

sensitivity toward others. I thank each of you, and thank the other people of our state.

We've been blessed by the Lord to have a moral compass. I recall my days in the Nixon White House. H. R. Haldeman was my boss, and some of you may remember the type of organization that he attempted to run at the White House. He said, "We run an organization with zero defects." Well, it's impossible when you're dealing with human beings to have a zero-defect system. Because of the fact that we are human beings, we are fallible, and we also stumble and fall and have to pick ourselves up again and move on and not worry about what causes the fall, but learn from it and learn how to keep on going. In Haldeman's White House it was a little bit different, and for me it was quite an experience.

I remember on one occasion he asked me if I would go in and do something in a meeting with some of the White House senior advisors. I had no business being there, believe me. I look back to that day and wonder how they survived, and then I realize they didn't survive. But in any event, I was asked to do something that day, and I went from Haldeman's office to my office, picked up the telephone, and called one of my former associates in California to find out some information on a person, and right in the middle of the conversation, my moral compass kicked in. It was the strangest feeling in the world. My moral compass said, "You should not be making this telephone call; you have no business interfering in the life of somebody else to get information for Mr. Haldeman. This has nothing to do with why you came and joined this staff, and the information you are seeking has nothing to do with running the government."

I said to the person on the other end of the phone, "Will you forget I called you? I've made a horrible mistake by asking you to do something that I've just realized is absolutely wrong, and I don't want you to do it. I want you to forget I called you, and I'm going to go back in to the gentleman who asked me to make this call and tell him I just can't do it." I went back to Bob Haldeman, and I said, "Sorry, Bob, I cannot proceed in making this phone call. I can't do what you asked me to do. If you'd feel more comfortable with me leaving the White House staff, I can understand that, but I can't make this phone call."

I was always grateful that I didn't do it. There were only two of us who served as assis-

tants to the president during those difficult years who were never called before the Watergate grand jury or who were never involved in any way with the wrongdoings of that White House. I always felt it was because I listened to that moral compass. Maybe it's the Holy Ghost, maybe it's a special spirit that dwells within each of us; but we all have it. We all know when we're doing something wrong, something we shouldn't be doing. It wasn't by chance that great companies like Enron toppled and fell and thousands of people were out of work and lost their pensions and their retirement through the stock market.

I would like to conclude my thoughts tonight with a story. Karen and I have had many invitations to speak at university graduation exercises. One of them happened to be at Weber State University. I was on the platform with the president of the university, and a lot of time had been taken with speeches and introducing different deans and outstanding graduates. I looked at my watch and saw an hour and a half had passed, and I was rapidly crossing out parts of my graduation talk and throwing pages away. Finally I got down to one page, because the ceremony kept going on and on and on.

When I stood up I thought, I've got to do something unusual, because this ceremony's gone on long enough. So I said, "Will the graduates please arise?" They all stood. I said, "Now will you please repeat after me: 'No exercise is better for the human heart than reaching down and lifting another up.'" They repeated the words. I said, "Will you please repeat that one more time?" They repeated it again, and I said, "Thank you very much. I would like to give this university a million dollars worth of scholarships, and I'll be on my way." My speech took 45 seconds.

The next morning Bob Schaeffer on CBS Sunday morning news said, "I was a graduation speaker at the University of Utah yesterday, and I gave the second-best graduation speech in the state. Let me quote what I thought was the best speech." He then gave my 45-second speech. Well, after that I was deluged with speaking invitations by colleges and universities. I don't know if it was for the scholarship fund or for the briefness of my message, but it serves to point out that there is no exercise in life better for the human heart than reaching down and lifting another up.

Thank you, and God bless you.



Joseph I. Bentley



Lew W. Cramer

J. Reuben Clark Law Society Changes Leadership

Joseph I. Bentley was named international chair of the J. Reuben Clark Law Society at the annual leadership meeting at Aspen Grove on September 29-30, 2005. Bentley, recently retired partner with Latham & Watkins, had previously served on the international board and as chair-elect under outgoing chair Lew W. Cramer, Washington-based lawyer and venture capitalist. Former chairs Ralph Hardy, Gary Anderson, Bud Jones, Ralph Mabey, Marsh Tanner, and Bill Atkin joined Cramer in welcoming Bentley and his chair-elect, Brent J. Belnap, vice president and senior counsel, Citibank, N.A.

Under Cramer's leadership the Law Society added over one thousand members and 10 new chapters, including four chapters in Australia; two new chapters in Canada; one in Hamilton, New Zealand; and chapters in Moscow, Sao Paolo, Lima, and

Mexico City. Also of note has been the addition of student chapters affiliated with the Society during Cramer's tenure. There are now over 40 student chapters at law schools nationwide and in some foreign locations.

In a project worked on by both Cramer and Bentley, a groundbreaking conference for over 250 members of the J. Reuben Clark Law Society was held at Hotel Monaco in Washington, D.C., on February 17, 2006. The conference was held in conjunction with the Annual Rex Lee Award Luncheon, sponsored by the Mid-Atlantic Chapter of the Society.

Law School Alumni Association Welcomes New President

On January 1, 2006, Mark S. Webber, '86, passed the BYU Law School Alumni Association presidential torch to Wendy C. Archibald, '93. Webber and his board put their association under a microscope to refine a vision statement: "Fostering a community of leaders dedicated to a life of service." Archibald will implement this vision by providing experiences to help alumni "connect with others, give back, and serve together." She will spend her year communicating to alumni and law students the "Camelot" stories of the Law School's formation.

Under Webber, alumni donations increased to a record high and purchased the Harvard International Human Rights Microfiche Collection, a 30,000-volume set that became the Law Library's 500,000th "volume." Archibald's goal to increase alumni participation from 25 percent to 30 percent is critical, because alumni-giving figures importantly into law school rankings.



Mark S. Webber



Wendy C. Archibald

Prior to her current work as a corporate trainer and guardian ad litem, Wendy Archibald was in private practice and a staff attorney for Congressman Bill Orton. Mark Webber, a former partner at Parsons Behle & Latimer, is now president/state manager for the Utah Division of First American Title, overseeing 35 direct operation escrow offices and the Utah title division.

Law Society Chapter News: Peru by Ricardo Solis, David Torres, and Adam Ford

Peru's modern legal culture stretches back over a millennium to the arrival of the Spanish conquistadors. In 1551 an order of Dominican friars founded the Greater National University of San Marcos in Lima. This Peruvian university boasts the oldest law school in the Western Hemisphere. Today members of the J. Reuben Clark Law Society are continuing to advance the noble legal heritage of Peru.

Ricardo Solis is the current chair of the Peru Chapter of the Law Society. Ricardo and his wife, Giselle Horna, have both completed master of law degrees at the J. Reuben Clark Law School. After completing his studies at BYU, Ricardo worked for a brief time in Salt Lake City, where he met William F. Atkin, a former international chair of the Law Society. Bill encouraged Ricardo to organize Peruvian Latter-day Saint attorneys into a chapter of the Law Society and offered to assist them during an upcoming trip to the region.

In June 2004 Bill Atkin traveled to Lima, and a Peruvian chapter of the J. Reuben Clark Law Society was organized with five founding members. The small chapter immediately commenced a membership drive, communicating with stake presidents throughout Peru, inviting all Latter-day Saint attorneys to join in fellowship with the Society. Today there are approximately 40 members of the Law Society in Lima and an additional 10 or so between Huancayo, Cusco, and the rest of Peru.

Only 18 months old the Peru Chapter of the Law Society is particularly inspiring in its example of professional service. Lead by Gloria Castillo, Society members in Cusco regularly travel at personal expense to remote and distant regions of southern Peru to offer pro bono legal services to those without access to attorneys. In Lima, members of the Society have been asked by municipal authorities to provide free biweekly walk-in legal clinics. In the municipality of Jesus Maria (in central Lima), Jorge Pazos and Miguel Romero likewise meet with citizens needing but unable to pay for legal services.

Besides giving municipal pro bono service, Law Society attorneys staff weekly meetings

in a number of Latter-day Saint church buildings in Peru to provide free legal services to members of the Church who cannot afford access to quality attorneys. Marisol Solano counsels with members weekly at her local church building in Lima on issues ranging from family law to business formation.

In addition, the Area Presidency of The Church of Jesus Christ of Latter-day Saints recently requested that the Peru Chapter of the Law Society assist in analyzing a resolution presented to a Peruvian interdenominational religious convention that could affect governmental restrictions on religious liberty. David Torres, a specialist in religious freedom issues, leads the Society in this effort.

Members of the Law Society in Peru have taken their motto from the great Spanish poet Antonio Machado, who wrote, "Walker, there is no road. The road is made as you walk." As pioneers in the Law Society in South America, they are blazing a trail they hope many will follow.





BYU International Center for Law and Religion Studies

The tireless efforts of BYU Law Professor W. Cole Durham in behalf of religious freedom paved the way for the founding of the BYU International Center for Law and Religion Studies in 2000. Located at the J. Reuben Clark Law School, the Center continues under the direction of Professor Durham and is a focal point for promoting religious liberty and studying the relations between governments and religious organizations.

The goals of the Center, Durham says, are to nurture “relationships with government officials and scholars who are shaping long-term church-state policy, [to help] strengthen com-

mitments to the universally accepted right to freedom of religion or belief enunciated by the American Constitution and other constitutional instruments around the world, and to organize a group of experts who are assisting with religious freedom law reform on a global basis.”

The largest international conference dedicated to religious liberty issues, the BYU International Law and Religion Symposium is the most extensive project undertaken by the Center. The conference offers a forum for the discussion of religious rights and a broader array of issues at the intersection of law and religion.



JORDAN

The Symposium topics meet the needs of the world during this period.

SERBIA AND MONTENEGRO

Thank you for the chance to participate in such an interesting and important seminar. The organization, hospitality, and kindness of all of you who organized and realized this event was something that impressed me very much. I'll never forget it.



INDONESIA

This is the only international symposium I have ever attended that has given me knowledge and experience with people from all nations.

From the Student Side: 2005 BYU International Law and Religion Symposium

BY WENDY WOODFIELD, SECOND-YEAR LAW STUDENT



The conference presenter from Mozambique completed the final words of his prepared statement in fluent Portuguese nearly 30 minutes before it was time to complete the session. That realization caused him to shift uneasily as he returned his gaze from the clock on the wall to meet the intelligent, expectant eyes of the audience seated in one of the large classrooms of the BYU Law School. “Questions?”



he asked hopefully in his beautiful Portuguese accent. The relief on his face was apparent when several hands emerged above the heads of the other listeners. The presenter called on a young BYU student, and his relief quickly turned to surprise as the young man addressed him in fluent Portuguese and asked a rather insightful question about the presentation. Other students and international religious scholars soon joined the lively discussion, and the remainder of the time evaporated. The presenter left the room stunned by the number of people in his audience that spoke Portuguese (a special

delight for him, since he spoke no English) and how many people were as interested as he was in the legal and religious issues that he had presented.

This level of interest and insight was anything but rare at this year’s International Law and Religion Symposium at the BYU Law School in Provo, Utah. Professor Elizabeth Sewell, one of the organizers of the annual conference, noted that the “tremendous opportunity for those involved in the study of law and religion internationally to interact with practitioners, judges, and government officers from around the world” helped to ensure this insightful discussion.

This year delegates even went beyond exchanging ideas in conference sessions to forging friendships with those conducting the conference and with other delegates. For example, a delegate from the Republic of Georgia was surprised to find a compatriot among the students. They quickly arranged to enjoy a meal together. Those who did not share a homeland or even a common language were also able to enjoy one another’s friendship. One student volunteered to drive a Brazilian delegate to the airport and discovered that, though she and the delegate spoke a total of four languages, they possessed no common language. After repeated attempts to communicate and repeated misunderstandings, the volunteer offered to sing a childhood song that had great



meaning for her personally. When she concluded the brief song, the delegate was solemn and silent. He thanked the volunteer and felt determined to share a song that had influenced his own life so deeply. Though he began the song from his homeland softly, he finished strongly and with confidence. As they reached the airport, the delegate presented the driver with a small gift to express his appreciation, then turned to enter the airport and return to his home. The student remarked, “He helped me to understand that, regardless of the language we speak or the beliefs we may share or not share, we all have a contribution to make. No gulf between us is too wide that it cannot be bridged.”

The delegates bridged those gulfs during the course of the conference and welded a broad network of decision makers and scholars in the field of law and religion. They created opportunities for scholars from contrasting countries and faiths to collaborate on projects and provide one another with advice on drafting laws and regulations. As a delegate from Trinidad and Tobago stated, “The conference has far-reaching effects for the direction of faith-based systems throughout the world.”

A delegate from Jordan concurred and added, “Be assured that we will remember the time we spent with you in Utah. It will remain in our memory all the time to come.”

INDIA

It was a lifetime experience for me, very educational and informative. Some of the events I will never forget all my life.

NAMIBIA

Highly positive impressions. The organizers were friendly and caring, the students absolutely committed to lending a helping hand as a sister or a brother.

RUSSIA

I want to thank Cole Durham and the organizers of this conference. You have done a great job in the expansion of peace and the expansion of religion.

In the long run if you truly want to maximize the legal education you are beginning this day, you must do more than learn how “to do law”; you must “become” a lawyer. Just as there is a vast gap between knowing how to acquire legal information and knowing how to do law, there is a big difference between doing law and being a lawyer in the fullest sense. The latter requires a kind of character and stability that many who learn how to do law never develop. That kind of character allows lawyers in the full sense to affect people not just by their words but also by their very character.

During the spring of 2005, because of his expertise on constitutional law and the intersection of law and religion, one of our professors, Cole Durham, was invited to consult with the committee drafting the Iraqi constitution. The original plan was for Professor Durham and other consultants to meet with members of the committee in Amman, Jordan. This was a somewhat risky proposition, but one that did not cause much consternation. As time passed and events unfolded, however, it became clear that the consultation needed to take place in Baghdad and that the group would need to be smaller. The request to Professor Durham was renewed.

University approval is required for travel to countries on the State Department’s travel advisory list, and, not surprisingly, Iraq is at the top of that list. Thus, Professor Durham approached me to request

approval to go. After consulting with university officials, who in turn consulted with security experts, I informed Professor Durham that we could not approve. There was simply too much risk. He was too valuable to the school and, more important, to his family. He seemed a little relieved at my response.

A few weeks later Professor Durham was back in my office. The request for his help had been renewed he told me. The group was smaller still, but the need was even greater. The issue of religious freedom was a critical one. If it wasn’t properly resolved, the Iraqi constitution would likely

fail. And if the Iraqi constitution didn’t work, all the suffering on all sides would be for naught.

Professor Durham said he had been thinking a lot about what he had been *doing* all these years, telling people the importance of liberty in general and religious freedom in particular; teaching people what a profound impact properly framed and executed laws had on the day-to-day lives of individuals and societies. He said he had also been thinking a lot about the millions of people in Iraq, who at the peril of their lives had voted in the election in January, literally marking

themselves as potential targets as they dipped their fingers in ink in order to validate their ballots. “I know it is extremely dangerous,” Professor Durham said, “and I don’t know if I can make a difference. But after considering everything I have been doing for these years and after visiting with my wife and family, I really feel deeply that I have to try.”

There was something in his voice, something in his countenance, something deep in his soul that communicated what his words had not been able to communicate before, and it caused me to reconsider the decision.

I renewed my request for permission for him to go. Permission was granted, and Professor Durham, body armor and helmet in tow, was off to Iraq.

Thankfully, Professor Durham returned safely, as you can see. I do not know at this point how much difference his willingness to risk his life made. We may never know. What I do know is that he is a lawyer in the fullest sense, one whose mind, heart, soul, and character have developed to the point at which his impact on the law is not limited to the vast knowledge he possesses; it includes the kind of person he is.

Cole Durham, wearing a bulletproof vest, stands in front of sandbags surrounding the compound.



Being a Lawyer in the Fullest Sense

This article is an excerpt from Dean Kevin J Wortben’s remarks to entering law students on August 17, 2005.

Robert C. O'Brien Nominated by President Bush to UN General Assembly

Robert C. O'Brien was nominated in November 2005 by President George W. Bush as one of three United States public delegates to the 60th Session of the United Nations General Assembly. The General Assembly meets in regular session during the months of September through December in New York.

"We are honored to have Robert's service and expertise," said U.S. Ambassador John R. Bolton, head of the American delegation. "His professionalism and advice have been invaluable to me." Past U.S. public delegates to the UN General Assembly include author William F. Buckley, Senator Daniel Patrick Moynihan, actor Paul Newman, and singer Pearl Bailey.

O'Brien is the managing partner of the Los Angeles law firm of O'Brien Zarian LLP, which specializes in complex business litigation and international arbitration matters. He is the former chair of the Los Angeles Chapter of the J. Reuben Clark Law Society in Los Angeles.

From 1996 to 1998, O'Brien served as a legal officer for the Geneva-based Compensation Commission created by the UN Security Council, where he handled government claims against Iraq arising out of the first Gulf War. He has also authored articles on international law in a number of leading law journals. O'Brien received his BA degree from UCLA and his JD degree from the Boalt Hall School of Law at UC Berkeley.

O'Brien returned to his law practice in Los Angeles after the conclusion of the General Assembly session in January 2006.



A Woman's Place Honors Australia's Women Lawyers

Sue Purdon, a partner at Hopgood Ganim, in Brisbane, Queensland, Australia, has coedited *A Woman's Place: 100 Years of Queensland Women Lawyers*. The book, accompanied by an exhibition at the Supreme Court of Queensland Library, commemorates the century since the enactment of the Legal Practitioners Act of 1905, which allows women to practice law in Queensland. Supreme Court librarian Aladin Rahemtula coedited the book.

A leading family law practitioner in Australia, Purdon was appointed to the Family Law Council of Australia in September 2004. The Council, a statutory authority established under the Family Law Act of 1975, advises and makes recommendations to the attorney general on family law matters.

Of their recent publication, editors Purdon and Rahemtula write: "The centerpiece and original concept behind this book is the rich collection of biographical profiles, which are an acknowledgement and celebration of [52] women who have helped shape the law in Queensland over the past century, making a multifaceted and richly textured contribution to our legal heritage." Purdon,



who is herself profiled in the book, says, "The book comprises historical accounts of women's involvement in the legal profession over the past one hundred years and even before that, with a look at the role of women in indigenous law before European contact."

One such woman is Agnes McWhinney, who became the first woman to practice law in Queensland in 1915. A bench of five judges examined her, led by Chief Justice Sir Pope Alexander Cooper, not known as a champion of women's advancement. A colleague described him as becoming "distinctly choleric" at the prospect of a female lawyer. Agnes passed her grilling and went to practice in Townsville.

"*A Woman's Place* is a living history that sets out to remedy the omissions of the past by ensuring that women's voices are heard," notes La Trobe University law professor Margaret Thornton. "A distinctive element is the recognition of the role played by indigenous women."



Christopher Chaney Named to Bureau of Indian Affairs

The director of the U.S. Bureau of Indian Affairs, W. Patrick Ragsdale, has appointed Christopher B. Chaney, '92, as deputy bureau director of the Bureau of Indian Affairs Office of Law Enforcement Services, effective August 7, 2005.

Chaney, an enrolled member of the Seneca-Cayuga Tribe of Oklahoma, had previously served as associate solicitor for the Division of Indian Affairs in the U.S. Department of the Interior. He graduated with a bachelor of arts degree from the University of Oklahoma in 1984, before receiving his law degree at BYU. From 1992 to 1997 he had a private law practice in Farmington, New Mexico, during which time he worked primarily in the field of Indian law and served as the prosecuting attorney for the Jicarilla Apache Tribe and the Southern Ute Tribe and as an administrative law judge for the Navajo Housing Authority.

In 1997 he accepted a position with the U.S. Department of Justice as an assistant U.S. attorney in Salt Lake City. As a federal prosecutor he pursued violent crimes that occurred on the Navajo Nation reservation, the Ute Tribe's Uintah and Ouray reservation and other areas of Indian country within the state of Utah. In 2000 Chaney accepted a work detail

to the Executive Office for U.S. Attorneys as counsel to the director's office, where he worked in Indian country legal issues on a national scale.

"I appreciate being given the opportunity to lead the Office of Law Enforcement Services," Chaney said. "I look forward to working with BIA and tribal law enforcement personnel and supporting their efforts to ensure public safety throughout Indian country."



Kory Staheli New Director of Law Library

Kory Staheli, '87, is the new director of the Howard W. Hunter Law Library at BYU. After a nationwide search, he was chosen from a group of five finalists to replace former library director Constance Lundberg, who has continued teaching part-time at the Law School.

"Kory Staheli has a clear vision of the role the library plays in furthering the mission of the Law School and the university," said Dean Kevin J Worthen. "He also has the experience and the skills needed to provide leadership in carrying out that role."

"In all my interactions with him, he has demonstrated a commitment to furthering the law library profession, to serving his fellow human beings, and, most important, to representing the faith that he professes in a manner that brings credit to him and to the institution that he loves,"

said Herb Cihak, director of the University of Arkansas' Young Law Library and a mentor and supporter of Staheli.

Staheli graduated from BYU's Law School, and after three years of private practice, returned to the Law School as a reference librarian. He obtained his master's degree in library and information science and was promoted to head of Reference Services and then to associate director of Public Services. He left BYU to become associate director of the law library at the new law school at the University of Las Vegas. He returned to BYU last year.

Gedicks and Thomas Named to Distinguished Law Chairs

Nominated by fellow law faculty, Frederick Mark Gedicks is recipient of the Guy Anderson Chair and David A. Thomas is recipient of the Rex E. Lee Chair at the J. Reuben Clark Law School.

The chairs are named after two distinguished lawyers: Guy Anderson, a prominent attorney from Arizona; and Rex E. Lee, former dean of the Law School and former president of Brigham Young University.



Fred Gedicks teaches constitutional law and telecommunications at the Law School. He received his bachelor's degree in economics from BYU and his law degree from the University of Southern California, where he

was an editor on the *Law Review*. Following graduation Gedicks clerked on the U.S. Court of Appeals for the Ninth Circuit and then practiced corporate and securities law in Arizona. He joined the Law School faculty in 1990.

Gedicks has published and lectured widely on constitutional interpretation, postmodernism, and law and religion. He is the author of *The Rhetoric of Church and State*, among other books and articles. He serves as faculty advisor to the Law School chapter of the American Constitution Society for Law and Policy.



David A. Thomas joined the law faculty in 1974 after service as a federal judicial clerk and work in private law practice in Salt Lake City. He received his juris doctorate degree from Duke University, where he served on the editorial board of the *Duke Law Journal*. He later earned a master's degree in library science from BYU. He served as Law School library director from 1974 to 1990.

Thomas teaches property law, real estate finance, civil procedure, and legal history. He is the editor in chief and principal author of *Thompson on Real Property, Thomas Edition*, one of the primary treatises in the field of real property. He is recognized as a leading scholar in property law, and his books and articles are cited frequently in federal and state courts.

Class Notes

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CLASS OF 1976

W. Douglas Campbell authored a chapter on privacy in the burgeoning radio-frequency ID (RFID) environment. "RFID and the U.S. Regulatory Landscape" can be found in the book *RFID, Applications, Security, and Privacy*, published by Addison-Wesley in July 2005.

CLASS OF 1977

Rick D. Nydegger is the J. Reuben Clark Law School's honored alum for 2005. He spoke on "The Changing Landscape of Intellectual Property" at the Law School on October 14, 2005.

CLASS OF 1979

Annette Jarvis, a shareholder and chair of the bankruptcy section at the Salt Lake City firm of Ray Quinney & Nebeker (RQN) was honored with the Utah State Bar's Dorathy Merrill Brothers Award for the Advancement of Women in the Legal Profession in Utah. Annette and her husband, Dr. Joseph Q. Jarvis, live in Salt Lake City and have five children.

George Ryskamp received an award from the Utah Genealogical Association while presenting lectures at the FGS/UGA Conference in Salt Lake City in September 2005. An associate professor of history at BYU, he is the director of the Center for Family History and Genealogy and also a board member of the International Commission of Accredited Genealogists. The award carries the designation of UGA Fellow and is his second nationwide fellowship. His first fellowship was from the American Academy of Genealogy in 2003.

CLASS OF 1981

Glade A. Myler spoke to BYU law students November 2005 about his work with Homeland Security in Nevada.

Employed with the Nevada Department of Justice as a senior deputy attorney general, Myler represents the Division of Emergency Management, the Nevada Homeland Security Commission, the State Emergency Response Commission, the Nevada Earthquake Safety Council, the Nevada Hazard Mitigation Planning Committee, and the Nevada Communications Steering Committee. He also does some workers' compensation for the Department of Motor Vehicles and the Department of Public Safety. Glade's practice is mainly in administrative, personnel, and contract law as well as workers' compensation law. He just completed putting together a bioterrorism legal preparedness table-top exercise for the legal community in Nevada.

CLASS OF 1983

Joseph Ahuna and his family are featured in the October 2005 issue of *Scouting* magazine. His son is on the front cover of the magazine.

CLASS OF 1984

Bryan B. Todd joined the law firm of Parson Behle & Latimer. He will concentrate his practice on real estate transactions, development, and financing. He graduated magna cum laude from the University of Utah with a bachelor of arts degree in psychology in 1980. After receiving his JD from the J. Reuben Clark Law School, he practiced in Phoenix and Washington, D.C., before returning to Utah in 1992. He is a member of the District of Columbia, Virginia, Arizona, and Utah State Bar Associations.

CLASS OF 1986

Larry S. Jenkins was selected by U.S. Senator Orrin G. Hatch to be one of 180 Congressional *Angels in Adoption*™ for the year 2005. The event was hosted by the Congressional Coalition on Adoption Institute (CCA) at a national ceremony held in Washington, D.C., on September 13, 2005. Larry represents private adoption agencies and has finalized thousands of adoptions for families from Utah and many other states. He has also successfully defended several birth parent challenges and is experienced with placements involving the Indian Child Welfare Act. He is cochair of the Utah Adoption Council's legislative committee and a member of the American Academy of Adoption Attorneys.

CLASS OF 1987

Rick Rose, a shareholder at the Salt Lake City firm of Ray Quinney & Nebeker (RQN), has been appointed president of the Utah Defense Lawyers Association. He has been the chair of RQN's litigation section since 2000 and a member of the firm's executive committee since 2003. Rick and his wife, Joy, have six children and reside in West Bountiful, Utah.

CLASS OF 1992

Jack Brannelly was quoted in a *Daily Universe* article on August 3, 2005, when eBay reached its 10th anniversary. He is featured as a BYU law graduate who gave up law to become an eBay middleman. He began his career as a lawyer and switched to eCommerce when he discovered he could make more money—in less time—than he ever could practicing law. In the first quarter of 2004, Jack was awarded the Platinum PowerSeller distinction from eBay for reaching \$30,000 per month in sales.

Susan Peterson is the founder of The Women's Group, which was selected as a 2005 Pathfinder to be honored at this year's American Express/Athena Women in Business Conference.

CLASS OF 1994

Su J. Chon was named Pro Bono Lawyer of the Year at the 2005 Fall Forum Awards of the Utah State Bar. Su works with the Salt Lake City law firm of Taylor Adams Lowe & Hutchinson.

Bryant Siddoway has been named general counsel for Esso Exploration Angola (Block 15) Limited (EAL), an affiliate of ExxonMobil, located in Luanda, Angola. ExxonMobil holds an equity interest in offshore projects in Angola with a recoverable resource potential of more than 11.5

billion oil-equivalent barrels. EAL stewards an investment of more than \$10 billion in deep-water offshore producing facilities.

CLASS OF 1996

Charles F. Harlow, previously of Reed Smith LLP, recently opened his own law firm in Alameda, California. His practice focuses on assisting individuals and businesses with litigation, corporate and transactional matters, and estate planning and probate. He can be reached at www.harlowlawoffice.com. Chuck is married to Lisa Pare and enjoys spending time with his daughters, Abbie (11) and Caroline (7).

CLASS OF 1997

Jay T. Jorgensen has been elected to a partnership in the Washington, D.C., office of Sidley Austin Brown & Wood LLP. He is one of 28 partners in the firm, which now has 600 attorneys in offices in the United States, Europe, and Asia. "Jay Jorgensen is an outstanding lawyer who embodies our collegial culture and client service orientation," said Thomas A. Cole, chair of the firm's executive committee. He represents individuals and corporations in all phases of complex civil and criminal litigation. He has counseled pharmaceutical and food production companies in criminal and *qui tam* cases at all stages, from undercover and internal investigations to grand jury proceedings and trial.

Jay, who had been an associate, received his BA from BYU in 1994 and graduated from the Law School *summa cum laude*. He joined Sidley in 2000, following clerkships with Chief Justice William H. Rehnquist of the U.S. Supreme Court and, earlier, with the Honorable Samuel A. Alito Jr., of the U.S. Court of Appeals for the Third Circuit.

CLASS OF 1998

William C. Duncan received a Distinguished Service Award at BYU's Homecoming in October 2005. For the past year he has consulted with those working to pass state marriage amendments around the country. Additionally, William has written or cowritten more than 30 major law review articles in legal periodicals. He has been executive director of the Marriage and Family Law Research Grant at the J. Reuben Clark Law School and is director of the Marriage Law Foundation of Provo.

CLASS OF 2000

Richard Barnes, a Utah attorney, has accomplished something no other Utahn has done before. On August 6, 2005, he swam the English Channel. The swim from England to France was completed in 16 hours and 43 minutes. In order to be officially recognized by the Channel Swimming Association, swimmers are not allowed to wear a wet suit or anything that will aid in buoyancy or thermal protection. The only exception is that swimmers are allowed to apply "channel grease" (a mixture of Vaseline and lanolin) before the swim. Richard has been practicing law for five years and works as an insurance defense attorney for Paul H. Matthews & Associates PC in Salt Lake City.

John B. Fowles has joined Snell and Wilmer's Salt Lake City office. He will concentrate his practice

in commercial litigation. He graduated *cum laude* from the J. Reuben Clark Law School, where he was lead articles editor of the *Law Review* and vice president of the Federalist Society. He also studied at the University of Oxford.

CLASS OF 2001

Angela Atkin has joined the law firm of Van Cott, Bagley, Cornwall & McCarthy. For the past three years, she has assisted clients with corporate, nonprofit, estate, probate, and trust work with the law firm of Jones Waldo Holbrook & McDonough. She will continue her practice as a member of Van Cott's tax, estate, and benefit planning group. Angela received her associate of arts degree from Dixie State College, *summa cum laude/valedictorian*, in 1995. She received a bachelor's of arts degree, *magna cum laude*, in accounting from the University of Utah, after which she worked as a certified public accountant with Grant Thornton for two years. She obtained her juris doctorate from BYU, *cum laude*, in 2001.

CLASS OF 2002

James A. Callister was recently named a Southern California Rising Star by the publication *Super Lawyers*. James is an associate in O'Melveny & Myers' Newport Beach office and a member of the firm's project development and real estate practice group. He was named a Rising Star in real estate transactions.

Thayne A. Larson was recently named a Southern California Rising Star by the publication *Super Lawyers*. Thayne is an associate in Payne & Fears' Las Vegas office, recently moving from their Orange County office. He was named a Rising Star in insurance coverage.

Lance Lehnhof focuses on general corporate and securities matters with the Stoel Rives' corporate group. Prior to joining the firm, he was an associate with Sullivan & Cromwell LLP in Washington, D.C.

CLASS OF 2003

Darrin K. Johns is serving in the United States Air Force in Iraq in Baghdad, reviewing, preparing, and presenting cases before the central criminal court of Iraq. He appears in court in full body armor and wearing sidearms.

Rob Yates practices in the Stoel Rives' corporate group, where he focuses on securities offerings and general corporate matters. Prior to joining the law firm, he worked as an associate with Sullivan & Cromwell LLP in Washington, D.C.

CLASS OF 2005

Seth P. Hobby has joined Parsons Behle & Latimer. He is a member of the litigation department, where he concentrates his practice on commercial litigation, real estate litigation, bankruptcy, and personal injury. He graduated *magna cum laude* from the Law School, where he was an editor of the *Law Review* and *International Law and Management Review*. In 2002 he graduated with an LLB degree, with honors, from Brunel University in West London. Seth was admitted to the Utah State Bar in 2005.

Dialogue Between a Prosecutor and a Defense Attorney*

PAUL M. WARNER: So why am I a prosecutor? First of all, I love the facts. I don't love the law. Does that make any sense to you? Well, if you're a criminal lawyer, I hope it makes some sense to you. The law is a necessary evil for those of us who are in criminal law. We have to deal with it, but we are fact driven. We love the facts. I am a professional voyeur by nature and disposition. I am fascinated with the lives of the victims and the witnesses and the defendants involved in our criminal practice. I live vicariously through them. Truth truly is stranger than fiction. A new story comes into my office every day, and they are fascinating stories, and I love each one of them. I can't imagine doing something that is less interesting.

I know, and I never forget, that the power to prosecute is the power to destroy. Abraham Lincoln once said, nearly all men can stand adversity, but if you want to test a man's character, give him power.

RONALD J. YENGICH: Sometimes somebody has to stand up to the government, even if they have no power. Because Paul is right—I don't have power. The only power that I have is as a lawyer to stand up to government agents and the people that are running the government, and sometimes say to them very simply or very complicatedly in a case, "Don't you have any shame?" That is what I do. That is why I am a defense attorney. That is where it starts.

WARNER: I'm a prosecutor because I love the Constitution of the United States. Some at this institution, including myself, believe the Constitution of the United States is divinely inspired.

As a prosecutor, the bottom line is about doing the right thing. Now, doing the right thing is easy, but determining the right thing to do is what is really hard.

YENGICH: I believe the most righteous work that is done is to stand up for people who nobody else will.

You see, I have a statement in my office: "To prosecute is human, to defend is divine."

I believe in my heart of hearts that I will be accused before the great white throne and Christ will be my advocate, and he will certainly be defending a guilty client. I know that about myself. I am a defense attorney because I know all of the errors I have committed in my life and the luck that I have to be standing in front of you honorable people after a life that has been full of mistakes and errors that could have put me in trouble.

WARNER: When my grandchildren ask me, what did you do with your career, I want to tell them that I was on the front lines as a federal prosecutor. That I dealt with terrorism, that I dealt with drugs, that I dealt with gun violence, that I dealt with fraud and a multitude of other ills that hurt our society every day. I'm proud that I'll be able to say that I was the U.S. attorney during 9-11, when there were many issues that we were dealing with, and that those things were important to me just as they were important to the rest of the country.

Strangely and perhaps ironically, my good friend Ron and I have chosen opposite sides of the criminal justice system for precisely the same reason. We like to help people. I like that most of all.

YENGICH: I'll leave you with this. I believe it is the oath really of what a defense attorney ought to be. Walt Whitman said this. This is what you shall do: Love the earth and the sun and the animals. Despise riches. Give alms to everyone that asks. Stand up for the stupid and the crazy. Devote your income and labor to others. Hate tyrants. Have patience and indulgence toward the people. Take off your hat to nothing known or unknown or to any man or any number of men. Go freely with powerful uneducated persons and the young and mothers of families. Reexamine all that you have been told at school or in church or in any book, and dismiss whatever insults your soul.

** Excerpts from a one-hour discussion between Paul M. Warner, United States Attorney, District of Utah, and prominent defense attorney Ronald J. Yengich during the Orrin G. Hatch Distinguished Trial Lawyer Conference, November 18–19, 2005.*

The *Clark Memorandum* welcomes the submission of short essays and anecdotes from its readers. Send your short article (750 words or less) for "Life in the Law" to wisej@lawgate.byu.edu.