

David Golden, '92

TALKING ABOUT
ETHICS IN A POST-
ENRON WORLD



Since August of 2002 David A. Golden, '92, has been employed as the director of ethics and compliance at \$5.8 billion Eastman Chemical. With this company he is working in the post-Enron generation of legal compliance, directing the implementation of the latest governmental regulations in corporate finances, securities, and governance. His job at Eastman is to ensure that the company's practices and policies are in keeping with "the U.S.

Sentencing Guidelines' definition of an effective compliance program," including the 2002 Sarbanes-Oxley Act, which imposed stricter accountability—and penalties—on corporate securities and governance.

In a 2004 interview with *Compliance Week*, Golden expressed that, to him, the job goes beyond legal compliance. "Part of our baseline compliance," he explained, "is what the law might allow, but it's just not the right thing to do. So we expect our employees to comply to the higher standard of the law, or the right thing to do." Eastman, he said, is an environment where this kind of attention to ethics has worked out. "Is that to say I'm 100 percent confident we've never had wrongdoing? No," he stated. But Eastman has "never had anything like what others have reported. I think we have a good culture. . . . Before I took this job I told the CEO that I really didn't want it unless he was committed."

The role of corporate counsel has changed since Enron in two significant ways, says Golden. "First, there are a myriad of new requirements that have arisen because of the scandal, with Sarbanes-Oxley and associated rule-makings leading the way. So corporate counsel needs to be aware of the new laws.

"Second, I think the scandal highlights in very graphic terms the importance of proactive compliance counseling. From all accounts Enron lost its way. I'm sure there were a number of really good people who worked there, but at the end of the day, Enron's compliance failures destroyed the company as well as Arthur Anderson and impacted a lot of innocent lives.

Corporations rely on counsel not only to advise them of the law but also to serve as a conscience for the company—to render sound judgment."

Unfortunately, says Golden, "this sort of judgment is not always picked up in law school. It's always been important," he adds, "but [the] Enron [incident] just highlights the importance."

In this new atmosphere of corporate ethics, the BYU Law School and its graduates have a role to play in the tenor of corporate compliance. "Certainly," says Golden, "BYU doesn't have a monopoly on incorporating ethics in day-to-day learning. But I think it is in a unique position to do so."

Golden recalls interviewing for a summer job during his second year of law school and asking the interviewer whether he thought there were "too many lawyers in the country." The interviewer's answer, says Golden "has always stuck with me. He said that for someone who wants to be an unethical lawyer or someone concerned only with what is legally permissible and nothing else—then, yes, there are too many lawyers. But if someone wants to be ethical and encourage their client to be ethical—then, no, there are not enough of those lawyers."

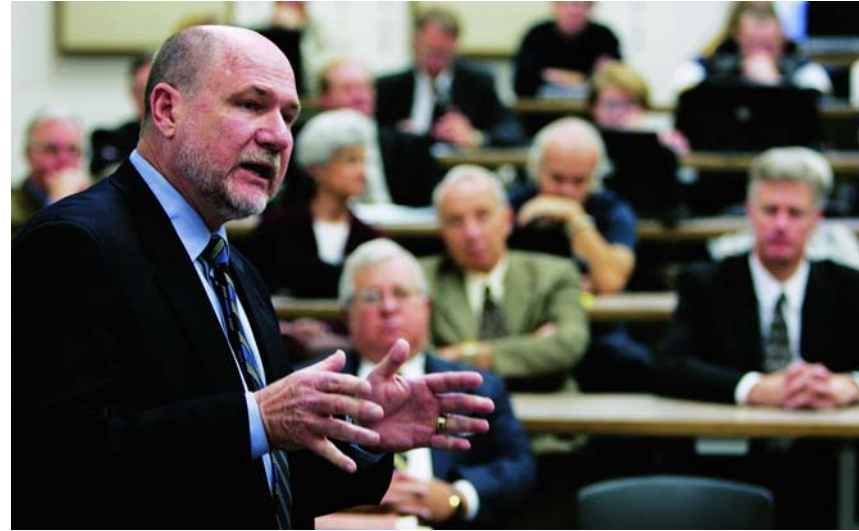
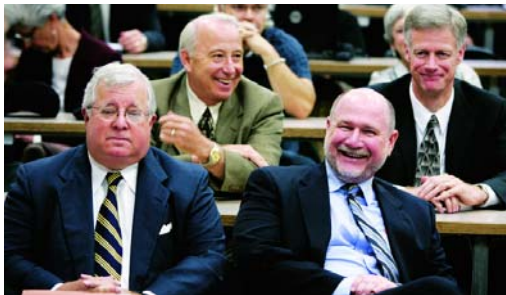
He adds that his experience at BYU was one where ethics were addressed in the classroom, even "before it was vogue, as it is in the post-Enron world." "A BYU education has the potential of grounding a lawyer," Golden continues, "so that they can make a difference as they go into the world and confront real problems and issues that take moral courage to resolve."

T H E A R T O F C O U R T R O O M

➊
Russ Herman
giving the
keynote address



➋
Front row: Russ
Herman, Jim
Parkinson.
Back row: Reese
Hansen, and
Dean Kevin
Worthen.



➌ Jim Parkinson addresses the student/attorney audience.

George Frey (3)

THE IDEA HAD BEEN GROWING IN TRIAL ATTORNEY JIM PARKINSON'S MIND FOR YEARS. PARKINSON, '76, HAD SEEN THE INSIDE OF COURTROOMS ALL OVER THE COUNTRY AND SHARED THE AIR WITH JURIES, EXPERT WITNESSES, AND PANELS OF JUDGES, LEARNING THE STEPS OF EFFECTIVE TRIAL ADVOCACY. WHY COULDN'T THERE BE A SERIES OF SEMINARS ASSEMBLING PANELS OF EXPERTS TO TEACH AND TRAIN LAW STUDENTS IN PRINCIPLES OF TRIAL ADVOCACY?

Couldn't this be expanded to practitioners to get some mentoring from the experts? Excellent advocacy in the courtroom was a science, an art, that could be taught and passed on. The Art of Courtroom Advocacy could be the first in a series of presentations.

Parkinson enlisted the help of Michael Goldsmith from the J. Reuben Clark Law School, an expert on evidence and criminal procedure; the Herman brothers from New Orleans, Russ and Maury, who had been instru-

mental in obtaining billions of dollars for plaintiffs in the tobacco company litigation; and others. When Senator Orrin Hatch agreed to lend his name to the conference, the first annual Orrin G. Hatch Distinguished Trial Lawyer Series became a reality.

Panels were assembled on topics such as The Key to Effective Trial Practice, Jury Selection, Opening Statements, Direct and Cross Examination, Difficult Foundational Issues, and Closing Statements.

Parkinson knew that obtaining experts to sit on these panels would be key to the conference's success, so he enlisted Judges Dee Benson, Dale Kimball, Monroe McKay, and Douglas Miller, as well as noted practitioners Paul Warner, Wil Colom, Max Wheeler, David Schwendiman, and Robert Davis.

October 29 and 30 saw the first Orrin G. Hatch Distinguished Trial Lawyer Series presented at the J. Reuben Clark Law School. Russ Herman gave the keynote address. Acknowledging the large numbers of returned missionaries among the audience, he exclaimed: "If you can convert people to the Mormon Church on a two-year mission to Estonia, you can convince a jury of anything!"

Herman was especially pleased the series was named for Senator Orrin Hatch, stating: "Orrin Hatch is an extraordinary

messenger for Utah, for the Latter-day Saints, and for America. After the election on November 2, 2004, he continued as one of the most influential individuals in the country and as one of the most persuasive members of the United States Senate, serving with intellect, integrity, and industry."

Regaling the audience with stories from his lawyering family and from his practice, Herman related:

I tried a case in El Dorado, Arkansas, a small rural town in southeast Arkansas. The case was over, and we had a decent result. I had two hours to spend in an airport literally no bigger than this room, but I had nothing to read. I had already read the weekly newspaper and every book that I had brought with me. When I went to the book stand there was only one book left. I guess others had been trapped in El Dorado and had raided the paperback display

A D V O C A C Y



before I got there. The cover of the remaining book was illustrated with a cowboy on horseback saving a woman in distress. The author's name was Louis L'Amour. I said, "I don't have much humility, but who would name himself 'Louis of Love'?" I didn't really want to read a cowboy book, but I picked it up because it was the only thing there was to read. In the space of the next year I read 123 Louis L'Amour novels.

Herman was hooked on Louis L'Amour because he was already hooked on good stories—the heart of trial practice—learning the problems of his client's lives and picking up his gift of persuasion to right wrongs.

Our firm's primary practice since 1940 has been to represent the little guy, the individual, the powerless, to be a voice for the voiceless, to represent individuals, small firms, and businesses. That is our orientation. So I offer no excuse when I tell you that I

love what I do, and I love my clients. I am what is referred to as a plaintiff's trial lawyer. I am proud to be a trial lawyer. I fear no one except God. In the words of the prophet Isaiah: "Seek judgment, relieve the oppressed, judge the fatherless [i.e., give a just verdict to the fatherless], plead for the widow" (Isaiah 1:17).

This tradition of taking care of the "little guy" had come from Herman's father, a lawyer who was faced with setting up a practice in the depression.

When you take a case for the right reason, for someone who has little or no power against the arrogance of larger interests, it is a mark of courage. After all, you're facing in a state court generally twelve strangers, and in a federal court mostly six, who don't want to be there but who are well qualified to dispense justice. To face them takes courage.

My father opened a law office in New Orleans around 1940 with my

uncle, who worked the WPA to get through LSU Law School. My father and uncle had a sense of humanity but had no clients.

At that time African-Americans couldn't find representation north of New Orleans in the lumber mills owned by Crown Zellerbach and International Paper. So my father opened his law practice in the front section of a store in rural Louisiana and decided he would represent everyone. My brother and I traveled with our father as he visited his clients, and I remember the lessons we learned about humanity and dignity from him. We would go to Jacob Long's house in Tylertown, Mississippi, the home of a proud African-American man who lived in the middle of Klan country, and I remember my father saying to us that he could forgive any human being for anything except a person that attempted to strip another human being of his personal dignity. In a large sense we are in the profession of restoring human dignity.

Dad said to us, "Every member of Jacob Long's church will provide food for our meals." And I said, "Well, I won't eat much. I know they don't have much." He said, "No, you must eat more than you have ever had to eat before because that shows respect, and they will give you or offer you a Coca-Cola. Do not drink out of the bottle. Ask for a glass, because seldom, if ever, has anyone at their table who has white skin had a drink from one of their own glasses. Jacob Long," my father said, "stands proud with me. He is my friend."

Finally, Herman admonished those wishing to pursue the art of trial advocacy to carry the kind of responsibility that that would bring.

You need to take cases for the right reason and to stand up. Whatever money you think you can earn practicing law, plow back your wealth and talent for the restoration of life, property, and dignity.

In our country we have not seen fit to appropriate more than one-fourth of 1 percent of this nation's resources to the judiciary. Nevertheless it is the judiciary and legal systems that keep us free.



The law is more than a profession; it is a calling. A single lawyer can make a difference. You can make a difference—first for the client, then for the larger society in which we live.



If we allow bad law, whether legislative or judicial, to go unchallenged, then as trial lawyers we are complicit in denying our citizens their rightful place in democracy. If we allow bad laws to deprive our citizens of their rightful place in democracy, we have failed the profession, our calling, and this country. Remember, when government acts to deny or to limit citizen rights, it is the court that restores to the citizens their entitlement to freedom.



So for tomorrow, your tomorrow, I want to ask you these questions: Will at least one of you say, "I think I would like to be a trial lawyer"? Will at least one of you pick up a gauntlet no matter what fear is in your heart? Will at least one of you accept a challenge to do right in the face of abuse?

RUSS HERMAN

Anxiously Engaged in a Good Cause:

Cliff Fleming and David Thomas
Research, Write, Teach, and Speak

J. Reuben Clark Law School professors Cliff Fleming and David Thomas are prolific in their scholarly output—researching, writing, teaching, speaking, and serving on boards and committees. Here is a brief look at how and why they are “anxiously engaged” in doing all they do.



CLIFF FLEMING

Professor J. Clifton Fleming says there is a point to all his research and writing. Recently he completed an article on international income taxation where he argued that American businesses incorporating in foreign nations should be brought fully into the United States income tax base to reduce the federal deficit and lower rates for everyone else. That kind of premise would translate into a wide-reaching financial boon to the country if lawmakers would listen, “but deep-pocket corporate America is winning,” he deadpans.

Professor Fleming’s demeanor is serious; he is a serious runner who puts in 20 to 30 miles a week. But the seriousness is belied by the ironic punch lines scattered through-

out his conversation and the poster on his office wall of a runner, sweating, tongue lolling, collapsed at the finish line, the words heralding what “fun” it is to run. For 18 years Fleming served as an assistant dean at the Law School, starting with Bruce Hafen and continuing through the administration of Reese Hansen. He has introduced the members of the faculty to many classes of first-year law students in their first week of school, billing himself as “the accountant with an accountant’s sense of humor.”

Every spring Fleming travels to Budapest and Central European University, where he teaches graduate-level courses on taxation to eastern European and central Asian students. The point of his participation? “I teach these young lawyers things that will allow them both to build up their professional self-confidence and to build their market economies. I hope it will make a difference.” He has also developed contacts with law schools in Australia and teaches there to give those law students an opportunity to learn more about comparative taxation in light of Australia’s sophisticated tax system.

Professor Fleming came into legal education so he could teach and write. He stepped into law school administration when called and has spent years in the AALS accreditation process, inspecting and evaluating other schools’ programs as they come up for either membership or membership renewal. All of this is to help institutions be the best they can be for their students. He is happy to return to a full teaching load explaining basic and international tax law to eager young students primed to make a difference in the world.



DAVID THOMAS

Professor David A. Thomas joined the J. Reuben Clark Law School faculty in 1974, the first new hire added to the original complement of professors who started with the school. His initial assignment was to teach civil procedure. Thus began a trend in his professional life of accepting assignments, becoming engaged in those assignments, and then expanding them beyond their original limits. The new professor engaged in teaching civil procedure was soon asked to add Law Library director to his duties. Not long after that he was contracted to write *Utah Civil Practice*, which continues to be updated yearly.

Thomas was asked to teach first-year property, which expanded to an offer to revise *Thompson on Real Property*. The “Thomas” edition now stands at 15 volumes, and he continues to revise one volume of the series each year. With Professor Jim Backman, Thomas wrote *Thomas and Backman on Utah Real Property Law*, and he is the author of *A Practical Guide to Disputes Between Adjoining Landowners*.

While director of the Law Library, Professor Thomas escalated his scholarly writing. He started with library issues, property, and civil procedure themes but has also written prolifically on free speech, legal education,

fair housing, and legal history from Roman, Dark Ages Britain, and Norman laws to the legal history of Jerusalem. It is not unusual for him to produce 30 to 35 single-spaced pages a day. How? He is steady, efficient, knows his sources, and writes almost every day.

In addition to his teaching and scholarly research and writing, Thomas has been asked to sit on many committees and boards. He has been part of the Law School Admissions Committee for the past eight years, is an expert witness on property matters, and is in the real property and trust section for the ABA, an unusual position for a professor in a section that is predominantly made up of practitioners.

Thomas is also the faculty advisor to the student group Spirit in the Law, providing monthly faculty/student discussions on gospel topics. Recently he was the featured speaker on “Teaching and Learning as Gifts of the Spirit.” He quoted from D&C 46:18 that “the word of knowledge [is a spiritual gift], that all may be taught” and pointed out how as he has sought to teach others he has taken on projects that stretched him. “I don’t want to just ride off into the sunset,” said Thomas, “but to remain active and vigorous—a model for my younger colleagues.”

IN MEMORIAM

Henry Keonaona Chai II, '79, died August 1, 2004, of cancer. Born in Provo, Utah, Keo was a founding partner in the Salt Lake City firm of Blackburn and Stoll, where he practiced law until the time of his death. He is survived by his wife of 28 years, Judith Ann Christensen, and their six children and two grandchildren. Contributions in his name may be made to the Utah Cancer Foundation (801-281-6861).

"Doin' Justice"

On the 85th Birthday of Judge Ruggero J. Aldisert¹ :: BY ED CARTER

When I looked at Judge Ruggero J. Aldisert across the table, I could tell he had been digging deep into his remarkable 83-year-old memory. The occasion was a small celebration in chambers on October 29, 2003, the day I became a member of the Utah State Bar.

"It just occurred to me that you are the second Utahn I have sworn into the bar," the judge said. "The first was Orrin Hatch."

Before President Lyndon B. Johnson appointed Judge

Aldisert to the United States Court of Appeals for the Third Circuit in 1968, the man now known to 44 generations of law clerks simply as "The Judge" had already served seven years on the Allegheny County (Pennsylvania) Court of Common Pleas. It was during that time that Judge Aldisert admitted Hatch, now serving his fifth term in the United States Senate, to the Pennsylvania bar.

To the judge the most memorable part of Hatch's admission ceremony had been hearing that Hatch made it through the University of Pittsburgh School of Law while living with his wife and two children in a converted chicken coop.²

When I recall that day, I picture the small sign hanging near the table where we ate chocolate cake. The embroidered sign, a gift from a former law clerk, seemed particularly appropriate on the day I became a lawyer. It read: "Doin' Justice."

Judge Aldisert tells new law clerks the story of U.S. Supreme Court Justice Oliver Wendell Holmes upon parting with Judge Learned Hand of the U.S. Court of Appeals for the Second Circuit after a lunch appointment. As Justice Holmes entered his carriage to be driven away, Judge Hand stated: "Do justice, sir, do justice."

Holmes ordered the carriage stopped. "That is not my job," he told Hand. "It is my job to apply the law."³

Even a casual reader of portions of Judge Aldisert's four books, hundreds of judicial opinions, or dozens of law

review articles will quickly realize he is a disciple of Holmes. Judge Aldisert understands and advocates the idea that the job of a judge is to apply the law. He has written extensively on the limited jurisdiction of federal courts and the standards of review that govern appellate examination.

Yet, as I reflect on the year I spent as a law clerk to Judge Aldisert, it is his commitment to do justice perhaps more than anything else that sticks with me. More than once, the judge surprised me and my co-clerk with the depth of his feeling for the human condition, to which too many lawyers and judges become hardened. The judge does not believe in what Roscoe Pound called "mechanical jurisprudence."⁴ The judge quotes Pound: "Law must be stable, and yet it cannot stand still."⁵

I recall in particular one Monday morning of oral argument. Conferring with the clerks just before he went on the bench, the judge said he had been bothered all weekend by the plight of a litigant in a case that I already had mentally filed away as resolved. It had bothered him so much he had been unable to sleep. Ashamed at my own indifference, I marveled that even after four decades of hearing every imaginable story of hardship—some true, some not—the judge still had such compassion for another human being he did not even know. Undoubtedly, the judge applied the law in that case, but what made a difference was the way he did justice.

I cannot forget my first week on the job, which culminated with an animated philosophical discussion with the judge on the drive from Pasadena to Santa Barbara. Fortunately, I had my laptop,

and my 12 pages of notes contain a measure of Judge Aldisert's learning and wisdom. After a discussion of Pound, the judge made a statement that I believe represents the altruism and humility we in the legal profession must strive for.

"When I look at myself," he said, "I don't consider whether I'm liberal, conservative, or moderate. I look to whether I have sufficient precedent to bring about a result that benefits society."

I have concluded that Judge Aldisert believed both Holmes and Hand were correct. For a man like Judge Aldisert—who has both campaigned for political office and occupied the ivory tower, who has both met with presidents and vigorously defended those the government sought to convict, and who is both intellectual and streetwise—the apparent contradiction does not seem unsettling.

Whenever I think about what it means to be a lawyer, I always end up back at the sign I saw on my first day as a member of the bar. That's what Judge Aldisert taught me: Apply the law, sure, but "do justice, sir, do justice."

NOTES

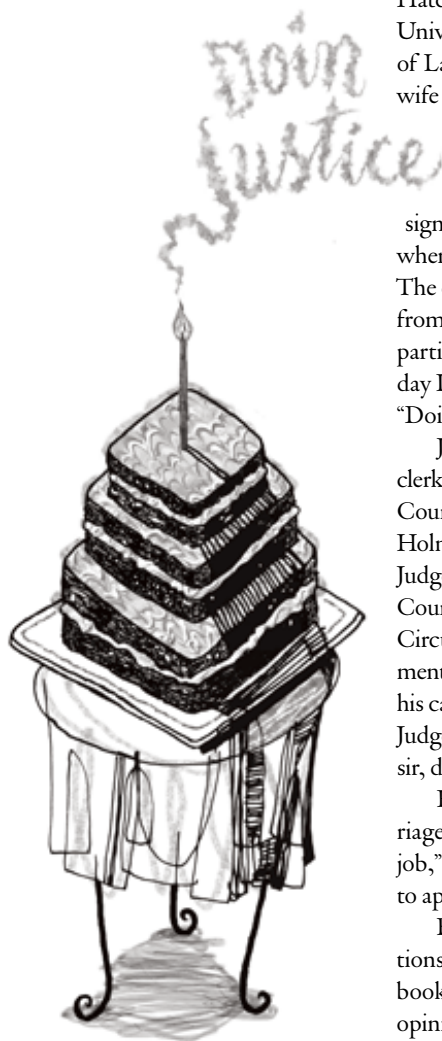
¹ Judge Aldisert celebrated his 85th birthday November 10, 2004. A shorter version of this essay was presented to the judge along with essays from other former Aldisert law clerks at a birthday celebration in New York City.

² For a journalistic account of Hatch's law school days, including the chicken coop, see Doug Robinson, *The two lives of Orrin Hatch*, DESERET MORNING NEWS, July 6, 2003, at A1.

³ ROBERT H. BORK, *THE TEMPTING OF AMERICA* 6 (1990).

⁴ See Roscoe Pound, *Mechanical Jurisprudence*, 8 COLUM. L. REV. 605 (1908).

⁵ ROSCOE POUND, *INTERPRETATIONS OF LEGAL HISTORY* 1 (1923).





ED CARTER



KORY STAHELI

Two Law Alums Join BYU

Ed Carter, '03, and Kory Staheli, '87, have recently become faculty of Brigham Young University. Carter joins the Communications Department; and Staheli, the Law Library.

Ed Carter graduated from BYU in print journalism in 1996 and received a master's degree in journalism from Northwestern University's Medill School in 1999. Following his graduation from the BYU Law School, he took a clerkship with Judge Ruggero J. Aldisert of the United States Court of Appeals for the Third Circuit. Rather than take employment with a firm or agency, Carter has accepted a position as an assistant professor of journalism in the Communications Department at BYU.

Carter's experiences are varied, from working as a reporter for the *Daily Herald* and the *Deseret News* to working as a reporter in Washington, D.C., for the *Mexico City News* to his clerkship.

"I enjoyed newspaper reporting because it allowed me to learn things about various topics," says Carter. "One day I was interviewing a congressman or multimillionaire business-

man, and the next day I was interviewing a little old lady about her unique aluminum can collection." In D.C., Carter met a lot of lawyers, and he explains, "That got me thinking I should pursue a law degree. Initially I believed law school would make me a better journalist, but in the back of my mind, I considered that I could practice media law or perhaps go into academia."

Law school was a whole new kind of challenge. "My wife will tell you that I nearly dropped out after the first semester, because I figured I had failed every final exam," says Carter cheerfully. "Eventually, though, I came to enjoy it." In particular, he was inspired by an externship experience directed by Jim Backman at the Multicultural Legal Center in Salt Lake City. Carter worked to help underprivileged Spanish-speakers with various legal problems such as employment and labor. "I wrote in my externship journal that perhaps I should give up any thought of working at a high-paying law firm job and just go into public legal service," Carter reminisces.

Carter was offered a job with the firm Parr Waddoups Brown Gee & Loveless, but at

the conclusion of his clerkship with Judge Aldisert, he opted instead to come back to BYU and teach journalism and media law. "Many people go to law school with the thought of changing the world for the better. I felt the appropriate path for me at this time was to contribute to the mission of BYU and take advantage of the privilege to work with the excellent students and professors here.

"I feel a profound sense of responsibility to help BYU students prepare themselves for careers not just as journalists but as professional servants engaged in a Christian ministry," Carter says of his career now. "I hope to carve out a successful career in teaching and research as a journalism and media law scholar. I love BYU and am honored to be here."

Kory Staheli started out as a lawyer for a firm in St. George, but he decided after only a few years that it wasn't for him. "I always looked at law as a helping profession," he explains, "and somehow I ended up in private practice. I just had more of a desire to be in public service." So he returned to BYU for an MA in library and information science in 1990, and it is in this field that his career has progressed.

Staheli was first hired by the BYU Law Library in 1991 as a reference librarian; soon he became the assistant director for public service. Then in 1998 he left BYU and went with his family to the University of Nevada at Las Vegas, where he was hired as an assistant director of the new law library. "It was a great opportunity for me to go there and work with the founders of the law school and the law library."

He stayed in Nevada from February 1998 until August 2004 and assisted in all aspects of creating the UNLV Law

Library. From the building to the staff to the collection to the legal research program and the law school's accreditation, he was involved. "We were accredited by the American Bar Association at the earliest possible time," says Staheli. "The library got rave reviews in all of the inspections, which was very satisfying."

Staheli is now back at BYU's Law Library as the assistant director for collection development and faculty outreach. His responsibilities cover the law library budget and the design of a library collection geared to meet the needs of students and faculty. He is also working to update the collection development policy, which "hasn't been updated for several years."

Staheli likes the variety of his librarian career. He has been able to work as an administrator and as a teacher of legal research both at BYU and at UNLV and to pursue research in his own academic interests. With David Armond, '04, another BYU law school librarian, he attended a February conference in Nashville on the uses of SIRSI, the library catalogue's search engine, for collection development purposes. He is also involved with the Deseret States Law Librarians Consortium, a syndicate of law schools in Utah, Arizona, Nevada, New Mexico, and Colorado that works to share resources. "Everyone's on a tight budget," Staheli explains, so the goal of the consortium is to "carve out areas that we will specialize in, so that we can interlibrary-loan materials and all have access to a broader range of materials. It's a good way to stretch a law school budget that can't possibly grow as quickly as the price of library materials does. "I think that's the challenge," Staheli says, "for col-

lection development librarians now: to stretch the budget to best meet the needs of the students and faculty.”

“A lot of things I learned at BYU I was able to take to UNLV,” says Staheli, “and a lot of the things I learned there I was able to bring back here. It was exciting at UNLV to be involved in creating something new, creating everything ground up, coming up with new ways to do things that had never been done before—or at least not having to do things a certain way just because that’s how they’d always been done. There was so much support down there; we had a lot of money to do whatever was necessary in terms of collection development and technology and so forth.”

Staheli adds that BYU has stayed up with—and even exceeded—the standards of technology that UNLV met and can be proud of a bigger and busier law school library, with more public access and more undergraduates coming in to research. “We have individually assigned carrels here,” he adds wryly. “That’s nice. That’s very nice.”

Staheli is as grateful for the opportunities he had at UNLV as he is to be back at BYU. “I’ve grown in ways I otherwise couldn’t have. And there’s no place like BYU as far as the atmosphere and the people, the spirit of the university, the beauty of the area, and the campus,” says Staheli. “I had a great experience down there in terms of wonderful people, but it’s great to be back in this environment where people share common values.”

And for the future? “Right now,” Staheli asserts, “my plan is to stay here at BYU and just contribute in any way I can, carrying on the tradition of a great collection.”



BYU AWLF board members from left to right: Kimberly Chytraus, '00; Kate Norman, '02; Sara Jones, '01; Beth Hansen, '95; Natalie Peterson, '02; and Kimberly Mantz, '00.



Supreme Court clerks from left to right: Ronnell Anderson Jones, Lisa Grow Sun, and Hannah Clayson Smith.

Alumni Women’s Law Forum Hosts Women U.S. Supreme Court Clerks

The Alumni Women’s Law Forum (AWLF), formed in the spring of 2004, was born from the vision of Kimberly Mantz, '00; Sara Dansie Jones, '01; Alaska Turner, '01; and Katherine Norman, '02; who saw a need for networking women who face the same kinds of challenges in balancing family and work.

“BYU women law graduates have so many choices, like the choices all women law graduates have, but each choice has its own set of challenges,” said Sara Dansie Jones. “Women graduates who choose to be mothers and stay at home appreciate being able to communicate and exchange ideas with women in the same situation. Women who choose a career often have to look outside their law firm or agency for adequate support from other female professionals. Women who choose to balance a career with children have a whole set of other issues that don’t necessarily coincide with the goals or aspirations of other women in their law firms. We want AWLF to be that resource for communicating.”

Recognizing these challenges, AWLF’s mission statement is: “The BYU Alumni Women’s Law Forum seeks to provide social and professional support for women law graduates of diverse backgrounds. AWLF seeks to encourage interaction between women alumni as they face various issues that affect women law graduates. AWLF also provides a support and resource for current and future women law students. AWLF strives to contribute to the community and the law school community and to advance the intellectual pursuits of its members.”

The organization’s first event, held on October 15, 2004, featured a panel discussion with three former United States Supreme Court clerks. All the clerks are

LDS women who were quick to point out the challenges they, too, face in balancing work and family.

Lisa Grow Sun graduated summa cum laude from the University of Utah in chemistry. At Harvard Law School she became the first woman to graduate summa cum laude and number one in her class in the history of the school. After clerking on the Fourth Circuit and then for Justice Anthony M. Kennedy, she taught at Stanford Law School. She is now doing only occasional legal consulting and teaching as she raises her two children.

Ronnell Anderson Jones graduated from Utah State University, did master’s work at the University of Nevada, and graduated from Ohio State University Law School. She worked at the law firm of Jones Day and clerked for the Ninth Circuit and for Justice Sandra Day O’Connor. Jones currently teaches media law, First Amendment, and legislation/statutory interpretation at the University of Arizona’s College of Law. She has one son and is pregnant with her second child.

Hannah Clayson Smith received her BA from Princeton and her JD, magna cum laude, from the J. Reuben Clark Law School, where she was the executive editor of the *BYU Law Review*. She was awarded the J. Reuben Clark Award for academic excellence, integrity, and service and has clerked for the Third Circuit and for Justice Clarence Thomas. Hannah lives in Virginia with her husband, John.

Katherine Norman said that this first event was a celebration of choices women law graduates have made. “It is exciting to find three women who all clerked for the United States Supreme Court and made such different subsequent choices. It was interesting to hear stories about the justices, but even more interesting was hearing about these women and the paths they had taken both before and after their clerkships.”



Adoption, Orphanages, and a Child's Hope Foundation

Kenneth Paul MacArthur, '98, divides his time between three law and law-related practices. He has an adoption practice and an estate, business, and tax-planning practice with the law firm MacArthur, Heder & Mantz, where he is president and CEO. He also works in developing nations, building orphanages and helping place orphaned children with families who are trying to adopt them through an organization he cofounded called A Child's Hope Foundation.

The story goes back to 2002, when about 50 orphaned babies and children had been left with Mardy Guesno, an LDS bishop in Haiti. At that time MacArthur, who has an MS in taxation from Washington Law School as well as his BYU law degree, was looking for ways "to promote adoption through a tax-exempt entity." "My first two children are adopted, and my firm does more than half of Utah County's adoptions," MacArthur explains. "Hence, my interest in adoption!"

Paul Cook, a former vice president of Novell and of SonicWALL, Inc., and the father of an adopted daughter from China, was approached about building an orphanage for the Haitians living with Bishop Guesno. "Cook had the

resources and the drive," says MacArthur. "Within days he heard through the grapevine that I and a few others had set up a nonprofit corporation called A Child's Hope Foundation. He approached us and asked if we would be willing to join forces with him to build orphanages."

MacArthur agreed to incorporate his foundation with Cook's orphanage "only if a second part of the organization was to work to get the children in the orphanage placed for adoption." Since then ACHF has completed the building of Crèche De L'enfant Jesus—an adoption center in Port-au-Prince, Haiti, with room for 300 children—and is moving forward with plans to build an orphanage in Tijuana, Mexico.

In Haiti alone, 1.2 million children are "orphaned and vulnerable," says MacArthur. In a nation where 80 percent of the population live in abject poverty, there are few resources to care for these abandoned children. Ironically, he says, "thousands of families in developed countries are trying to adopt, but they are hindered by prohibitive costs, complicated procedures, and government regulations." A Child's Hope Foundation works to close that gap by defraying the cost of adoption, offering loans to adoptive parents, and increasing the efficiency of the adoption process "at the highest levels of government."

Much of this legal work is the responsibility of MacArthur, who is now the vice president in charge of adoptions for ACHF as well as legal counsel and one of four board members of the foundation. He travels internationally and works with international adoption agencies "to facilitate placement of our children into good families," and he stays in touch with Crèche De

L'enfant Jesus "to make sure that the children that we have in the orphanage are happy, healthy, and adoptable."

This year ACHF has plans to branch beyond Haiti. "First," says MacArthur, the foundation will "continue to place our children from Haiti." Second, ACHF plans to build a second orphanage in Mexico. And third, the organization will move into China. Beyond this year ACHF is exploring options to open orphanages in several more countries.

Those interested in assisting the foundation and the orphans can help in a variety of ways. "Fund-raising is always the number-one priority for us," says MacArthur. Monetary or asset donations can be arranged through the ACHF Web site, <http://www.achf.org>. Volunteers may travel to an adoption orphanage in a third-world country with ACHF and contribute a week's time to work on construction projects and help care for the children at the orphanage. There is also a great deal of volunteer work to be done locally in collecting and inventorying donations, making goods such as blankets and diapers, and holding awareness and fund-raising events like firesides, open houses, hunger banquets, and concerts.

A Child's Hope Foundation can be reached by phone at 801.494.9200; by e-mail at info@achildshopefoundation.org; or by post at A Child's Hope Foundation, 1481 East 840 North, Orem, Utah 84097.

Elder Bednar Addresses Austin Chapter Law Society

More than 270 J. Reuben Clark Law Society members and their guests enjoyed an evening at the Austin Marriott Hotel on November 6, 2004. Elder David A. Bednar of the Quorum of the

Twelve Apostles and his wife, Susan, were keynote speakers at the Annual Outstanding Leader Seminar, cohosted by the J. Reuben Clark Law Society and the Austin Management Society.

Welcomed by AMS President Eric Storm and Clark Society Chair Karen Whitt, the Law Society presented its Faith and Integrity in Legal Services Award to Texas Supreme Court Justice Scott Brister. Reputed throughout his legal career for his dedication, fairness, and unflinching integrity, Justice Brister was elected to serve another term on the supreme court just a few days prior to the event. He related how his faith had influenced his legal career, including the impact of a lawsuit brought against him after he displayed the Ten Commandments in his courtroom.

Elder David A. Bednar of the Quorum of the Twelve Apostles addressed the audience following his wife's remarks. Sister Bednar shared her testimony regarding her husband's recent call to the Quorum of the Twelve Apostles. Elder Bednar also spoke of his call to the Quorum of the Twelve and related multiple experiences where he had felt the "tender mercies of the Lord" in his life, including the day he was sustained as an Apostle.

A masterful teacher, he fielded questions from the audience on a variety of subjects, including Church doctrine, his work at BYU–Idaho (including the transition from Rick's College), and his thoughts about the juggling act of life. He also made an appeal for local Management Society Chapter members to assist the Intern Department at BYU–Idaho in placing interns in central Texas. Elder Bednar concluded his remarks with his testimony of the Church and bore his apostolic witness that the Savior lives.

Class Notes

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CLASS OF 1976

Donald L. Harris was presented with the Idaho State Bar Outstanding Service Award at the summer ISB meeting. He has chaired the ISB Litigation Section since December 2001, and his term will end June 2005. The Section was moribund at the time the Board of Commissioners appointed him to reinvigorate the Section. The award was for the work that was performed to recreate the Section and move it forward. Harris is with Holden Kidwell Hahn & Crapo PLLC in Idaho Falls, ID.

Ron Olsen, after a summer clerkship following his second year of law school, confirmed his decision to make his career in financial planning/investment management rather than the practice of law. He is an active member of the Tax and Estate Planning Sections of the Utah State Bar but holds an inactive license. He began his career during his third year of law school, maintaining an office in his home in Lindon, UT (for over 25 years), and he continues to use a "family-managed office in home" business model, through which all of his eight children have worked. Two of his sons are now coming into the business full-time.

Jeff Young has recently written a book entitled *How to Receive Discernable Answers to Your Prayers*. The book takes the reader step-by-step through the process of prayer. Drawn from the scriptures, it discusses one's proper preparation for prayer, seven models for prayer, and the practical descriptions and explanations of the different methods the Lord uses to answer prayers. The most encouraging message of all is that there is an answer to every prayer. Published by Horizon Publishers, the book is available through LDS bookstores and Amazon.com.

CLASS OF 1977

Casey Christensen is the political counselor at the U.S. Embassy in Stockholm, Sweden. He and his wife, Margie, and their 10 children have spent most of the past 18 years abroad in connection with his work for the State Department in Guatemala, France, Bolivia, Austria/OSCE, Nicaragua, and Ukraine. Casey says, "The Church has been our bridge to a deeper experience living in other cultures." His diplomatic activities have included working on judicial reform, extradition, democratization, human rights, arms control, nonproliferation, and conflict avoidance and resolution.

Nathan Kirk practiced 15 years in trials, appeals, divorces, and personal injury work. He became a trailing spouse to a regional manager of the FAA and lived in Washington, D.C., for two years. He then trailed his wife to Federal Way, WA, and became an on-site coordinator for an East Indian IT consulting firm, Patni. His accomplishments include being a cook at the Community Supper for 50 homeless folks once a month; raising three kids who have college degrees and jobs; having five grandkids who love him; being loved by and consoling to his wife's family; and maintaining a correspondence with a lifer in Angola Prison for five years.

CLASS OF 1978

Kenneth W. Jennings Jr. spent 15 years practicing in Asia. His son, Ken Jennings III, just completed his famous stint on the television game show *Jeopardy*.

Edward Robbins moved his family and practice from the Wasatch Front to the hinterlands of southwestern Utah about 10 years ago. Although the slower pace he expected eluded him, there are some interesting, quirky things about being a "country lawyer." He'll never forget climbing on the back of a client's snowmobile and heading to his snowbound cabin with laptop in tow for completion of discovery responses or those regular back-road jaunts to view properties involved in boundary or road disputes. Depositions are rare—just ask around to find out who says what about what. You turn down lots of work, not because of actual conflicts but because you don't want to go to a basketball game and sit next to some guy you just sued.

CLASS OF 1979

Dennis Richardson has just been elected to a second term in the Oregon State Legislature and was sworn in as Oregon House Speaker Pro Tem on January 10, 2005.

CLASS OF 1980

Alan Passey retired from the U.S. Air Force as a colonel and immediately began work as assistant Air Force general counsel under the deputy general counsel for National Security and Military Affairs.

CLASS OF 1981

Glade Myler is currently employed with the Nevada Department of Justice Office of the Attorney General as a senior deputy attorney general. She represents the Division of Emergency Management, the Nevada Homeland Security Commission, the State Emergency Response Commission, the Nevada Earthquake Safety Council, the Nevada Hazard Mitigation Planning Committee, and the Nevada Communications Steering Committee. She also does some workers' compensation for the Department of Motor Vehicles and the Department of Public Safety. Her practice is mainly in administrative, personnel, contract law, and workmen's compensation law. She recently compiled a bioterrorism legal preparedness tabletop exercise for the legal community in Nevada. Her real life involves her family and especially her five grandchildren. She says, "Life is good."

CLASS OF 1982

Jamie Dester is in his sixth year as an international legal counsel for The Church of Jesus Christ of Latter-day Saints. He spent his first four years supervising the Church's legal affairs in Africa, and in July 2003 he moved his family to São Paulo, Brazil, where he supervises the Church's legal affairs in South America.

Kurt Krieger now supervises Church legal affairs in Africa. He lives with his family in Accra, Ghana.

CLASS OF 1983

Mark Davis and his daughters have issued their sixth CD by their alter-ego Celtic music group (www.fiddle-sticks.com). The CD is a collection of old-time hymns called *Return to Nauvoo*. In his spare time Mark has an international trade-law firm and teaches part-time at the JRLCS.

Bryan A. Larson is currently president and shareholder of the law firm of Larson, Turner, Dalby & Ethington, a five-attorney firm in South Jordan, UT, that practices throughout the state. They maintain a Web site at www.bestattorneys.com. Bryan is also currently the treasurer of the Utah Trial Lawyers Association, a position that will lead to being president in a few years. His practice focuses on tort and insurance work, primarily

representing plaintiffs, in addition to insurance defense work. He and his wife, Kath, live in Draper, UT, and are the parents of six children. So far, all of their three oldest children have served missions, with a few years to go for the three younger ones. Bryan remains a rabid Cougar sports fan.

Jan P. Malmberg is president of Perry, Malmberg & Perry in Logan, UT. The firm consists of five attorneys whose practice includes insurance defense, personal injury, subrogation, collections, and family law.

CLASS OF 1984

Sheila R. Breen is the superintendent of the Grand Canyon Unified School District in Grand Canyon, Arizona. Her interest and specialty in education law is now being put into practice on a daily basis.

David R. Lynch just published a book with Carolina Academic Press entitled *Inside the Criminal Courts*. After graduation he worked both as a public defender and as an assistant district attorney in his home state of Pennsylvania and is currently an associate professor of criminal justice at Weber State University in Ogden, UT.

CLASS OF 1985

Vai Io Lo will publish another book, entitled *Law and Investment in China: Legal and Business Environments After WTO Accession*. The book is a handy reference on Chinese laws relating to foreign direct investment.

Frederick Judd is currently in Irvine, CA, and for the last four years has developed a successful "heir finding" business. Previously a stressed-out technology company CFO and business attorney, he latched onto his new endeavor casually and now loves the challenges of doing genealogy for long-lost relatives to support their rights to inherit. He counts among his most challenging and rewarding cases the location of heirs of a Holocaust survivor who died in San Diego with relatives in Argentina (where he served a mission), Panama, and Israel. He is married and has two college-age daughters and a nine-year-old son.

Ninalynne Bills Roesberry, after graduating and taking the bar exam, began what she thought would be a 30-year career with the FBI. She became an FBI agent in 1985 and started in New Orleans. From there she transferred to Washington, D.C., for an intensive course in Russian language and culture for 18 months to prepare for a special, long-term assignment. After training she spent five years working with Russians in a counterintelligence capacity. When that assignment concluded she transferred to Las Vegas, where she spent eight years working in espionage and counterintelligence. In 2000 she and her husband were married in the Logan Temple, and in April 2003 their son was born. After 9/11 she was able to go to New York City and assist in the body recovery efforts at the World Trade Center site. Then, in late 2003, she was disabled on the job and forced to retire, pending further reconstructive surgery to her knees. She and her family now live in North Logan, UT, where her husband is a computer consultant and she is a full-time mom after almost 20 years with the FBI.

CLASS OF 1987

John E. McClurg currently serves as vice president and executive director of Lucent Technology's Global Business Assurance and Risk Mitigation Services. His responsibilities include strategic focus and tactical operations of Lucent's internal global security services,

including those currently being advanced in Iraq. He is also charged with the seamless integration of Lucent's various security offerings and improving the effectiveness and efficiency of security initiatives. Before joining Lucent John served in the U.S. Intelligence Community as a twice-decorated member of the Federal Bureau of Investigation (FBI), where he held an assignment with the U.S. Department of Energy (DOE) as a branch chief charged with establishing a cyber-counterintelligence program within the DOE's newly created Office of Counterintelligence. Prior to that he served as a supervisory special agent within the FBI, charged with establishing the FBI's new Computer Investigations and Infrastructure Threat Assessment Center, or what is today known as the National Infrastructure Protection Center within the Department of Homeland Defense. John also served for a time on assignment as a deputy branch chief with the Central Intelligence Agency helping to establish the new counterespionage group and was responsible for the management of complex counterespionage investigations. He also served as a special agent for the FBI in the Los Angeles Field Office, where he implemented plans to protect critical U.S. technologies targeted for unlawful acquisition by foreign powers.

CLASS OF 1989

Mark Cottle, after serving for 12 years on the City Council of Sherwood, OR, has stepped down as the mayor (last four years). He is still active in the community, serving on the board of directors of Providence Newberg Hospital and other community committees. His triplets and teenage daughter are keeping him hopping.

Christopher A. Newton was sworn in as Vigo (Indiana) Superior Court Division Four judge on December 17, 2004. Newton won the Democratic primary by a large margin in May. He was unopposed in November and will serve a six-year term.

CLASS OF 1990

Jill Marchant, after 12 years as senior counsel for Honeywell FM&T (a division of Honeywell International Inc.), is leaving to take the position of associate general counsel—litigation and employment, Applebee's International, Inc., headquartered in Overland Park, KS (a Kansas City suburb). She will be responsible for managing all of Applebee's litigation and employment matters.

CLASS OF 1991

Mike Bothwell is well known for his work with False Claims Act (FCA) cases, having many of the largest settlements on record in Georgia. The firm has litigated most of the unique and difficult issues involving the FCA, such as the first-to-file and public disclosure bars, the applicability of Federal Rule of Civil Procedure 9(b), the application of government *Touhy* regulations, municipal liability, and the FCA's "alternate remedy" provision, as well as having extensive experience in general civil litigation. Firm cases have recently been featured in the *Wall Street Journal*, *New York Times*, *Chicago Tribune*, *Atlanta Journal and Constitution*, *Macon Telegraph*, *Savannah Morning News*, and *Fulton County Daily Report*. A story about one of the firm's cases aired on CNN recently, another on the *Oprah Winfrey Show*, and a third was broadcast nationally by the Cox Broadcasting Company.

Susan Polizzotto is the staff judge advocate for the Coast Guard's Maritime Law Enforcement Academy in Charleston, SC. She provides legal counsel and assistance to the commanding officer, instructors, and staff, and she teaches law and law enforcement to approximately 1,800

boarding officers and team member candidates per year. While in training at the Academy, prospective officers learn to conduct safe, effective, and legally sound homeland security boardings; counterdrug and illegal alien interdiction operations; and federal fisheries, environmental, and boating safety law enforcement missions. It's not JAG, but due to her three years at sea and two years in tactical counterdrug operational planning, her shipmates nicknamed her "Harm." She looks forward to a postretirement career in Hollywood screenwriting.

CLASS OF 1992

David Berndt was hired as the director of regulatory affairs for Lightship Telecom in October 2004. In this position he is the company's in-house attorney, dealing with several state public utility commissions and the FCC, along with engaging in lobbying activities for the telecom services provider. He and his family moved to southern New Hampshire at the end of 2004 to be closer to Lightship's operational headquarters.

Jack Pate and **Hal D. Baird**, former classmates and study partners in law school, got back together in 2000 as shareholders in the Salt Lake City intellectual property law firm of Pate Pierce & Baird, representing clients around the world on patents, trademarks, copyrights, trade secrets, licensing, contracts, and related litigation. Lt. Col. Baird was more recently activated by the Army Reserve, due to the Iraq war, as a JAG focusing on federal personnel law for the Reserve. He expects to return to private practice in the firm in 2005. Dr. Pate, who says he does more engineering as a patent attorney than he did as an engineer, continues his focus on patents and patent litigation.

Val Ricks was a visiting professor of law at Texas Tech University School of Law in Lubbock, TX, fall semester 2004. He taught securities regulation and mergers and acquisitions.

CLASS OF 1993

Greg King, a partner at the law firm of Payne & Fears LLP, recently relocated from Orange County, CA, to Las Vegas, NV, to open and head P&F's new Las Vegas office.

CLASS OF 1994

Lorie D. Fowlke was elected to the Utah House of Representatives as a representative for District 59 in Orem, UT. She also published a book entitled *Thinking Divorce? Think Again!* along with a DVD this last year that is available at Deseret Book and Barnes & Noble and online at Amazon.com and Thinkingdivorce.com. She still practices law at Scribner & McCandless, P.C., in Provo, doing mostly civil litigation, family law, and collections.

CLASS OF 1995

Larry Meyers, after nearly eight years as a prosecutor in St. George, UT, went into private practice in 2003 and started his own solo practice in July 2004. He specializes in criminal defense and family law and greatly enjoys his work as a solo practitioner.

CLASS OF 1996

Kirk Hermann was named associate editor of *Nanotechnology Law and Business Journal* (NLBJ), a printed publication about the emerging field of nanotechnology. Information about the journal can be found at www.nanolabweb.com. This year he coauthored the article "Standards in Nanotechnology," NLBJ, vol. 1, issue 2, June 2004. He also authored the article "The Impact of

Nanotechnology on Energy," NLBJ, vol. 1, issue 3, September 2004; and coauthored "Strategies for Resolving Patent Disputes over Nanoparticle Drug Delivery Systems," NLBJ, vol. 1, issue 4, December 2004.

Brent C. Rummler was promoted to supervisory special agent and transferred from San Juan, Puerto Rico, to FBI headquarters in Washington, D.C. He and his wife, Alyson, now have five children after the birth of their son Braden Joseph on April 6, 2004.

CLASS OF 1997

B. Scott McBride, an associate in the Health Law Section of Vinson & Elkins LLP in Houston, has been named one of 14 outstanding young health-care lawyers in the United States for 2004. The Outstanding Young Healthcare Lawyers 2004 special report is compiled by *Nightingale's Healthcare News*, a publication for professionals who service the business of health care, including accountants, consultants, executives, investment bankers, lawyers, and others interested in the industry.

Amy Mitchell Wilson worked as a deputy district attorney in Orange County, CA, for about one year. She and her husband, Scott, moved to the San Francisco Bay Area to allow him to go to dental school from 1999 to 2002. Amy worked during that time as a deputy district attorney and later as a private criminal defense attorney in San Mateo County. They currently live in the northwest area of Phoenix, AZ, where Scott has a private dental practice. Amy keeps busy practicing "mommy law" at home with their three boys, McKay (8), Jack (3), and Gavin (1). She is also serving as the Arizona regional director for the BYU Alumni Women's Law Forum.

CLASS OF 1998

Richard Blake and his wife, **Jenny Blake**, '99, welcomed twins to their family—a son and daughter named Sean and Eliza—in January 2005. After completing clerkships at the Supreme Court of Utah and the Ninth Circuit Court of Appeals, Richard has practiced corporate and securities law at Wilson Sonsini Goodrich & Rosati in Palo Alto, CA. Richard also serves as the elders quorum president in their ward.

Bill Duncan is the director of the Marriage Law Foundation in Orem, UT.

Tamara Fackrell has been hired as the Community Mediation Center director in Provo, UT. She is also having her first book published through Deseret Book in February: *The (Potentially) Sane Mother's Guide to Raising Young Children*.

Christopher J. Kyler has been working as general counsel for the Utah Association of Realtors for the past several years and in July was promoted to be the chief executive officer for the corporation. The UAR's main functions include advocacy at the legislature on real estate and development issues and for the Legal Resource Center. He has also retained partnership interest in his small law firm, Marchant, Kohler, & Kyler LLP. The firm, which specializes in business law, tax law, and government relations, has grown rapidly over the past few years. Their southern Utah office has expanded by several employees, and their Salt Lake operation has added two new partners and support staff. On a personal level, he, his wife, and their four children moved into a home they had built in Alpine, UT, in 2004.

Tim Renyon writes: "My greatest achievement so far has been becoming a father. Four years ago my wife, Maile, and I adopted two boys, Mitchell Kawikamekealoha (7) and Jaeden Daniel

Kalikokoponomaikanahale (4) from the Puyallup Tribe. The four of us live in Puyallup, WA. In 2002 we gave birth to our third son, our first biological child, Austin Taelor Kiliwehionalani, but he returned to his heavenly home the same day he joined our earthly family. After graduation I returned to work for my tribe, the Puyallup Tribe, where I had been clerking during the summers. I started out working in the tribe's law office and worked as a tribal attorney for two years, primarily on Indian child welfare cases and advising the tribal council on a variety of legal issues including employment/personnel, housing, and contracts. In 2000 the tribal administration asked me to join their team, and I have been serving as the tribe's executive director of human resources, training, and education ever since.

CLASS OF 1999

Jenny Holman Blake and her husband, **Richard Blake**, '98, recently added twins to their family—a son and daughter named Sean and Eliza in January 2005. After completing a clerkship at the Supreme Court of Utah, Jennie worked at employment law boutique Littler Mendelson prior to three-year-old son Miles' arrival in 2002.

Todd C. Hilbig was made a partner at Morgan, Minnock, Rice & James LC in October 2004 and practices litigation. He and his wife, Jennifer Johnson Hilbig, have four children: Mitchell (7), Isaac (5), Abigail (3), and Madison (1).

Mike Ostermiller was hired to be the chief executive officer for the Weber/North Davis Association of Realtors. He also joined Marchant Kohler, and Kyler LLP as a partner, working exclusively in the government relations practice group in Salt Lake City. He, his wife, and their children just built and moved into a home in Layton, UT.

Ryan Robinson, his wife, Katie, and their two children are living in the Davis County area in Utah. Ryan is the chief prosecuting attorney for West Valley City.

CLASS OF 2001

Spencer Adams has accepted a position with the Portland, OR, firm of Gordon & Polser. He previously practiced with the San Ramon, CA, law firm Greenan, Pepper, Sallander & Lally.

S. Jason Crawford accepted an offer to be an assistant attorney general for the state of Alaska in April 2004 after two and a half years as a law clerk for U.S. District Court Judge Ralph R. Beistline in Fairbanks, AK.

Claire Foley has accepted the yearlong position of president of the King County Washington Women Lawyers for 2005. King County Washington Women Lawyers (KCWWL) was founded in the 1970s and is now the largest chapter of Washington Women Lawyers. As a group, KCWWL is devoted to the interests of women attorneys and judges in Washington State: to further the full integration of women in the legal profession, promote equal rights and opportunities for women, and prevent discrimination. You can find out more information at www.kcwwl.org.

Alexander F. Kennedy transferred in February 2004 from the New York headquarters of the law firm of Milbank, Tweed, Hadley & McCloy LLP to the firm's London office for a one- to two-year stint. In London, Alex's practice emphasizes high-yield debt offerings and acquisition financings.

Hannah C. Smith completed her U.S. Supreme Court clerkship with Justice Clarence Thomas and has returned to private litigation practice at the D.C. firm Williams & Connolly.

John M. Smith's practice in international law at the D.C. firm Covington & Burling took him to Russia, Ukraine, Switzerland, France, and the republic of Georgia, where he helped win the release from prison of an individual close to Georgia's former leadership.

Alysson Russell Snow is currently practicing at Piper Rudnick Gray Cary, specializing in mass tort and productions liability. She was married to Cliff John Snow on July 27, 2002. The couple had a new baby, James Gardner Snow, in 2004.

CLASS OF 2002

Kam H. Brian has been with the Clark County DA's office since graduation. He has tried just about every type of criminal case ranging from solicitation of prostitution to murder. He is having a great time doing it and truly loves his job.

Thayne Larson moved from Orange County, CA, to Las Vegas, NV, to help with the Payne & Fears LLP Las Vegas office.

James Patrick and **Jaimee Macanas Neel** live in São Paulo, Brazil. While working as an international trade law specialist for the Department of Commerce, Jim graduated with honors from Georgetown University Law School with an LL.M. in international law. In 2003 Jim was commissioned as an economic officer in the foreign service. He completed his first assignment as special assistant to the coordinator for counterterrorism for the U.S. State Department and received recognition for his leadership and work with the 9/11 commission. Jim is enjoying his new diplomatic post as vice-consul at the U.S. Consulate in São Paulo. Jaimee joined Teach for America in 2002, becoming an inner-city schoolteacher in the Bronx and in southeast Washington, D.C. Her experience as a teacher was featured in an article entitled "Teaching Hope" in the January 2004 issue of *Good Housekeeping* magazine. Jaimee is also enjoying Brazil and her new position as a biometric specialist in consular affairs at the U.S. Consulate in São Paulo. Jim and Jaimee are members of the Utah and D.C. bars, respectively. They have one son, Jimmy, who just celebrated his first birthday.

CLASS OF 2003

Curtis Bullock was hired as associate counsel to the Utah Association of Realtors, where he staffs the legal resource center. He and his wife added a baby girl to their family and bought a new home near Thanksgiving Point, UT.

J. Evan Robbins opened his own law practice on November 1, 2004, after working for a year and a half with a small firm. James Robbins, PC, is the name of his new firm, and he is solo with a general practice, concentrating primarily in the areas of family law, criminal defense, personal injury, and mediation. His office is located in Sherman, TX.

Bridget E. Ryan is a health lawyer in Austin, TX. She does work in the managed care litigation and reimbursement practice groups.

Ryan West has joined Greg King and Thayne Larson at the Las Vegas office of Payne and Fears LLP.

CLASS OF 2004

Matthew Poulter, an associate in the New York City office of Morgan, Lewis & Bockius LLP, has an article, "My Client's Going to Brazil: A U.S. Practitioner's Guide to Brazilian Limitadas Under the New Civil Code," in the February issue of *Southwestern Journal of Law and Trade in the Americas*.

Unfolding in Time

BY GALEN L. FLETCHER, '93

I HAVE BEEN INVOLVED AS A STUDENT OR AN EMPLOYEE WITH THE BYU LAW SCHOOL for half of its existence. As such, I attest to the truthfulness of Dallin H. Oaks' first-day-of-school prediction of a long-term, "slow-release" mission for the institution and its students. Rex E. Lee made a similar statement in 1988, commenting that "the amalgam of values that constitute the mission of this Law School will become more apparent to us over the years," adding that he had always felt that way.

The best way I know to describe the mission of the J. Reuben Clark Law School is with an example about children and learning. Children pass through experiences whose meanings often change and become deeper much later in their lives. For example, a child does not often understand her parents' sacrifices for her until she is grown. In the same way, I expect the meaning and purpose of the BYU Law School to become something different for each of us as time passes.

The constant changes in our mission are fitting, however, since the Law School and Law Library are dedicated as places of *learning*. I'm reminded of the time a few years ago when one of the law librarians encountered a well-dressed woman looking confused in the halls of the building. The woman asked where the temple entrance was. The woman was closer to the truth than she may have realized. The spiritual learning in the temple and the learning in the Law School both have the power to impact our lives now and far into the future.

The scriptures describing the Kirtland Temple can apply to the J. Reuben Clark Law School: "Seek ye out of the best books words of wisdom. . . . Establish a house, even a house of prayer, a house of fasting, a house of faith, a house of learning, a house of glory, a house of order, a house of God" (D&C 88:118–19).

President Marion G. Romney spoke to the Law School in 1981 about our personal learning beyond graduation, urging us to follow the example of President J. Reuben Clark: "You must not regard your legal education as consisting of the three years that you have spent in this Law School. . . . The great lawyers are the ones for whom the legal education process never ends."

Such learning will come as we follow the counsel of President James E. Faust (and President Romney) to "study *and practice* . . . the laws of man in light of the laws of God." Returning to President Romney's remarks, "Much more important than a list of the Law School's purposes is this fact: whatever they are[,] . . . the best way to achieve them is for you and those who have graduated before you and those who will graduate after you to respond to the challenge . . . to become Christlike advocates."

Thomas Proffit, a student speaker at the Law School's 1982 convocation, concluded, "The J. Reuben Clark Law School will have fulfilled its mission if its graduates seek first the kingdom of God and his righteousness, not riches, not the honors of men, or worldly power."

What is our mission, Law School and graduates, *today*? Elder Dallin H. Oaks shared an observation by University of Chicago Law School Dean Edward H. Levi. "Don't refer too much to the early days and the great faculty members who were here when this law school was founded," Levi counseled. "You have to avoid talking too much about the great faculty members of the early days lest the students and the public conclude that the great people who have taught at this law school were all in the early days and overlook the fact that the really great ones are those who are here now."

I agree. As important as the BYU Law School's founders were and are in fulfilling their mission, our purpose is to faithfully fulfill God's mission for us *now*, content in the assurance from Elder Oaks that in some future time the meaning of our actions today will be realized.

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.