



SEVEN LESSONS
FROM THE LIFE OF
REX LEE

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I want to thank you for having me. It is a real honor to follow Justices Thomas and Barrett, but it made me consider why a school with such a great Latter-day Saint tradition would have a bunch of Catholics address its students. I know we both like having a lot of kids, but that can't be the answer. And it can't be Catholics' love for coffee and beer. I had to wonder, so I asked what Founders Day was about. That is where I found my answer. Until I asked, I didn't realize that the BYU Law School was founded and started in a Catholic elementary school. We bring you back to your roots! I get it!

For this speech, I wanted to focus on a man I admire a lot—your founder, Rex Lee. In studying the life of Rex Lee, I have learned many things, and I wish to share seven critical lessons.

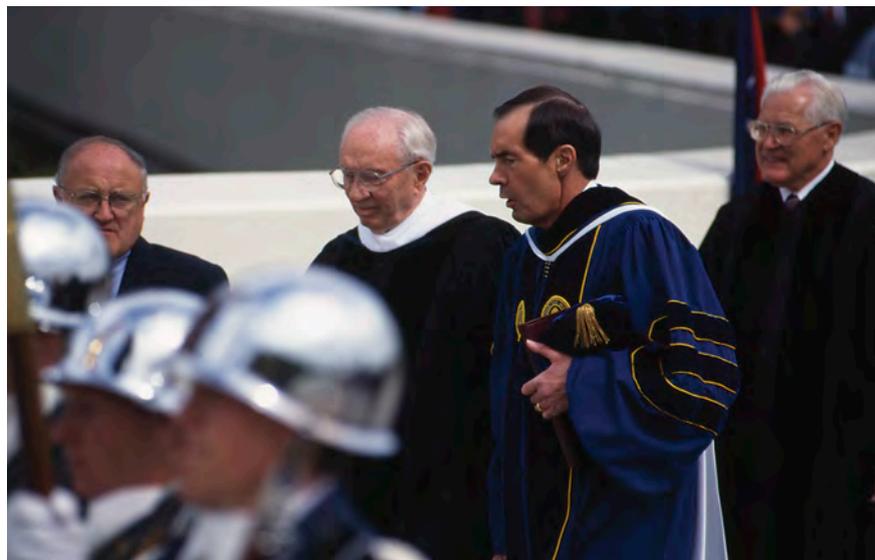
As an aside, I will call him Dean Lee, because at the Law School you all knew him as Dean Lee. Most of us outside the Law School, who are not as fortunate as you, called him General Lee. Here are the seven lessons.

PORTRAIT BY JIM SALVATI

Have an unparalleled work ethic.

1 Why was Dean Lee so successful at everything he did? That had to do with his work ethic. Almost anyone who comes to law school—and, from what I hear, everyone who comes to BYU is smart. If everyone is smart, what separates the great from the good? Work ethic.

Dean Lee finished first in his undergraduate class and first in his law school class, not to mention serving as student body president in the undergraduate school. Years later when he became president of BYU, he continued to argue cases at the Supreme Court, arguing nine in full. What is truly remarkable about Dean Lee, however, is that he never let anything stand in his way. When he was in the hospital fighting cancer, he continued to prepare for his Supreme Court argument, refusing to feel sorry for himself. Throughout his career, his incredible work ethic set him apart and made him the role model he is for all of us today.



Rex Lee with President Gordon B. Hinckley at BYU commencement

JOHN SNYDER

Make excellence a habit in everything you do.

2 Dean Lee understood that how you do *anything* is how you do *everything*. It has been said, “We are what we repeatedly do. Excellence, then, is not an act but a habit.”¹ Dean Lee lived his life this way. For example, not only did he prepare for an argument while in the hospital, he went to the Supreme Court shortly afterward and delivered his argument from a stool. Justice O’Connor described his excellent argument as both moving and effective.

A friend of mine, Tom Griffith, former judge on the US Court of Appeals for the DC Circuit, tells a story about when he was a young lawyer working in Washington, DC. Then General Lee offered to take him to the Supreme Court to hear an argument. Petitioner’s counsel got up. He was intelligent, used big words, made complex arguments, and was nuanced. Then young Tom Griffith heard General Lee stand up and make an argument in simple terms. Tom left thinking that the general had no chance. How can the case be so complex and the lawyer for the petitioner understand all the complexities and then General Lee get up and argue in simple terms? Well, General Lee won. And Tom learned an important lesson: it takes an excellent advocate to spend the time to understand the craft well enough to argue in simple terms.

Dean Lee always asked, “Why use a 3-dollar word when you can use a 10-cent word?” I love this saying. It is something I have taken to heart in my time on the bench. I try to avoid legalese, and I wish advocates would as well. When my law clerks get to chambers—no offense to all the law professors here—I tell them that law school spent three years teaching them how to think and talk like a lawyer, but I am going to teach them how to think and talk like a human being again. And if they bring *Black’s Law Dictionary* in, I make them take it out.

Judge Griffith wasn’t alone in his admiration for Dean Lee. At a meeting of all 50 state attorneys general at the Supreme Court, Justice David Souter was asked how advocacy at the High Court had changed in recent times. Justice Souter paused. His answer is long, but it is well worth quoting in full.

Well, I can tell you that the biggest change by far is that Rex Lee is gone. Rex Lee was the best Solicitor General this nation has ever had, and he is the best lawyer this Justice ever heard plead a case in this Court. Rex Lee was born to argue tough cases of immense importance to this nation. He set new standards of excellence for generations of lawyers and justices. No one thing has happened to change the nature of advocacy of this Court which has had as much impact as the loss of that one player.²

This is high praise from anyone, but especially coming from the characteristically understated Justice Souter.

Dean Lee’s drive for excellence extended beyond the classroom. When he picked up running, he decided he would run the Boston Marathon, and he did so in under three and a half hours. After I learned that, I quit running. There is no way I can ever accomplish that, and anyone who has run a marathon knows how hard that is.

Demand greatness from yourself, but know that achieving it means many failures.

3 When you strive to make excellence a habit, you will inevitably fail—even Rex Lee lost cases at the Supreme Court. But how you react to failure is what will define you. As we know, Dean Lee never gave up, no matter the setback. So what separates the winners and the losers in life? Winners dust themselves off and get back at it. Losers let their failures define who they are.

Sports teach us this lesson. You know what someone who succeeds 3 out of every 10 times in baseball is called? A Hall of Famer. Which basketball player missed 9,000 shots, lost 300 games, and was trusted to take the game-winning shot 26 times in his career and missed? Michael Jordan.

I myself have failed many times. I want to talk about one specific failure I have had. When I was a young assistant United States attorney, I applied to be a magistrate judge in the Southern District of Ohio. Magistrate judges are chosen on merit. I was rejected. The failure to achieve my dream of becoming a judge stung. But God tests us all for a reason. I would not be where I am today without that failure. If I had gotten that job, I might not be here speaking to you tonight.

One final point about failure. When Rex Lee became solicitor general, he beat out another man we know and admire, Antonin Scalia. Justice Scalia counted that as one of his greatest failures, but Scalia pointed out that he would not have become a Justice if he had been solicitor general. I think the country should be grateful we got them both. And we should all remember that our failures don't define who we are.

Always do what is right, no matter the consequences.

4 In pursuit of success, it may be tempting to cut corners, and plenty of people do. Resist that temptation. Rex Lee did. After all, he understood that we are a country of laws, not men. When he was criticized for not adhering to all the positions the White House wanted him to take, he remarked, "I'm the solicitor general, not the pamphleteer general."³ We need more people in government like that. Most believe that this resolve cost him a seat on the Supreme Court, but he was neither going to sacrifice his integrity nor the country's laws for personal gain. He understood that it is *who* we are and not *what* we are that ultimately defines us.

This address was given at the BYU Law Founders Day event on August 24, 2021.



Rex Lee with BYU administrators

HE SET NEW STANDARDS OF
EXCELLENCE FOR GENERATIONS
OF LAWYERS AND JUSTICES.

Be kind to people.

5 When as solicitor general he was getting ready to argue the now-famous case *United States v. Leon*, General Lee heard of a distressed, young associate solicitor general who had just been assigned a Supreme Court case that he had to argue the day before General Lee had to argue *Leon*. General Lee dropped what he was doing to help that young associate out. Less than 24 hours before his own argument, he sat at counsel table with that young associate and watched as Samuel Alito argued to the Supreme Court. Justice Alito has always remarked how grateful he is for that simple act of kindness, which put him at ease in an otherwise difficult moment.

I have felt that type of kindness firsthand. When I was a sixth grader, my parents had me switch schools. For a young child, this is a difficult thing to do. I was awkward. I wore glasses. I had a cheesy moustache. There I was at this new school. For the first three weeks, I remember distinctly that I sat by myself at lunch and ate alone. I was kind of shy. I was miserable. And then something incredible happened. The most popular kid in the school decided to come and have lunch with me for a few days in a row. He probably doesn't remember doing it, but I will never forget it. It didn't cost the person who became my best friend, Andy Westmeyer, anything to sit at lunch with a transfer like me, but in many ways this simple act of kindness changed my life.

They say that during your lifetime you will meet 10,000 people. Make it your goal to change some of their lives. Pick a number and set a goal. And be kind to the rest.

Part of kindness is listening to people who think differently or come from different backgrounds. Don't shut them out because of who they are. Rather, invite them in. Today I had the privilege of having a personal tour guide, Judge Ryan Nelson, at Temple Square. It was quite a treat for me. I quickly realized that the sister missionaries I met there exhibited this natural kindness. They always smiled at us. They asked if they could help us. They were remarkable young women. I left with the best feeling in the world. Look at what their simple act of kindness did to a hardened Catholic like me. It even made me take the Book of Mormon with me, and I am going to start reading it. Ultimately, just remember that simple acts of kindness often cost us very little but go a long way.

SIMPLE ACTS OF KINDNESS
OFTEN COST US VERY LITTLE
BUT GO A LONG WAY.



Rex and Janet Lee

Have fun in life and have a sense of humor.

6 Life, after all, is short. Dean Lee was a man who argued 59 cases before the Supreme Court and was solicitor general of the United States, founding dean of the BYU Law School at 36 years old, and president of this university. Clearly he was a serious and impressive man. Yet one of my favorite stories is that when he went to the amusement park with his family, he made sure to embarrass his kids by running to the first roller coaster car and then yelling, “Yippee!” before going down hills. I treasure that because I too take pride in embarrassing my kids.

When he was trying to win over his then girlfriend, Janet, he was head over heels in love with her, but she did not necessarily reciprocate. So he decided he would serenade her on his ukulele singing “Hard Hearted Hannah.” Her heart softened and she married him. His sense of humor even got him a wife!

Even when things were bad, he kept his sense of humor. When he was really sick, he quipped to people who he could tell felt sorry for him, “I will have you know that there are five illnesses I don’t have.” His love of humor and constant good spirits can teach us all not to take ourselves too seriously.



Rex Lee and Reese Hansen (left)

Appreciate what God has given you.

7 Stop and take time to appreciate what you have. Love your family. Cherish your community. Treasure your faith. These are the cornerstones of a rich life. Dean Lee knew this and spoke about it often. Indeed, Dean Lee spoke about appreciating God’s gifts more eloquently than me. In a speech to the Law School student body, which I encourage you to listen to, he talked about how we fail to appreciate things until they are taken away.⁴ Hopefully, if the last year and a half has taught us anything, it has taught us to appreciate the simple things in life more than we ever did before—like being together today. Remember to appreciate what you have, because God has given all of us a lot.

In the end, there are so many things to admire about your founding dean that I could be up here for hours. From his life we can draw a lot of lessons. I have spoken of only a few. My suggestion is for all of us to do the following: There is a famous author who sold millions of books. When asked how he continued to write great books, he said that he would always write the last chapter first so that he knew what he was striving for. We all knew what Rex Lee stood for. We should ask ourselves, What will we stand for? Write the last chapter of your life first so that you know your goal. What do you want this world to remember about you? Then follow the lessons we have all learned from Rex Lee in writing the chapters that get you there:

- ① Have an unparalleled work ethic.
- ② Make excellence a habit in everything you do.
- ③ Demand greatness from yourself, but know that achieving it means many failures. Get back up. How you react to failure will define you.
- ④ Always do what is right, no matter the consequences. When the last chapter is actually written, you will be glad you did.
- ⑤ Be kind to people. There is no cost.
- ⑥ Have fun in life and have a sense of humor. Life is too short not to.
- ⑦ And maybe most important, appreciate what God has given you.

None of us can be Rex Lee, but we can strive to be half the man that he was. We will live a better life for doing so. Thank you, and God bless you. [cm](#)

NOTES

- 1 Will Durant, *The Story of Philosophy: The Lives and Opinions of the Greater Philosophers* (New York: Simon and Schuster, 1926), chapter 2, section 7, paragraph 4.
- 2 David Souter, quoted by Jan Graham in her address to the J. Reuben Clark Law School, Feb. 28, 1998; also quoted in “In Memory of Rex E. Lee (1937–1996),” *BYU Law Review* 2003, no. 1 (2003): 1.
- 3 Rex E. Lee, in an interview with Lincoln Caplan, June 11, 1985; cited in Lincoln Caplan, *The Tenth Justice: The Solicitor General and the Rule of Law* (New York: Alfred A. Knopf, 1987), 107.
- 4 See Rex E. Lee, “Where Much Is Given: Some Thoughts on Appreciation,” BYU devotional address, September 12, 1989.