

Law School Establishes Sterling and Eleanor Colton Chair in Law and Religion

A celebration of the lives of Sterling and Eleanor Colton and the creation of a chair in law and religion in their names was held at the historic Mayflower Hotel in Washington, D.C., on January 24, 2008, by family and friends. Only the fourth endowed chair established at the J. Reuben Clark Law School and the first since 1992, the Law and Religion Chair will help support the ongoing work of Cole Durham and the International Center for Law and Religion Studies at Brigham Young University.

Speakers at the event included President Cecil O. Samuelson, Dean Kevin J. Worthen, J. Willard Marriott Jr. (chair and CEO of Marriott International, Inc.), and Sterling and Eleanor Colton and their eldest son, S. David Colton ('82). David explained:

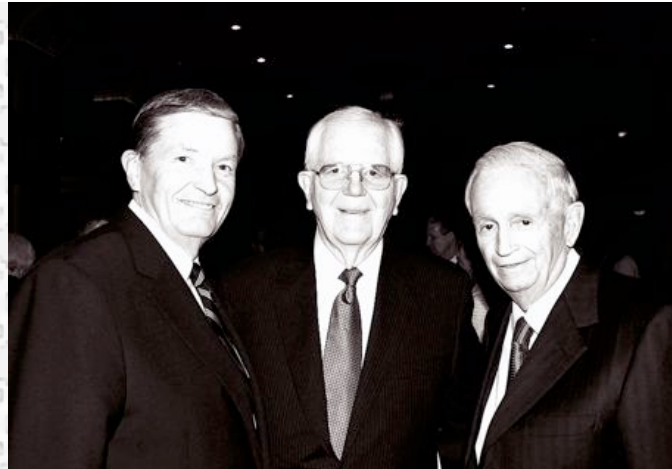
My parents have been supporters of the Law and Religion Center because they believe the center makes a difference and has expanded the borders of religious freedom. In fact, they enthusiastically supported the work Cole has been doing long before the center was created. It is no wonder when we approached Mom and Dad about the idea of creating the chair they were supportive, not because the chair was in their name—in fact, they were a bit reluctant to have the notoriety—but because of the great good they believed could be done through increased, long-term financial support for the center.

David illustrated the importance of religious freedom in the lives of his parents and forebears.

Quartermaster George Colton came to the American shores in 1644 seeking a better life and religious liberty. Six generations later, in 1838, Philander Colton and his wife, Polly, joined The Church of Jesus Christ of Latter-day Saints, only to be driven out of their homes when religious persecution forced them to move west. Now, another six generations later, Sterling and Eleanor Colton have found the better life and religious expression their forebears dreamed of. They hope that through their support of the center this dream can become a reality for others.

Elder Marriott recounted the influence of the Colton family on the founding and growth of the Marriott companies. Sterling's father, Hugh Colton, and his wife, Marguerite, came to Washington, D.C., with J. Willard and Alice Marriott in 1927 to open the original Hot Shoppe. When Hugh graduated from George Washington Law School, he sold his 50 percent interest in the Hot Shoppes to return to Utah to practice law. Sterling followed his father's footsteps into law, graduating at the top of his class at Boalt Hall Law School, and then finding his way back to the Marriott companies. Sterling would subsequently serve as general counsel to the Marriott companies for many years before retiring. To honor Sterling and Eleanor Colton, the Marriott Foundation is providing a significant contribution to the Law and Religion Chair.

During the event at the Mayflower Hotel, a 10-minute video of the Coltons was presented, showing the couple's support of the Law and Religion



From left to right: BYU President Cecil O. Samuelson, Sterling Colton, and J. Willard Marriott Jr.



From left to right: W. Cole Durham Jr., Eleanor Colton, Dean Kevin J. Worthen, and Sterling Colton.

Center and their friends' memories of them. In the video, Elder Dallin H. Oaks expressed:

When we go to a country to seek entrance for our missionaries, we must be concerned with the extent of religious freedom, with the relationship between law and religious teaching and freedom in that country. BYU in its concentrations in law and religion has been a key, a vital influence, and a source of illumination and assistance to the Church in taking the gospel to every nation, kindred, tongue, and people...

I have a special personal satisfaction in expressing gratitude to Sterling and Ellie for what they have done for the Law School and for the Church in this remarkable gift. They have been very precious to me and to my family. They have been very influential through this important chair in law and religion. How appropriate that a couple so wonderful in their own personal life has given such significant support to matters so essential to the work of the kingdom.

The video may be viewed at www.law2.byu.edu.

The Law School has established a \$3 million goal for the Sterling and Eleanor Colton

Chair in Law and Religion with commitments of approximately 75 percent of that goal. Interested contributors who wish to donate in honor of the Coltons and who wish to support the International Center for Law and Religion Studies may contact Kelly Reeves at 801-422-9347 or at reevesk@law.byu.edu.

The Law School is grateful for the generosity of the Colton family, the Marriott Foundation, and many others who have helped to establish the Sterling and Eleanor Colton Chair in Law and Religion. Their lives are ones of great faith and faithfulness, filled with many quiet acts of Christian service and major Church responsibilities. As their son David expressed:

It is important that we expose as many people as we can to examples of lives well lived in the service of others, that we create a legacy that will endure, that we make clear that a person's religion, whatever that religion may be, is special and sacred and should be honored and freely expressed, and that we establish a platform for the world to hear, in soft and quiet ways, that religious freedom creates the best hope for conflicts to be reduced.

Chief Justice Responds to Law Students

♦ ♦ ♦
Chief Justice John G. Roberts Jr. addressed the BYU student body in a forum assembly at the Marriott Center on October 23, 2007. Afterwards, he visited the Law School for a question/answer hour held with law students. Stephen Mouritsen, first-year law student, attended the session and wrote this report.
 ♦ ♦ ♦



Jaren Willey

I am not sure I know what all those words mean," said the chief justice, responding playfully to a student question that had been packed with an exhaustive list of legal terms. The student had begun the one-hour, question-and-answer session by asking what role the various philosophies of constitutional interpretation play, or should play, in forming judicial opinions. Justice Roberts said that he does not approach cases from any particular philosophic standpoint. He simply begins by reviewing the case and then turning to the Constitution, case law, and any relevant statutes.

While his reticence to allow himself or his fellow justices to be pigeonholed into a narrow category of constitutional interpretation was immediately apparent, Justice Roberts generously spent the remainder of the hour outlining his views on the role of the Court and the duties of the justices.

The Court and Its Times

Justice Roberts made clear that the Supreme Court was governed by constitutional considerations and not by shifting social expediencies. He objected to a student's characterization that the court served as a mirror of domestic social values, arguing that, if anything, the court has historically moved away from prevailing notions and public sentiment. He cited several examples of this circumstance, including the Taney Court's ruling in *Ex parte Milligan* that the military trial and suspension of habeas corpus against civilian defendants was unconstitutional in a Union state where Federal courts were active "in the proper and unobstructed exercise of their judicial functions" (71 U.S. 2, 3 [1866]). Justice Roberts also cited the Supreme Court's early objections to the constitutionality of New Deal policies, as well as the Warren Court's ruling in *Brown v. Board of Education*, which, he said, probably would have come out differently

if it had been put to a popular vote (347 U.S. 483 [1954]).

The Autonomy of the Judiciary

Justice Roberts advocated strongly for an independent judiciary, free from political infighting. He stated that the politicizing of the Court in general and the nomination process in particular are the greatest challenges facing the Court in the future. In a very candid moment, Justice Roberts said that he was entirely indifferent as to what the public at large thought of his judicial opinions, observing that he was not supposed to care what people think about his work. He noted that the insular nature of the Supreme Court was anticipated by the Founding Fathers, citing, as he had earlier that day, the language of Alexander Hamilton in *Federalist* 78: "The complete independence of the courts is peculiarly essential in a limited Constitution." He also cited the lifetime appointments of federal judges and the near impossibility of their being impeached as evi-

dence of the Founder's intent with regards to the judiciary. He spoke, by way of example, of the impeachment trial of Supreme Court justice and Federalist partisan Samuel Chase, stating that the acquittal of Justice Chase by the Democratic-Republican-controlled Senate was an extraordinary example of bipartisan restraint that helped solidify the independence of the judiciary.

He also was amused by the idea that protestors come to the Supreme Court Building to stage demonstrations, as if he and his fellow justices would look out the window, take note of the vehement public objections to a particular issue, and rewrite their decisions in response.

The Diplomatic Court

When asked what had surprised him most when he came to the Supreme Court, the chief justice said that he had not anticipated the diplomatic role that the Court had to play. Soon after his appointment he discovered that his responsibilities extended

to receiving and instructing jurists from around the world who would come to the Supreme Court to learn about the American judicial system from the justices themselves.

He spoke of a unique experience in which his counterpart in the Russian judiciary had come to learn about the Court and its functions. During his visit, the Russian judge and his party visited the Arlington National Cemetery. While there, they were noticed by a tour guide and were invited to lecture a group of schoolchildren on the importance of the judiciary in a democratic government. This same Russian judge had once attended a conference in Europe and was asked which judicial system the newly democratic Russian courts would most like to emulate. The judge said that he would like to see a Russian judiciary modeled after the American system. A member of the European audience said, "Well, if all you wanted was a Coke, you didn't need to come to Europe to get it." The judge responded that he didn't much like Coke and said, "I like my wine French, my beer German, my vodka Russian, and my judicial institutions American."

Judicial Restraint

Although he was reluctant to comment on specific cases, Justice Roberts stridently reinforced his views on judicial restraint. When asked if there were any circumstance when a judge might rule contrary to the law simply because to do otherwise would be morally repugnant, Justice Roberts answered emphatically, "No." He said that this was often most difficult in criminal cases where the law demanded that an obviously guilty person go free. In these circumstances judges were to follow the law and not engage in

results-oriented jurisprudence. This theme of restraint echoes a theme he had articulated in his confirmation hearings, where, in a discussion on judicial checks on legislative power, he had said, "The constitutional limitation doesn't turn on whether it's a good idea. There is not a 'good idea' clause in the Constitution."

Civility and Family Life

Commenting on the civility of the Court, Justice Roberts observed that he had never heard a voice raised in conference. He later commented that most Supreme Court decisions were unanimous, and he said that he would often try to partner justices to work together on a case where they could find common ground if they had disagreed on a previous case.

When asked about balancing work and family life, Justice Roberts tried to disabuse students of the view that there are easy ways to achieve such an equilibrium. "It is hard," he said, and suggested that one approach was to establish firm ground rules at the outset of your career. "Dinner at my house is at 6:30 p.m.," he said, noting that, while he was usually present, he often returned to work when dinner concluded.

Conclusion

Perhaps the most enlightening aspect of the event was the opportunity to take a measure of the character of a chief justice of the Supreme Court by listening to his thoughtful historical analysis of constitutional issues and observing his dispassionate and respectful response to student questions. Chief Justice Roberts' intelligence, affability, and indefatigable commitment to constitutional principles undoubtedly left a lasting impression on those present.

—Stephen Mouritsen

J. Reuben Clark Jr. DVD Available

The Legacy of J. Reuben Clark captures the compelling story of the life of J. Reuben Clark Jr., namesake of the BYU Law School. The film takes the viewer from Clark's earliest childhood days in the farmlands of Grantsville, Utah, through his law school education at Columbia University and his years of government service.

While Clark was serving as ambassador to Mexico, President Heber J. Grant issued him a call to return to Salt Lake City and serve as a counselor in the First Presidency. The calling came as a surprise, as the 61-year-old ambassador had never served as a bishop or a stake president. Dutifully, J. Reuben Clark heeded the call and served nearly 30 years as a counselor to three LDS presidents.

Featured interviews include prominent biographers and scholars, relatives of J. Reuben Clark, and commentary from the First Presidency of The Church of Jesus Christ of Latter-day Saints.

The 35-minute DVD (\$14.95) may be ordered online at <http://www.jreubenclark.org/> or by calling 1-800-963-8061.



Law Society Member Now Australian Federal Magistrate



Susan Purdon Sully, Brisbane, Australia, has been appointed to the Federal Magistrates Court of Australia, the highest legal position obtained by a member of the Church in Australia.

The court's jurisdiction includes family law, bankruptcy, consumer protection and trade practices, privacy, and industrial law. Prior to her appointment she was a partner in a Brisbane law firm practicing in family law and alternative dispute resolution.



David Dominguez

David Dominguez Receives Ethics Award

David Dominguez was presented the Excellence in Ethics Award by the Center for the Study of Ethics at Utah Valley State College (Utah Valley University as of July 1) on September 19, 2007, as part of the college's annual Ethics Awareness Week.

"The award is presented annually by the Ethics Across the Curriculum Board to an individual from the state of Utah who displays exemplary ethics in their life," said Dr. David Keller, director of the Center. "David Dominguez has demonstrated a deep understanding of ethics and morality in his many hours spent serving the community in a variety of capacities, most notably with justice and fairness issues."

Professor Dominguez received his BA with honors from Yale University in 1977 and his JD from the University of California, Berkeley, in 1980. He teaches labor law, individual employment rights, criminal law, community lawyering, and advanced community lawyering at the J. Reuben Clark Law School.

Professor Dominguez is well known for providing legal services to the poor and rich alike. He says there is a growing concern in America that justice is an expensive commodity that only the rich



Kif Augustine-Adams

can afford; he notes that while it has always been a problem for the poor to access lawyers and the legal system, "it is now the case that the middle class cannot afford the financial cost of retaining legal counsel." The name given to the effort to address this growing malady is the Equal Access to Justice (EAJ) movement.

To strengthen the EAJ movement, Dominguez has developed courses in community lawyering, through which "lawyers learn that the answer is found not only in the obvious solution of increasing the supply of affordable legal services but also in diminishing the demand for legal services."

Dominguez contends that community lawyering may be a good alternative for solving legal issues. Rather than asking attorneys to provide goodwill and generous services, and waiting until enough lawyers decide to donate enough hours, community lawyering "takes the initiative to structure activities and opportunities for the low income, the middle class, and the wealthy to be equally respected participants in describing local concerns; fashioning community-based, user-friendly, inexpensive methods for dealing with those concerns; and deciding the appropriate resolution." He believes that community lawyering could prevent legal problems before they happen.



James R. Rasband

Professor Dominguez's latest articles published in nationally recognized journals are entitled "Community Lawyering in the Juvenile Cellblock," "Equal Justice from a New Perspective," "Getting Beyond Yes to Collaborative Justice: The Role of Negotiation in Community Lawyering," and "Community Lawyering."

Past recipients of the Excellence in Ethics Award are Michael Zimmerman, chief justice of the Utah State Supreme Court; Irene Fisher, founding director of the Bennion Center; the late Delmont Oswald, executive director of the Utah Humanities Council; Jay Jacobsen, MD, director of Medical Ethics for LDS Hospital and the University of Utah Medical Center; Karen Ashton, philanthropist; Omar Kader, president of Pal-Tech; His Holiness the Dalai Lama; Pamela Atkinson, founder of Pamela Atkinson Homeless Trust Account; Dr. Bill Pope, philanthropist; Jon Huntsman Sr., philanthropist; and Michael K. Young, president of the University of Utah.

Kif Augustine-Adams Appointed Law School Associate Dean

Professor Kif Augustine-Adams has been appointed as associate dean for Research and Academic Affairs at the Law School. She replaces James Rasband, who was

appointed as associate academic vice president for faculty at the university. Her responsibilities will include promoting and encouraging faculty scholarship and supervising student academic matters and cocurricular programs.

Augustine-Adams received a law degree from Harvard University in 1992, after graduating from BYU in 1988. She practiced with Covington & Burling in Washington, D.C., from 1992 to 1995, at which time she joined the faculty at the J. Reuben Clark Law School. Her research interests are mainly citizenship, immigration, and gender issues. Law classes she has taught include Social Policy and Feminist Legal Thought.

James R. Rasband Named New Associate Academic Vice President for Faculty

BYU law professor James R. Rasband was appointed as the university's new associate academic vice president for faculty on January 14, 2008.

A BYU alumnus, Rasband received his juris doctorate from Harvard University in 1989. He was a law clerk in the Ninth Circuit U.S. Court of Appeals and an attorney for Perkins Coie in Seattle before joining the faculty at the J. Reuben Clark Law School in 1995, where he is the Hugh W. Colton Professor of Law. He has served as associate dean for research and academic affairs since 2004.

Rasband's primary areas of expertise are public land law, water law, wilderness and grazing law, regulations covering the national parks and national monuments, and international environmental law.

He is coauthor, along with James Salzman at Duke University and Mark Squillace at the University of Colorado, of the law school casebook *Natural Resources Law and Policy*.

Class Notes

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CLASS OF 1977

Annette W. Jarvis, a shareholder and member of the executive committee of Ray Quinney & Nebeker P.C., was honored with the Large Company Transaction of the Year Award from the Turnaround Management Association at its annual convention in Boston, Massachusetts, on October 19, 2007. Annette received this award in recognition of her work as lead bankruptcy counsel in the Chapter 11 cases of USA Commercial Mortgage Company, USA Capital First Trust Deed Fund LLC, USA Capital Diversified Trust Deed Fund LLC, USA Capital Realty Advisors LLC, and USA Securities LLC, filed in Las Vegas, Nevada, in April 2006.

CLASS OF 1978

Ron Gardner was appointed to the u.s. Access Board, an independent federal agency devoted to accessibility for people with disabilities, by President George W. Bush on December 13, 2007. The four-year appointment will give Ron, who was born blind, a national pulpit to address how better access can be given to people with disabilities. He has taught business law as an adjunct professor at BYU for 14 years.

CLASS OF 1979

Jerry R. Rigby was reappointed by Idaho Governor Butch Otter to a fourth four-year term to the Water Resource Board of the State of Idaho. He was also elected chair of the same Idaho Water Resource Board.

CLASS OF 1980

Chris Cannon is seeking the Republican nomination in Utah's Third Congressional District.

CLASS OF 1981

Carolyn Colton has retired from Marriott International, Inc., and is enjoying traveling in Scotland, Thailand, Brazil, and France and spending time with family and friends.
G. Michael Westfall is a district court judge in the Fifth Judicial District for the state of Utah. He is currently serving as the presiding judge in the district as well as serving on the ethics advisory committee.

CLASS OF 1984

R. Lee Warthen is the author of "Legal Research in the State of Deseret and the Utah Territory, 1847-1896," published in *Prestathood Legal Materials: A Fifty-State Research Guide* (2006).

CLASS OF 1986

Scott H. Hansen is serving a four-year term as a state court judge in the Brigham County Courthouse in Blackfoot, Idaho, until the next election cycle in 2010. He was initially selected by the Magistrate Commission to serve as a magistrate judge in November 2004.

CLASS OF 1987

G. Murray Snow was nominated by President George W. Bush as United States district court judge for the District of Arizona on December 11,

2007. He has the support of both Arizona senators for this position. Since 2002, Judge Snow has served on the Arizona Court of Appeals. Prior to that position he was a partner at the Phoenix law firm Osborn Maledon.

CLASS OF 1989

Christopher A. Newton was inducted into the Terre Haute South Vigo High School Hall of Distinction on April 12. The high school is a 5A school with over 2,100 students and opened in 1971. Chris is the first alumnus of the school to become a superior court judge in the state of Indiana. He is currently serving as judge of Vigo Superior Court Division 4 and as chief judge of the Vigo Superior Courts.

CLASS OF 1990

Karl M. Tilleman was appointed managing partner of Steptoe & Johnson LLP, Phoenix, Arizona. He will continue to practice as a partner in Steptoe's insurance coverage and bad-faith groups with a focus on litigating a broad range of insurance, antitrust, intellectual property, business torts, environmental, and other commercial disputes.

CLASS OF 1991

Tani Pack Downing has been appointed by Utah Governor Jon Huntsman as deputy chief of staff and general counsel. Tani had previously served as executive director of the Utah Department of Workforce Services.
David Leavitt is seeking the Republican nomination in Utah's Third Congressional District. He and his wife, Chelom (also '91), run the Leavitt Institute of International Development, which teaches the concept of the American jury trial to Ukrainian law students in Kiev, Ukraine.

CLASS OF 1992

Hal D. Baird is an Army Reserve JAG Corps lieutenant colonel currently on active duty at Camp Victory in Baghdad, Iraq. He was posted there from his position at Fort McCoy, Wisconsin, a power projection platform mobilizing guard and reserve soldiers in support of the ongoing global contingency operations. He left active duty with the army in 1998, returning to Salt Lake City to practice in the area of intellectual property law with former classmate Jack Pate at Pate Pierce & Baird. Incidentally, the actual office where Hal worked at the Pentagon prior to leaving active duty was destroyed in the terrorist attack on September 11, 2001.

David N. Brizzee joined the State Department in October 1994 as a foreign service officer. Since that time, he has been stationed in London and Seoul and has spent two years (2002-2004) in Islamabad, Pakistan, as deputy consul general. He then went to Hong Kong and has just finished a tour in Shenyang, China, as chief of the consular section. His next assignment will be for one year as a provincial action officer in Hilla, Iraq.
Christopher B. Chaney became the deputy director for the Bureau of Indian Affairs—Office of Justice Services in August 2005. The office supports tribal law enforcement, tribal court, and tribal corrections programs and directly provides law enforcement, court, corrections, training, and internal affairs services for tribes that do not have their own programs.
Rodney A. Cortez was appointed to San Bernardino County Superior Court by Governor Arnold Schwarzenegger on November 3, 2006. Rodney, of Rancho Mirage, has served as a deputy district attorney for the San Bernardino County District Attorney's Office since 1996. Previously, he was an associate with the

law firm Tuverson & Hillyard and a contract attorney for Lorber, Volk, Greenfield & Blick. He fills the vacancy created by the death of Judge Roberta McPeters.

Vicki Huebner has been working in legal education for the past 12 years. She currently serves as the assistant dean for Law Career Services at Santa Clara University School of Law in Silicon Valley, California. In 2007 she was one of 25 people selected to receive a Fulbright Fellowship to participate in the u.s.-Germany International Educational Administrators program in Berlin, Germany.

CLASS OF 1993

Galen L. Fletcher is coauthor of "Territorial Legal Research for Nevada," published in *Prestathood Legal Materials: A Fifty-State Research Guide* (2006).

CLASS OF 1994

Patrick Shen is now working with the Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration-related Unfair Employment Practices. Prior to his new employment, Patrick served as director of government relations for Fragomen, Del Rey, Bernsen & Loewy LLP in Washington, D.C.

CLASS OF 2000

Manuel Metzner, LL.M., has been newly appointed counsel at Cleary Gottlieb Steen & Hamilton LLP. He has worked as an associate in the company's Frankfurt and New York offices.

Jason S. Nichols was recently named shareholder at Parsons Behle & Latimer. Jason is a member of the real estate, banking, and finance department and concentrates his practice on all aspects of real property law, including acquisitions and dispositions, development, leasing, finance, land use, and zoning.

CLASS OF 2003

Shawn P. Bailey recently joined Bearson & Peck in Logan, Utah. Since graduation, Shawn has worked as a law clerk for the u.s. Court of Federal Claims, a trial attorney in the u.s. Department of Justice/Civil Division, and a litigation associate at Greener Banducci Shoemaker in Boise, Idaho. Shawn argued and won an appeal before the Idaho Supreme Court this year.

CLASS OF 2004

Nicole Pyne joined the Salt Lake City law offices of Raymond J. Etcheverry. Nicole is a member of the litigation department and concentrates her practice on general commercial litigation.

CLASS OF 2005

Ron Fuller joined the S. J. Quinney Law Library at the University of Utah as an assistant law librarian. Prior to this position, he was a law clerk for Judge Randy Olsen in Alaska. In December he and his wife, Kathryn, had their second daughter, Sophie, joining their oldest, Lilly.

CLASS OF 2006

Rebecca Ryan Clark submitted an amicus brief on behalf of two Massachusetts domestic violence prevention organizations. The Massachusetts Supreme Judicial Court upheld the authority of courts to protect victims of abuse even in the absence of personal jurisdiction over the defendant. To support its ruling, the court adopted the reasoning of Rebecca's brief, which stated that personal jurisdiction is not required to issue protective restraining orders against nonresident abusers, as long as the restraining order imposes no affirmative obligations on the defendant.

In Remembrance

Gene Jacobs, Retired Professor

Retired BYU law professor Eugene Brown Jacobs died in Provo on November 25, 2007. He was 84 years old and had suffered from health problems for years.



Upon returning from active duty in the Naval Reserve during World War II, Gene was admitted to the University of California, Berkeley, where he received an undergraduate degree. He later received a law degree from the Boalt School of Law. He then worked as deputy attorney general under Pat Brown at the California Attorney General's office in San Francisco.

In 1960 he began working for the Los Angeles Community Redevelopment Agency. Within a few years he opened his own office and took on dozens of major southern California cities and agencies as clients, having represented and advised more than 80 cities and counties as "the father of California redevelopment law." In the 1970s, under the Carter administration, he set up the framework for the Urban Development Action Grant program.

In 1980, after retiring from his California law practice, he joined the faculty at the J. Reuben Clark Law School, where he taught redevelopment and real estate law classes until 1988. While there, he organized and established funding for the student-run Government and Politics Law Society.

Jason Coles, Law School Alum

Jason Coles, a 2003 graduate of the J. Reuben Clark Law School, was killed in a ski accident on December 17, 2007. Authorities believe he hit a tree while skiing. He was married to



Laurie Seal Coles, also a 2003 graduate of the Law School, and father to nine-week-old Lily Brynn. The family is accepting donations to Lily's college savings plan. Checks may be made payable to "uesp Lily Brynn Coles" and sent to Lily Brynn Coles, P.O. Box 981777, Park City, Utah, 84098. A memorial account for Lily has been established in the name of Jason Coles at zionsbank.com or at any Zions Bank.

Three Weeks of Love

by Scott Brown

I FRANTICALLY PACKED MY LUGGAGE. MY WIFE AND I WERE OFF TO RUSSIA FOR three weeks to adopt a little girl named Anna. We are genetically incapable of creating girls (we have four boys), and when we first saw a picture of Anna, our hearts melted. Now, after two and a half years of frustrating setbacks and empty promises, we were realizing our dream.

I was on leave from work, but like a good lawyer I still brought along my laptop and a CD loaded with documents. I planned to whittle away the long hours in our hotel by catching up on a few projects.

On the flight over I pulled out my laptop, eager to get started. I reached into my bag for the CD but found nothing. I searched again without luck. I wondered if I had mistakenly packed the CD in my suitcase, but when we unpacked the luggage in Pskov—a small town that is a bumpy four-hour car ride south of St. Petersburg—the CD was nowhere to be found. Concerned, I contacted a relative back home who confirmed that I had left the CD in my bedroom. I also confirmed that UPS and FedEx did not deliver to Pskov and that I couldn't log onto my firm's network from any of the town's three Internet cafés.

For the first time since beginning law school nine years earlier, I had three weeks of no school, no work, and no billing to do. I was frightened.

But an unforgettable experience ensued. Almost as soon as we arrived, we were whisked along an even bumpier road to an even smaller town called Veliki Luki, where Anna lived in an orphanage. Neglected as a baby, she and her older brother were placed in separate orphanages when she was 18 months old. My wife and I began the adoption process when she was two. We were allowed to visit her once when she was three and a half—a rugged, five-day trip that included only one 30-minute visit. We waited another 18 anxious months before we were finally invited back. My father- and mother-in-law were with us as well; they were adopting Anna's older brother.

Upon our arrival at the orphanage, Anna immediately recognized us as “mama” and “papa.” She was nearly five. Her head was shaved for lice and covered in scabs from poor nutrition, but she looked as beautiful to us then as she does now over a year later.

The day after we visited her, she was brought to Pskov for the court hearing. When she arrived, my wife and I were already before the judge, answering questions about ourselves, our four sons, our home, and our reasons for adopting Anna. The judge was shocked that parents of four children would want another child!

Prior to the hearing, I envisioned a judge suspicious of Americans adopting a Russian child. I was wrong. The judge was a humble and kind woman. She did not have much; her chambers were cramped like a small cubicle, and her courtroom was devoid of electronic equipment. At the end of the hearing, the judge smiled as she looked at my wife and me and announced that we were now the parents of the little girl whom we knew so little but loved so much. Anna greeted us as we walked out of the courtroom, springing into our arms as if she had always been ours.

I have exited courtrooms many times, but never as I did that day, full of peace and happiness.

The next 19 days in Russia were unforgettable. As expected, we were cooped up in a small hotel room, strangers to the country and to our new little girl. Though there were plenty of hours I could have been typing away on my laptop, I used it sparingly and even then only as a DVD player for *Cinderella*. Anna didn't care too much about DVDs, but she gratefully wolfed down every meal, examined and played with every toy over and over again, and thoroughly enjoyed every hug.

At the end of the three weeks, we brought Anna home to our anxiously awaiting sons. My wife and I finally had our daughter. Our boys finally had a sister. And our daughter finally had a family.

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.