

The following excerpt is from Harry J. Haldeman, "Talk of the Month: 'There Is a Law,'" *New Era*, July 1975, 16–19.

"There Is a Law"

BY HARRY J. HALDEMAN

At a Young Adult area conference held on Catalina Island, the Santa Barbara Region delegates were assigned to meet in the courtroom of city hall for one session of the conference. At the end of the session, Brother Harry J. Haldeman, priesthood leader of the region's Young Adult program, stood at the judge's bench and addressed the hushed courtroom of eager young people. This is the story he told.

In the early 1950s I was the bishop of the Rosemead Ward of the Los Angeles California East Stake. It was an average-size ward of about 500 people. There were full-time mis-

sionaries in the area who were tracting up and down our street. One day they came to the home of a certain man who allowed them to come in, and they briefly told their introductory story and made their introductory comments. For some strange reason unknown even to himself, this man, whom I will call Bob, invited them to come back.

Bob was subsequently taught the gospel, and his wife and small son were also present. At the conclusion of the lessons, Bob decided he would become a member of The Church of Jesus Christ of Latter-day Saints. His wife, however, was totally disinterested. She felt that she no longer loved her husband because he was essentially and very tenaciously a continuing drunk. But he stayed sober during weekdays and maintained a good job. He had drunk for years—so much so that he had

essentially destroyed all of her affection. She cared nothing about what he did, nor did she believe that he would ever join the Church or, if he did join, that he would ever be able to abstain from the use of alcohols. So she said to him, "If you want to join their church, you go ahead. But I'm not interested. Sometimes I think that the only reason I am staying with you is for the security of myself and our son, not for any other reason."

So with this really rather negative aspect in view, Bob was baptized. Due to the commitments of his prebaptismal interview and teaching, he totally abstained from that day on from the use of alcohol and tobacco, much to the surprise of his own wife. Needless to say, she began to see the fruits of his conversion and the reality of it in his life. She began to soften her attitude. She commenced to take a closer look at the Church and subsequently was baptized along with her son.

In the year or so that followed, Bob made excellent progress in the Church. I called him to be the Scoutmaster of the ward troop. He accepted the call and was functioning in his calling and doing a very fine job.

Because of his many years of drinking, he had amassed a long record of drunk driving convictions and other tainted and sordid types of convictions relative to his drinking; his driver's license had finally been taken away from him. He was therefore not allowed to drive, and he scrupulously observed this ruling, with his wife doing the driving for them in the family. . . . However, there came a time when he left his employment as an expeditor for a manufacturing operation and took a job with another concern; it was a much better job. As in his previous job, he expected

to depend on car pools for his transportation to work, but on the very first morning when he had to report, there was no opportunity to become a part of a car pool. So with great fear and apprehension, he decided he had no choice but to drive.

On his way to work he was proceeding in a normal and orderly fashion, when for some small offense—I think it was associated with changing lanes or some such thing—he was stopped by a policeman. It was, of course, immediately ascertained that he did not have his driver's license in his possession. Only he knew the real consequence of that fact.

That day when I returned home from work, Bob called me and said, "Bishop, I am sorry to say this, but I am resigning as the ward Scoutmaster. I am resigning my ward teaching assignment, and I will not attend church for an extended period of time. I want to be excused from everything and to be left alone. That's really all that I have to say."

. . . Finally, after a period of time, he told me briefly that he had been picked up for a driving offense, and because of his long history and record of drunk-driving violations, he knew absolutely that he would be sent to prison when he was taken to court. He said to me, "You don't want to have your Scoutmaster be a jailbird, and the Church doesn't want to be associated with people of this quality, so I am dissociating myself from the Church and from my callings, and if you will just leave me alone and not be concerned about me, eventually I will find my way back."

He refused to tell me where the traffic violation had occurred or when he was to appear in court. His wife knew

little about it, but with a bit of detective work I was able to find out where he was to appear, the seriousness of the offense, and the hearing date that was set for him. . . . Bob did not know I was coming, and I can't remember whether his wife knew or not. Nonetheless, on the date he was to be arraigned, his wife and I appeared in court at the same time. . . .

The first defendants were called to appear, one after another. They pleaded; the judge decided on whether to convict or acquit and the extent of sentences and fines. He finally called the name of my friend, Robert. As he did, he was handed the large document that represented this man's record with the law enforcement agencies throughout the state of California.

As Robert stood before the judge, the judge spent several minutes eyeing page after page of the record confronting him. He finally looked up at Robert and simply said, "Are you guilty or not guilty of driving without a license?" Robert said, "I am guilty, Your Honor." The judge was obviously upset and aggravated, almost moderately enraged, at the record before him and at the idea that this man would drive under those conditions and that he had had little or no imprisonment for all of these offenses. So, after a few blistering words of observation and chastisement, he brought down his gavel as he said, "One year in the county jail."

He directed Bob to step over to the jury box, which was empty—there being no jury that day—so he could empty his pockets into the little basket that was provided and then sit there until he would be taken in the sheriff's bus to the county jail.

I had come with the purpose of testifying in his behalf. I had

prepared myself and had prayed diligently to the Lord that as his servant and as the bishop to this man, I might have the opportunity to speak to the court and hopefully mitigate to some degree the nature of his punishment. . . . I stared ahead and was struck essentially dumb and numb in my feelings as the quick conviction and sentencing took place. As Robert walked from his position in front of the bench and sat down as he had been instructed, I felt frozen to where I was sitting, speechless and overcome with remorse. As I sat staring, I felt I had failed him. I suppose if I had sat there long enough and pondered everything, I would have wondered if the Lord had failed me; I had come into the room with great faith, having done all I could on my own to find my way there, to arrange my time, to pray diligently and hope for the chance to say something in his behalf. But the deed was done; the man was convicted.

At that point the court clerk handed the judge the next record for the next person to be called up. There was a moment or two delay in calling the next defendant. The judge seemed to be perusing his record. I said nothing. I did not raise my hand, nor did I move my head or body. I had no particular expression on my face. All of a sudden, without any visible reason, the judge raised his head, peered directly across that courtroom into my eyes, and said to me in a loud voice, "Sir, do you have something that you want to say to this court?"

With that there was silence. In a rather shocked condition I finally said, "Yes!" For him to make this statement to me when I had made no sign or signal was a most amazing circumstance. I was then more overcome than

before by my opportunity. I remember it took me several seconds before I had the composure to stand. I slowly rose to my feet and said in a somewhat weakened and quivery voice, "Yes, Your Honor, I did come to speak to this court on behalf of the man you have just sentenced." With that he looked over at my friend, Bob, and as I mentioned his name, I noticed that the clerk slowly passed back onto the top of the desk in the view of the judge the same record he had had.

"Well," said the judge, "what would you like to say?"

I swallowed rather hard a couple of times; I noticed that Bob looked at me. Up to this time he had been sitting with his head down. I said, "Your Honor, I am a bishop in The Church of Jesus Christ of Latter-day Saints, and since I've known him he has been a faithful member. Since the day of his baptism, he has never touched one drop of alcohol, smoked one cigarette, or drunk one cup of coffee because he promised he would not do these things if he could be baptized. He has accepted the call to be a Scoutmaster, and he is a good Scoutmaster. The boys of his troop love him, and we need him, and he has promised me he will continue to be that kind of a man. I thought that perhaps before you sentenced him, you might like to know these things."

There was a pause. I am sure that it could only have been a few seconds. It seemed like a long while to me. The judge turned to Bob as he sat across the room in the jury box and said to him, "Is what this man said true?" Bob raised his eyes to the judge and said, "Yes, Your Honor. It's all true." Then the judge asked, "Will you ever break your promise to this man?" And Bob said, "No, Your

Honor. I will never break my promise to that man."

There was a silence again for a moment, and the judge said, "One of the finest men I have ever known was a man named J. Reuben Clark Jr. He was a classmate of mine in law school. He was a great man, and I was always impressed with him when we were students together. I believe he is one of the presiding officers of your church. In view of my great feelings for him, and my knowledge of the great influence of the Mormon Church, and the obvious influence it has had on this man, and his promise, I will suspend the sentence." With that he brought down his gavel again and said, "Sentence suspended. You may go."

With that Robert arose. The bailiff handed him the basket with his personal belongings. His wife and I walked forward to meet him as he walked through the gate, and the three of us, arm in arm, walked out of the courtroom with tears streaming down our faces.

It was undoubtedly one of the most beautiful examples that I have ever experienced of the truth that if a man will walk as far as he can walk, do all that he can do, pursue his responsibilities to the full degree of which he is capable, pray while he is doing it, and then put his faith in the Lord, in the hour and the moment of need, our Father in Heaven will step forth and help fight his battles. The great name, the personal influence, and the great reputation of President J. Reuben Clark Jr., combined with the faithfulness of a member who had done as he had promised he would in the waters of baptism and a bishop who, though totally inadequate, had done what he could—all this combined to change the course of history in the life of one man.

Reese Hansen, former dean of the Law School and current president of the Association of American Law Schools, and James L. Ferrell, Yale Law School graduate, managing director of The Arbinger Institute, and author of *The Peacegiver*, were the main speakers at the J. Reuben Clark Law Society Leadership Conference held at Aspen Grove on October 1–2, 2009. The following excerpts are taken from their talks.



J. Reuben Clark Law Society Leadership Conference

REESE HANSEN

On the Formation of J. Reuben Clark Law Society

It was in the fall of 1988, 21 years ago, when J. Reuben Clark Law Society was formally organized. I was associate dean of the Law School, and Bruce Hafen was the dean. The idea that sparked its creation came in a conversation Bruce had with Ralph Hardy. Even then a well-known member of the Church practicing law in Washington, D.C., Ralph said that because he was known in the profession as a Mormon and because BYU Law School had become widely known as the “Mormon Law School,” his reputation in the profession reflected on the Law School and the Law School’s reflected on his. He said that whether we liked it or not, we were hooked at the hip. So out of that conversation grew the idea to organize a special kind of professional organization that promoted professional

excellence among lawyers who supported the Law School and who were guided by the example of President J. Reuben Clark. It was hoped that such an organization would be beneficial to both. I think it is fair to say that it has proven to be beneficial to both.

Responsibility to Give Service

This passage of scripture has held special attention for me:

There began to be some disputings among the people; and some were lifted up unto pride and boastings because of their exceedingly great riches, yea, even unto great persecutions;

For there were many merchants in the land, and also many lawyers, and many officers.

And the people began to be distinguished by ranks, according to their riches and their chances for learning; . . .

Underlined in my scriptures is the phrase “and their chances for learning.” There is more:

. . . yea, some were ignorant because of their poverty, and others did receive great learning because of their riches. [3 Nephi 6:10–12]

I think that scripture says so much about what we see now in our society about the opportunity for education, the chances for learning. You have been blessed with learning. The graduates of our Law School and members of the Law Society have had great opportunities and chances for learning. Because of this, you are in a position that others only dream of. Less than 4/10 of 1 percent of the people in the United States are lawyers. I know there is talk about too many lawyers, but let me tell you, if you are not a lawyer and want to become a lawyer, you will find that it’s not so easy. Your opportunity for education enables you to practice law and have privileges and access to power that only the tiniest fraction of people in our country even dare to dream about. And

because you have had that opportunity, you have a solemn duty. Your education obligates you to use your skills in helping and healing and community building, and heaven knows we need it everywhere.

Bridging the Divide

You may feel that your “Mormonness” makes you so different from others that you’ll never be able to fit in and make a place in the organization. These feelings produce two common consequences that I have observed.

One is studious avoidance of any identification with the Church. This, of course, is hopeless because you can’t possibly keep it secret. The fact of the matter is that we are a bit different, and it shows up in ways that others will notice. So studious avoidance of identification is not the way I recommend going.

The other thing I’ve seen happen is a strong assertion of your personal moral code in

the group. I think that's unwise and ineffective. There will be opportunities in the course of your service where basic principles come up, and you will have opportunity to make your point. But browbeating people with your private moral code is not effective and won't get you very far. You're going to be involved and sometimes you're going to get your way in these groups and sometimes you're not going to get your way. So what are you going to do when you don't get your way? Well, you can resign and go home to your office and your work and do the things you do, or you can tough it out and work with it over time and have a positive experience. In my experience, it's better to stay and to work than it is to flee out of some disappointment.

JAMES L. FERRELL

On Attitude and Civility

One's attitude can be looked at as a way of being. Let me suggest that there are two ways of being. One way is seeing other people counting in the way that we count. For instance, I see my wife, and she counts like I count; her ideas count like my ideas count. I ought to consider them equally; I ought to ponder them equally. When we see someone that way—counting as we count—then we're seeing that person as a person. But we don't see everyone in this light. Then we say, "He almost counts like I count; or she counts more than I do." In that case, they don't really count the same at all.

Now, on the issue of civility: If I have only uncivil words and uncivil actions toward my fellow beings, I have uncivil views of them. There are good ideas for dealing

with incivility, beginning with complying with rules. They govern outward actions; but thinking that that alone solves the problem of civility is a mistake. It might be a good step, but there's something deeper that needs to happen than outward actions—whether we're in a courtroom or whether we're at home with our family members—that will go to the root of the problem.

So if we have this distinction of seeing people as people who either count like I count or not, we have an uncivil attitude, an uncivil way of being, even a violent way of being. We are moving away from the fundamental truth that all people really count the same.

The Scriptures and Civility

There is something very interesting in the way that the law of the gospel is set up that speaks right to the heart of this issue. So I'm going to take a look at the law as it's conceived in the gospel and see the cure for the lack of civility.

When the children of Israel were in the desert, there was a plague of fiery serpents whose bites were lethal. The Lord told Moses to make an image of a fiery serpent—a brass serpent—and put it up on a pole. All who would look at the brass serpent would live. Now, we read in the scriptures that the brass serpent was in similitude of the Savior. But I ask myself this question: "If the brass serpent is in similitude of the Savior, what is the fiery serpent in similitude of?" I'd like to submit to you that the fiery serpent is in the similitude of the law in the gospel. How? Well, think about it. The fiery serpents, what did they do? They brought the people to Christ because they wanted to be saved. That's

the purpose of the law: it brings us to Christ just like the fiery serpents brought the people to the type of Christ. The people needed to look outside of themselves to be saved.

That's what the law does. By being bitten by the law, by being bitten by our brokenness under the law, it forces us to something beyond ourselves; it forces us to Him. How does it do this? Let's look at the scriptures: "For whosoever shall keep the whole law, and yet offend in one point, he is guilty of all" (James 2:10). Can that be true? Adam and Eve committed how many transgressions in the Garden of Eden? One. And as a result they became separated from God. What would have happened if they had committed two or 20 transgressions, would they have been more separated? No, separated is separated. We are separated from God, and we have a tremendous need, which is one of the great purposes of the law, to bring us to the Savior.

Back in Jesus' day there were people who misunderstood that basic point and felt that they were better than other people because they were better keepers of the law. They'd missed the whole point of the law, which was to bring us all to our knees and help us all realize our insufficiency, so we not only keep the laws that we covenant to keep, but we realize we need more, we need Him, and we fall at His feet, so we can be changed.

Let's look at Romans 5:20 where Paul says, "Moreover the law entered, that the offence might abound." Now why would that be the case? Why is it that somehow it's good if the offense abounds? Romans 3:19 tells us: "Now we know that what things soever the law saith, it saith to them who are

under the law: that every mouth may be stopped, and all the world may become guilty before God." Under the law we all become guilty before God; no one's better, no one's worse on that score. We all count the same. I can't really elevate myself if I realize that I'm just as condemned as another. When the people of King Benjamin really deeply saw the truth, they saw themselves as less than the dust of the earth. It's no good for us to be saying, "Yes, but I'm a better speck of dust than you are." Romans 3:20, 23 reads: "Therefore by the deeds of the law there shall no flesh be justified in his sight: for by the law is the knowledge of sin. . . . For all have sinned, and come short of the glory of God."

Then Romans 3:27, on the issue of civility, says, "Where is boasting then? It is excluded." If we really understand the law, and we realize that it brings us to Christ, then we realize that boasting is excluded except in Him. If that's the case, it's pretty hard to be uncivil to someone else when boasting is excluded; we're in this together. I'm no better than my wife, I'm not better than my child, I'm no better than my neighbor who struggles with XYZ sins that perhaps I don't struggle with; I've got my own struggles, and they separate me just as much as yours do. Paul then says this in Romans 3:28, 31: "Therefore we conclude that a man is justified by faith without the deeds of the law. . . . Do we then make void the law through faith?" And his answer: "God forbid: yea, we establish the law." In other words, no, this doesn't mean that the law doesn't matter; it's the law that brings us to Christ. But it will only bring us to Christ if we realize that we're all broken, and that I'm no better than anyone else.



THOMAS R. LEE



BRETT G. SCHARFFS

New Professorships at Law School

Dean James Rasband recently announced two new appointments to BYU Law School professorships. Thomas R. Lee is now the Rex J. and Maureen E. Rawlinson Professor of Law, and Brett G. Scharffs is the Francis R. Kirkham Professor of Law. "I congratulate both Professor Lee and Professor Scharffs and express appreciation for their many contributions to the Law School," Rasband said.

Professor Lee uses his expertise in trademark law as a member of the International Trademark Association and as a member of the editorial board of *The Trademark Reporter*. He has argued trademark infringement cases in federal district courts and appellate courts throughout the country. Professor Lee was the associate dean for Faculty and Curriculum at BYU Law School for the 2008–09 school year. He teaches courses in intellectual property law and civil procedure while serving on the Advisory Committee to the Utah Supreme Court on the Utah Rules of Civil Procedure. He has published numerous law review articles and represented

the state of Utah in litigation challenging the 2000 census. Lee joined BYU Law School in 1997. Before coming to BYU he clerked for Judge J. Harvie Wilkinson III, U.S. Court of Appeals for the Fourth Circuit in 1991–92 and for Justice Clarence Thomas, United States Supreme Court, 1994–95.

Professor Scharffs is the associate director of the International Center for Law and Religion Studies. His scholarly interests include law and religion, corporate law, international business law, and philosophy of law. Professor Scharffs clerked for the Honorable David B. Sentelle on the U.S. Court of Appeals, D.C. Circuit, and he worked as a legal assistant to the Honorable George H. Aldrich at the Iran-U.S. Claims Tribunal in The Hague. Before teaching at BYU, Scharffs worked as an attorney for the New York law firm Sullivan & Cromwell. Before coming to BYU Law School, he taught at Yale University and The George Washington University Law School. He is currently serving as a program chair of the Law and Religion section of the American Association of Law Schools.

Bonneville International president and CEO Bruce Reese was chosen as *Radio Ink's* Radio Executive of the Year on December 1, 2009.

Long known and respected for his industry leadership, Reese has been with Bonneville since 1984 and rose to his current post in 1996. He has chaired both the NAB Radio Board and the NAB Joint Board and helped establish the NAB FASTROAD program designed to help develop new technology for broadcasters. As a member of the NAB Executive

Bruce Reese Named Radio Executive of the Year

Committee, he played a key role in the selection of new NAB president/CEO Gordon Smith.

Reese has also served on the boards of the Associated Press and the RAB and currently chairs the NABEF board, while Bonneville is the charter sponsor of NABEF's Celebration of Service to America Awards.

Under Reese's leadership, Bonneville, with 31 radio stations, has solidified a reputation for strong community service and involvement. As a community leader himself, Reese is active on the board of the United Way of Salt Lake City, with the BYU Alumni Association, and on the board of Intermountain Healthcare.



Courtesy of Matthew Williams Photography (1)

Bradley Slade (2)



MICHAEL GOLDSMITH

1951–2009

Michael Goldsmith, BYU Law School professor since 1985, died from respiratory failure due to amyotrophic lateral sclerosis (ALS) on November 1, 2009. He was 58 years old and was an advocate for ALS fund-raising the last two years of his life.

Goldsmith was diagnosed with ALS, also known as Lou Gehrig's disease, in September 2006. While attending a Baltimore Orioles fantasy baseball camp, he realized that July 2, 2009, would mark the 70th anniversary of Lou Gehrig's farewell speech at Yankee Stadium.

In a personal essay published in *Newsweek* entitled "Batting for the Cure," Goldsmith called on major league baseball to make July 4, 2009, ALS–Lou Gehrig's Day. That essay was read by Bud Selig, the commissioner of baseball, who implemented Goldsmith's idea. On that day every major league baseball park in which a game was being played held on-field ceremonies commemorating Lou Gehrig's famous speech and raising funds for research. Goldsmith himself threw out the first pitch in Yankee Stadium after a commemorative ceremony.

A nationally recognized expert in the Racketeer Influenced and Corrupt Organizations Act (RICO), Goldsmith taught classes in evidence, criminal procedure, trial advocacy, and complex criminal investigations. He won the Best Professor of the Year award six times and taught his final class in the spring of 2009. A former assistant United States attorney as well as counsel to the New York State Organized Crime Task Force, Goldsmith offered students personal insights in his classes. He wrote extensively on RICO,

asset forfeiture, and electronic surveillance and previously served as vice chair of the ABA Criminal Justice Section, RICO Committee. In 1994, President Clinton appointed Goldsmith to the U.S. Sentencing Commission. From 1996 to 1997, Goldsmith served as the commission's vice chair.

Dean James R. Rasband of BYU Law School said, "I have great admiration for Michael, not only for the way in which he continued to work so diligently and successfully to benefit others with ALS but also for his lasting contributions to the Law School."

Michael Goldsmith with daughter, Jillian.



Class Notes

E-mail your professional news to
copel@lawgate.byu.edu.

THE SPRING ISSUE OF THE CLARK

MEMORANDUM PUBLISHES NEWS OF THE

GRADUATES OF J. REUBEN CLARK LAW

SCHOOL. DUE TO SPACE CONSTRAINTS, IT IS

NOT ALWAYS POSSIBLE TO PUBLISH

EVERY SUBMISSION FOR THE CLASS NOTES.

CLASS OF 1976

Danny L. Ferguson has opened Ferguson Law PLLC in Boca Raton, Florida. The firm will focus primarily on community association and condominium matters.

David V. Sanderson died on October 13, 2009, from cancer. He worked at various Phoenix law firms, most recently DeConcini, McDonald, Yetwin & Lacy.

Jeffrey Young has been recognized by 5280 and ColoradoBiz magazines as one of the top 6 percent of wealth managers in the Denver area, a "Five Star Best in Client Satisfaction Wealth Manager."

CLASS OF 1977

R. Bruce Johnson was appointed chair of the Utah Tax Commission. He has served as a tax commissioner since 1998.

Randy Olsen has served 26 years for the state of Alaska's Department of Law (five years criminal prosecution, then miscellaneous civil, including 15 years of tort defense). In 2003 he was appointed superior court judge. He and the former Jerri Jeffries (BS Nursing, 1972) are the parents of eight children.

Fred Voros, formerly chief of the Criminal Appeals Division of the Utah Attorney General's Office, has been appointed and confirmed to the Utah Court of Appeals.

CLASS OF 1978

David P. Hirschi has recently formed the new firm of Hirschi Steele & Baer PLLC, located in Salt Lake City. Dave was formerly a member of Hirschi Christensen PLLC, which he helped form in 2002. The new firm concentrates its practice in the areas of real property law, land-use planning, corporate law and finance, business organizations, title insurance defense, and commercial litigation. He also serves as the current chair of the Utah Land Use Institute and as a member of the executive committee of the Business Section of the Utah State Bar.

Armand Duane Johansen, partner, Johansen Thackeray Commercial Real Estate, Salt Lake City, has been called as a mission president.

CLASS OF 1979

John Casperson has been in the Seattle area for 25 years after five years in Alaska. He and his wife, Connie, have 15 children, including six adopted from Ethiopia. They have lived on an island in Puget Sound for the past 20 years and have homeschooled all of their children. Two have served missions for the LDS Church and two are out now. John has a finance and commercial practice, with an emphasis on maritime law and a niche specialty in fishing rights.

Jeffrey A. Dahl practiced 27 years with Lamb, Metzgar, Lines & Dahl PA, which was dissolved

in 2006. He moved to Keleher & McLeod PA as of counsel. He has since become a shareholder with the firm, practicing in general civil litigation. Of note, he recently filed a large class action in federal district court on behalf of Navajo employees of the Bureau of Indian Affairs alleging discrimination.

Annette W. Jarvis, a partner at the firm of Dorsey & Whitney LLP, has been named the cochair of the firm's Finance and Restructuring Department.

Jay Douglas Pimentel is vice president and associate general counsel for TriNet. He oversees employment law, operations, legal compliance, and contracts as they relate to TriNet and its vendors and customers. Jay is the author of several legal articles in the area of corporate and employment law, and he has led information workshops and Webinars in the areas of employment law, policies, and procedures. He currently serves in the legal affairs council of the National Association of Professional Employer Organizations (NAPEO).

Dennis Richardson traveled to Fuhou, China, as part of the 2009 Oregon Legislative Trade Delegation to China. He has served as an Oregon state representative since 2007.

Mark Stringer serves as director of health care services and contract compliance officer for TruHearing, Inc., a Utah company in the health-care industry with 1,400 offices nationwide. He is also executive producer for Antares Research and Development, a film and literary company out of Lake Geneva, Wisconsin. He recently married Esther Sutherland Smith.

CLASS OF 1980

M. Gay Taylor-Jones retired in June 2009 after spending 25 years with the Utah Office of Legislative Research and General Counsel. She served as general counsel for the Utah legislature for 23 of those years. Gay now has more time for her new family; having married a widower, Stan Jones, she now has six married children and 20 grandchildren.

CLASS OF 1981

George Mark Albright, president of and an attorney at Albright, Stoddard, Warnick & Albright, and his wife, Karyn, are presiding over the Washington DC South Mission. They recently had all 10 LDS members of the U.S. House and Senate speak at their mission conference. Mark plans on returning to his Las Vegas law firm upon completion of this assignment.

Drew Quinn reports that her late mother-in-law, Alice Badger Quinn, has seven direct descendants and three in-laws who have either graduated from or are currently enrolled at J. Reuben Clark Law School: Drew's husband, Anthony Quinn '80, Alice Jardine '77, Rodney Jarvis '85, Stephen Q. Wood '05, Rachel Wood '08, Jason Jardine '04, and Analise Quinn '11. Drew Quinn '81, Annette Jarvis '79, and Brad Jardine '78 are the spouses.

CLASS OF 1982

David Carlson is a patent attorney and partner in a successful practice. His son-in-law, Dave Conlee, is now attending BYU Law School and training to also be a patent attorney. David has just been awarded the Silver Beaver for many years of active service in the Boy Scouts of America.

James Layton, Missouri solicitor general, has been elected to be a member of the American Academy of Appellate Lawyers.

CLASS OF 1983

Warren Gubler was elected to the city council in Visalia, California.

Nancy Van Slooten has been appointed international chair of J. Reuben Clark Law Society. Her family just moved to Draper, Utah, after living in Atlanta, Georgia, for 13 years. She and her husband, John, have six children.

Kirk Wickman serves as chief administrative officer of Angelo, Gordon & Co., one of the world's largest hedge funds. Kirk is based in New York City. He previously served as general counsel of Morgan Stanley's Global Wealth Management business, Skandia's U.S. insurance business, and Aetna's financial services business (now part of ING). Kirk previously was a partner of Kirkland & Ellis in Chicago and New York. Kirk and his wife, Sheryle, live in NYC during the week and return home to Connecticut on weekends.

CLASS OF 1984

J. Kevin West is the editor of the *Idaho Employment Law Letter*. He was selected to be included in the 2009 edition of *The Best Lawyers of America* in the category of health care law.

CLASS OF 1985

Dennis Sears, senior law librarian at BYU Law School's Howard W. Hunter Library, has been named council chair of the American Association of Law Libraries. He previously was chair of AALL's Foreign, Comparative, and International Law Special Interest Section.

Christopher L. Wight has been recognized by *Utah Business* magazine as a member of the "2010 Utah Legal Elite" in the practice area of intellectual property. He is a veteran of the biopharmaceutical industry. An alumnus of Brinks Hofer Gilson & Lione, where he began his professional career as an associate attorney from 1985 to 1988, Christopher subsequently served for 14 years as a leader in the intellectual property departments of two internationally recognized biopharmaceutical companies. He returned to Brinks in 2006.

CLASS OF 1986

Calvin Collins is now president of esco's engineered-products group. He has served as the engineering and manufacturing firm's vice president, general counsel, and secretary.

Keith N. Hamilton's book *Eleventh-Hour Laborer: Thoughts and Reflections of One Black Member of The Church of Jesus Christ of Latter-day Saints* is coming out in the spring of 2010 (for purchasing information see www.keithnhamilton.com). Keith recently finished his second term of service on the Utah Board of Pardons and Parole.

David Palmer now serves as a family judge on the Maricopa County Superior Court. His prior work was as Maricopa County Court Commissioner from 2004 to 2009.

CLASS OF 1987

Mike Dang serves as director of commercial real estate for Kamehameha Schools, the largest private landowner in the state of Hawaii. His work includes land planning; entitlements; for-sale, income, and mixed-use property development and redevelopment; affordable housing; and transit-oriented development.

Jim F. Lundberg was elected to the Mapleton City Council. He works as associate general counsel for Novell in Provo.

Robert L. Maxwell received BYU's Karl G. Maeser Professional Faculty Excellence Award. He is currently chair of the Metadata and Special Collection Cataloging Department at BYU's Harold B. Lee Library.

John E. McClurg, vice president, CSO, Honeywell's Global Security Organization,

has been listed as one of the "Most Influential People in Security, 2009" in the December edition of *Security* magazine.

CLASS OF 1988

David Harmer was the Republican nominee for the U.S. House of Representatives from California's 10th congressional district in a November 2009 special election. In a district that President Obama carried by a 32-point margin (65 percent to 33 percent), David far outperformed expectations, raising \$838,000 and holding his opponent, the sitting lieutenant governor, to only 53 percent of the vote.

Lisa Broderick Thornton has returned to work after spending years raising five children. She is now a partner in Christensen Thornton PLLC in Salt Lake City. Because Lisa has a daughter with Prader-Willi Syndrome, she is especially passionate about helping families with special needs. Her firm also handles appellate work, civil litigation, and divorce actions.

CLASS OF 1989

Donald Walker is now a mediator with the Antidiscrimination and Labor Division of the Utah Labor Commission. He mediates employment discrimination, housing discrimination, and wage claims. All four of his children are still at home: Josh is 27 and doing as well as can be expected, given his paraplegia.

CLASS OF 1990

Melinda C. Hibbert serves as Layton High School's PTA president in Utah. A stay-at-home mom for the past 15 years for her four children, she recently reactivated her Utah Bar license to help with some local projects.

John Swallow is now a chief deputy in the Utah attorney general's office. He oversees all the civil litigation for Attorney General Mark Shurtleff.

Dan R. Waite, a partner with Lewis & Roca LLP in its Las Vegas office, was named 2009 Pro Bono Attorney of the Year by the Legal Aid Center of Southern Nevada.

Weidong Wang has been appointed by WSP Holdings Ltd., a pipe manufacturer in China, as an independent director of the company. He is also a partner at DeHeng Law in China.

CLASS OF 1991

Marilyn Branson Massey Halligan has worked at the U.S. Department of Justice's Civil Division in Washington, D.C., since graduation. As a document management specialist, she provided discovery and trial support for classified stealth aircraft cases. Then, seven years ago, she accepted the position of project manager for the Civil Division Records Management Program. Marilyn oversees the staff who create and maintain active case files, as well as a storage facility where thousands of closed cases are processed for transfer to the Federal Records Center.

CLASS OF 1992

Dave Berndt started a new position in January 2010 as legal counsel and director of human resources at Boston Medical Center working with the physicians organization.

Keith Cope joined the firm of Berg & Associates after working for several years as a deputy district attorney with Shasta County, California.

Kevin Laurence, a partner at Stoel Rives LLP, coauthored a treatise titled "Patent Reexamination and Reissue Practice," from which he teaches a multiday course for the Patent Resources Group twice a year in Florida and California. He and his wife, Patrice, have five children and reside in Bountiful, Utah.

CLASS OF 1993

D. Chris Albright, a partner at the Las Vegas, Nevada, law firm of Albright, Stoddard, Warnick & Albright, received the 2009 Judge Sally Loehrer Pro Bono Service Award from the Legal Aid Center of Southern Nevada for outstanding pro bono services rendered in a civil case. The award stemmed from his work on behalf of indigent clients who had been defrauded in a real estate scam, for whom he was able to obtain a substantial punitive damages judgment after a bench trial.

CLASS OF 1994

Laura H. Cabanilla left prosecuting with the Utah County Attorney's Office about eight years ago and joined the firm of Espin | Weight in Provo. She was recently elected as a citywide member of the Provo City Council and serves as a lieutenant colonel in the Army Reserve. Her triplets, who were three when she started law school, and her youngest child are all grown up. **Sam Oramas**, of La Puente, California, is now vice principal at Nogales High School. His prior position was assistant principal at Laguna Hills High School.

CLASS OF 1995

Craig Aramaki is now the chief digital officer at McCann Erickson's advertising office in Salt Lake City. Before this he was president of digital services at Euro RSCG Edge in Portland, Oregon. **Shawn T. Farris** was recently invited by the dean of the Nanjing School of Law in the People's Republic of China to be a guest lecturer in the spring of 2010. He will give lectures on topics of American jurisprudence. **Kristin Gerdy** is now an alto in the Mormon Tabernacle Choir. **Victor Guzman** and his family were featured in a 9/11 tribute on Mormon Messages at the following link: http://www.youtube.com/watch?v=mkWc_EKLs4E

David Hardy is running unopposed for the post of general jurisdiction judge in Washoe County, Nevada, where he has served the past five years as a family court judge. He is also working on a PhD at the National Judicial College with his dissertation topic on Nevada's territorial supreme court. **Thomas L. Low** has been appointed to serve in Provo as a Utah Fourth District judge. He had been the Wasatch County attorney since 2003. **David G. Turcotte** is vice president of Vista de Sirena, a company developing condominiums in Costa Rica. **Kristin VanOrman** has been selected to serve as a Utah state chair for the Council on Litigation Management.

CLASS OF 1997

Kirsten Hall McNelly is a shareholder with the Lansing-based firm of Foster, Swift, Collins & Smith PC. She focuses her practice on family law, environmental litigation, and medical malpractice defense. **James Swink** was chosen by the Cache County Council to be the new Cache County attorney.

CLASS OF 1998

Nathan Benson is the new lead systems administrator for the Center for High Performance Computing at Utah State University. **Brett L. Mortensen** is now a partner at Stoel Rives in Salt Lake City, where his main work is in complex business litigation. He recently copresented a seminar titled "Preventing Theft of Your Intellectual Property." **Brett L. Tolman** became a shareholder at Ray, Quinney & Nebeker after serving as u.s. attorney for the District of Utah from 2006 to 2009.

CLASS OF 1999

Sarah Leeper was recently elected as a partner with the law firm Manatt, Phelps & Phillips LLP. She works in the San Francisco office, where her practice focuses on representing water, energy, and telecommunications companies in matters before the California Public Utilities Commission, FCC, and FERC. Sarah is married to Steven Egli, and they reside in Mill Valley, California. **Cherice Siebert** first practiced law as a deputy prosecuting attorney for the city and county of Honolulu. Her husband, Dan, works for the u.s. State Department; for the last seven years they have lived in Swaziland, Lesotho, and Peru. In June she is moving to Dhaka, Bangladesh. In between learning new languages, navigating new cultural experiences, and keeping up with four children, Cherice has volunteered as chair of the American International School of Lesotho and served on the policy committee of the Franklin D. Roosevelt International School in Lima, Peru.

CLASS OF 2000

Leslie Gallacher has been promoted to senior director of international development at XanGo. In her new position, Gallacher will be responsible for the development, implementation, and execution of XanGo's international expansion strategy, including new product launches in all of XanGo's international markets. **Christy Myers Smith**, Phoenix's JRCLS chair-elect, has been appointed deputy general counsel to Arizona's governor. Previously, she was assistant general counsel for SunCor Development Company.

CLASS OF 2001

Jeffery R. Atkin was elected partner at Foley & Lardner LLP. Jeff is in the Los Angeles office and specializes in renewable energy law. **Jon D. Hill** is leaving his law firm (Thelen) to join Farella Braun & Martel as an associate in San Francisco, California.

CLASS OF 2002

Steven Brown died on August 11, 2009. He was an attorney at Dempsey, Roberts & Smith in Las Vegas. **Ray Jones** has recently returned to Snell & Wilmer's Las Vegas office. Previously, Ray was in-house counsel for KB Homes in its Southwestern Division. Drawing on his experience as a missionary in Mexico, Ray authored a pamphlet titled "You Don't Have to Pretend: A Spanish Primer for Lawyers," which is designed to assist the Las Vegas legal community in meeting the needs of the Spanish-speaking population. **Gustavo Lamanna** has been practicing municipal redevelopment and affordable housing law in Los Angeles at the firm of Kane, Ballmer & Berkman since 2005. The firm was started by the late Eugene Jacobs, one of the patriarchs of community redevelopment law in California and a J. Reuben Clark Law School professor. Gustavo also volunteers his time teaching bar review with the Pro Bono Bar Review, started by the late u.s. district judge Robert Takasugi. After completing the L.A. Marathon in 2004, Gustavo has continued with half marathons. **Ryan Marshall** of Brinks Hofer Gilson & Lione, one of the largest intellectual property law firms in the United States, has been recognized by *Utah Business* magazine as a "2010 Utah Legal Elite" in the practice area of intellectual property.

James P. Neel was tenured and recently promoted to consul in the Foreign Service. Currently serving in Shanghai, China, Jim and his wife, **Jaimee Macanas Neel** (also '02), are a tandem Foreign Service couple. Both were awarded Meritorious Honor Awards by the State Department in 2008. Jim and Jaimee are looking forward to learning Arabic this year for their next assignment to the u.s. Embassy in Cairo, Egypt. They are enjoying exploring the world with their son, Jimmy. **Paul H. Tsosie** has been appointed chief of staff to Assistant Secretary of Indian Affairs Larry EchoHawk, a former BYU law professor. Paul joined the Interior Department from his law practice with Calvin Hatch ('02), Tsosie & Hatch, in West Jordan, Utah.

CLASS OF 2003

Edward L. Carter received the BYU Class of 1949 Young Faculty Award. He recently posted a coauthored study on gender and u.s. Supreme Court oral argument results on the Social Science Research Network (SSRN). In November 2009 he was awarded an LLM (with distinction) in intellectual property from the University of Edinburgh School of Law in Scotland. He is an assistant professor of communications at BYU. **M. Todd Hales** was promoted to partner at McDermott Will & Emery. He practices in the area of intellectual property, media, and technology. **Evan Robbins** has closed his law practice and accepted a faculty position at Metropolitan State College of Denver, teaching criminal justice. **Jonathon Tichy** was recently named a shareholder at Prince Yeates and appointed as honorary consul of the Czech Republic in Salt Lake City. Following graduation he successfully organized and implemented a legal and governmental affairs strategy to obtain official recognition for the LDS Church in Slovakia. In October 2006 the Church became only the 17th government-recognized church in that country. Jonathon has also published a variety of articles on religious freedom issues in the Vienna Law School's *Austrian Journal of Law and Religion* and in treatises published by the Institute for Church-State Affairs and the Slovakian National Library.

CLASS OF 2004

Jerry Salcido of Baker & McKenzie LLP in Palo Alto, California, represented the California Homeschool Network in submitting an amicus brief jointly filed by California's three largest homeschool organizations—California Homeschool Network, Homeschool Association of California, and Christian Home Educators Association of California—in the case *Jonathan L. v. Superior Court*, 165 Cal. App. 4th 1074 (2008). The court agreed to rehear its February 2008 decision that essentially made homeschooling illegal in California. On rehearing, the court reversed its previous decision, adopted most of the reasoning of the homeschool organizations' brief, ruled that California statutory law permits parents to homeschool their children, and suggested that any government interference with parents' right to homeschool their children must survive a strict scrutiny constitutional analysis. The case received international attention.

CLASS OF 2005

Robert Avery and **Hutch Fale** started their own law firm in Utah County.

Daniel Carr has moved to Houston and accepted a position as an attorney with ExxonMobil Global Services, negotiating procurement contracts. **Russell W. Hall III** opened the law office of Russell W. Hall III in Myrtle Beach, South Carolina, in 2009. His primary focus is adoption law, and he blogs about adoption law at www.southcarolinaadoptionlaw.com. He and his wife, Marie, are expecting their sixth child on April 1, 2010. **Lorianne Updike Toler** stepped down as president of the Constitutional Sources Project in February 2009 to prepare for further graduate studies in England, where she began reading constitutional legal history at Oxford University in October 2009. She and her husband, Lance, currently reside in London. **Daniel H. Walker** has been named assistant secretary of the Ensign Group, a parent organization for various health care companies. He has served as the deputy general counsel of Ensign Facility Services and as associate general counsel for securities since 2007.

CLASS OF 2006

Matthew W. Cannon was honored by Southern Utah University with a retired No. 9 football jersey. He is a member of the litigation section at Ray, Quinney, & Nebeker. **Julio Carranza** has been appointed a founding board member of the Martinez Foundation. The Foundation awards undergraduate scholarships to students of color from Washington State. **Betsy Haws** is currently working pro bono with a team of lawyers on the *habeas* cases of several Guantanamo Bay detainees. She is an associate at Snell & Wilmer. **Brandon S. Kinsey**, after three years as an associate at Byrne, Benesch & Villarreal PC, formed the law firm of Garcia, Hengl, Kinsey & Villarreal PC in Yuma, Arizona, in April 2009. He focuses his practice on business litigation. He and his wife, Jessica, have two children.

CLASS OF 2007

Nancy Kennedy married Samuel Maas Major on August 29, 2009, in Salt Lake City. **Ellie Khabazian** recently opened a solo litigation practice in Newport Beach, California. You can reach her at ellie@lawthought.com. **Robin K. Lunt** started work as the new assistant general counsel for the National Association of Regulatory Utility Commissioners in Washington, D.C. **Ben Updike** passed the Arizona Bar in 2008 and began working for the state of Arizona at the Department of Revenue in the transaction privilege tax appeals section. He handles sales tax protests through negotiation and hearings. He lives in Mesa, Arizona, with his wife, Anne, and their two-year-old son, Will.

CLASS OF 2008

Cherie N. Felos was elected to the Attleboro City Council in Massachusetts in November. She serves as chair of the council's ordinance committee and as a member of the personnel and public safety committees.

CLASS OF 2009

Matthew Baker received first prize in the ABA-sponsored Smith-Babcock-Williams Writing Competition for a paper he wrote in Professor John Fee's Land Use Planning class. His paper was published in the winter 2009 edition of *The Urban Lawyer*, an ABA publication. **Nicholas U. Frandsen** has joined Parsons Behle & Latimer's Salt Lake City office. He concentrates his practice on general commercial litigation.

STORIES AND LIVES:

Learning Morality from Example

The following excerpt is taken from Harry J. Haldeman's article "There Is a Law," on page 32 of this issue of the Clark Memorandum. He relates the true story of a convert to the Church who was sentenced to one year in jail for past drunk driving convictions but was then defended by a bishop who testified of the man's repentance. The story concludes with another testimony—that of the judge—and the ripple effect of an exemplary life in the law.

The judge said, "One of the finest men I have ever known was a man named J. Reuben Clark Jr. He was a classmate of mine in law school. He was a great man, and I was always impressed with him when we were students together. I believe he is one of the presiding officers of your church. In view of my great feelings for him, and my knowledge of the great influence of the Mormon Church, and the obvious influence it has had on this man, and his promise, I will suspend the sentence." With that he brought down his gavel again and said, "Sentence suspended. You may go."

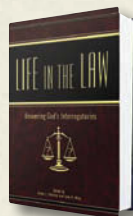
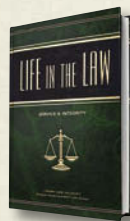
With that, Robert arose. . . . His wife and I walked forward to meet him as he walked through the gate, and the three of us, arm in arm, walked out of the courtroom with tears streaming down our faces.

. . . The great name, the personal influence, and the great reputation of President J. Reuben Clark Jr., combined with the faithfulness of a member who had done as he had promised he would in the waters of baptism and a bishop who, though totally inadequate, had done what he could—all this combined to change the course of history in the life of one man.

Second Volume of *Life in the Law* Now Available

Eight years after the publication of *Life in the Law: Answering God's Interrogatories*, a second compilation of memorable articles and addresses is complete and available for purchase.

Life in the Law: Service & Integrity features the thoughts of law professionals including Thomas B. Griffith, Sandra Day O'Connor, Kevin J. Worthen, W. Cole Durham Jr., and Larry EchoHawk. The words of Church leaders such as Gordon B. Hinckley, James E. Faust, and Neal A. Maxwell also inspire.



Hardcover (\$20) and paperback (\$12) versions of *Life in the Law: Service & Integrity*, as well as *Life in the Law: Answering God's Interrogatories*, are available for purchase online at <http://www.jrcls.org/publications/order.php>, at the BYU Bookstore, or in the Law School Accounting Office.

Student prices are \$16 and \$10.

J. REUBEN CLARK DVD

The Legacy of J. Reuben Clark 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 and Church service. The 35-minute DVD (\$14.95) may be ordered online at www.jreubenclark.org or by calling 1-800-963-8061.

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.