



More than 200 LDS attorneys, spouses, and guests met at the South Coast Westin Plaza Hotel in Costa Mesa, California, on September 26, 2003, to hear Bill Atkin, associate general counsel over Church international legal affairs and immediate past chair of the J. Reuben Clark International Law Society, speak on international legal challenges to religious liberty and the Church. The dinner was sponsored by the Orange County Chapter of the J. Reuben Clark Law Society.

Under Atkin's leadership the Law Society has grown to 50 chapters, including seven foreign chapters in New Zealand, England, Brazil, Mexico, and Canada. The Los Angeles and Orange County Chapters are two of the largest in the Society.

Following introductory remarks by Bill Bollard, Orange County Chapter chair, and Joseph Bentley, chair elect of the International Society, Atkin detailed how Brigham Young called the Church's first general counsel, Franklin S. Richards. When Brother Richards told President Young that he had always wanted to be a doctor, Brigham said, "Would you rather do what you want or what the Lord wants you to do? Then you

will be a lawyer because the time will come when the Latter-day Saints will need lawyers of their own to defend them in the courts and strive with fearless inspiration to maintain their constitutional rights." Brother Richards remained as general counsel for over 50 years, taking the Church through its most intense periods of legal persecution.

Today the Church's general counsel is Elder Lance B. Wickman, the first General Authority to act in that capacity. As associate general counsel, Bill Atkin oversees all international legal affairs for the Church. His counterpart in the office, Boyd J. Black, oversees all domestic legal affairs, mainly through the Salt Lake City firm of Kirton & McConkie. Prior to work with the general counsel's office, Atkin managed the Moscow, San Francisco, and Venezuela offices of the international law firm Baker & McKenzie.

Atkin addressed the Church's support of expanding religious freedom throughout the world. He stated that many leaders of nations have been impressed

Bill Atkin  
Addresses  
Church's  
Role in  
Expanding  
Religious  
Freedom

with President Hinckley's affirmation "We only go through the front door." Through BYU's International Center for Law and Religion Studies, foreign nations have strengthened rights of religious freedom for all churches, including rights to worship, to assemble, to travel freely, to declare beliefs, and to achieve legal entity status. For 10 years ministers of religion and other foreign dignitaries have attended International Conferences of Religious Liberty in Provo, along with the Church's general conference in Salt Lake City.

When concluding a recent meeting with the Church's general and associate counsel, President Hinckley said, "Brethren, be peacemakers." Bill noted that each LDS lawyer is on a unique lifetime mission to apply his or her legal training and experience to advance the Lord's work. This can come by opening doors to nations and building bridges of friendship and understanding or by simply being in the right place at the right time while doing one's best to know and do the will of the Lord.



Bryan Jackson, '86, was on the cover of *Los Angeles Lawyer*, a magazine for Southern California attorneys with a circulation of 30,000. His article "Under Construction," which gives advice to construction litigators and arbitrators, was featured in the publication.



Ryan E. Tibbitts, '84, general counsel for SCO Group, Inc., was featured on the cover of the January 2004 issue of *Corporate Counsel* magazine.



### David G. Campbell and Michael W. Mosman Appointed Federal District Judges

On July 8, 2003, the Senate confirmed the nomination of David G. Campbell to the United States District Court for the District of Arizona.

A native of Utah, Campbell attended the University of Utah, where he earned his undergraduate degree in 1976 and his JD degree in 1979. He served as a law clerk to Judge J. Clifford Wallace of the Ninth Circuit Court of Appeals from 1979 to 1980 and to then Associate Justice William H. Rehnquist of the United States Supreme Court. Campbell is currently the chair of the District of Arizona's Lawyer Representatives and a member of the Ninth Circuit's Lawyer Representatives Coordinating Committee. He is a member of the J. Reuben Clark Law Society and was a visiting professor at the J. Reuben Clark Law School, where he was named Professor of the Year.

On September 26, 2003, the Senate confirmed the nomination of Michael W. Mosman to serve on the United States District Court for the District of Oregon.

Born in Eugene, Oregon, and raised in Moscow, Idaho, Mosman graduated valedictorian from Utah State University in 1981. He received his JD degree in 1984 from the J. Reuben Clark Law School, where he served as editor in chief of the *BYU Law Review*. He served as a clerk for Judge Malcolm Wilkey of the U.S. Court of Appeals for the District of Columbia Circuit from 1984 to 1985, as well as for United States Supreme Court Justice Lewis F. Powell from 1985 to 1986. Mosman joined the Department of Justice in 1988 as an assistant U.S. attorney for the District of Oregon, and he was appointed U.S. attorney in 2001.

# Augustine-Adams

## Studying Women's Issues in Argentina

When Professor Kif Augustine-Adams was named a Fulbright scholar the fall of 2002, she received a grant to study women's citizenship in Argentina for seven months. In March 2003 she and her attorney husband, Stirling Adams, packed up their three children—Sofia, age nine; Jacek, age six; and Isabelle, age three—and traveled to Buenos Aires.

Augustine-Adams received the social science award for her proposal to study women's citizenship in Argentina, but the material she needed was located in the Ministry of Foreign Relations

Kif Augustine-Adams was joined by her husband, Stirling, and their three children as she did research in Buenos Aires, Argentina.



in the midst of a police holding yard. There were no catalogues or organization of the materials—most of it was stacked in boxes in a large warehouse. Not only did the lack of organization of the materials prove difficult, but Kif was permitted access to them on only one occasion.

Kif changed the focus of her research to gathering information from women's passport applications from 1816 to 1820. She reviewed more than 1,000 passport applications, comparing the reasons women gave for traveling to the reasons men gave for traveling. She discovered that travel was an area where women were fairly autonomous.

Most women were traveling with servants and children to join a spouse or to "take care of their own matters." Some women traveled on their husband's passports, but many

had their own. One woman had her husband travel on her passport because he was blind.

The passport application included a line where the bureaucrat filling out the form listed the profession of the applicant. On the women's passports, this line was always left blank, except for female slaves. On the men's applications it was always filled out—even boys of 14 years of age would be described as "scholars" or "students." Attached to the passports were often letters documenting the reasons for travel.

This research is important to Augustine-Adams as she answers questions on women's freedom of movement. "I am curious as to who got to travel and why," she says. "I am also interested in the invention of the passport—why did the passport become the key to identity? The passport represents one documented moment in these women's lives; the only other information to chronicle their lives would be christening, marriage, and death records. That's all."

Some of the passport applications were signed by the women applicants. Others were marked with an X. This raises other questions: were these women illiterate, or did the passport official just mark the line for them with the expectation that the women were illiterate?

The official, judging with his own eyes, also wrote down the skin color of the applicants. Descriptions were "pink,"

"white," "wheat-colored," "toast," or simply "the color of these people." There is a strong class structure in Argentina based on economic and racial factors with a clear European influence from an influx of immigrants from Spain, Italy, and England.

Augustine-Adams is also exploring the law as it pertained then to married women, single women, and widows in Argentina. She is studying the historical/legal role between citizenship, identity, and freedom of movement. Again, questions arise. "So much is inherently artificial in the very nature of a passport. And yet it represents citizenship, one of the last bastions of rights based on where you were born and to whom."

Because she served a mission in Mexico, Kif speaks Spanish, and she and her husband speak Spanish at home. It only made sense, then, to enroll their children in Spanish-speaking schools. She found that the schools became the center of their family's involvement in the community. Their children's private schools had relationships with some of the poorer public schools and supported a public dining hall to help feed children on the weekends, serving lunch to 100 to 150 needy children. Kif and her family helped cook and serve the food. She and her husband were pleased with the public spiritedness of the private schools. In fourth grade the children make a civil pledge to give service to others.

# Making Music on Temple Square

BY LANDON COWAN



**T**hird-year law student Laura Sakulich and first-year law student Trent Christensen have not yet entered the profession of law, but as professional musicians they routinely set aside laptops and class notes to pick up their instruments, attire themselves in concert black, and journey to Salt Lake City for performances with the Orchestra at Temple Square.

“I’ve always wanted to be an attorney,” says Trent, “but music has made me who I am.” Laura agrees: “It’s good to have something to do besides law school. The orchestra has kept me grounded, kept me playing.”

Created in 1999 by Church President Gordon B. Hinckley, the Orchestra at Temple Square has joined forces with the Mormon Tabernacle Choir in forming the Mormon Tabernacle Choir recording label and in producing three CDs: *Consider the Lilies*, *Spirit of America*, and, most recently, *Peace Like a River*. Musicians accepted into the orchestra pass through a rigorous selection process that includes submitting tapes of styles of

their playing and a live audition before the choir director, Craig Jessop, and the orchestra conductor, Igor Gruppman. The approximate 110 musicians in the orchestra perform for the Sunday morning broadcasts of *Music and the Spoken Word*, tour with the choir, record in sessions, and play three concerts per year.

A native of Michigan, Laura Sakulich started picking out notes on the piano from songs she had heard when she was four years old. At age six she started piano lessons, which she continued through the ninth grade. She added the oboe in elementary school, when she scored highly on a musical aptitude test and was encouraged to take another instrument. However, in high school she picked up the trumpet so she could be part of the marching band. The decision proved to be a meaningful one.

Before her last year of undergraduate studies at Western Michigan, Laurie played the trumpet at a music festival in Georgia. There she met a friend who introduced her to the LDS

Church. She was baptized in July of 1999. “Playing the trumpet is a special thing because it was the impetus that led me to joining the Church,” Laura says. “Playing at Temple Square completes the circle.”

From her master’s program in trumpet performance at the University of Georgia in Athens, Georgia, Laura transferred into a similar program at BYU, even though her plans were to pursue a PhD in music, something BYU didn’t offer. “I didn’t come to BYU for the trumpet playing,” Laura says. She found out about the Orchestra at Temple Square from a trombone player sitting next to her at an informal concert sing-along at the Delta Center. He urged her to try out, so she called for an audition, played for the conductor, and was immediately invited to join the orchestra and its tour to Washington, D.C., for the inauguration of President George W. Bush.

About this same time, a friend suggested that Laura stay at BYU and go to law school. Laura took the LSAT, applied only to the BYU Law School,

## The Law School and the Mormon Tabernacle Choir

In addition to the two student musicians who play in the Orchestra at Temple Square, the Law School can claim two other connections with the choir and its Sunday morning broadcasts. || Vance Everett, computer systems manager at the Law School, has sung with the Tabernacle Choir since July 1990 and will be eligible to sing until 2010 (members may sing with the choir either for 20 years or until age 60, whichever comes first). Vance is a baritone, the assistant section leader, and a member of the choir's social committee. || Jane Wise, editor of the *Clark Memorandum* and legal writing instructor in the Rex E. Lee Advocacy Program, has been writing messages for the Sunday morning broadcasts since 1998. "Only Richard L. Evans wrote all of his own messages," she says. "Lloyd Newell writes some, as well as seven other writers who contribute the 'spoken word' part of the broadcast." And which comes first, the message or the music? "Generally, the message is written first, and then conductor Craig Jessop matches the music with the words," explains Wise. "The choir receives the written part about 12 weeks in advance of the production of the program."

was accepted, and began her class work in the fall of 2001.

Looking back on a series of events that simply fell into place, Laura has experience in recognizing God's hand in her life. "I know something is right when I try to do something, and it all works," Laura says. "That was true when I joined the Church, when I transferred to BYU, and when I came to law school."

As part of his family's tradition, Trent Christensen started taking music lessons at age eight. "At eight you get baptized and then you start piano lessons," relates Trent. A further incentive to be musical came when his elementary school featured an "early out" program that allowed students studying musical instruments to leave school early to practice. Trent started playing the drums, which was fine with his mother as long as he played when she wasn't home. He started playing the drums professionally at age 15.

Trent auditioned for the Temple Square Orchestra soon after returning home from his mission. Although he had sold most of his drum paraphernalia

to fund his mission, he acquired enough of a set to play for his audition. Trent performed the only timpani solo, to his knowledge, in existence. "It was the best audition of my life," Trent says. The unique nature of his audition made him stand out to then conductor Barlow Bradford and assistant choir director Mack Wilberg, and he was accepted as principle percussionist.

Trent has been with the orchestra since its inception. "The makeup of the orchestra has changed, but its mission hasn't. We are building the kingdom through our music," says Trent. In fact, performers are set apart as musical missionaries, glad to give of their time and talents. "If the audience feels a fraction of what I feel during a performance, our work is done," Trent adds. "Craig Jessop and Mack Wilberg inspire both musical and spiritual vision. The good that we do is part of a legacy that will reach to the four corners of the world."

Although both Laura and Trent are now focusing on law school, music continues to be part of their lives.





## Chinese Judges Visit Law School

BY D. RAY MANTLE

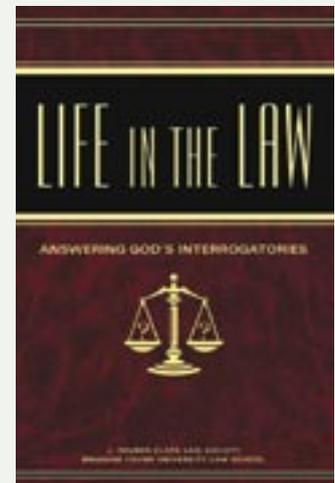
Twenty-six judges attending the People's Republic of China National Judicial College visited Brigham Young University, the J. Reuben Clark Law School, and other points of interest as part of their month-long visit to the United States during August 2003. Judges from all levels of the People's Republic of China (PRC) courts were selected to participate in an intensive legal training program focusing on English language skills, common law jurisprudence, and the U.S. justice system, a program originally envisioned by former U.S. Supreme Court Chief Justice Warren E. Burger and former PRC Premier Deng Xiao Ping. After completing two months of Technology Assisted Language Learning (TALL) in Beijing, the judges visited New York University; Washington, D.C.; and BYU and attended their understanding of U.S. law.

After enjoying sightseeing trips to Park City, Salt Lake Temple Square, and Yellowstone National Park, the judges toured the BYU campus and attended a lecture by Professor Brett G. Scharffs. Scharffs and Professor W. Cole Durham engaged the judges in a discussion highlighting similarities between com-

mon law and civil law systems and the role of emotion in jurisprudence under both systems.

On their last day in Utah the judges visited several sites in Salt Lake City, including Welfare Square and the Humanitarian Center. A luncheon was hosted at the offices of Parsons, Behle & Latimer, where the judges were introduced to several practice area directors of the firm. The judges also visited the Utah Supreme Court to meet with Justices Michael J. Wilkins, Jill N. Parrish, and Ronald E. Nehring; and Presiding Judge Norman H. Jackson of the Utah Court of Appeals. The justices and judges enjoyed comparing caseloads, average adjudicating times, and jurisdiction sizes, as well as the relative age of judges in China and the United States (PRC judges are on average 35 years of age).

Lovisa Lyman, Collection Department Librarian at the Howard W. Hunter Law Library, who served as one of the TALL teachers in China, handled most of the logistics for the visit. Others participating from the Law School community included Dean H. Reese Hansen; Associate Dean Constance Lundberg; Associate Dean Scott Cameron; Deputy Law Librarian Gary Hill; Michael Chen, '01; Spencer Macdonald, '04; and D. Ray Mantle, '04.



*Life in the Law* is now available in paperback for \$10. Order a copy online from the Law School at [accounting@lawgate.byu.edu](mailto:accounting@lawgate.byu.edu).

# Habitat for Humanity



In liaison with Habitat for Humanity, BYU law students help rebuild a duplex for a family on the west side of Provo. Since 1976 the international organization—a pet project of Jimmy Carter—has built more than 50,000 houses with families throughout the U.S. and over 100,000 houses around the world.



### **Kevin J Worthen Appointed New Dean of the Law School**

President Cecil O. Samuelson and the Board of Trustees of Brigham Young University announce the appointment of Kevin J Worthen as the fifth dean of the J. Reuben Clark Law School. Appointed professor of law in 1992, Dean Worthen has served as associate dean for academic affairs since 1999.

“Kevin Worthen brings to his new assignment a remarkable combination of outstanding academic and professional accomplishments, proven administrative abilities, sound judgment, and exceptional personal skills. He will provide the strong leadership required for the Law School to reach its full potential,” says Dean H. Reese Hansen, who now returns to full-time teaching and research.

Dean Worthen received a bachelor of arts degree in political science from BYU in 1979. Three years later, in 1982, he graduated first in his class, summa cum laude, from the J. Reuben Clark Law School, where he was a member of the Order of the Coif. He was a law clerk to Judge Malcolm R. Wilkey of the U.S. Court of Appeals for the D.C. Circuit and to Justice Byron R. White of the U.S. Supreme Court before joining the Phoenix law firm of Jennings, Strouss & Salmon. He joined the BYU law faculty in 1987 and was a Fulbright scholar at the University of Chile Law School in Santiago during 1994.

The new dean is a nationally recognized expert on Federal Indian law and the impact of law on indigenous peoples internationally. He has published in numerous journals, including the Harvard, Minnesota, Vanderbilt, and North Carolina Law Reviews, and is the author of portions of the forthcoming revision to Felix Cohen’s *Handbook of Federal Indian Law*.



### **Kirton & McConkie Enters Agreement with Chinese Law Firm**

The Salt Lake City law firm of Kirton & McConkie has recently entered into a cooperation agreement with a law firm in Nanjing, China—a first for an American law firm in all of Jiangsu Province, an area of 72 million people. A delegation of Kirton & McConkie attorneys recently returned from China. The group included David Wahlquist, '81, partner and longtime member of the American Arbitration Association Panel of Arbitrators.

While in Nanjing, the delegation conducted a daylong seminar on international arbitration and litigation for more than 100 members of the Jiangsu Bar Association. It also lectured at the Department of Law of Nanjing Agricultural University, where Michael Chen, '01, has been named dean of the Department of Law. Nanjing Agricultural University is a national university administered by the Ministry of Education.



## Prosecution Wasn't Going to Reform Olympic Movement

BY MICHAEL GOLDSMITH | *The following article appeared in the Salt Lake Tribune on December 21, 2003.*

In 2000, federal prosecutors indicted two former Salt Lake Olympic Bid Committee leaders for bribing members of the International Olympic Committee (IOC) to award the 2002 Winter Games to Salt Lake City. The Olympic bribery case ultimately collapsed when a federal judge ruled that prosecutors failed to present enough evidence even to warrant jury deliberations. Judge David Sam rebuked the Department of Justice for nearly ruining the lives of two innocent men based on the weakest case he had seen in 40 years.

Before trial, prosecutors signaled the weakness of their case by secretly offering to drop 15 felony counts for an easy “no jail” misdemeanor plea. So the judge’s dismissal must not have surprised them. The rest of the world, however, might wonder why a federal judge would dismiss charges despite overwhelming evidence that defendants caused lucrative benefits to be conferred upon IOC members. Why did Judge Sam reject prosecutors’ requests to let their case go forward as a message “to stop Olympic corruption”?

Allowing the case to proceed would have violated basic

principles of criminal law and done nothing to stop corruption in the Olympic movement. Under American principles of justice, criminality requires a confluence of conduct, intent, and attendant circumstances as prohibited by statute. If even one of these required elements is missing, there can be no violation. Thus, payments alone do not constitute a crime.

The Olympic bribery scandal proved to be a case of prosecutors seeking a crime to fit the conduct. As federal law does not directly prohibit commercial bribery, prosecutors resorted to an obscure Utah statute. The Utah law prohibits (1) conferring benefits (2) upon an agent, employee, or fiduciary (3) contrary to the interests and (4) “without the consent” of an employer or principal. Prosecutors transformed this state misdemeanor into a federal racketeering indictment by charging that defendants crossed state lines and used the mails when they violated the Utah statute.

In their zeal, however, prosecutors neglected to verify that defendants’ conduct met each element of the underlying Utah law. At trial, this failure

proved fatal. IOC members are not paid, lack authority to bind the IOC, and don’t hold positions of special trust. Thus, IOC members were not employees, agents, or fiduciaries under Utah law. Plying them with benefits, therefore, was not illegal.

More to the point, the evidence established that the majority of IOC members happily accepted (and sometimes demanded) lavish benefits. Prior to the Salt Lake City scandal, the IOC had historically tolerated, if not encouraged, such payments. Indeed, Nagano, Atlanta, and most other bid cities routinely employed similar methods. As a practical matter, the IOC’s historic acquiescence meant that prosecutors could not prove defendants had conferred benefits without IOC consent. Nor could prosecutors prove criminal intent, as prior IOC practices gave defendants reason to believe that the IOC consented to their generosity.

Sending this case to the jury would have done nothing to stop corruption in the Olympic movement. If prosecutors wanted to strike at Olympic corruption, they indicted the wrong men. They should have charged IOC violators with

extortion. (Admittedly, the Olympic Games would never again have been awarded to any American city, but that doesn’t justify indicting Salt Lake City defendants instead.)

For years, too many IOC members have routinely exploited vulnerable bid cities through extortionate demands. Rather than aggressively investigate such practices, the IOC issued rules restricting gifts to \$200. The rules, however, are paper tigers. Before the highly publicized Salt Lake City scandal, the IOC rarely enforced them.

After the Salt Lake scandal broke, the IOC expelled several members. Other IOC actions, however, suggested business as usual. Although he received gifts exceeding the \$200 limit, former IOC President Juan Antonio Samaranch was not among those sanctioned. Nor was Un Yong Kim, who was elected vice president, despite allegedly receiving \$78,000. (Maybe only IOC members guilty of accepting more expensive benefits than IOC officers warrant expulsion). If the IOC were serious about enforcement, it would have established a compliance program designed to detect and deter corruption.

These considerations led a courageous federal judge to spare two men the trauma of further prosecution. His ruling also sends a message to the Department of Justice: Misplaced enforcement and prosecutorial overkill will not achieve Olympic reform and have no place in our federal courts.

*Michael Goldsmith, a law professor at Brigham Young University, was a member of Thomas Welch’s defense team.*

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# Anxiously Engaged



A bronze sculpture depicting missionaries riding bicycles was unveiled at the Provo Missionary Training Center in December 2003. Titled *Anxiously Engaged*, the piece was made the previous summer by Erasmo Fuentes and his son, Alex Fuentes, '06. Erasmo, a sculptor and guitarist, is a native of Mexico, and Alex is an artist and first-year law student.

The J. Reuben Clark Law Society and Law School mourn the untimely deaths of Z. Todd Staheli, '91, and second-year law student Spencer Terry Farris.

**Z. Todd Staheli, '91**, a Shell Oil executive, and his wife, Michelle (Davis), were brutally attacked in their Brazilian home on November 30, 2003. The two had been bludgeoned by a sharp instrument: Todd was dead at the scene, and his wife died five days later. Their son, aged 10, and three daughters—ages 13, 5, and 3—were returned to Utah, along with the bodies of their parents, by relatives a week later.

The Stahelis had moved to South America less than four months earlier for Todd's work as a vice president for Shell Oil's Southern Cone gas and power unit. The family had lived in such places as London, Ukraine, Switzerland, and Saudi Arabia before relocating to the upscale Barra de Tijuca neighborhood of Rio de Janeiro.

Raised in Spanish Fork, Utah, Todd served a Church mission in Melbourne, Australia. He earned a bachelor's degree from Utah State University, where he met Michelle, a native of Logan. The two were married in the Logan Temple in 1987.

A memorial fund has been set up at Zions Bank in the name of "Todd Staheli and Michelle Davis Staheli Memorial Fund."

**Spencer Terry Farris** was a second-year law student when he died of cardiac arrest on December 18, 2003. He had valiantly battled a lifelong series of health problems.

Born in 1977 in Monterey, California, Spencer grew up in Thermopolis/Casper, Wyoming, and later moved to Colorado. An Eagle Scout and a cyclist, he greatly enjoyed the outdoors as well as debating. After serving a mission in the Oakland/San Francisco area, he married Hilary Hadley in the Denver Temple. The joy of his life was the birth of his daughter, Ashley, last year.

A trust fund has been set up for Ashley at Far West Bank. Condolences and memories may be expressed by e-mail: [tgfarris@infowest.com](mailto:tgfarris@infowest.com).

# Class Notes

E-mail your professional news to [copel@lawgate.byu.edu](mailto:copel@lawgate.byu.edu)

## CLASS OF 1976

**R. Bruce Duffield** has become a fellow of the American College of Trial Lawyers. He is a partner of the firm of Lord, Bissell & Brook and has been practicing in Chicago for 27 years.

**Robert J. Grow** (Salt Lake City), founding chair (emeritus) of Envision Utah, has received the American Public Transportation Association's Local Distinguished Service Award.

## CLASS OF 1978

**Allen D. Butler** (Tempe, Arizona) successfully argued the case of *Krohn v. Sweetwater Properties* before the Supreme Court of Arizona. The case has since been published in the sixth edition of Dale A. Whitman's casebook *Real Estate Transfer, Finance, and Development*.

## CLASS OF 1986

**Sterling Brennan** recently left Morrison & Foerster to join Workman Nydegger in Salt Lake City, where his practice will continue to focus on litigation.

**Carolyn White** (Arlington, VA) has received the Judge Advocate General (JAG) Outstanding Civilian Attorney of the Year Award for the United States Air Force for 2002.

## CLASS OF 1987

**Victor Guzman** has opened his own practice in New York City. The practice focuses on criminal defense, personal injury, immigration, and real estate for the growing Latino population in the area.

**David R. Wright** was elected managing partner of Workman Nydegger, a 50-lawyer intellectual property firm in Salt Lake City.

## CLASS OF 1988

**Paulo Bangerter**, former general counsel for Unicity International, has reached an agreement to purchase the company and is presently acting as its CEO.

## CLASS OF 1992

**Paul Cooper** was recently appointed as chief legal counsel to chief of police William Lansdowne of the San Diego Police Department. Paul acts as the chief's advisor for both legal and policy matters. The SDPD has more than 2,000 sworn officers and a budget of over \$270 million.

## CLASS OF 1996

**Bruce Boehm** and his wife, Tracey, and their children have moved from a large firm in Sacramento back to Salt Lake City. Bruce is now practicing employment law with McKay, Burton & Thurman in Salt Lake City.

## CLASS OF 1998

**Jim Feltis** has begun working at Microsoft as program manager for the Platforms Source Licensing group.

**Heath A. Havey**, whose focus is on international labor and employment law in Baker & McKenzie's Tokyo Japan office, was recently appointed an adjunct professor of law at Temple University's Tokyo campus.

## CLASS OF 2000

**Tom Checketts** has accepted a position in the real estate group at Kirton & McConkie in Salt Lake City. He previously worked in the real estate group and on the Enron investigation at Alston & Bird in Atlanta.

## CLASS OF 2001

**Daniel Dinger** was made attorney supervisor at the juvenile division of the Ada County Prosecuting

Attorney's Office and was recently published in the *Idaho Law Review*.

**Alex Kennedy**, an associate in the New York City office of Millbank, Tweed, Hadley, & McCloy LLP, coauthored an article entitled "New Audit Committee Charter Requirements," which appeared in the November 2003 edition of *Wall Street Lawyer*.

**Matt McGhie** was promoted to assistant counsel in the Office of the Legislative Counsel for the United States Senate in August 2003.

**J. Adam White** has accepted a position with Thelen Reid & Priest in their construction and government contracts group.

## CLASS OF 2003

**Timothy Burrige** has opened his own law firm/practice in Salt Lake City.

**Edward Carter** is clerking for Judge Ruggero Aldisert on the Third Circuit Court of Appeals.

**Melanie Reed** is clerking for Judge Timothy Tymkovich on the 10th Circuit Court of Appeals. Her paper "Western Democracy and Islamic Tradition: The Application of Shari'a in a Modern World" is pending publication with the *American University International Law Review*.

**Jennifer Rowe** has a paper, "High School Exit Exams Meet Idea—An Examination of the History, Legal Ramifications, and Implications for Local School Administrators and Teachers," pending publication in the *BYU Education and Law Journal*.

**Stacey M. Snyder** completed a judicial clerkship with the Honorable James Z. Davis, Utah Court of Appeals, and is currently employed as associate general counsel with the Office of Legislative Research and General Counsel, Salt Lake City.

# Lawyers as People

BY SHAWN P. BAILEY

IT WAS MY FIRST SEMESTER OF LAW SCHOOL. I HAD ESCAPED FROM MY CARREL AND WAS MAKING MY WAY THROUGH THE PARKING LOT TOWARD THE CREAMERY FOR LUNCH.

|| VISIONS OF ARCANE RULES WERE DANCING IN MY HEAD. THERE WAS THE PAROLE

Evidence Rule from contracts. The Rule Against Perpetuities from property. And my personal favorite, the Erie Doctrine from civil procedure. My mind stopped at a particularly memorable acronym: “ECIFSAJ.” Douglas Floyd, my civil procedure professor, came up with ECIFSAJ as a way of remembering an important aspect of the Erie Doctrine. ECIFSAJ, of course, stands for “Essential Characteristic of the Independent Federal System of Administration of Justice.” I may someday forget a loved one’s birthday, but ECIFSAJ is permanently etched on my brain.

I think the case method, in which students learn the law by reading about close cases, may have given me the wrong idea at first. I had imagined lawyers everywhere grappling with an endless stream of close cases, each decided by the tiniest of distinctions. I had imagined that every contract and every human interaction would somehow, someday explode into a lawsuit. In this imaginary world, the governing law was endlessly arguable—and the sidewalks were all uneven cracks just waiting to trip people. So there I was, walking to the Creamery for lunch, but floating on a sea of minutiae. And in my mind, I was beginning to master the minutiae. As I saw it, this is what it meant to become a truly good lawyer.

As I came closer to the Creamery, I noticed that a law professor was behind me, headed in the same direction. It was one of the Law School’s superstars, an intellect to be reckoned with, a true master of minutiae, as I saw it. I would say hello. But would I dare engage him in a conversation about the law? I found it difficult at that time—I still find it difficult—to work ECIFSAJ into a conversation. Besides, did I have anything but the obvious to say about something important like ECIFSAJ?

I walked to the corner and waited for the light to change. I expected that the law professor would soon be by my side, waiting to use the same crosswalk that I was waiting for. I glanced behind me. The professor of whom I had been so conscious had slipped across the street, safe and discreet, far from the corner and the crosswalk. He was now well in front of me, entering the Creamery. Was ignorance of the law possible in these circumstances? Was he too engrossed by complex theoretical considerations to concern himself with traffic safety? It struck me that this brilliant legal mind had just flouted the most basic of laws: he was a jaywalker!

I smiled to myself and I began to rethink the premises upon which the last few minutes’ thoughts had been based. Perhaps he was a master of minutiae in some sense, but this professor was also a person not so different from me. A guy taking a break, perhaps a little bit excited about getting something to eat. A guy who was a child once, and a first-year law student, too. What space had my lofty vision of legal attainment left for real people and their frequent departures from the crosswalks of life?

As life has gone on, I have recognized that many conflicts are not close—and that sidewalks are mostly safe surfaces, broken up by only the occasional hazardous crack. I have reflected on that almost insignificant chain of events that unfolded that day around lunchtime. The thought of a law professor jaywalking says something to me about humanity. It reminds me that we learn the minutiae to serve people—and that we must not see people only in terms of minutiae.

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