

## These Are My Students

Mr. Chief Justice, members of the Court . . . these are my students." With this introduction, Professor Rex E. Lee, founding dean of the J. Reuben Clark Law School and former solicitor general of the United States, moved the admission of fifty graduates of the Law School to membership in the bar of the United States Supreme Court on November 16, 1987.

The group admission to the Supreme Court culminated the Law School's celebration of the bicentennial of the United States Constitution. The celebration was initiated earlier in the year with a special lecture by Margaret Bush Wilson, former chair of the board of directors of the NAACP and a member of the school's board of visitors. The celebration included other lectures presented during the course of the year by noted constitutional scholars, federal judges and state court judges.

Alumni of the Law School traveled from all parts of the country to participate in this exceptional experience. The group met together for the first time on Sunday evening, November 15, and toured the visitors center at the Washington, D.C., Temple. Following the tour the alumni and their spouses and families, traveled to the McLean Virginia Stake Center for a special fireside with Jeffrey R. Holland, president of Brigham Young University.

President Holland related the question he is asked

most frequently as he travels around the world on behalf of the university. People casually ask him, "How is BYU?" He responds that the answer to this question is not determined on the campus in Provo, Utah, but is answered by the graduates around the world who are using the education they obtained at the Y. Citing the assembled Law School graduates as a prime example, he discussed the service being performed in secular and church responsibilities by BYU graduates.

President Holland concluded his remarks by expressing his personal joy in meeting with a group of lawyers from all over the country in a religious setting. Seeing a group of lawyers who share a common bond and commitment indicates why the Board of Trustees of the university decided to create Law School, he said.

The following morning the graduates and their family members or guests met in an elaborate conference room at the Supreme Court to prepare for their court appearance. The Court's admissions clerk amused the group by informing them that they were to leave their clothes in the conference room while they were appearing before the Court. She quickly corrected herself and requested that coats only be left behind.

The Court had made special arrangements for the BYU group to appear at the bar after the first admission motions for the day had been completed. Professor Lee stood at the podium in front of the Court and read the name and the state of admission for each

admittee. Following the motion by Professor Lee, Chief Justice Rehnquist addressed the admittees and discussed the meaning of membership in the Bar of the United States Supreme Court. At the conclusion of his remarks the entire group took the oath administered by the clerk of the Court.

In addition to family members and guests of the admittees, the ceremony was witnessed by President Jeffrey R. Holland, Dean Bruce C. Hafen, Associate Deans J. Clifton Fleming and H. Reese Hansen, Assistant Dean Claude Zobell, and Professors Stanley Neeleman and Constance Lundberg from the Law School. Professor Lundberg had been admitted as a member of the Supreme Court Bar on Rex Lee's motion earlier in the day.

After concluding the appearance before the Supreme Court, the group reassembled in an Appropriations Committee hearing room in the Dirksen Senate Office Building for lunch. Graduates told of their current involvement in practice and enjoyed becoming reacquainted. While the graduates were meeting together, Dean Hafen and Professors Neeleman and Lundberg hosted a placement luncheon at the Hay-Adams Hotel for Washington, D.C., law firms interested in recruiting BYU law students.

On Monday evening the group of new admittees joined with the members of the Washington, D.C., chapter of the J. Reuben Clark Law Society for a reception and dinner held at the Washington Marriott Hotel. This special dinner marked the first step in

the restructuring of the J. Reuben Clark Law Society to encompass not only graduates of the J. Reuben Clark Law School, but all lawyers with a special interest in the school's success. More than 250 people were in attendance.

During the course of the dinner Dean Hafen announced the creation of a new professorship at the Law School that is of special interest to lawyers in Washington, D.C. The professorship honors Hugh W. Colton, who currently practices law in Vernal, Utah. Mr. Colton was a cofounder of the Marriott operations. After a short period of time, however, Mr. Colton decided to return to Utah to practice law and sold his interests to J. Willard Marriott. Mr. Colton's son Sterling is currently general counsel for the Marriott Corporation, and two of Mr. Colton's grandchildren, David Colton and Carolyn Colton, are graduates of the Law School.

In announcing the creation of the new professorship, Dean Hafen explained that a professorship provides funds to enhance the academic climate at the Law School. Through enhanced support provided by professorships, selected faculty members of the Law School can devote their time and resources to scholarly pursuits and the development of teaching excellence. Unlike an endowed chair that provides an additional faculty position at the Law School, a professorship augments a position already funded by university sources.

The Washington, D.C., chapter of the Law Society

also honored a northern Virginia attorney who had recently been killed in an airplane accident. On behalf of her deceased husband, Mrs. James M. Reese received a memorial plaque presented by Bill Ingersoll, senior partner in the law firm of Ingersoll & Block and a member of the planning committee for the dinner. Mr. Reese had been actively involved in numerous legal, civic, and Church activities and represented the type of lawyer that BYU Law School aspires to train.

Professor Rex E. Lee delivered the keynote address of the evening. Speaking to the new admittees to the Supreme Court, Professor Lee discussed the three obligations that membership in the Bar of the highest Court in the land entails.

First, attorneys practicing in the Supreme Court of the United States have an ethical obligation to make proper use of amicus briefs, according to Professor Lee. These briefs are designed to provide the court with differing points of view, not as tools to allow the parties to the litigation to exceed the space limits the Court has set.

Second, Lee said that attorneys practicing before the Court must be very careful about the statements they make to the media about the cause before the Court while it is still pending. The spirit of the canons of ethics prohibits efforts by attorneys to influence the outcome of a case through the media.

Finally, Professor Lee discussed the importance of proper argument before the Court. The Court will test the limits of the theories

being presented; this is the only opportunity for the lawyers to divine the thinking of the members of the Court. According to Lee, any "ball advancing" that occurs during oral argument will develop during the question portion, not during a formal statement made by the lawyer. For this reason, preparation for argument should include development of answers to potential questions.

To illustrate this point, Professor Lee related a personal experience. Before appearing before the Court, he was impressed to take another look at the Harlan dissent in *Flast v. Cohen*. Rather than do so, he finished fixing his pants and combing his hair. During the questioning portion of his argument one of the justices asked him about the dissent in *Flast*. Lee "winged" a response. Later he took a closer look at the dissent and discovered that it would have been a home run ball. The day was not a total loss, however, as he received many compliments on how well his hair was combed and how nice his pants looked!

## Reflections After Admission to the Bar of the U.S. Supreme Court

*by Sheila McCleave, Utah Circuit Court Judge and 1976 Law School Graduate*

Philosopher Soren Kierkegaard observed that life must be lived from a perspective which looks forward but that it is

understood from a perspective which looks backward.

I was one of fifty BYU alumni who became members of the Bar of the United States Supreme Court in a special ceremony sponsored by the J. Reuben Clark Law School in November 1987. I participated in that event not simply to accomplish membership in that prestigious bar. As a charter class member of the J. Reuben Clark Law School, I had taken part in the establishment of a school which from its earliest inception was thought to hold a unique destiny. Along with everyone else at the beginning, I lived through those early days of the Law School's existence from a perspective which could only look forward. It was not possible to look back at the school's history and understand its destiny at that point. But in Washington, D.C., in November 1987 one could look backward, see history, and maybe begin to understand.

Perhaps there isn't a more fitting setting to gain perspective about the mission of the J. Reuben Clark Law School than in this country's capital. Anyone who explores Washington, D.C., discovers a good, free-people's history. It is highlighted in the night view of soldiers raising our flag that is the Iwo Jima statue of the U.S. Marine Corps War Memorial. It stands firmly as the towering white marble shaft of the Washington Monument against a morning skyline of the mall. It speaks to its citizens in the heroic-proportioned, rugged features of a determined

Civil War president who prayed for a united people. And it whispers on the steps of his memorial where a century later, with 200,000 others listening, a black man spoke of a dream of equality for his people that that peaceful Kentuckian had earlier borne.

One cannot search the scenes of Washington, D.C., without reverencing the noble principles of democratic government that made Americans a people and sustain us as a nation. A bronzed figure of Thomas Jefferson encircled by inscribed walls of his most famous writings—including excerpts from the Declaration of Independence—proclaims those noble principles. Thousands of American soldiers' graves and the eternal flame honoring John F. Kennedy at Arlington National Cemetery silently speak the principles. The deep, black-granite line of more than 58,000 Vietnam names across from three servicemen in bronze echoes the principles. Choice. Individual worth. The value of life. And more. Sacrifice. Service. Liberty in law.

Washington, D.C., affirms the nobility of law. Touring the House and Senate chambers in the Capitol Building, being guided through the public rooms of the White House, and entering the courtroom of the highest court in the land reaffirm the affirmation. Americans are a law-abiding people. We strive for justice, equality, due process. There is passion and pride in the striving. Not clichés.

Washington, D.C., was a fitting setting for gaining perspective about the

mission of the J. Reuben Clark Law School—not simply because the nation’s history is preserved in the Smithsonian Institution or at Ford’s Theater or along Pennsylvania Avenue, but because in understanding that history, dear democratic ideals become cherished in people’s hearts. Looking backward, one does begin to understand.

Looking backward, one can see something of the destiny of the J. Reuben Clark Law School—its contribution as an institution. As BYU President Jeffery Holland detailed in a fireside address to alumni in Washington, D.C., that November weekend, the Law School’s contribution lies in the lives of its people. People who as lawyers, judges, teachers have transformed cherished democratic ideals into actual service and sacrifice in their own lives. People who in practice, in government, in private still revere liberty in law and regard law as noble. I think that is what Dean Bruce Hafen meant in the Fall 1986 issue of the *Clark Memorandum* when he said, “The alumni are part of the mission of the Law School. Indeed, the mission of the Law School unfolds in their individual lives” (p. 15). On the steps outside of the Supreme Court building and at a dinner of the Washington, D.C., chapter of the J. Reuben Clark Law Society, I saw fifty-plus examples.

And if there was one example that more than any other gave me understanding of the mission of the Law School I had been privileged to take part in beginning, that example was found in the motion of

Rex Lee before the Justices of the United States Supreme Court. I remember my first week of law school where Dean Lee presented a series of cases (beginning with one affectionately known as “Yick Wo”) which developed an interpretation of the equal protection clause in the Fourteenth Amendment of the United States Constitution. I recall the charter class tenth-year reunion where Dean Lee in good humor revealed the challenges of faculty recruitment and student selection preliminary to the first year of law classes. But, I will never forget that touching moment last November when after he had read each of the proposed admittees’ names alphabetically by state as we stood, after the formal motion to the high court, he turned and gestured with great humility and love saying to them of us, “These are my students.” And in the justices’ eyes and faces I could sense the connection of principles and people—and I could see the contribution of one man who has lived the mission of the J. Reuben Clark Law School while looking forward.

We are a young law school with a destiny, I think, still barely understood. We live, as students, faculty, alumni, friends, looking forward—with faith. But in Washington, D.C., in November 1987, some of us, looking backward, caught a glimpse of understanding that we hope will increase our faith to live our lives in the law while looking forward.



## Kathy Pullins Named New Law School Director of Career Services and Alumni Relations

**T**he Law School recently selected Kathy Pullins as its new director of Career Services and Alumni Relations.

Kathy Pullins, a graduate of the 1988 law class, replaces Anna Mae Goold, who retired earlier this year.

“We sought out Kathy,” says Claude Zobell, assistant dean. “We selected her because of her enthusiasm, her ability to get along with students, and her initiative.”

As director, Pullins will assist students in the employment search and work with recruiters both on and off campus. “Our office is expanding a resource library to provide information about legal employers, not just

private law firms, but all of the opportunities available to a student graduating with a law degree,” says Pullins. “While recruiters who come on campus interview the top students, I’m also speaking with different placement directors and law firms to extend our services to help other portions of the class. We’re doing some job fairs where students travel where they want to work, and we contact prospective employers. This fall we’re testing this new approach in Phoenix.”

Pullins also arranges seminars and enrichment lectures for students related to employment and provides basic counseling, such as résumé writing.

The new director received a bachelor’s degree in English with a physical education minor in 1985. While at law school, she served as president of the Women’s Law Association. She is the wife of BYU baseball coach Gary D. Pullins and is the mother of four sons.



PHOTO: DUC MARTIN

## Mary Alice Woolley Honored for Dedication to Law School Loan Fund

Since its inception in 1973, the Roland Rich Woolley Family Law Student Loan Fund has dispersed over \$5 million

dollars to over 1,000 law students. On April 26, 1988, the Law School paid tribute to Mary Alice Woolley, the daughter of Roland Rich Woolley and Mary Spry Woolley, for her personal dedication to the perpetuation of the fund

"Mary Woolley's continued generous support of the fund has allowed us to keep pace with the pressures

of inflation," Dean Hafen stated as he welcomed the dinner guests who had assembled to honor Miss Woolley.

In emphasizing the importance of the fund, the dean related an observation he had made while president of Ricks College. One day after a substantial rain storm, he was walking across the campus and noticed a great

number of worms that had crawled out on the sidewalks when the water had been abundant but had been left stranded after the water had dried "Federal aid to education is a little like the rain that attracted the worms," he stated "You are never sure where it came from, and you cannot tell when it is going to dry up." He stressed the importance of the privately endowed Woolley loan fund to the Law School in light of the unreliability of federal funding sources.

President Jeffrey R Holland and his wife, Patricia, attended the dinner, and President Holland discussed the importance of the Woolley gift to the Law School and to the university as a whole. He recalled the challenge he received when he became president of BYU to develop new funding sources for university endeavors. As pressures on Church funds increase, BYU must assume more of its own development expenses. He explained how gifts like the Woolley contributions aid that cause.

Following these tributes President Holland and Dean Hafen unveiled a portrait of Mary Spry Woolley and Mary Alice Woolley that had been commissioned by the Law School. The portrait now hangs outside the Law School's moot court room alongside the portrait of Roland Rich Woolley that Mary Alice Woolley had presented to the school previously

Responding to the tributes paid to her, Mary Alice Woolley reminisced about the decision her family made to provide the endowment for the loan

fund "Rex Lee came to us in the forming stages of this great institution," she remarked. "Through his eyes we became aware of the great potential this Law School could have in teaching constitutional principles to the students and possibly even helping to save this great country of ours. Mother, Dad, and I wanted to help."

She described the letters of thanks she has received from the many students who have been assisted by the fund "The students have demonstrated their gratitude freely by the many letters of thanks we have received—letters which often bring tears to my eyes by the life stories they relate. It thrills me to receive these letters, and I make it a practice to answer each one."

She concluded her remarks by thanking Rex Lee for bringing the Woolley family into the Law School family.

Mary Alice Woolley has served admirably in Church, political, social, and welfare capacities. She has held numerous positions in Church organizations, including the Young Women's Mutual Improvement Association. She has also taught a course on the Constitution for her ward Relief Society. Miss Woolley has been president of the North Hollywood Republican Women's Club; correspondence secretary, California Federation of Republican Women; delegate to two Republican National Conventions; and member, Republican State Central Committee. She has served as president and as lesson leader of the Los Angeles County Daughters of Utah Pioneers and has been honored

for her service to that organization by the planting of a tree on the grounds of the Utah State Capitol.

In addition to the financial support that she provides to students at the J. Reuben Clark Law School, Miss Woolley has provided strong financial assistance to the Primary Children's Medical Center in Salt Lake City. She has also supported nineteen Mormon missionaries serving in foreign lands.

## Seven Professors Appointed to Elite Organizations

Seven BYU Law School professors have recently received appointments to elite national and international legal organizations.

H. Reese Hansen, associate dean of the Law School and professor of law, has been appointed to the National Conference of Commissioners on Uniform State Laws. J. Clifton Fleming, associate dean of the Law School and professor of law, and Professors Constance Lundberg, Douglas Floyd, and Lynn Wardle have been appointed to membership in the American Law Institute. Professor Douglas Parker has been named to the executive committee of the Jewish Law Association. Professor Stephen G. Wood, a former associate dean of the Law School, has been named to leadership in the Administrative Law and Regulatory Practice Section of the American Bar Association.

The American Law Institute (ALI), in which Professors Fleming,

Lundberg, Floyd, and Wardle receive membership, was organized in 1923 "to promote the clarification and simplification of the law and its better adaptation to social needs." Founders of the organization included Elihu Root, Harlan Fiske Stone—who later served as chief justice of the United States Supreme Court—Benjamin Cardozo, and Learned Hand.

To fulfill its purpose the institute has produced the Restatement of Law series. These important legal works attempt to articulate the current status of the laws of the United States in particular areas. The restatements have been cited as substantive authority by federal courts and state courts in all fifty states.

Of the approximately 640,000 lawyers in the United States, only about 2,100 have been invited to membership in the ALI.

The National Conference of Commissioners on Uniform State Laws, to which Dean Hansen was nominated, is composed of four commissioners from each state, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

The conference was founded in 1892 to bring about, by voluntary state action, greater unanimity in the law prevailing throughout the United States. When founded, the conference included participants from only seven states. Membership since that time has expanded to all states.

Since its inception, the conference has drafted over 200 uniform laws on numerous subjects and in various fields of law. In addition to their work in drafting the uniform acts,

commissioners are charged with the responsibility to encourage passage of the uniform acts by the legislatures of their respective states.

Professor Wood's assignment to the Administrative Law and Regulatory Practice Section of the ABA caps a long history of service to the American Bar Association. He has been active in the Administrative Law and Regulatory Practice Section for several years. He also served as chair of the Immigration, Naturalization and Aliens Committee; and the Civil Rights and Employment Discrimination Committee; and as vice-chair of the International and Comparative Administrative Law Committee; and the Continuing Legal Education Programs Committee.

Professor Parker is the only non-Jew to serve on the executive committee of the Jewish Law Association. The association includes members from throughout the world. The executive committee is composed of approximately nine members, including two from the United States. The association holds biannual conferences, with every other conference held in Israel.

Professor Parker has prepared an encyclopedic dictionary of Jewish law, a Jewish law textbook, and a volume of the Jewish Law Annual that abstracted all articles on Jewish law published in the United States between 1980 and 1985. And he is currently abstracting articles from 1985 to 1988. He also spent a year on the Hebrew University Faculty of Law in Jerusalem as a visiting research professor in 1983.

## Professor Gerald Williams: Teaching the Skills of Negotiation

In the scholarly world of legal negotiation, few names are more well known or respected than Gerald R. Williams, professor of law at the J. Reuben Clark Law School. In fact, Williams and Roger Fisher, Williston Professor of Law at Harvard Law School, are the two people who have created the majority of the available data relating to the negotiating behavior of lawyers.

Williams' stature in the field of legal negotiations is reflected by the numerous articles and books he has published and his frequent invitations to teach negotiation seminars to practicing lawyers and students throughout the United States and in several foreign countries. Williams became a member of the charter faculty when the Law School opened in 1973. He has also taught law at Kabul University in Afghanistan, Arizona State University, University of Cairo in Egypt, Harvard Law School, and most recently at the Pepperdine University School of Law.

"My interests in the negotiation process began when my family and I were in Afghanistan. When we went shopping for groceries, every purchase we made was a result of haggling with various merchants," Williams said. "I realized that the merchant in Afghanistan is much like the lawyer because the entire process of legal practice involves

negotiation in various contexts and forms." Based on his early recognition of the necessity of negotiation, Williams began to observe people involved in the process. In addition, he became personally involved by acting as an advisor to the Afghanistan Supreme Court and the Ministry of Justice. "I became a fairly proficient negotiator due to the opportunities I had in Afghanistan," he said.

In 1973 Williams attended a conference for new law teachers. While there, he heard that negotiation was being taught as a formal part of the curriculum in only two law schools in the United States. "The people who were teaching the courses said they were trying to teach, but they were frustrated because there was only scant literature about the process. They suggested that negotiation would be a good area for a young law professor to explore and attempt to understand," Williams said. Williams recalled the interest he had developed in Afghanistan and returned to BYU intending to learn about how lawyers negotiate.

"I recognized that the area I intended to study lent itself to social science research. Because I did not have sufficient training in the field, I sought help. I was able to solicit the help of Larry Farmer, who was then a candidate for a doctoral degree in clinical psychology (Farmer has since become a professor of law at the Law School), and Dr. Lynn England of the BYU Sociology Department," Williams said. The team of researchers then developed a study designed to give

them insight into the characteristics that typified lawyers' negotiating behaviors

The research, which was funded by a grant from the Law and Social Science Division of the National Science Foundation, began with interviews of members of the bar in Denver, Colorado, and Phoenix, Arizona. Based on those interviews, Williams and his colleagues developed a questionnaire that was sent to members of the bar in Phoenix and Denver. Interestingly, their results in both cities were statistically the same, and they learned that lawyer negotiating behavior can be categorized into cooperative or aggressive categories. "We were very surprised at the reliability of our results," Williams said. "After doing the first survey, we conducted it again, and the results were replicated."

After completing the study, Williams began to present his results to lawyers in seminars. "The lawyers we talked to indicated that our results were a very accurate representation of their experience in legal negotiations. Consequently, the lawyers found the data to be very useful. However, when we presented the information to students, they seemed unable to grasp it," Williams said. Williams concluded that the reason his students struggled with the information was that they did not have the experience of participating in negotiations which could help them understand the framework for explaining negotiation behaviors. As a result, he decided to film lawyers in actual negotiations to provide

classroom examples of the process. "The purpose was to give the student a chance to see what a negotiation looked like before he got in the water," Williams said. Williams worked with Roger Croft of the BYU David O. McKay Institute to produce several different videotapes of lawyers in actual negotiations on various legal subjects.

Williams' work has now expanded far beyond teaching his own students at the Law School. His tapes are currently used in 112 law schools in the United States and his research data, which is compiled in his book *Legal Negotiation and Settlement* (1983), is used in eighty-five law schools. "Since I entered the negotiation field, interest has grown dramatically in the subject," Williams noted. "I think law schools have become more aware of the need to train their students in some of the practical aspects of practicing law and have responded by expanding their curriculums to include negotiations, interviewing and counseling, alternative dispute resolution, and other skill-related courses."

Williams suggested that scholarship in the negotiation area is now at a point that new plateaus need to be reached. "It is becoming increasingly clear that lawyers must make choices with regard to the style they use in negotiations. The way one approaches a negotiation almost always dictates the results one will come away with. The problem we have now is that most negotiated agreements leave value on the table because lawyers are not yet proficient in maximizing their results



Thus, the challenge for myself and others in the field is to learn how to recognize and then teach students and lawyers how they can improve their results."

Williams added that he enjoys teaching students at the Law School. "I decided a long time ago that my career choices would be made based on the opportunities I would have to serve and perhaps contribute to the society and profession. For me, the audience I want to reach can be found at the BYU Law School."

## ABA Approves New Master's Degree

The Law School recently took a major step to enhance its status as a center for the study of comparative law. The American Bar Association approved the offering of a new master of comparative law degree by the Law School.

"The implementation of this new post-graduate program designed for foreign-trained lawyers will allow us to develop new ties with lawyers and law firms all over the world," according to Professor James H. Backman, the faculty advisor for the program. "Our juris doctor students will be able to rub shoulders with lawyers trained in foreign legal systems, and our MCL students will be able to learn about the American legal system in the unique BYU environment."

The accreditation process by the American Bar Association included a site visit and evaluation by

a team chosen by the ABA from other law schools. After their on-site evaluation visit, the members of the ABA team concluded that BYU, probably more than most other law schools in the country, was equipped to offer a graduate program for foreign lawyers. Citing the abundance of foreign language skills possessed by members of the student body, the visitation team concluded that available support systems for foreign students were outstanding.

Students enrolled in the master of comparative law program will receive the MCL degree on completion of a minimum of twenty-four credit hours earned during at least two semesters in residence following completion of legal training in their home country. Participants will take a special introduction to American law course with other MCL students. All other courses will be selected from the standard Law School curriculum.

"By utilizing our standard course offerings as the foundation for the MCL program, we will be able to provide comparative insights throughout the curriculum," Backman added. "Further, by limiting the enrollment in the MCL program to no more than eight students per year we can ensure that the program participants receive the individual attention that this new educational experience will require."

Although approval from the American Bar Association was received only in late May, four students were able to complete the application process for the fall semester, 1988. The four

students currently enrolled in the program are from Japan, the People's Republic of China, Canada, and Cameroon.

## How I Became Converted to Law: My Summer at Utah Legal Services

by Shauna Hansen

My first love, without equivocation or embarrassment, is music. If I could support myself through music, I would do it and be happy. But tales of starving musicians are legion, and I have three bad habits: breakfast, lunch, and dinner. So, I chose law, hoping that it would provide the necessary income to meet basic needs and allow me the freedom to pursue music in my spare time.

My first year at law school was almost unbearable. The workload was intense, and I reeled under the "mental cruelty" of some of my professors. When final grades came out I seriously considered quitting. I found it difficult not being the best of the best anymore. Then I got the idea to combine music and law; I knew I could do well in music. The possibility that I could teach at a junior college, if I could not find legal employment, offered some slight hope for the future.

Then I went through the second-year clerkship interviews. After the weeks of rejections and quizzical stares which said "What are you doing in music?" I finally got a callback

interview. I went to Salt Lake hopeful. As I sat across the desk, the interviewer said, "We're very interested in you, Ms. Hansen, but we have one concern. You're single, attractive, and a good catch, and we don't want to train you just to lose you to a marriage proposal." I am still mad.

Around February of my second year, I had a long talk with Professor Jean Burns. I told her what happened and expressed my now very dismal view of my legal future. She listened very sympathetically and then advised me to "hang in there." After sharing her experiences as a clerk in a Chicago legal-aid office, she said that some good hands-on legal experience might change my outlook. I decided to try it. If it didn't work, then I would leave the law.

I began working at Utah Legal Services with high hopes. I had always admired lawyers who stood up for the downtrodden and oppressed in society. I must confess that I had some fairly foolish and romantic notions, but the feeling that I was able to help someone with their problems when they had nowhere else to go was pretty heady stuff.

My first assignment was a case where a local credit bureau had been trying to collect a debt using some rather nasty methods. Our clients were a young couple whose debts had arisen from the tragic crib death of one child and the premature birth of another. It was a very exciting case, since I was enrolled in Professor Winnie Taylor's consumer-protection course. We had just completed the unit on the Fair Debt Collection

Practices Act, and I was ready to nail the credit bureau right between the eyes. I drafted a complaint for my supervising attorney, claiming damages for everything in sight.

I then had my first experience as Clerk of the Day. I was on the phone for almost two hours. Every call that day came from battered wives, all wondering how they could protect themselves and their children from violent husbands and fathers. I went home emotionally exhausted.

For the next two weeks, all I saw were the same kind of cases. One woman was only seventeen years old. She had been married for a year and had an eight-month-old baby. Her twenty-one-year-old husband had threatened to kill her with a chain.

Another woman's husband broke a chair over her back. His complaint was that she couldn't stop their infant son from crying. The boy was multiple handicapped and only slept fitfully. He was awakened when his father came home drunk.

A third woman was beaten with a belt when she tried to protect her children from their drunken father. He had thrown two of the children against the wall, and she had intervened.

I was amazed at the stories of pain and brutality that I witnessed. I have never personally experienced domestic violence. I felt brutal myself as I probed each woman for specific facts. I had to ask questions like "How many times did he hit you?" or "What did he hit you with?" I usually met silence, downcast stares, and then

anguished tears. One woman looked at me with stricken eyes and pleaded, "What did I do wrong?" All I wanted was a loving marriage and a happy family. What did I do wrong?"

After two weeks of dealing with such intense emotional wounds, I cracked. I fled the office and sat in my car, crying uncontrollably. There was so much suffering. And we had to turn people away because they weren't bloody enough yet. There weren't enough funds, nor enough staff or time. There wasn't enough of anything, except pain.

A while later, another clerk came out and saw me there. He came over to my car, and we talked about my feelings. Having worked for legal services before, he had seen what I was seeing and could understand how I felt. He helped me to understand that while I couldn't do everything for everybody, I could do—and was doing—something worthwhile. That something, even though small, was important. He suggested I talk with one of the attorneys to find out how she handled the emotional stress of domestic cases. On her suggestion I took a break from seeing clients.

However, during that break, I did take one call from a Vietnamese man who spoke very poor English. With some difficulty I learned that his brother had purchased some used tires from a local business. After the tires were mounted, the brother took the car for a test drive. One of the new tires failed and the brother, fearing the tires were unsafe, wished to replace them. He offered to

pay the difference for a higher grade of tire. The vendor agreed to exchange the failed tire, but refused to exchange the other tire.

I spent the majority of my time that week in negotiations with the manager and assistant manager of the tire place. After several discussions they agreed to replace both tires and to mount them free. The clients were satisfied. I was ecstatic!

I think the internship as a whole was a crucial turning point in my legal education. For the first time I felt that my education was useful. These people did not care if I was on law review. They did not ask me if I was in the top third of my class. All they wanted was my best efforts directed toward solving their real problems. For the first time in two very long, discouraging years I realized that I could solve real problems.

At the same time, I learned the limits of my ability. I cannot do everything for everybody. I cannot right all the world's wrongs. The credit bureau complaint is probably still on my supervising attorney's desk. The spouse abuse calls are still coming in unabated, and some victims are still being turned away. Merchants continue to take advantage of immigrants.

But I know that I was able to help some people who needed help. I know that I will develop my knowledge and skill so that I can help more people with more problems. I can look a prospective employer in the eye with confidence, knowing what I can do and what I cannot yet do. More importantly, I can look at myself with satisfaction,

and even a little pride, because I have grown in knowledge, in experience, and in compassion.

## Utah Lawyer Assistance Society Formed

A group of Utah lawyers recently formed the Stew Hanson, Sr., Society in the memory of a fine lawyer and judge who was known and lived for his personal commitment to helping young lawyers. The members of the society have pledged to help carry on Stew's work as a mentor by making themselves available to respond to questions posed by inexperienced practitioners. The members have each agreed to contribute at least ten hours each year to the society's work.

Members of the society are available for specific advice in practical matters as well as help with professional judgments and ethical decisions. Assistance is available from both plaintiff and defense attorneys with expertise in specific areas.

Stew Hanson, Sr., was the mentor, friend, and gentle critic of many of the members of the society, and they hope to expand and carry on that work in his name and memory.

Commenting on the organization of the society, Gordon R. Hall, chief justice of the Supreme Court of Utah stated: "Judge Hanson's guidance of young lawyers was also extended to young judges. I was privileged to serve with him on the district bench beginning in 1969, and in



his own gracious way he assisted greatly in my transition from the bar to the bench

"It is fitting that this society bear the name of Stewart M. Hanson, Sr., because he stands tall among those who have contributed so much to the well being of we who are engaged in the pursuit of justice."

For further information on the society, contact the Utah State Bar Office at (801) 531-9077.

## Two Professorships Announced

Professorships honoring a former member of the First Presidency of the Church of Jesus Christ of Latter-day Saints and honoring a Utah lawyer who was also a cofounder of the Marriott Corporation were recently announced by Law School Dean Bruce C. Hafen. Funding for the two endowments has been substantially completed

The Stephen L Richards Professorship and the Hugh W. Colton Professorship will provide funds to augment the support provided to selected members of the Law School faculty. "Professorship funds help us to attract and retain legal scholars of extraordinary accomplishment whose work enhances the stature and influence of students, alumni, and all others affiliated with the J. Reuben Clark Law School," according to Dean Hafen. The faculty members selected for appointment to the professorships will be

announced at a later date Richards began his career as a rancher and principal of public schools in Malad, Idaho. Though able and efficient in both undertakings, he resolved to pursue a new profession through the study of law.

After a year at the University of Michigan Law School, he transferred to the University of Chicago School of Law and graduated cum laude as a member of that school's first graduating class While at Chicago he impressed the dean with his abilities to such an extent that, years later, the dean declared that Richards was the most capable student he had ever met.

Upon completion of law school, he was admitted to practice in Utah and soon became city attorney of Murray. Two years later he began teaching at the University of Utah College of Law He continued teaching part-time for nine years He was senior member of the law firm of Richards, Hart and Van Dam.

Richards and his wife raised seven children: Lynn S Richards, Louise Richards Covey, Lois Richards Hinckley, Alice Richards Allen, Georgia Richards Olson (deceased), Philip L. Richards, and Richard M. Richards.

In 1917 Richards was ordained an Apostle of The Church of Jesus Christ of Latter-day Saints after having served as a first assistant general superintendent of the Deseret Sunday School Union General Board and as a member of the general Church Board of Education

Reflecting upon the life and accomplishment of

President Richards, Dean Bruce C. Hafen stated: "The life of Stephen L Richards represents the fine balance toward which we hope our law students aspire: he was highly intelligent, a gifted advocate, and a skilled professional—yet he was also deeply devoted to his family, the Church, and the things of the spirit. This rare blend of mind and heart, focused in a rich life of integrity and compassion, is an example worthy of our highest emulation." Lynn S Richards and his wife, Lucille, of Salt Lake City provided a major portion of the funding for the professorship to help develop this delicate balance in BYU law students

Hugh W Colton's life provides a study in contrasts—from the foundations of one of the country's largest corporations to the practice of country law. Describing Hugh W Colton, Dean Hafen states: "The writer Bellamy Partridge concluded some years ago that 'the country lawyer, as he existed between the days of Abraham Lincoln and Calvin Coolidge, is no more.' But in the life of Hugh W. Colton, we find embodied the same independence, versatility, and boundless sense of public service that have long characterized that noble strand in the heritage of the legal profession: the country lawyer. The Colton endowment will help keep that valuable heritage alive in the minds of our law students for the long-range benefit of both city and country."

Born in Ashley Valley, Utah, Colton obtained his early education in Uintah

County public schools and graduated from Brigham Young High School in 1920 After returning from a mission for the Church in the eastern states, he enrolled in the University of Utah as a pre-law student Following graduation and marriage to Marguerite Maughan, he moved to Washington, D C., and enrolled in George Washington University Law School.

While in law school Colton persuaded his lifelong friend, J Willard Marriott, to come to Washington, D.C Together they borrowed money to start a new business venture, a nine-seat A&W root beer stand, later known as the "Hot Shoppe," the forerunner of the present Marriott Corporation.

Convinced that his future was in the West, Colton sold his interest in the Hot Shoppe to the Marriotts and returned to Vernal, Utah, where he started the general practice of law in 1929 He also served several terms as Uintah County attorney. His Church service included high council work and counselor in a stake presidency. Colton's military service during World War II involved command of units that were in combat on D-Day He also commanded units that built the first bridges in France, Holland, and Germany.

During his years in Uintah County he worked on the Upper Colorado River Project, was chairman of the four-state promotion committee for the Colorado River Storage Project, and assisted in the organization of the Uintah Water Conservancy District He was also president of

the Uintah Cattlemen's and the Utah Cattlemen's Associations and vice president of the American National Cattlemen's Association.

The Coltons are the parents of four children, including a son, who returned to the Marriott Corporation and is currently senior vice president, general counsel, and a director of the corporation. Two of the Coltons' grandchildren—David and Carolyn—are graduates of the J. Reuben Clark Law School.

## Symposium Held on Legal and Business Affairs of China

Several prominent lawyers and business experts visited BYU in January 1988 to participate in a special symposium addressing the conduct of business and legal affairs in the People's Republic of China. The symposium was sponsored by the Law School's International and Comparative Law Society, the university's David M. Kennedy Center for International Studies, the School of Management, and the Intermountain Program in Pacific Rim Relations at the University of Utah.

The program included presentations by some of the most eminently qualified experts in the field of law and business in China.

Jerome A. Cohen, resident in the Hong Kong office of New York City's Paul, Weiss, Rifkind, Wharton & Garrison, described the lack of foreign investment in China's

business climate prior to 1979 and subsequent reforms. He called the joint venture law, a reform that allowed participation in China by foreign interests, a symbol of China's recent economic revolution. He also addressed the subsequent innovations in business contracts with China, including various factors contributing to the creation of a supportive legal environment. These factors include the creation of domestic legal institutions, the enactment of appropriate national and local legislation, and participation with other nations in bilateral and multilateral treaties.

Mr. Cohen specifically addressed the advantages of utilizing Sino-foreign equity joint ventures as effective vehicles for the conduct of business in China. Finally, he emphasized the importance of having a good contract to facilitate cooperation between the parties, reduce the likelihood of disputes, and protect the interests of both parties.

Timothy P. Stratford, a law partner of Mr. Cohen in the Hong Kong office of Weiss, Rifkind, discussed cooperative joint ventures between foreigners and Chinese parties. He distributed a translation of a fairly typical cooperative joint venture contract concluded between a Hong Kong investor and a Chinese company, and gave advice on avoiding some of the typical problems which arise in these contract negotiations.

Charles J. Conroy, of the Chicago firm Baker & McKenzie, provided an overview of the tax consequences which arise

when foreigners transact business in China. He explained that foreigners residing in China and foreign business operating in China may be subject to a variety of taxes not normally encountered in foreign investment situations.

Gareth C. C. Chang, president of McDonnell Douglas China, Inc., used his own company's involvement in China as a good illustration of the strategic approach to doing business in China. His remarks specifically addressed the transfer of technology as his company entered into an agreement to co-produce aircraft in China. Mr. Chang indicated that McDonnell was successful in penetrating and capturing a highly competitive market by transferring technology to China, thus preparing the way for a number of other business opportunities such as helicopter information systems equipment and wide-body aircraft.

Other participants in the symposium included Samuel R. Baker, Jinyan Li, Cole R. Capener, and William F. Atkin, residents in various domestic and international offices of Baker & McKenzie; Stanley B. Lubman of San Francisco's Thelen, Marrin, Johnson & Bridges; Gregory H. Jackson, executive vice president of Security Pacific National Bank in Hong Kong; Allen Anderson, vice president of Continental China Tai International, Ltd. in Hong Kong; Paul C.B. Liu, professor of Law at the University of Washington School of Law; and Arthur Hummel, former U.S. ambassador to the People's Republic of China.

## BYU Graduate Receives U.S. Supreme Court Clerkship Invitation

Denise Posse-Blanco Lindberg, a 1988 graduate of the Law School, has been appointed as a clerk for Supreme Court Justice Sandra Day O'Connor.

She is the first woman from the school to receive this prestigious honor, BYU's first clerk with a minority background, and the first BYU clerk with Justice O'Connor, according to Bruce Hafen, dean of the Law School.

In receiving the honor, she joins the ranks of four other former students who also received Supreme Court clerkships: Monte Stewart, 1976, a partner in his own law firm in Las Vegas; Eric Anderson, 1977, a law professor at the University of Iowa Law School; Kevin Worthen, 1982, a law professor at BYU; and Michael Mosman, 1983, who practices law in Portland, Oregon.

Lindberg served as articles editor of the BYU Law Review during her third year of law school. Her comment, "The Accountant-Client Privilege: Does It and Should It Survive the Death of the Client," was included in the 1987 law review; and her comment, "A Constitutional Analysis of the Public Trust Doctrine," was prepared for the 1988 edition of the review.

She will serve a one-year judicial clerkship with the Honorable Monroe G. McKay of the United States

Court of Appeals of the Tenth Circuit beginning this fall. Her appointment with Justice O'Connor is for the 1990-91 term.

She has been a research assistant for Dean Bruce Hafen and a summer clerk with two firms in Salt Lake City and one in Washington, D.C.

In addition to her law school credentials, Lindberg holds a B.A. degree in communications, an M.S. in educational psychology, a master's degree in social work, and a Ph.D. in health sciences.

She is a native of Cuba and was raised in Cuba and Puerto Rico. Her husband, Neil Lindberg, is also studying at the Law School and will graduate in 1990. They are the parents of two sons.

## Fried and Millet Address Graduates

**T**ake the worst, the ugliest case in the world. Fight as hard as you know for the worst of clients, against opponents who are angels. You will still serve justice if you respect the truth," Charles Fried, solicitor general of the United States, explained in his address to the 1988 graduating class of the J. Reuben Clark Law School.

Fried, who was a member of the Harvard Law School faculty prior to his entrance into government service, was introduced to the audience by his predecessor as solicitor general, Professor Rex E. Lee. Lee described Fried as a friend who "values you and has your interests at heart, no matter the situation or the cost."

In discussing the importance of truth in the practice, as well as the teaching of law, Fried pointed out that a lawyer can best serve the client and serve the law by holding fast to the truth. The duty of the lawyer to her client is a given, he stated, but that duty cannot entail indifference to the truth.

A lawyer's duty to hold fast to the truth obviously includes not falsifying evidence, not fooling the court, and not telling lies. An ethical lawyer cannot lie, even if she does not disclose everything.

Fried provided a test to determine the difference between lying to an opponent and refusing to disclose everything one knows. When the opponent discovers the information on her own, and they always do, will she say, "She plays hard, but she plays fair," or will she say, "Why the sneaky . . . ?"

Fried warned the graduates that this dedication to truth may cause them to forfeit opportunities and lose some clients, but in the long run, it is worth the cost.

When advising a client, a lawyer has a duty to present the unvarnished truth. In negotiations, however, not laying out all of the weaknesses of a client's position is not deception.

A competent lawyer on the other side knows what disclosures he may or may not expect.

"It is a little bit like judo," Fried explained. "If both you and your adversary are well trained, you can have a good fight without either of you getting hurt."

Fried related these concepts of truth to the art of advocacy. An advocate

helps the judge and jury arrive at the truth, but does not usurp their function. The advocate, according to Fried, presents to the judge or jury a way of viewing the evidence, but she does not make up evidence, misstate the record, or distort the authorities. The expert lawyer knows the difference between deception on one hand and doing the opposing lawyer's job on the other. A good judge will know the difference as well.

In conclusion, Fried reviewed the relationship between truth and clear and simple speaking and writing. "If you are direct and simple in your expression," he explained, "it may be impossible to hide and deceive."

Tim Millet, the speaker for the graduating class, cited Robert Frost's poem "The Road Not Taken," to describe the law school experience. He views law school, particularly here at BYU, as a journey down the less-traveled road. "I hope it will make a difference in where, ages hence, we find ourselves."

Mr. Millet recalled the bittersweet experience that law school is to all those who brave their fears and embark on a discovery of the law and themselves.

His opinion of Socrates has suffered, perhaps more from the way the professors practice the Socratic method than from anything Socrates has done personally. The three lessons learned from the final year of law school were work hard, study harder, and pray for mercy.

He used the crucial crossroads analogy to emphasize the ability of the graduates to take control of their own lives. They are at the beginning moments

of the rest of their stay on Earth. They have the power to determine what manner of men and women they will be.

"It is important to contemplate such decisions because specialized knowledge may be a potential source of material wealth and power, which may be highly dangerous if misused," he explained. "As attorneys we will be regarded as having specialized knowledge. Those people who surround us will force upon us an elite status, derived from our common experience in law school. We do not need to apologize for that status. We have worked for it and paid the price. However, we do need to recognize the responsibility that accompanies that status and the positive role we must assume in society."

Members of the "Me" generation must learn to think of others, Millet continued. "As members of that generation we must use our knowledge for the benefit of society and for individuals. The training we have received at J. Reuben Clark Law School qualifies us to do just that, if we so choose."

Millet presented his belief that the J. Reuben Clark Law School is unique among law schools. The education one received from this school offers more than simply a legal education. If one is willing to accept them, the Law School has stressed four attributes that could work to make all the difference in the lives of its graduates. Those four attributes are: (1) commitment, (2) integrity, (3) service and (4) divine heritage.



## Faculty Notes

### ^ **James H. Backman**

Professor Backman joined the Law School faculty in 1974. He is currently an instructor of courses in property, banking law, real estate finance, and the new master of comparative law introduction course. Backman's course instruction is augmented by his scholarly publications.

He is the author of "Financing in Purchase and Sale of Real Property," which is incorporated as a chapter in Matthew Bender's *Real Estate Transactions* series. He is

responsible for the revision of four chapters in Powell's *The Law of Real Property*. In 1987 Professor Backman's article, "The Law of Practical Location of Boundaries and the Need for an Adverse Possession Remedy," was published in the *BYU Law Review*.

He and Professor Thomas are completing a treatise, "Adjoining Landowner's Disputes," with publication scheduled for 1989.

Professor Backman's interests extend beyond the strict academic scene. He is keenly aware of civic and religious affairs. This awareness has opened up

international opportunities for him. His paper titled "The Two German Temples—Legal Background" was presented at two prominent gatherings. One was the Mormon History Association Conference at Oxford, England, and the other was the LDS Symposium on Culture and History, held at Stuttgart, West Germany.

Some of the various positions which Backman holds outside the Law School include member of the Harvard Alumni Association Schools Committee and vice chairman of the Boy Scouts of America for the Provo Cascade District.

### V **Ray Jay Davis**

Professor Davis has been writing a book on Utah

workers' compensation law. A draft of this book was used in the fall 1987 workers' compensation course, and an updated version of the text is being used in fall 1988. Davis has presented portions of the book in talks at conferences and universities over the past couple of years. Shortly, he will be taking a leave from teaching to visit New Zealand and research its unique accident compensation system. That research will provide the material for an article comparing the New Zealand and American systems of compensation.

Professor Davis also has an interest in natural resources law. He has given presentations addressing water and flood law during the past two years at



conferences sponsored by the Association of State Flood Plain Managers, Mormon History Association, American Meteorological Association, and American Society of Agricultural Engineers. He is working with the Utah Water Resources Laboratory on a major study of water rights transfer in Utah. This and similar studies in the other Colorado River Basin states are being prepared under a grant from the United States Geological Survey. Davis' articles have been recently published or accepted for publication in the *Journal of Weather Modification*, the *Journal of Irrigation and Drainage*, and the *Journal of Energy Law and Policy*.

Outside the areas of natural resources law and workers' compensation, Professor Davis has prepared a chapter on the legal aspects of the nineteenth-century British Mormon immigration that will be published in a book on the history of The Church of Jesus Christ of Latter-day Saints in Victorian Britain. His innovative high school text on American government law, using the case method, has also been accepted for publication.

Professor Davis enjoys classroom teaching. Fall semester 1988 he is teaching workers' compensation law and water law, and team teaching a section of the first-year professional seminar with Professor Welch. In past years he has regularly taught first-year torts.

Davis, active in professional and community service, is a member of the board of directors of the Provo Rotary Club and is

also an officer of the Rocky Mountain Mineral Law Institute, the Consortium for Atmospheric Resources Development, and the North American Interstate Weather Modification Council. He recently completed a term as a member of the board of advisors to the Utah Water Resources Research Center.

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

Associate Dean Hansen first assumed his duties in 1973. The position title has undergone several alterations since that time. His current duties as associate dean include overseeing admissions, placement, and serving as university liaison.

In addition to his administrative duties, Dean Hansen teaches courses on federal estate and gift tax as well as on wills, trusts, and estates.

Dean Hansen has co-authored with Professor Stanley Neeleman two attorney practice books focusing on probate practice under the then-newly adopted uniform probate code in Utah and Idaho. These books remain viable tools to probate practitioners.

Dean Hansen's interests extend beyond the scope of the Law School. He has served and is serving on the board of trustees for two important organizations—the Law School Admissions Council and Utah Legal Services. He also served as a director of Utah Legal Services, Inc., and is a commissioner of the National Conference on Uniform State Laws. He is concerned about the quality of legal education and the quality of legal services offered in the community.

#### **Edward L. Kimball**

Professor Kimball currently instructs classes in criminal law, criminal trial practice, and evidence. He also is involved in leading the discussion sessions for the first year ethical responsibility segments. His probing questions and direct confrontation of ethical and moral issues are a trademark.

Professor Kimball is also known outside the classroom. He is the author of numerous works in a variety of publications. His article "Utah Rules of Evidence 1983, Part II" appeared in the *Utah Law Review*. *Sunstone* published his review of "Dew, the Trial" and "The Administration of Spencer W. Kimball." Professor Kimball was the coeditor of *BYU Studies*' Fall 1986 issue which focused on the life and achievements of his father, Spencer W. Kimball.

Kimball has maintained interest in the leading criminal events in the Utah area. He has recently finished an article about Mark Hoffman and Han van Meegeren, which is published in *BYU Studies*. Presently, he is a member of the Utah Supreme Court Advisory Committee on Rules of Evidence and serves on the Test Development Committee for National Conference of Bar Examiners. He has also appeared on radio and television to comment on current criminal trials in Utah.

#### **Robert E. Riggs**

Professor Riggs returned to BYU in August 1987 after spending six months in England on a professional

development leave. While in England, he completed research on the English legal concept of "legitimate expectation," which formed the foundation for an article, "Legitimate Expectation. Development of a Legal Doctrine." The article will be published in the *American Journal of Comparative Law*.

When asked about his English adventures, Riggs reported, "I did a fair amount of reading in English constitutional law and enjoyed becoming more familiar with the English system of legal education. I attended a number of classes at the London School of Economics Law Department and other branches of the University of London. I found it a genuine opportunity for professional development."

Riggs has recently served on the International Relations Program Advisory Committee, the Planning Committee for the 1987 Constitutional Bicentennial, and the Political Science International Relations and Faculty Recruitment Committees. He was the Orem area coordinator for the Democratic Party before his leave to England.

Professor Riggs teaches contracts, international law, and constitutional law. He prefers to devote most of his time to teaching and relevant research.

In connection with his interest in international law, Riggs has written two chapters for Matthew Bender's *Privacy Law and Practice*, and recently coauthored a book with Jack Plano, *The United Nations International Organization and World Politics*.

**David A. Thomas**

Professor Thomas organized and presented a paper at a conference at Oxford and London held in July 1986. The conference, "The Anglo-American Legal Heritage: A Course for Law Librarians," was the most highly rated educational program of the American Association of Law Libraries (AALL) in the 1980s, according to an AALL survey. Professor Thomas has subsequently edited the conference papers for publication in a 1988 issue of *Law Library Journal*.

Professor Thomas' library publications include "1986-87 Statistical Survey of Law School Libraries and Librarians," published in *Law Library Journal*, "Training American Law Students in Computer-Assisted Legal Research," published in *Law Librarian*, and "A Slide-Sound Show for Anglo-American Legal History," published in *Newsletter of the Association of American Law Schools' Section of Legal Writing, Reasoning, and Research*.

Thomas has also contributed to academic publications by writing six chapters for *Powell on Real Property*, four chapters and updates for *Holtzschue, Purchase and Sale of Real Property*, a chapter for *Rohan, Zoning and Land Use Controls* and contributions to surveys of significant legislation and decisions published each year in *Real Property, Probate and Trust Journal*.

As a faculty member of the AALL Institute on Reference Services, Thomas presented a paper on British legal materials

He also presented "Qualitative Measurements for Law Libraries" at the annual AALL meeting in Chicago, "Costs and Implications of Technology for Law School Administration and Teaching" at the annual meeting of the Association of American Law Schools (AALS) in Miami Beach, and "Impact of Technology on Teaching" at the annual meeting of the Mid-Continent Association of Law Schools in Park City, Utah.

Professor Thomas served as the chair for the Utah College Library Council during 1987-88 and is currently the chair of the Law Program Committee for the Research Libraries Group. For the AALL he is the national statistics coordinator, representative to the British and Irish Association of Law Librarians, and member of the National Legal Resources Committee. For the AALS Thomas serves on the National Law Placement Database Committee.

**✓ Lynn D. Wardle**

The multivolume treatise, *Contemporary Family Law*, which Professor Wardle coauthored and for which he was the lead editor, was published this past summer. Professor Wardle also authored a chapter entitled "Judicial Appointments to the Lower Federal Courts: Ultimate Arbiters of the Abortion Doctrine," which was included in the book *Abortion and the Constitution: Reversing Roe v. Wade Through the Courts*, published in 1987. His article "The Constitution as Covenant" was published in *BYU Studies' Bicentennial issue*. *Issues in Law and Medicine* published his article "Legal Implications of Sanctioned Assisted Suicide: Separate But Equal 'Treatment for New Illegitimates.'" "

Wardle has also produced several scholarly papers. Some of those papers were "Parental Rights Regarding the Provision of Contraceptive Services to Minors," and "The Uniform Child Custody Jurisdiction Act."

The former was published in *Values and Public Policy* (1988) under the title of "Don't Tell My Parents—Parental Rights Regarding the Provision of Contraceptive Services to Minors."

1988 has been a busy and eventful year for Professor Wardle. Besides his publications, he has had the opportunity to be a visiting professor on the law faculty at Sophia University in Tokyo, Japan, this past summer. While in Tokyo he taught a course titled "Introduction to the American Legal System" and co-taught a course on comparative family law. Wardle also did research on abortion in Japan under a grant from the David M. Kennedy Center for International Studies.

It was this year that a law school dream was realized when he was elected member of the American Law Institute. When he is in residence at BYU, Professor Wardle instructs courses on civil procedure, family law, origins of the Constitution, and biomedical legal issues.



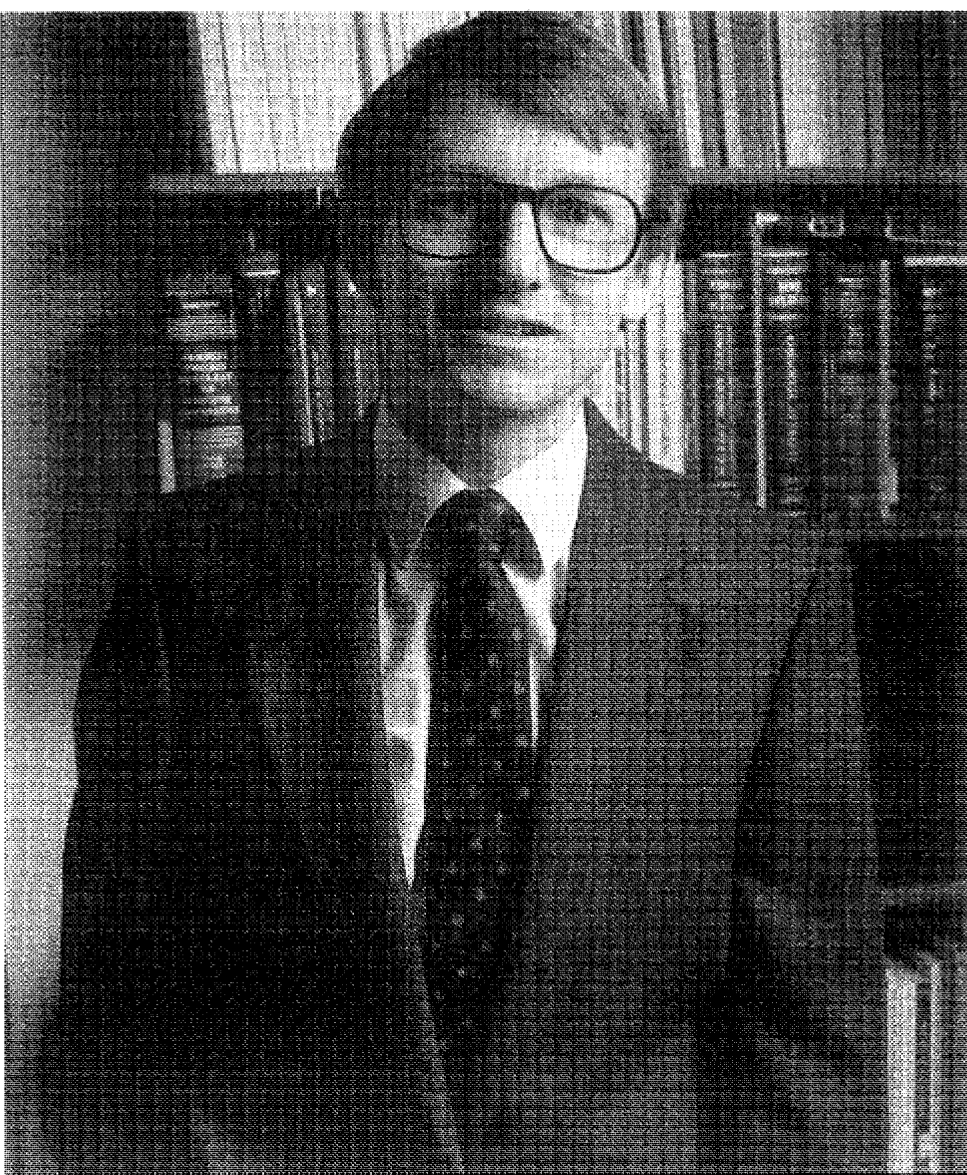


In addition to teaching and researching, Wardle finds time for public service. He recently resigned as a judge pro tempore of the Utah Eighth Circuit Court, where he heard small claims cases every three weeks. He was also a member of the Utah State Judicial Commission Child Support Task Force that finished drafting the child support guidelines for Utah this summer, and he serves on the board of directors of both the Americans United for Life Legal Defense Fund and the Utah Valley Family Support Center, a child abuse prevention agency.

> **John W. Welch**

Professor Welch is the coeditor of *Religion and Law. Biblical, Jewish and Islamic Perspectives*, a substantial collection of papers from an international conference sponsored by the Law School in 1985. Published in 1988 by Eisenbrauns, this collection includes one of Welch's own papers. Additionally, the *Journal of Pension Planning and Compliance* published his paper, "Non-Qualified Deferred Compensation Plans," which was also presented at the First Annual Rocky Mountain Tax Planning Institute and is being reprinted in a volume on tax planning for small businesses. This past summer Professor Welch also attended the biannual conference of the Jewish Law Association at Boston University, where he presented "Chiasmus in Biblical Law."

Welch has also written several articles for the Foundation for Ancient Research and Mormon



Studies (FARMS) and is serving as the president and a director of that foundation. He is serving as general editor of the *Collected Works of Hugh Nibley*, a twenty-volume series. Seven volumes have been published and three volumes are near completion. Another FARMS article, "I Have a Question: How Long did it Take Joseph Smith to Translate the Book of Mormon?" appeared in the January 1988 issue of the *Ensign*.

As a part-time director of

the BYU Religious Studies Center, he is coordinating several research projects and has an assignment to coauthor an article about Joseph Smith discussing the restoration of early Christian doctrines. Other publications include "The Calling of a Prophet: An Analysis of the Call of Lehi and 1 Nephi," and "Hugh Nibley—Thoroughly Modern."

An article about Professor Welch, titled "Taking the Stand" appeared in *This People Magazine*. He currently

instructs the following courses: Business Associations, Advising Closely Held Businesses, and a professional seminar.

Welch was the featured speaker at the BYU May 1988 Devotional, where he presented a talk titled "The Book of Mormon—By Study and Also by Faith." That talk has since been televised numerous times and published in *BYU Today* and *Speeches of the Year*. He is on the editorial board of the newly announced *LDS Encyclopedia*, to be published by Macmillan.

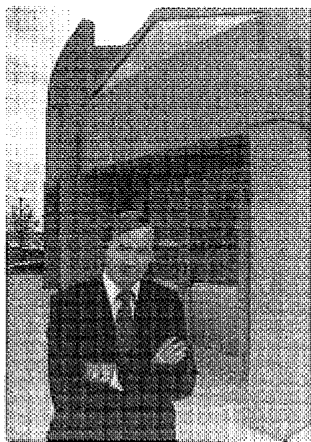
## Class Notes

### **Lynn W. Davis '76**

Lynn was recently appointed a circuit court judge by Utah's Governor Norman Bangerter. Prior to becoming a judge he had an active career in public law, private practice, and legal teaching

### **Larry Jensen '76**

Larry was recently appointed general counsel at the Environmental Protection Agency in Washington, D.C. His appointment was made by President Reagan followed by Senate confirmation. Larry began working for the EPA in 1985 as assistant administrator for water. Prior to joining the EPA he spent four years in the Department of Interior. In his new position, Larry supervises a staff of more than 100 attorneys.



### **David R. Bradford '77**

David returned to Provo in 1985 when he accepted a position at Novell, Inc., where he was instrumental in organizing the legal department. He is currently senior corporate counsel and

secretary to the board of directors at Novell. Prior to his job at Novell, David worked for Irsfeld, Irsfeld & Younger in Glendale, California, Prime Computer, Inc. (western division), and Businessland. David has had an integral role in four corporate acquisitions, two public offerings, and the mergers of three companies. In addition to his J.D., David holds an MBA degree from Pepperdine University. However, his real claim to fame is being paired with Billy Casper in the Jeremy Ranch Showdown Golf Classic Pro Am in August 1987

### **Robert D. Christenson '77**

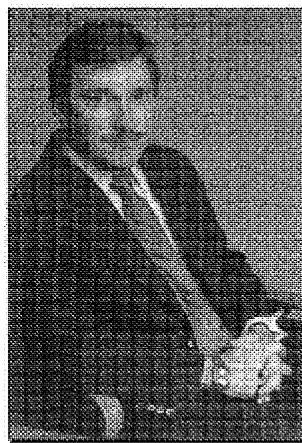
Robert has been practicing law with Christenson, Kralowec, & Roper in Porterville, California, for the past ten years. He enjoys the companionship of his father, two brothers, and a brother-in-law, who all work for the same firm. Living in a smaller community brings many opportunities for civic service. Robert serves in the Tulare County Bar Association, the Porterville Optimist Club, Porterville Youth Inc., and the Porterville Community Concerts.

### **Stephen Hill '77**

Stephen first worked for Lane, Powell, Moss & Miller in the Emerald City of Seattle. Leaving Seattle in 1981, he currently works for Snow, Christensen & Martineau in Salt Lake City. In 1982 Stephen was involved in the case of *Cook v. Atlas*. Along with Dee Benson and David Williams (also BYU graduates), he was instrumental in winning a \$3.5 million verdict for his client

### **Marianne M. Jennings '77**

Marianne's postlaw school experience is diverse. She has worked with the Federal Public Defender and the U.S. Attorney for Nevada. In addition she has consulted for several law firms and area businesses in Phoenix, Arizona. Marianne was not content to stay away from academia; she joined the faculty at Arizona State University in 1977. Currently she is a full professor at ASU. In her spare time, Marianne is a member of twelve professional organizations and has served on several boards of directors. Marianne is presently filling a term as president of the Pacific Business Law Association



### **G. Kevin Jones '77**

Kevin's educational pursuits did not end with his J.D. He has gone on to receive an LL.M. in energy law from the University of Utah and will soon receive a JSD from the University of Virginia in Charlottesville. Kevin works for the U.S. Department of the Interior

in the Salt Lake City offices. Among other awards and scholarships he has received, Kevin wrote the winning essay in the Eleventh Annual National Energy Law and Policy Institute's Energy Law Essay Competition (1987). His publications have appeared in *Southern California Law Review*, *UCLA-Alaska Law Review*, *Public Land and Resources Law Digest*, *Virginia Journal of Natural Resources Law*, and *California Western International Law Journal*. Kevin's civic activities include being a coach for East High School's girls' soccer team and a volunteer editor for *Dialogue: A Journal of Mormon Thought*, the Sunstone Foundation, and the Mormon History Association.



### **James P. Rupper '77**

After leaving BYU, James worked for the U.S. Government for about ten years. Presently, James is a private contractor with Aldrich, Nelson, Weight & Esplin in Provo, Utah.

He is experienced in general practice, estate planning, corporations, domestic relations, and personal injury litigation. James has served in a variety of Church callings, including primary teacher, young men president, elders quorum president, and counselor

#### **Steven R. Scow '77**

Steven has been a partner at Morse & Mowbray in Las Vegas, Nevada, since 1984. He resides in Las Vegas and specializes in private civil practice, which includes estates, trusts, and taxes. Steven had the opportunity to be involved with the Howard Hughes' estate and in the MGM hotel fire litigation. In the Church he has served as a counselor in two bishoprics and the ward mission leader and is now serving as deacons' quorum advisor/scoutmaster.

#### **Dale W. Storer '77**

Dale was at Cox and Bowen for one year and then went to Anderson, Pike & Bush, where he maintains a general practice. In addition to his private practice, Dale is the city attorney for Idaho Falls, Idaho. He is representing the City in the Washington Public Power Supply System (WPPSS) litigation, one of the largest lawsuits ever filed in the history of the United States. Dale has also served as president of the Idaho City Attorneys Association during the 1986-87 term and is currently a legislative committee member of the Association of Idaho Cities.

#### **Boyd B. White '77**

Boyd worked at McDevitt, Meyers & White in Boise, Idaho until 1982, when he became a Magistrate Judge. He hears all misdemeanor-

felony preliminary hearings, divorces and probates, habeas corpus motions, civil disputes up to \$10,000, child custody, and juvenile matters. Boyd finds adoption proceedings to be the most pleasant aspect of his job, while contested child custody battles are distinctly unpleasant. He is currently part of the Misdemeanor Rules Committee of the Idaho Supreme Court. Boyd's Church service has included callings as a member of the high council, a bishop, and gospel doctrine teacher.

#### **Randell L. Wilkinson '77**

Randell worked in the Orange County District Attorney's office from graduation until 1986. He currently sits as a judge for the State of California. In 1985 Randell authored a bill, which was enacted by the California Legislature, to increase the penalties for drunk drivers who injure multiple victims. A few weeks after taking the bench as judge, he received national media attention because of a traffic case he dismissed in the interest of justice. The case involved a mother, six months pregnant, who claimed she was entitled to drive in the "ride-sharing" lane on the freeway. She argued that, as a pregnant woman, she was driving for two. (*Time*, Feb. 2, 1987). Randell is also active in his ward. He has held the callings of seminary teacher, elders quorum president, and young men's president. He is currently a counselor in the bishopric.

#### **Michael L. Hutchings '79**

Michael has been serving as a circuit court judge in Utah since 1983. Appointed at

age 29, he is the youngest person appointed to Utah's circuit court bench. Before accepting his judicial position, Michael was employed as prosecuting attorney for West Valley City. This summer the Utah State Bar honored Judge Hutchings as Circuit Court Judge of the Year. He has served as a member of the Utah State Bar Fee Arbitration Committee and the Utah Bar Journal Committee.

#### **Cheryl Preston '79**

Cheryl was recently promoted to vice president and assistant corporate secretary at First Interstate Bank of Utah. She joined First Interstate's legal department in 1987. Before joining the bank Cheryl was associated with Holme, Roberts & Owen in Salt Lake City and O'Melveny & Myers in Los Angeles. She has been a member of the Law School's Board of Visitors, Utah Lawyers for the Arts, and Women Lawyers in Utah.

#### **D. Gary Beck '82**

Gary has worked with the U.S. Coast Guard since 1972. After graduating from BYU, he became an assistant legal officer, and, in 1986, Gary was appointed as an assistant professor of law at the U.S. Coast Guard Academy. In 1985 he successfully argued an entrapment defense against cocaine-related charges. The result was an acquittal at U.S. Coast Guard Court-Martial proceedings in Hawaii. Gary's Church service has included callings as bishop, stake executive secretary, and second counselor in the stake presidency.

#### **Michael Gary Belnap '82**

Michael started his own general practice in 1987, after spending five years with Farr, Kaufman & Hamilton. He is a member of the Employment Law Section of the Utah State Bar and has participated as coach, panel judge, and presiding judge in the Utah State Bar sponsored High School Mock Trial Program. Michael serves as first counselor in the elders quorum presidency of the Clinton Tenth Ward.

#### **Jordan Clements '82**

Jordan has a practice in corporate/business law at Carr, McClellan, Ingersoll, Thompson & Horn in Burlingame, California. He has done several large nonprofit hospital mergers and reorganizations. Jordan also facilitated the conversion of three public hospitals to private, nonprofit institutions. These conversions were the first of their kind in California. Jordan serves as bishop of the Hillsdale Ward. He has also served as ward clerk, seminary teacher, and elders quorum president.

#### **S. David Colton '82**

David is with Van Cott, Bagley, Cornwall & McCarthy in Salt Lake City, where he practices in the areas of natural resources and general corporate law. He helped represent Intermountain Health Care on tax-exemption issues in counties throughout Utah. David has served as an elders quorum president and is currently a second counselor in the bishopric.

#### **James R. Layton '82**

James was a federal judicial clerk for a year following graduation. He lives in

Virginia and works for Vinson & Elkins' Washington, D.C., office. His areas of practice include antitrust, complex commercial, and administrative litigation. James is representing the plaintiff in a \$2.5 billion antitrust suit. The plaintiff is a joint venture that attempted to build a coal slurry pipeline from Wyoming to Arkansas. The defendants in the action are five western railroads.

**Dan Livingston '82**

Dan worked five years for O'Melveny & Meyers in Los Angeles prior to joining Call, Clayton & Jensen; a ten person firm located in Newport Beach. Dan specializes in business litigation. After five smoggy years in L.A., Dan loves being five minutes from the office *and* the beach. He is a counselor in the bishopric.

**McKay Marsden '82**

McKay has "survived the practice of law for six years" and is working for Holme, Roberts & Owen's Salt Lake City branch office. He specializes in federal taxation and estate planning. He enjoys Church service and has served as a counselor in the elders quorum presidency.

**Stephen R. Marsh '82**

Stephen works with H. Deloyd Bailey in Wichita Falls, Texas. He specializes in personal injury and commercial litigation. Stephen still enjoys the thrill of winning at trial. Besides his law career, he is interested in karate, writing, and various entrepreneurial endeavors.

**Michael J. Read '82**

Upon graduation Michael clerked for Judge Durtschi

for one year and then spent a year with Hamlin & Sasser, Boise, Idaho. His present employment is with Albertson's Inc., where he practices real estate, litigation, and general corporate law. Michael finds that his job allows him a sophisticated exposure to corporate and real estate matters, and at the same time enables him to supervise nationwide litigation. He has continued his interest in music and theatre, some of his performances include leading roles in "Music Man," "South Pacific," "Sweeney Todd," and "Camelot."

**Rick J. W. Riggers '82**

Rick continues to utilize the Japanese language skills acquired on his LDS mission. While working for Hansell & Post in Atlanta, Georgia, he assisted approximately twenty-five Japanese corporations with their operations in Georgia. For obvious reasons Rick specializes in international/corporate law. Some of his other clients within that scope are the Government of the Kingdom of Sweden, Mitsubishi Corp., and Sumitomo Corp. of Japan. Rick currently serves as a member of the Japan/America Society of Georgia, the Treasurer and President-Elect of International Transactions Section of the Atlanta Bar Association, and a campaign worker for the Atlanta Association for Retarded Citizens.

**Robin L. Riggs '82**

Robin began working for the Utah Office of Legislative Research and General Counsel following graduation. In 1985 he was

appointed executive director of the Utah Constitutional Revision Commission. In this capacity he has supervised the revision of the Utah Constitution articles dealing with local government and education. Robin is also serving as senior counsel to the Tax Recodification Commission and was the chief drafter of the recently recodified Utah Tax Code. Robin's civic positions include serving a term as the secretary of the Utah State Bar's Young Lawyer's Section and as a member of the bar's Law Day and Law Related Education Committee. He is preparing two articles on state taxation and one article on the Utah Constitution for publication. In the Church he has served in three elders quorum presidencies, as ward mission leader, and as gospel doctrine teacher.

**IN MEMORIAM**

**Gregg I. Alvord '78**

Gregg was killed in a one-car accident in Southern Utah in August 1988. Prior to his death he was a partner at Jones, Waldo, Holbrook & McDonough in Salt Lake City. While at BYU Gregg served on the board of editors of the Law Review. He is survived by his wife and four children.

In recognition of his contributions to the firm, his law partners are establishing a scholarship fund in memory of Gregg I. Alvord at the Law School. The funds from the scholarship will be used to assist a needy second- or third-year law student who has excelled academically. For additional information about this memorial to Gregg, please contact Dean Zobell at the Law School.

**Clark Memorandum**

*welcomes updates on job changes, relocations, promotions—whatever you think others would be interested in. You may also send letters to the editor.*  
  
*(Please include your name and address.) Send your information to Editor, Clark Memorandum, 338 JRCB, Provo, Utah 84602.*