L. 10, 12 (2000) (noting that “\$6,000 a year is caused by the weakness in the rule of law and the prevalence of corruption”).

⑭ Carl S. Hawkins, *The Founding of the J. Reuben Clark Law School*, BYU Studies 1 (1999).

⑮ *Id.*

⑯ Gordon B. Hinckley, *James Henry Moyle: The Story of a Distinguished American and Honored Churchman* 128 (1961).

⑰ Hinckley, *supra* note 16, at 130.

⑱ Hinckley, *supra* note 16, at 132.

⑲ Marion G. Romney, *Why the J. Reuben Clark Law School?* Dedicatory Address and Prayer of the J. Reuben Clark Law Building (1975) (fd at 31).

⑳ Marion G. Romney, *Becoming J. Reuben Clark’s Law School*, August 27, 1973 (fd at 20).

㉑ David Yarn, *J. Reuben Clark, Jr.: A Role Model*, Address to Law School 3/28/85.

㉒ Frank W. Fox, *J. Reuben Clark: The Public Years* 35 (1980).

㉓ Fox, *supra* note 22, at 34.

㉔ D. Michael Quinn, *J. Reuben Clark: The Church Years* 122 (1983).

㉕ Quinn, *supra* note 24, at 122–23.

㉖ Quinn, *supra* note 24, at 124.

㉗ Quinn, *supra* note 24, at 124.

㉘ Romney, 1975, fd at 31.

㉙ Romney *supra* 1973 address (fd 18).

㉚ C. S. Lewis, *The Weight of Glory* 39–40, quoted in C. S. Lewis: *The Man and His Message* 150–51.

