

*Constance Lundberg  
reminisces with  
law school colleague  
Lovisa Lyman.*

**C**onstance Lundberg, BYU professor of law for 23 years, returned to full-time practice August 2005. While at the Law School, she served as associate dean for 16 years and law library director for 15 years. Lundberg calls her recent move “a progression rather than a rejection.” She says, “I didn’t reject law practice when I came to the Law School. I didn’t reject full-time teaching when I moved into the directorship of the library, and now I am not rejecting either teaching or the library by going to Jones Waldo Holbrook & McDonough.”

Like much of her career, this move was not planned—at least not at this time. “I had always intended to return to practice at some point,” she explains, “but not until two or three years down the road.” And she had always assumed she would return to Parsons Behle & Latimer, the firm that hired her fresh out of the University of Utah law school when no other firm in Utah seemed interested in hiring a woman. When she graduated in 1972, only five of the graduates were women. “That was the most women the law school had taught at one time up to that point.” Parsons not only hired her but also expressed their confidence by entrusting her with their environmental clients. “Environmental law was new. We were making it up as we

went along.” When she had been at Parsons for only 18 months, Lundberg was invited to address the Utah Bar on the subject of “takings,” because she had already become one of the local authorities on the subject.

During her eight years of practice, Lundberg discovered something for which law school had not prepared her: “No one had ever told me law practice would be fun. The faculty at the University of Utah cared about policy, law, and being a good lawyer, but some hated practice and could hardly wait to get out of it and teach. How sad to prepare students for something you hate!”

What Lundberg liked most about practice was tackling the unknown, including meeting new people, helping them discover solutions to their problems, and learning how to represent them well. “Maybe I just have a short attention span,” she jokes, “but as a lawyer you get paid to learn new things.” She went wherever she needed to go to learn what she needed to know. She enjoyed several stints at Utah State University learning about different aspects of natural resources: “For instance, I learned about the impact of fluoride on cattle and the effect of sugar-beet seed propagation and sale on economics, and I monitored lichen to see if they were taking up pollution.” Her practice was com-



## Blessed Shalt Thou Be

— DEUTERONOMY 28:6

plicated and fact-specific, just the sort she enjoys most.

After several years of practice, she was asked to work for President Gerald Ford’s Council on Environmental Quality, and she was granted a leave from Parsons with the understanding that she would be returning. She spent two years in Washington writing policy, something she found fascinating and rewarding. One particularly challenging project was funded by the Ford Foundation: environmental mediation. Ultimately, it was deemed a good idea whose time had not yet come.

Soon after Lundberg returned to Utah from Washington, she renewed a



professional acquaintance with Boyd Erickson, a widower with five sons, the oldest a year older than Lundberg. Once the couple married, Lundberg’s weekly trips to Alaska and frequent trips to Denver, Philadelphia, and Washington lost their charm as she did her best to bond the new family together. “If you care about

family," she quickly learned, "you have to devote time to it."

At this point, longtime friend Reese Hansen asked if she would consider teaching. Although the demands of a new family might have encouraged her to consider such a career change, initially the timing did not seem right. When she and Boyd parted the morning of her BYU interview, she told him she couldn't imagine any circumstance that would convince her to leave practice to become full-time faculty. True, before enter-



One of the most joyous events of her life occurred after she came to BYU—her son, Philip, was born. Faculty member Mary Anne Wood hosted a couples



shower, and many contributed to purchase a playpen for Lundberg's office, a subtle way to let her know they supported her being a mother as well as a professor. Mothering her son, her stepsons, their wives, her grandchildren, and many law students over the years turned out to be one of the greatest perks associated with the regular schedule of academia.

library school director to find out if she could take the courses part-time. The director was happy to approve her proposal, since, he confessed, he had been racking his brain from the moment she called trying to figure out why she wanted to sue him. She ably completed the course work while working full-time.

Initially, her understanding was that she would be director until the library was remodeled. "I didn't realize it was a one-way street. But, I'm Tigger. I just went bouncing." As library director, Lundberg expanded services, established consortial arrangements, and oversaw the design and construction of the expanded library—ahead of schedule and under budget. Her most recent library innovation, and something she will continue to be involved in even after she assumes her new position at Jones Waldo, is the Greater Western Library Alliance. GWLA consists of 31 major research libraries in the West committed to digitally preserving foundational 19th- and 20th-century water documents. Original documents held in paper by one or more of the participating libraries or in private and government files throughout the West are on the shelves and burning up with sulfuric acid, and an important segment of environmental legal history is in danger of being lost. "I've been doing triage—finding the things we desperately need and finding someone to preserve them." Her involvement with GWLA and some teaching will keep her officially linked to BYU for up to the next five years.

Lundberg's ties with Parsons have remained warm and collegial since she left to become full-time faculty, and her philosophy has always been that "you don't just go somewhere else because you can." How then did Jones

Waldo win her over? "They made me laugh," she confesses. Lundberg has been alone for the past several years. Two years ago her husband of nearly 22 years succumbed to lung cancer. Last year her son, Philip, left for a mission in Frankfurt, Germany. Lundberg immersed herself in work to head off grief and loneliness. The invitation and subsequent interview at Jones Waldo opened the vista of a vigorous, new direction for her energies. The interviews and subsequent meetings revealed a team that worked hard but passed up on certain obligations that might take employees away from family more than they wished. Included in their organization is a women's group that does such things as sponsor visiting children's authors, foster the arts, and even build a house for Habitat for Humanity. In summary, says Lundberg, "I knew I would be happy there with witty and complete people."

At Jones Waldo, Lundberg has joined the resource group where, she says, she will do whatever comes in. Surely she will be involved in environmental policy and writing. She hopes that mediation, a concept that has finally come into its own in environmental law, will be part of her job. "Explaining what each side wants and needs is at the heart of mediation," she affirms, and this concept has many applications in resource practice.

BYU will miss Constance Lundberg—professor, dean, library director, and dear friend. Dean Kevin Worthen expresses the feelings of all her associates at the Law School when he says, "We will miss our daily association with Constance. We thank her for her many significant contributions to the Law School and to us personally. We wish her well in her new endeavors."

# When Thou Goest Out

BY LOVISA LYMAN

ing law school she had fully intended to become an academic, and she had enjoyed teaching part-time at the University of Utah and Utah State, but practice had become too rewarding to give up.

She changed her mind when she met the BYU faculty. "They were fun and enjoyed an easy camaraderie—a team working shoulder to shoulder. I liked being with them." Even then the faculty included a cadre of strong women committed to family as well as to law. She began her faculty tenure in August of 1982. The icing on the cake was that she didn't have to give up practice but continued of counsel for Parsons until she became an associate dean.

Lundberg taught a wide variety of courses at the Law School, including environmental law, public land law, conservation law, energy law (mining, oil and gas), federal courts, real property, interviewing and counseling, poverty law, civil rights law, legal research, legal writing, legal history, and law library management. She proposed and helped design some of the courses.

Soon after she became an associate dean, Dean Hansen asked her to become the library director as well. When she discovered she needed a master of library information science to comply with accreditation team regulations, she made an appointment with the BYU

# Law School Grads Lead Institutions of Higher Education

## MARK BRYCE

President, Eastern Arizona College

Love of education is an evident characteristic of Mark Bryce, '81, president of Eastern Arizona College. As an undergraduate at BYU, he earned his accounting degree after only three years. The Monday following graduation he began his studies at the J. Reuben Clark Law School.

President Bryce speaks highly of his experience at BYU:

*When we took a course to prepare for the bar examination, it was obvious that our education was more thorough than that of students from major, prestigious universities. Later, I was selected as one of 40 new presidents for presidential training at Harvard. It was there that I really learned just how good BYU is. My BYU background never failed or faltered, and I felt confident alongside the best in the world.*

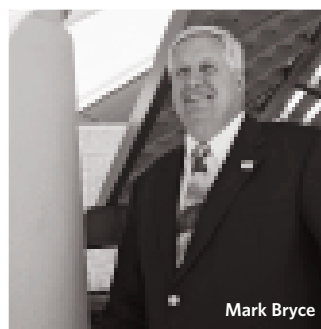
President Bryce explains that his legal background has strengthened his ability to handle his presidential responsibilities:

*From the very first day, my legal background has been invaluable. Legal training develops decision-making skills. As in legal matters, many presidential decisions must be made now, even though all the facts are not available. The buck stops with the attorney, and the buck stops with the president. Legal training also develops communication skills and the toughness to stand by a decision. As an attorney and a president, I am open to hearing new ideas and approaches; I have no fear of examining all sides of an issue, making the decision, and taking action.*

Eastern Arizona College has long been a tradition in President Bryce's family. As he recalls, "EAC was founded in 1888 by the LDS Church. My great-great-grandfather helped make the wooden benches



Rodney K. Smith



Mark Bryce

upon which my great-grandfather sat in the very first class. My family has attended the institution ever since."

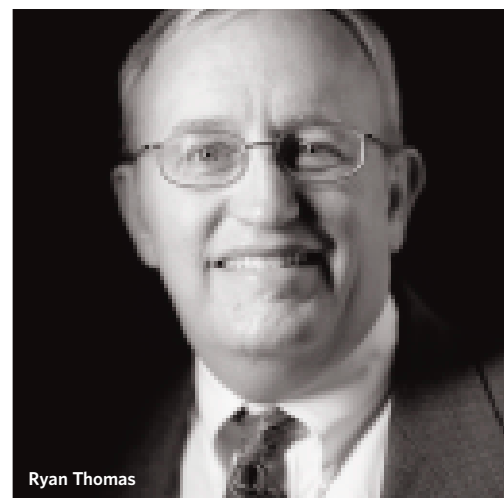
Formerly a practicing lawyer in Arizona's Gila Valley, President Bryce began his duties at EAC on February 2, 2002. Since that time the college has experienced a growth of 6 to 7 percent a year and recently began serving another county with two new campuses. His interest in university administration began when, as a volunteer, he taught LDS institute classes and discovered his love for teaching and working with students.

President Bryce and his wife, Cindy (Nielsen), are the parents of seven children.

## LEE G. CALDWELL

President, Dixie State College

On August 15, 2005, Lee Caldwell, '78, became the 16th



Ryan Thomas



Lee G. Caldwell

president of Dixie State College. Besides his law degree, Caldwell has a BA in business from Utah State University and a PhD in strategic management from Texas A&M University. Of law school he says, "The rigor and work ethic prepared me well for my subsequent academic endeavors."

Caldwell's experience in both business and education is

extensive. He has worked at many educational institutions: Sam Houston State University, the University of Utah, Indiana University, Georgia Tech, and Dixie State College. His business dealings include work in corporate legal and real estate departments, and executive positions at Novell and IBM.

He has found his business experience necessary in aiding the development of both students and educational institutions. "I have been fortunate to work in areas of business where I could also maintain strong academic ties," Caldwell explains, "particularly through joint research programs and in the development of the Internet." He admits, "Education has been my first love."

Caldwell now finds himself president of a college of approximately 8,700 students. Dixie State College offers five bachelor degrees: nursing, elementary education, computer and information technology, business, and communications. He identifies some significant challenges he faces in leading the college:

*Dixie State College has a long tradition of smaller classes and dedicated faculty. As the institution continues to grow and add more bachelor's degrees, there are significant financial and faculty and staff recruiting challenges to maintain this tradition and commitment to quality of education.*

*We need to do more to develop Utah's economy to produce higher paying college-level jobs. Utah has lost more than 50,000 high-tech jobs over the last four years. I believe that the colleges and universities can and should do far more to develop the high-tech sectors of the economy.*

Caldwell identified three points that are important both "for the future of the College and of improving human endeavor":

commitment to truth, commitment to people, and commitment to principle.

Lee and his wife, Bonnie (Allphin), have two children, who are married.

**RODNEY K. SMITH**  
President, Southern Virginia University

Rodney K. Smith, '77, is the president of Southern Virginia University, a four-year liberal arts college with a student body of almost 600. President Smith attended and earned a bachelor's degree at a small college himself. After graduating from the BYU Law School, he continued his studies at the University of Pennsylvania, where he earned LLM and SJD degrees. He spent over 20 years as either a university professor or an administrator prior to his position as SVU president.

President Smith began his current position in June 2004. He holds the school in high esteem, finding strength in the university's size and the low student-to-faculty ratio. He explains:

*Students at SVU do not get lost in large classrooms but are given an opportunity to shine in small and rigorous classes that require students to be prepared, to participate, and to develop critical thinking and writing skills. It is not surprising that so many liberal arts graduates go on to succeed in business, the fine arts, and the professions.*

SVU is located in Buena Vista, Virginia. Though not owned by the Church, it has been the only liberal arts university that supports and encourages LDS beliefs and standards since it adopted such a mission statement in May 1996. At that time the university also selected an LDS board of trustees and president. SVU is accredited by the American Academy for Liberal

Education. Smith describes the purpose of the university:

*Our mission is to prepare leaderservants in the home, the Church, and the world. As a residential liberal arts university committed to providing an excellent and broad-based education in an environment fully supportive of the values and teachings of The Church of Jesus Christ of Latter-day Saints, I firmly believe that we are ideally suited to help develop leaderservants. Our students take our motto, Learn That Life Is Service, seriously and contribute thousands of hours of service on an annual basis. They are also leaders in music, the arts, athletics, and academics.*

President Smith is married to the former Danielle Reget. They are the parents of eight children.

**RYAN THOMAS**  
President, College of Eastern Utah

Ryan Thomas, '79, is currently in his fourth year as president of the College of Eastern Utah. CEU is a junior college with the lowest student-to-faculty ratio of Utah's two-year colleges. The school is an integral part of Price, a town of 17,000.

President Thomas speaks highly of his experience in Price. "In a community this size you feel you know everyone, and you are supported and embraced by the community spirit." His children are also enjoying the advantages that come from living in a small town. "My children, much to their surprise, have loved the community. Two of my children met their spouses here."

President Thomas has familial ties to the area and a commitment to the students there. He says,

*My father was born in a small coal camp a few miles from Price. Education made all of the difference in*

*his ability to make important choices in his life. At the time I was recruited to CEU, the college was experiencing a number of challenges. I felt that I had some obligation to ensure that the young people in this area had the chance to have the same kind of opportunities that post-secondary education had provided for my father, so I came to the college hoping to try to resolve some of the problems it was facing.*

As CEU president he has done just that—and then some. When asked about his responsibilities at the college, President Thomas explains,

*At a small college the president does just about everything. I teach at least one course each semester, I am the chief fund-raiser, I do most of the legal work for our development office, I spend most of February and early March working with the state legislature, and I attend to the myriad administrative details that seem to be associated with running a small college.*

It has been rewarding for President Thomas to witness the contribution of others to CEU, particularly those of the community. He recalls,

*Shortly after I arrived at the college, I attended a dinner honoring the miners who were on the rescue team at the time of the Willow Creek mine fire. The company that had operated the mine had offered to give the team a significant sum of money to recognize their heroism. Although several were out of work [because] the mine did not reopen after the fire, the men chose to give the sum to the college to sponsor scholarships. I was sobered then, and have been frequently impressed since, at the sacrifices that people have been willing to make to ensure educational opportunities for others.*

President Thomas and his wife, Ann (Morrell), are the parents of six children.

# Learning the Language

## INTERNATIONAL EXTERNSHIPS

Looking out across London's Trafalgar Square, his back to the National Gallery, J. Reuben Clark law student Todd H. Goodsell quotes

Winston Churchill: "We are two nations divided by a common language." Churchill said this 67 years ago about the differences between the United Kingdom and the United States. A law extern with Devonshire Solicitors in London, Goodsell is finding out just how true Churchill's statement is.

"A lot of legal skills are universal," he explains, "just with different laws; different parties have different responsibilities. But it's a whole different English language that I have to learn and apply."

This is not Goodsell's first experience in London. As an undergraduate, Goodsell participated in Study Abroad programs that brought him to London, first in 2002 and again in 2003. "I've already done the tourist thing and the student thing," he says with a smile, "now I get to see the business side of things. I'm just grateful the Law School allows students to do this and has the connections to make it happen."

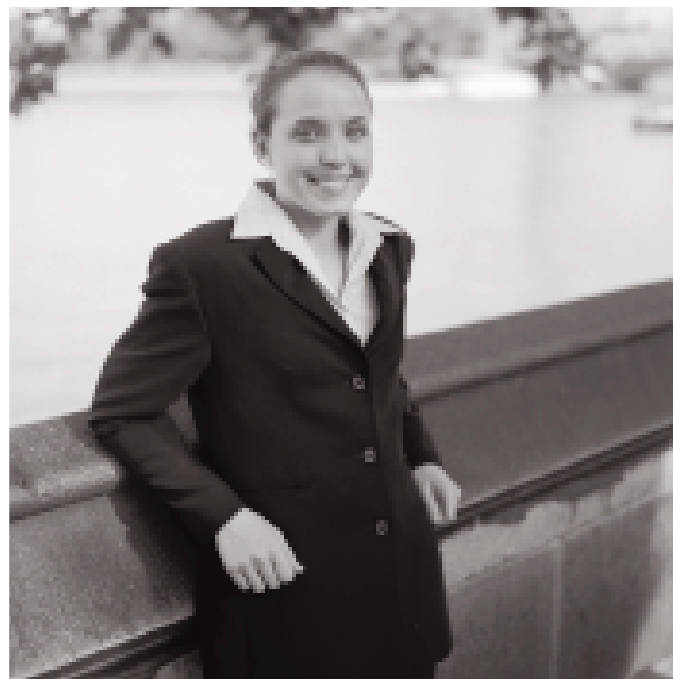
Goodsell is only one of hundreds of JRCLS students who have completed an externship after their first year of law school. According to James H. Backman, associate professor of law and externship program director, each year approximately 165 students complete an externship, and between 20 and 30 of those are international. "An externship gives the students a taste of real-life lawyer work.

It's a marvelous way of rekindling a student's interest and enthusiasm for the law after their first year of class work," says Backman.

Students interested in an international externship submit an application detailing their interest in international law and their experience with the country and language in which they hope to work. "Each of the Church's legal offices takes students each summer, but that would be only seven or eight positions," explains Backman. "They help [us] identify law firms that they work with in the various countries that they serve, and they inquire if they would be willing to take a student for credit. All of our students do [an externship] for credit, rather than pay—that's one of our requirements.

"An externship is a different experience from a paid clerkship. The students create a learning plan right from the beginning; they are encouraged constantly to look for new opportunities and new learning experiences, to be proactive and ask their employers for those, to seek them out. And the employer is very willing to give them a good range of learning opportunities. A paid clerk, on the other hand, is concerned with watching the clock and billing the client, so they are more often used in simple backroom tasks."

At Devonshires, Goodsell thought he would be making copies and coffee, but instead, he says, "I've been handed files of clients and told to figure out what comes next. Daniel Clifford, the Devonshires partner who works with BYU



interns, likes to give his interns 'real work.'"

Stephanie Davis, a JRCLS extern with Devonshires in 2004, echoes Goodsell's experience. "I knew that at Devonshires I would be working closely with a partner from the firm, which a lot of externships don't let you do. I was right in the office with Daniel Clifford and his assistant, seeing what they did on a daily basis."

Many of the cases Davis worked on involved the Church. "It was really rewarding doing research on those cases," recalls Davis, "because I was researching things that I already knew about the Church, but I was getting it from a different perspective. For example, I'd be writing memos and notes about the priesthood, explaining the priesthood to someone who wasn't LDS. It was interesting to figure out how to explain it, how to explain which members were called 'deacons' and which were called 'priests.' It was interesting to look at it from another point of view.

*Law extern Stephanie Davis gained hands-on experience at Devonshire Solicitors in London.*

Jason Burt, a 2004 extern with a private firm in Brisbane, Australia, regarded his externship as a necessary step between law school and law firm. "It's helped me to understand how you bridge what you learn in the classroom to what you learn in the firm," Burt says, "to understand how those things carry over a little more. It's not like I learned substantive things in Australia that I didn't know before. What I learned is how I can take my studies and transfer them to a practice. That was very helpful." That bridge can, of course, be built in the U.S., but, as Burt points out, "I was exposed to the whole international legal environment and how that works. I'm interested in doing some of that, so now I have some good contacts in Australia that otherwise I wouldn't have had. I would say the international setting, for me, was nothing but a plus."

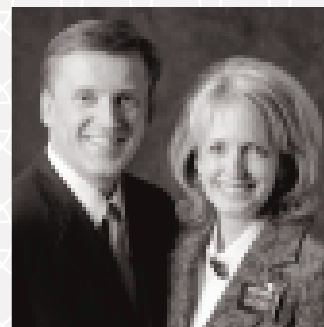
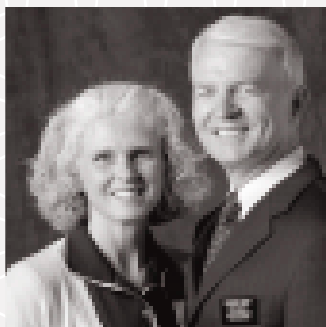


For Burt, Goodsell, Davis, and others who complete externships in English-speaking countries, the biggest difference they see between practicing American law and British or Australian law is the division of roles. "It's set up with barristers and solicitors, where we just have attorneys," explains Burt. "Solicitors don't go to court, usually. They prepare the cases and work with the clients; then the barristers go and argue before a court."

"Stepping into a British courtroom is like stepping into a different world. It's exactly as it was in the 18th century," comments Goodsell. "Daniel Clifford hands a copy of Dickens' *The Pickwick Papers* to his externs to read while we're here, because much is still the same in today's legal world."

Other externs find themselves literally stepping into a different world when they leave Provo for their externships. In 2004, Ryan Borneman worked for the Church legal office in Accra, Ghana. "Ghana was actually my second choice," Borneman says, "but those who interviewed felt that they needed some French experience in Ghana, because a lot of Africa is French-speaking. It was their first choice for me." Borneman's "French experience" proved important to the Ghana office. "For one week I traveled with the attorney to other African nations that were French-speaking, because he had not yet visited some of these nations because he didn't speak French."

"It was an excellent opportunity for a first-year law student, because after the second year you can always do an American experience. But what a way to spend a first summer!" Borneman adds.



### THREE FOR THREE: LAW ALUMNI CALLED AS MISSION PRESIDENTS

Douglas F. Higham, '78; D. Brent Rose, '79; and Kevin R. Duncan, '91, began three-year callings as mission presidents in July 2005.

President Higham and his wife, Colleen, serve the Arizona Tucson Mission, joined by four of their 12 children: Deborah, 17; Rebecca, 13; Elizabeth, 11; and Michael, 9. Six of their children are married; one recently returned from a mission, and one is currently serving a mission.

President Higham relates a highlight of reading their mission call:

*As we awaited our mission assignment, our family and friends would peruse the globe, picking out missions they thought would be great for us. . . . When expectations of exotic locales would get too high, I would yank everyone back by jokingly saying, "Or what about Tucson, Arizona?" When the assignment letter came, . . . no one believed me when I read that we would preside "over the Arizona Tucson Mission"!*

An attorney and partner at Higham, McConnell & Dunning in Mission Viejo, California, Doug is also a CPA with an accounting degree from BYU. He started out in practice as an associate with Rutan & Tucker, the largest law firm in Orange County. He then migrated to the 12-attorney firm of Stradling, Yocca, Carlson & Rauth, helping to build it to a team of about 80 attorneys.

D. Brent Rose and his wife, Dianne, leave Salt Lake City to serve in the Texas Lubbock Mission. President Rose also steps away from his job as an attorney at Clyde Snow Sessions & Swenson. He sees his current calling as only a shift in service.

"The way I view my professional life is no different than the way I view my life as a mission president, or anything else for that matter," he says, "for it is written, 'When ye are in the service of your fellow beings ye are only in the service of your God' (Mosiah 2:17). I truly believe that."

President Rose adds, "My legal education and the privilege of serving as a practicing water attorney has blessed my life with continuous opportunities to significantly serve my fellow beings and in every way has prepared me for this new and different opportunity to serve."

The Roses have four children, all of whom are married.

Kevin R. Duncan and his wife, Nancy, take four of their five children with them as they preside over the Chile Santiago North Mission. Steve, 17; Kelly, 11; and twins Lindsey and Lacey, 8, accompany their parents. Their oldest child, Aubrey, married and graduated from BYU this past summer.

Besides a law degree Kevin earned a bachelor's degree in accounting and a master's degree in taxation from BYU. In 1991 he and his family moved to Seattle, where he practiced law for two years before starting a business, CaseData Corporation, one of the largest forensics and electronic discovery companies in the United States.

President Duncan is excited to serve in Chile. Two years ago he accepted a call as a voluntary service missionary for the Church's Office of General Counsel. As associate international legal counsel in Chile, Peru, and Bolivia, he and his family lived in Chile. Furthermore, as a young missionary, he served in the Chile Santiago South Mission. He says, "A real joy for me is that our mission home during my first mission and where I lived for nine months is now the Santiago North Mission home and where we will live as we preside over the Chile Santiago North Mission."

# New General Authority

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David F. Evans, '79, was called to the First Quorum of the Seventy in the April 2005 general conference of the Church. He will serve as first counselor in the Asia North Presidency, making Tokyo, Japan, his home.

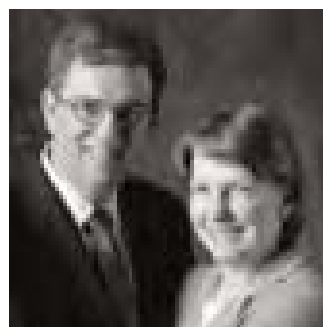
This will be the third time Elder Evans will have lived in Japan. He first served there as a young missionary and then returned with his wife, Mary, and four of their eight children in 1998 through 2001 while presiding over the Japan Nagoya Mission. This time only sons Michael, 16, and Jeff, 14, will accompany Elder and Sister Evans. Having attended Japanese elementary school previously, both boys are fluent in Japanese,

understand the culture, and have many friends there.

Elder Evans came to the J. Reuben Clark Law School as a first-year law student in 1976, the year of its first graduating class. "I had a very strong spiritual impression to attend here. I look back now and see what a correct decision it was. I learned that one could be a brilliantly effective litigator and still maintain Christian values, like Carl Hawkins. It was a critical point for my learning to watch Rex Lee as he both enjoyed and ennobled the practice of law. I learned that there could be joy in the practice of law while giving real service to someone who needed the skills of a lawyer and

that there was no conflict in loving the law, being an effective advocate, and being a good member of the Church."

When asked what would fundamentally change from his work with securities, corporate law, and investment banking to his new Church assignment, he replied, "Nothing, or very little. Consistent values and joy don't change as you work for good in any venue. The greatest happiness and joy come from service and seeing others engaged in service. I recently spoke with someone who had been in my MTC group years ago when we were sent to Hawaii preparatory to our service in Japan. We have talked maybe once in all those years, but we have both raised families in the Church and been active and faithful in our callings. As we talked and caught up on the past



decades, I felt like Alma must have felt when he met the sons of Mosiah after their years of separation: he "did rejoice exceedingly to see his brethren; and what added more to his joy, they were still his brethren in the Lord" (Alma 17:2). Whatever we find ourselves doing—whether in or out of the law—when we are reunited with our former friends and colleagues and find that we are still faithful brothers and sisters in the Lord, our joy will be its greatest."



## Law Alumni Weekend

Alumni and friends of the

J. Reuben Clark Law School will gather together Homecoming weekend, October 14 and 15, for recreation and reunions, good food and fun.



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For more information, visit <http://www.byulaw.org/> To register, go to <http://www.byulaw.org/Registration2005.pdf>.