



# become deliverers

by President James E. Faust

Illustrations by Brad Holland





you should all feel privileged to graduate from such a distinguished law school. It is remarkable that the J. Reuben Clark Law School has achieved such a position of eminence in just one generation. This is due not only to the excellence of the faculty and the competence of the graduates but also to its sponsoring institution, The Church of Jesus Christ of Latter-day Saints. This institution is supported in large measure from tithing funds, so we must be grateful for the faithful tithe payers who help make your educations possible.

This is a great day in your lives. I hope you're as happy to graduate from law school as I was 54 years ago. I thought it would be

the end of my troubles, but I didn't know which end. I knew more of the general rules of law when I graduated than I have ever since. But I was uncertain if I could apply my knowledge of the rules of law to practical situations. I wondered if I could use my legal credentials to support my wife and family and take care of our financial and other needs. I was married, like many of you. My wife and I had one child, and we were expecting another at the time of my graduation.

Justice Richard C. Howe and I grew up together and went through law school at the same time; he is still a member of our Supreme Court and just last month was released as chief justice of that court. With his permission, I quote what he said to the law school graduates at a recent commencement exercise:

*You have heard it said in law school that the law is a jealous mistress. You will soon find that to be true—that a man's making a living and serving people bring pressures. Do all you can to reserve time for your spouse and family. Lawyers are no different from other people. They need a balanced life. Your spouse, if you have one, and your family need you, and you need them. A lawyer for one of the largest insurance companies that provide malpractice insurance for lawyers recently told members of the Utah Bar Association in their recent midyear convention in St. George that 25 percent of lawyers suffer from depression. Much of that is brought*

*about by the intensity of the legal practice. You must take time to break away from the jealous mistress and lead a balanced life.*

To be learned in the law is a great education because the common law is a distillation of so much human experience. Elder Jeffrey R. Holland tells a story about some educators here at BYU who did not measure up to President Wilkinson's expectations. President Wilkinson responded, "What can you expect from someone who is not learned in the law?" I sincerely hope that 50 years after your graduation you can say, as I can, that you are grateful for having gone to law school. If I were starting over, I would do it the same way.

Vic Alstrom, the clerk of the federal court in Utah, served in the 91st division in World War I with my father, so he took a personal interest in me. The day I was sworn in to the federal court, he took me to sign the roll of attorneys. He took time to turn the pages back to members of that bar who had distinguished themselves in life. They were giants in the land. Among them were J. Reuben Clark, Jr., Henry D. Moyle, Stephen L. Richards, Hugh B. Brown, Marion G. Romney, and others. They were more than lawyers. They were businessmen, statesmen, entrepreneurs, and legal and spiritual scholars. Each of them, like Solomon, had understanding hearts and profound wisdom. Each had a great soul. They have been a great influence in my life, and each of them used training in the law as a stepping-stone to something greater.

The knowledge you have gained of the law can be a springboard to accomplish things that otherwise you might not have been able to do. Our class had outstanding instructors: one of them was Professor Dwight Pomeroy, who was a captain in the U.S. Army in World War I. He told us that if you were invited to participate in any game, the first question you would ask is, "What are the rules?" He told us that we're all here on earth to conduct our life, and we need to know the rules. The law furnishes many of those rules.

Actual rules and professional rules become almost inseparable, because one cannot have professional integrity without having personal integrity, and vice versa. Years ago I was in the police court in Salt

Lake City. A respected member of the bar, Ray McCarty, was handling a defense for his client, who was charged with some lesser crime. When the case was called, the witnesses for the prosecution did not show up. So the court was left with no choice but to dismiss the charges against the defendants. After the charges had been dismissed, the witnesses, for some reason or another, showed up late. Ray McCarty and his clients could have walked out, but when the witnesses showed up, Ray called his clients back into the courtroom and insisted that the case be recalled and that it be heard on the merits. Ray subsequently became the president of the Utah Bar Association.

Much can be said about professional competence; but the real genius is in preparation—I mean careful, painstaking preparation, with all of the drudgery that goes into it. The discipline of law school has helped prepare you for this. One time I found myself along with 15 other lawyers involved in a case we thought was important. It certainly was to our clients. One of the opposing counsel, who held high political office in the state of Utah, was one of the most gifted orators we had at the bar. His strength was in speaking, not researching the law. My associates and I had meticulously run down every case precedent we could find so that we knew the governing legal principles. When our opponent got up to speak, he was like a great musician, playing the violin with his sweetest tones. It was mesmerizing. It was a treat to listen to him. He almost persuaded me, although I knew he was wrong because he did not have the correct advocacy of the law. We had a country judge, sitting from the southern part of the state, and our opponent's oratorics spellbound him. But at the end of the day, it was the careful preparation—not the brilliant oratory—that carried the day.

"The law must be used to help people and to bless their lives," Justice Howe said. "This legal training and experience, enhanced by spiritual training, is a tremendous force for doing good for people. We change our own lives in helping others to change theirs," he said.

I hope you will use your education, your degree, and your license to practice law to serve people. This may seem self-evident, but let me explain. Many people today can-

## James E. Faust: Consummate Lawyer and Public Servant

BY LOVISA LYMAN

President James E. Faust, Second Counselor in the First Presidency of The Church of Jesus Christ of Latter-day Saints, was awarded the Marion G. Romney Law and Public Service Award at the 2002 Law School Convocation. President Faust is the second recipient of this award since its institution by the BYU Board of Trustees in September 1981.<sup>1</sup>

Upon bestowing the honor, Dean H. Reese Hansen explained that it is reserved for lawyers who are “exemplary model[s] of integrating professional integrity and professional attainment with significant public and church service.” President Marion G. Romney, for whom the award is named, was just such an attorney. A former counselor in the First Presidency of the Church, he played a key role in establishing the Law School. President Faust is another such man.

After serving as one of the earliest LDS missionaries in Brazil and as a first lieutenant in the U.S. Army Air Force during World War II, President Faust graduated with BA and JD degrees from the University of Utah in 1948 and entered legal practice. He quickly earned the respect and admiration of his colleagues and his firm’s clients, one of which was the local Catholic church. He became such an ethical icon that one-time federal district court judge A. Sherman Christensen told his

clerk, “If you watch James Faust and follow the way he does things, you will know how you should act as a lawyer.”<sup>2</sup>

Excellence as an attorney was only the beginning of Elder Faust’s service. While he was a full-time advocate, he served as a member of the Utah Legislature, president of the Utah Bar Association, a member of the Utah State Constitutional Revision Commission, a member of the American Bar Association United States Supreme Court Judicial Nominating Committee for Utah, and a presidential appointee under John F. Kennedy to the Lawyers Committee for Civil Rights and Racial Unrest.

Indicative of the long-term respect garnered over his many years of service, President Faust was awarded the Distinguished Lawyer Emeritus Award by the Utah State Bar Association in 1995, an honorary doctorate from BYU in 1997, and honorary citizenship from the city of Sao Paulo, Brazil, in 1998.

Elder Neal A. Maxwell sees President Faust’s many public service attainments during his years practicing law as excellent preparation for his long service as chair of the Church’s Public Affairs Committee.<sup>3</sup> President Faust’s other Church service includes counselor in his ward Sunday School at age 17 and bishop at 28, followed by high councilor, stake president, and regional representative before becoming a General Authority. As

Elder Maxwell says, “[H]e has done it all in terms of Church service.”<sup>4</sup>

President Faust practiced law with distinction until 1972, when he was called as a General Authority of the Church. He first served as an Assistant to the Quorum of the Twelve Apostles, then as a member of the Presidency of the First Quorum of the Seventy, and then as an Apostle. He became Second Counselor in the First Presidency in 1995. At that time, President Gordon B. Hinckley said, “President James E. Faust comes to this office with the kind of maturity that results from long experience in the Church. This experience, coupled with the wisdom developed in pursuit of a legal career, provides substantial strength in the sacred calling that has come to him.”<sup>5</sup>

President Faust and his wife, Ruth, are the parents of three sons and two daughters. All of his sons are attorneys, two of them graduates of BYU Law School.

### ENDNOTES

- 1 In 1982 the Marion G. Romney Award was conferred on Rex E. Lee, founding dean of the Law School, when he was serving as solicitor general of the United States.
- 2 Elder Stephen A. West, “A Pairing of Disciplines,” *Clark Memorandum*, spring 2002, 21.
- 3 Elder Neal A. Maxwell, “President James E. Faust: ‘Pure Gold,’” *Ensign*, Aug. 1995, 12.
- 4 *Id.* at 15.
- 5 *Id.*

not afford legal services. No, these are not the people who live below the poverty level. There are government and charitable organizations that provide legal services to the people below the poverty line. What I am talking about now are people who are self-supporting, who work every day, and whose income is at the lower levels of the middle class. In my own personal experience, I received more satisfaction from helping people in these economic circumstances, whose property and health were at risk, than I

did in representing big, well-financed, soulless corporations.

I have found the law has been a very satisfying professional calling. As I mentioned, if I had to live my life over again, I would study the law in a heartbeat. I must say that I’ve always been proud to be a member of the Utah State Bar, of the Supreme Court of this state, and of the Supreme Court of the United States. The law opened other doors, but I must admit to you that there have been other callings that have given me more satis-

faction, greater fulfillment, and more personal peace than the adversary practice of the law. The law has been a good way to keep food on the table, but the outreach that can come from the knowledge of the law can add something more in terms of personal fulfillment than the adversary settlement of controversy.

My father’s law school dean at the end of World War I and my law school dean at the end of World War II were one and the same: Dean William H. Leary. He reminded us that





because much of the body of the law changes, mostly what we want to teach at law school is how to think straight. If we missed a vital point in recitation, he was quick to tell us how stupid we were. One time he became so exasperated he said, "If I had any hair on my head, I would pull it out." He was bald. That rebuke was embarrassing and hard to take, but it taught me to try to think discriminately. One time I was reciting and I missed on equitable servitude. He said, "Mr. Faust, you wouldn't even recognize your own grandmother if she came around a different corner."

If your class is like the national average, half of you will be in private practice in solo, small, or large firms. A quarter will be government lawyers, and the rest will be in-house counsel for business or use your training in business. A few of you will become teachers or judges. It has been said, "From the A students come the professors, from the B students come the judges, and the C students make the money."

In my law office I had a plaque with a quote from Abraham Lincoln: "A lawyer's time and advice are his stock and trade." So, what does a lawyer have to sell? What does his client buy? Is it knowledge of the law? Is it knowledge of procedure? Is it intelligence? Is it experience? Is it service? Is it results? Is it advocacy? Or is it mostly wisdom and integrity? You say, "Well, isn't the end product of the law supposed to be justice?" Aren't litigants satisfied with justice? If it does not favor them, they don't want it. You might add, "Well, what is more noble than justice? What can the law provide more worthy than justice?" Not all of you would agree, but my answer is *mercy*. Shakespeare, speaking through Portia, gives us these eloquent lines about mercy: "It is enthroned in the hearts of kings. It is an attribute of God himself. It seasons justice," because in the course of justice, none of us should see salvation; we do pray for mercy, and that same prayer teaches us all to render the deeds of mercy.

So, how can the law be a key to more than well-paid drudgery, of drawing intricate

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contracts, wills, and trusts? I do not wish in any sense to be sacrilegious, but I take a generic reference to being a savior, which is "one that saves from danger or destruction." I also take a text from an obscure Old Testament prophet by the name of Obadiah, who has a two-and-a-half-minute talk of 21 verses in the Bible. I quote the 21st verse, "And saviours shall come up on mount Zion to judge the mount of Esau; and the kingdom shall be the Lord's" (Obadiah 1:21). To avoid profaning the word *savior* in the context of lawyering, let me substitute *deliverer*. I would urge all and each of you to become deliverers. How can you become a deliverer? Each of you must learn to make that application for yourselves. Whether you are looked upon as a deliverer or a rascal, or something in between, will depend largely upon your own motivation. That is, what is in your heart of hearts? One of your challenges will be to make economic rewards your lesser consideration rather than your first.

So my challenge to you gifted and able young men and women, who are learned in the law, is to become more than a successful practitioner living in a big house, with a sizeable mortgage. Look upon your learning and license to practice law as a way to do great things for little people and little things for everyone.

Vaclav Havel, former president of the Czech Socialist Republic, sometime ago told the United States Congress, "The salvation of this human world lies nowhere else than in the human heart, in the human power to reflect, in human meekness and in human responsibility." May you use your training in the law as a stepping-stone to something greater. May this legal training you have now acquired, together with your spiritual training, be a tremendous force in helping humanity. I invoke the blessings of heaven to be upon you, upon your companions, upon your families, and upon your parents and your loved ones and extend to you every good wish and blessing. In the name of Jesus Christ, amen.