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## Expanding Assignments for Kevin J. Worthen,

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### Would-Be Historian/Basketball Coach

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BY LOVISA LYMAN

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f Kevin J. Worthen, who joined the law school faculty in 1987, could have had a second profession, it would have been teaching high school history and coaching basketball on the side—or coaching high school basketball and teaching history on the side. His reason: “You can impact students’ lives at the high school level in ways you can’t at later stages in education and graduate school. You can affect the way they chart their lives.”

During his high school and college years, Kevin played competitive sports, which he still enjoys (“more by watching than playing at this point”), and he chose political science, a

close relative of history, as an undergraduate major. But when it came to graduate school, law was his first choice. In all its forms, lawyering is what he loves still.

Now two new university assignments may satisfy any of Kevin’s lingering needs to nurture and mold. In February 1999 he joined the Law School deans, consisting of Dean Reese Hansen and Associate Deans Clifton Fleming, Constance Lundberg, Scott Cameron, and Kathy Pullins. More recently he was invited to be BYU’s faculty athletic representative to the National College Athletic Association (NCAA), where he can work to assure that student

athletes’ education and welfare needs are met.

Kevin’s particular purview as associate dean is technology, including computers and copier coordination; the advocacy program; and academic affairs. These responsibilities are a departure from his areas of teaching and research expertise, which are particularly strong in state and local government law, rights of indigenous peoples in international and comparative law, and federal Native American law.

In the area of technology, Kevin assumes burgeoning duties in what continues to be one of the most technologically advanced law schools in

the country. For the past three years, entering students have been required to own laptop computers compatible with the Law School computer system. Coordinating and overseeing system access has grown to mammoth proportions with 500 students now hooking into databases for anything from perusing e-mail to Westlaw research to taking final exams. Added to this duty is copier oversight. Under Kevin’s supervision, the law library recently added a digital scanner to copy such resources as rare and fragile materials, professors’ packets, handouts, and copyrighted supplemental reading and then electronically send them to



print services for reproduction. In addition, the Law School contracted for BYU Print Services to provide and service the other copiers in the building. Negotiations for this deal were long and complex but came to a successful conclusion in time for fall packets.

The advocacy program, begun four years ago when Dean Constance Lundberg proposed, researched, designed, directed, and taught a lawyering skills course integrating legal research and writing for all first-year students, has continued to grow and change. Though the concept of integrating research and writing courses is widespread, BYU's

course remains unique among legal writing programs because of the level of cooperation between library and writing faculty and their unified dedication to teach students in ways that will directly carry over into their future practice of law. In addition to law librarians who teach the research arm, the program has six adjunct faculty who teach writing, a writing specialist, law student research assistants who tutor small groups of students, and administrative staff. Kevin, ably assisted by the program's current director, BYU Law School graduate Monte Stewart, oversees everything from selecting new adjunct fac-

ulty to presenting the program to full-time faculty and alumni.

Kevin's third duty as associate dean is in another expanding arena: academic affairs. Dean Fleming formerly took charge of all things academic in the Law School, including faculty, scheduling, exams, discipline, counseling, grade appeals, introduction to Law Week, and readmission of disqualified students. Kevin says, "I don't know how Cliff did it all. He never toots his own horn. I know now how much I underappreciated him." Several years ago, Associate Dean Pullins assumed some of the counseling duties, dealing particularly with students in crisis and introducing

students to Law Week. Kevin's charge to oversee academic affairs includes exams and grade disputations, along with discipline for academic misconduct and insufficient academic performance.

Kevin finds that his new duties have a downside as well as an up side. He has had to cut his teaching load in half and fit his research into small segments of time. Since teaching and research are the reasons he left successful practice to return to academia, this has been challenging.

He discovered how satisfying real-world legal research can be after graduating first in his class and becoming one of only nine BYU Law School graduates to have been awarded Supreme Court clerkships. That clerkship immediately followed one with Judge Malcolm R. Wilkey of the United States Court of Appeals for the D.C. Circuit. In both clerkships, Kevin found that his BYU training had armed him with research skills comparable to those of his co-clerks from Michigan and Harvard.

What Kevin liked most about his clerkship opportunities was the chance to ask hard questions about the nature of the law. When he had those questions in practice, he could occasionally manage an hour or two to research the issue, but if the response was not directly tied to his client's problem, he was essentially wasting time. Practice was, therefore, sometimes frustrating, because it did not always allow him to work through all aspects of a matter as thoroughly as he would prefer.

Occasionally his desire to research hard issues coincided with serving his client's needs. Kevin particularly remembers a case in which he represented

the small town of Parker, Arizona, on the Colorado River across from California. At issue was whether the town was part of the Colorado River Indian Tribe Reservation. History of the region was crucial to the case, and he avidly pored over old manuscripts. Historical research finally broadened to the point that the firm hired a professional historian to write a history of the area. Local small town politics added color. If the town was part of the reservation, local leaders wondered, where should offenders be tried and by whom? Ultimately things got ugly when word got out that the police didn't have authority, and a young man was shot while resisting arrest. Amazingly, when the town reverted back to the reservation, the tribe ended up with no significant advantage.

"The main purpose of the case was not to secure tribal advantages but to get a definitive judgment," Kevin concludes. "Having some settled rule was more important than what the rule was."

As a law professor, Kevin advocates more "pro-tribal sovereignty" than he did at the time of the case. Many of the articles he writes are either about Native American law or about a concern linked to it. When he researches he prefers to devote concentrated periods of four or five hours at a time. As an administrator he has roughly the same amount of research time, but it is in smaller segments. In that regard, his current situation is more like it was in practice. Also gone are the days when he could invite students to drop in anytime or could skip out for a child's school program and then work late into the evening. Now students must often make

appointments. Deadlines help to get the research and writing done. Thus, his two most recent publications resulted from invitations to prepare and present papers at conferences.

The job's up side is working with "really good people." "I'm trying to learn how the other deans do their jobs so well," Kevin says. He thinks that, like Dean Fleming, Dean Hansen may also be underappreciated. He is the dean who handles, with "apparent grace," all the really hard matters that the other deans must sometimes pass along to him.

As an associate dean, Kevin also sees a broader view of the mission of the Law School than he did before. He says,

*We recently drafted a mission statement for university budgeting purposes, but I think the mission is evolving, and at this point, no one knows what the ultimate mission will be. If the mission were only to provide first-rate legal training to LDS students, there would be better ways to do that than to build the facility we have, staff it, and provide scholarships and financial assistance to a large proportion of the student body. I haven't taken the time to write down the hard calculations, but I suspect if that were our goal, it would be cheaper for the Church to simply give full scholarships to 150 students a year to attend the best law schools in the nation. So there must be a reason for bringing students and faculty with common beliefs and values together—something that couldn't occur if students were scattered over the whole country. [Because of their BYU experience,] students should be better lawyers and Church members for being here. This critical mass should shape the law.*

Kevin thinks there is evidence that this is happening: "Where else could one produce Richard Wilkins' World Congress on the Family or Cole Durham's Center for Law and Religion?" He concludes, "Though we may not be able to put the mission into words, it was clearly manifest that there should be a school. The exact reasons are still unfolding."

To fulfill the mission, whatever it turns out to be, Kevin pinpoints one trait students need to acquire and enhance: charity. "This may be naive, but I think the most valuable personal characteristic a lawyer or law student can have is charity, in the sense of the pure love of Christ for others," he says. "If lawyers really care about their clients, they will work harder at the job, be more thoughtful, more persistent, more dependable." Kevin doesn't consider himself to be a people person and is perfectly content to be alone a lot of the time, but he does see clearly what can result from charity in relationships with students and colleagues. He explains, "Though practice may not always be intellectually satisfying, it can be emotionally satisfying just because you are dealing with a real person you care about who has an issue that matters."

This attitude of charity and concern for fellow beings carries over into Kevin's new assignment as BYU's faculty athletic representative to the NCAA. He is not new to this type of service. From 1992 to 2000 he served as chair of the University Athletic Advisory Council, advising on academic integration of student athletes into the university. Between 1997 and 1999 he also served as chair of the Self-Study Steering Committee for NCAA Certification, the athletic equiv-

alent of law school accreditation; and from 1998 to 2000, he was a member of the University Athletic Drug Testing Policy Committee.

Two years ago he suggested to Fred Skousen, BYU advancement vice president over, among other things, athletics, that it might be time to assign a new chair for the Athletic Advisory Council. A year later, Skousen asked if Kevin would be willing to trade the Advisory Council job for another representative position. Kevin agreed. The result was his present assignment to the NCAA.

All universities involved in intercollegiate sports must have an NCAA faculty representative. This person coordinates the university's interactions with the NCAA and the Mountain West Conference, including matters dealing with eligibility questions, rule interpretations, and investigations. Kevin will meet twice yearly with the Mountain West Conference as part of a joint council made up of athletic directors and university representatives. He also reports to the university president and helps to determine the university's position on any new NCAA legislation.

On the local level, Kevin will work with the newly created student athletic center on campus to help meet athletes' welfare and education needs. He will also meet with coaches and groups of athletes on a regular basis to establish communication lines and keep them open.

Both of Kevin's new assignments fall under the heading "Making a Difference in Students' Lives." Though his impact may not be as immediately apparent as that of a high school basketball coach, it can be long-lasting as BYU students "go forth to serve."

## The Making of a Law Professor

BY SCOTT W. CAMERON

How does five years of law school sound? While many may blanch at the thought, new *BYU* Law Professor John Fee does not. He describes his three years at the University of Chicago Law School as extremely valuable but acknowledges that his legal education continued beyond graduation. In fact, he says, the last two years of his legal education—one under the tutelage of Judge Frank Easterbrook of the U.S. Court of Appeals for the Seventh Circuit and the second as a law clerk under the guidance of Justice Antonin Scalia of the U.S. Supreme Court—were the best part.

After serving as articles editor of the *University of Chicago Law Review* and graduating Order of the Coif in 1995, John clerked for Judge Frank Easterbrook, “one of the finest individuals and one of the best legal minds he has ever met.” He saw the clerkship as a great extension of his legal education. Alongside the judge’s other clerk, John prepared for each of the cases prior to oral argument. “We would sit and discuss the cases together,” he relates. “Judge Easterbrook would make each of us say what we thought of the case and why it should come out a certain way, and he would ask questions to follow up.”

This same intense learning experience continued for an additional year as John had the opportunity to clerk for Justice Antonin Scalia. After each Supreme Court oral argument, Justice Scalia and his four clerks would continue the debate on each case. John feels that Justice Scalia will prove to

be one of the finest justices to sit on the Court and counts his clerkship as a singular experience. “The Justice has a great legal mind,” John says. “He is a person who cares deeply about people and about the law. And he is a good person to work with—very warm and caring.”

In addition to capping a near-perfect legal education, these experiences helped John realize a goal he had set as an undergraduate: to become a professor at Brigham Young University. Although initially he had entertained the thought of teaching music or history, early in his academic career John focused on becoming a professor of law. He is pleasantly surprised that he has realized this goal at this relatively early point in his career. Although it is what he and his wife, Elizabeth, have contemplated for several years, they nurtured it as a “hope” rather than a goal to be pursued aggressively.

A vacancy at the J. Reuben Clark Law School was available when John finished his clerkship with Justice Scalia, but he absented himself from consideration because he knew that experience with a law firm is essential for a law professor. He wondered if and when the timing would be right for him



to pursue and accept an academic appointment. In the late summer of 1999 the desire to pursue an academic career began to surface again, but John was too engrossed in his practice to pursue it. When Professor Stanley Neeleman called John’s home in February and left a message, the Fees were delighted. They felt blessed that *BYU* had called and expressed interest.

As John reflects on his decision to become a lawyer and then a professor of law, he recalls with gratitude the influence of particular individuals on his life’s path: teachers, historical figures, colleagues, and those he has merely observed.

During John’s junior high school and high school years, his father worked closely with a number of fine lawyers in the Department of Commerce, the Department of Justice, and

the United States Attorney’s Office in Washington, D.C., and John became interested in what lawyers do. His interest continued in the mission field, where he came to greatly admire one of his mission presidents, Perrin Walker, an attorney who had graduated from the University of Chicago Law School.

While an undergraduate at *BYU*, John’s interest in law was temporarily superseded by his love of music and history. His desire to be a professor preceded his decision to become a law professor. He feels deeply indebted to his undergraduate professors who had such a strong influence on his desire to teach in a university setting: Truman Madsen, Marie Hafen, Neil York, Frank Fox, and Larry Wimmer, among others. What struck John about teaching at a university level was the

chance to influence others not just in a subject-specific area but also in their view of what constitutes learning. He hopes his students “will take from [his] classes a desire to learn, a hunger for knowledge, not just the knowledge useful to them in practice, but a desire to learn about ideas, about right and wrong, about history.” John believes that a professor can be a catalyst to help students realize “that we learn on our own, and we learn through diligent study all through life.”

John does not limit his thanks to those who have taught him in the classroom; he is also grateful for the influence of historical figures like Abraham Lincoln and Ralph Waldo Emerson. He identifies Lincoln as the historical lawyer who has had the greatest influence in framing his conception of the legal profession. He acknowledges Ralph Waldo Emerson as a thinker who has influenced his view of the world, especially through his speech “The American Scholar” and his writings on nature, politics, and the spirit. While favoring history and biography, John also values good fiction. His favorite novel is Mark Twain’s *A Connecticut Yankee in King Arthur’s Court*. The novel is “good fun” says John, but it also taught him that “good intentions, mixed with bad ambitions, can lead a person astray.”

John recognizes the impact of not only some of the finest living jurists but also his mentors in the Washington, D.C., office of Sidley & Austin. Perhaps the most influential contemporary lawyer in John’s life has been Gene Schaerr. John and Gene first became acquainted as members of the same LDS ward in Maryland

while John was in high school and Gene was a law clerk at the U.S. Supreme Court. Among other things, they played jazz trombone together. Years later, when John returned to the area to clerk for the Court himself, he became reacquainted with Gene, who later recruited John to work with him at Sidley & Austin. John comments, “I have learned more from Gene about the law and how to practice it than from anyone else. He is among the most dynamic and effective lawyers I know. He works tirelessly for valuable causes such as religious freedom, and he has shown me how law can be used for the good.”

Another mentor and the person who most influenced John to consider both the practice of law and the teaching of law was President Rex E. Lee. Although Professor Fee met President Lee just once, he feels he knows him: “I’ve been at [Lee’s] law firm, Sidley & Austin, and worked with and known so many people that have been his colleagues. I know his sons, Tom and Mike, and have worked with each of them. I have heard stories about President Lee for years; he has been a role model to me as a legal professional and as a person.”

Interestingly, John has had the opportunity to follow Rex Lee’s path even though they are separated by more than a generation—first, at the University of Chicago Law School and, subsequently, in two federal court clerkships. John then practiced law with Sidley & Austin, the firm with which Rex Lee practiced. Also, John’s emphasis on religious freedom issues reflects interests of Rex Lee. Professor Fee represented the Seventh-Day Adventist

Church and The Church of Jesus Christ of Latter-day Saints, along with coalitions of religious groups. His responsibilities included working with others to shepherd legislation through Congress.

While law school, clerkships, and the practice of law have been intense learning experiences for John, he reserves his highest praise for the learning that results from being a husband and parent. Upon his acceptance to the University of Chicago Law School in 1992, John wondered whether he would be at a disadvantage being a married student with a six-month-old son. In retrospect, John sees that his wife, Elizabeth, with her recently acquired degree in music from BYU, made the greater sacrifice. He has also come to realize that having a family is “really an advantage.” He notes that his family “helped [him] avoid spending too much time with law.” Elizabeth kept “things in perspective and focused [him] on the right things.”

The growth of John and Elizabeth Fees’ family has been intertwined with John’s law experience. Matthew, the Fees’ oldest son, was born prior to law school; their oldest daughter, Amanda, was born prior to their second year of law school; Elizabeth gave birth to Jacob right after John’s graduation; and Hannah arrived shortly before John joined the faculty at the Law School this past July.

With the Fees now comfortably established in their new home in Utah County, they are ready for additional adventures. Law may have won out on the career front, but music is still king on the family front. For one thing, John has a

habit of carrying around a musical instrument. Although he studied the trombone at BYU as an undergraduate, he has been concentrating on the trumpet the last few years. In Maryland he put together a little jazz band for the ward road show. The musicians enjoyed the association so much that they continued to play regularly. John smiles as he reflects on himself playing with a “bunch of teenagers.”

Not a part of any musical group at the present time, John nevertheless is surrounded by music, with his children playing the piano and the harp. Each morning the Fees sing songs for 15 to 30 minutes in addition to their scripture study. John and Elizabeth teach their children the principles of voice, to sing in parts, and to memorize songs.

Other attractions that BYU and Utah County hold for Professor Fee include mountain biking and attending plays, musical events, and the international cinema with Elizabeth. The couple have fond memories of their undergraduate years at the Y and look forward to sharing with their children the activities that brought them happiness in the past.

John Fee is not the only one who should be indebted to his teachers and mentors. Indeed, students at the J. Reuben Clark Law School and those of the next generation will be indebted to them for influencing the development of a strong legal scholar who, in turn, will shape the lives of thousands of J. Reuben Clark Law School students. With gratitude to his mentors, the BYU Law School family welcomes its newest professor, John Fee.



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**Linda Magleby**

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**Serves on Primary**

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**General Board**

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BY JOYCE JANETSKI

In April 1991 when Linda Magleby contemplated what she would do with her new law degree, serving on the Primary General Board of the Church wasn't what she had in mind. This past January, however, she found herself thrilled to accept a call to serve an average of 20 hours a week for five years, training ward and stake Primary leaders, writing Primary training materials, and speaking before large audiences. She knew the skills she cultivated during four years at the J. Reuben Clark Law School would be valuable, even outside a legal setting.

"Law School helps you to think analytically, to think clearly, and to write well, and these skills are transferrable

anywhere you go. You use these skills in many ways in serving in the Church," Linda says.

Aside from accepting a major Church calling, Linda has shown that she is used to curveballs in life. Her decision to go to law school with encouragement from her husband, David, came at a time when their four children ranged from 12 to 4 years old. Though she had earned a degree from the University of Utah in 1976, she found that returning to school with a family at home is no small undertaking. Nevertheless, Linda did well enough to serve on the *Law Review*.

After graduating from law school, Linda completed a judicial clerkship with Judge Stephen H. Anderson, on the

10th Circuit U.S. Court of Appeals. She then worked part-time for BYU's General Counsel Office, but after a year left to spend time with her father, who was dying from Lou Gehrig's disease. "I was so grateful to have that time with my dad, but it also gave me more time with my family," Linda says. "By the time my dad passed away in January 1995, I was feeling like I needed to be at home. I vowed I wasn't going to work until my last child was on his mission."

But then Constance Lundberg called Linda and asked her to teach a Lawyering Skills class. "I taught one year and loved it," Linda admits. "The Law School is such a treasure. I got to come in when the new

library was all in place. But it took a lot more time than I wanted to be away from home."

So Linda left the legal world and went home again. She relates: "I said, 'Here's the resolution: I'm saying no to all job offers until our youngest son is on his mission. When we get him on his mission, I will think about what I'm going to do with my law degree.' That's been the plan. Then I got a telephone call [to serve on the Primary General Board]. You change your plans."

With their youngest a senior in high school, Linda is again wondering what she "is going to do with her law degree." But part of the answer will keep her busy for the next five years.

It is an honor to speak about Ray's illustrious and distinguished career in legal education and to extol him as a colleague and a dear personal friend. In so doing, I recognize that I represent all of his friends, faculty, and staff in the Law School and his former students. I hope I can do justice to expressing our deep affection for him and convey how much we are going to miss him. Ray had a one-of-a-kind personality. The Law School will never be able to replace him.

Ray Davis was one of those fortunate individuals who loved his work, his professional career, from the first day he embarked upon it in 1953 until April of this year when he ceased teaching, a period of 47 years. Going to work was a joy. He was like the proverbial bus driver who drives his bus on holidays because it is the thing he loves most to do.

To Ray, teaching was the grandest profession there was, and the grandest subject to

However, with all of his publications, honors, and attainments, Ray did not consider his career his greatest accomplishment. In the personal piece just mentioned, he wrote, "My children . . . have been my happiness, my joy, my delight, a

two of America's most illustrious law schools. He served as a professor of law at five universities, including the University of Arizona, where he taught for 17 years, and Brigham Young University, to which he came in 1979.



lished abroad as a law reform source in foreign countries.

Ray served as the chair, a member, a principal investigator, or an advisor to countless committees, to governmental agencies of different states, and to agencies of the national government. He represented the United States at the United Nations Conference on International Legal Principles for Weather Modification. He made presentations at conferences in foreign countries and served as an advisor on the legal ramifications of cloud seeding to nine western and midwestern states. Some of his writings have been translated into French, Russian, and Spanish. A prominent legal treatise states, "Professor Ray Davis is the leading figure on weather modification law" (Robert Beck, *Water and Water Rights*, Vol. 2 Section 3.04 [a]).

In addition to all that I have mentioned, Ray was one of the most prolific writers in legal education. There has never been a time when he did not have underway a research and writing project. Constancy is his middle name. His résumé lists a total of 193 published items, including nine books and 20 chapters in books and treatises. Rather than wane, his productivity increased the closer he got to retirement.

All of this research, writing, and advising and committee work was done quietly. No attention was drawn to it. Ray did not speak of it. He was a very modest man. He was not a prima donna. A person who is modest and has nothing to flaunt is admirable, but a person who is modest and as productive and as recognized as Ray, is inspiring. Because of his modesty, his productivity did not weigh heavily upon the

## In Honor of Ray Jay Davis

BY DOUGLAS PARKER

*The following remarks were offered at the funeral of Ray Davis on August 15, 2000, in Provo, Utah.*

teach, with one exception, was law. In a personal piece concerning his life, he wrote, "By profession I am a teacher. Few joys can equal the thrill of sharing learning with others and of watching their growth and development come about. I teach law. There is no subject other than the gospel more exciting to teach. I firmly believe that laws are 'those wise restraints which make men free.' I am proud of the role that I have had in making our legal system function."

source of pride, the cause of anxiety, a pleasure, a pain, a real need. Fatherhood of children like mine has been the greatest accomplishment of my life." Shortly after writing this, upon marrying Marilyn, he acquired four more children, whom he loved as dearly as his own. In the depths of his heart and soul, his new children became his very own.

Ray brought the finest legal education possible to bear on his professional life as a teacher. He graduated from

His research career was primarily devoted to studying and writing about the legal rules that govern, or should govern, the appropriation and use of water, particularly water contained in the earth's atmosphere.

He served as chair of a monumental project undertaken by the American Society of Civil Engineers to produce a model state water code to be transmitted to all 50 state legislatures with a recommendation for adoption and to be pub-

heads of others of us who were less productive.

Ray did all that he did in the face of significant physical challenges, from melanoma to severe arthritis that eventually required two knee replacements. Rather than use his health problems as an excuse

of cases and theory. I have been more practical and given to making systems work through implementation, regulation, and control."

All that I have said to this point is not to make Ray out as a lamb; he was also a lion who knew how to roar. His incredi-

time served with Ray on the admissions committee, which involved many meetings and the arduous task of going over many admission applications. The colleague missed a meeting and was late for the following meeting. Ray scolded him and said that was no way to fulfill

ness of God's creations." He then enumerated and described these special places that brought him close to God.

In another place he wrote, "I have known and loved many people. . . . In the final analysis it has been my family that has meant the most to me. I love

## RAY WAS BLESSED AS A TEACHER WITH THE GIFT OF CHASTISEMENT.

to slow down, Ray sped up and continued to work overtime. His health did not seem to preoccupy him. He accepted his challenges in good humor and made no profession out of moaning and complaining. He was an example of how to live with adversity.

Amazingly, Ray produced all that he did without ever mastering the computer. He always joked about his inability to figure out all of the things that a computer can be made to do. He said, "All I want to do is type. I don't want all this other stuff."

Some people take such pride in the way they do things, they can't believe anyone could do it better. Not Ray. Ray was a man free of pride. He was always supportive and complimentary of the work of others. He liked all of his colleagues and spoke highly of every one of them.

About two months ago when Corene and I were out to dinner with Ray and Marilyn, I asked Ray who had taken over the areas he used to teach. He mentioned the name of a young faculty member and said, "He is far better suited to give the students what they need than I was. He approaches the subject from a different direction. He is more theoretical and stronger in conveying an understanding

ble productivity is not why he will be so sorely missed. We love him and miss him for his personal qualities, a rare unlikely mixture that at first blush might appear as a blend of incompatible qualities. He charmed us with these qualities. In one individual, the scripture that states that in the last days the lamb and the lion shall lie down together was fulfilled.

In the classroom, Ray took to heart the scriptures: Deut. 8:5: "As a man chasteneth his son, so the Lord thy God chasteneth thee." In other words, God won't let his chosen people get by with sloppy compliance with his commandments. This might be reworded: as a few teachers chasteneth their students, so the Lord thy God chasteneth thee. Psalms 94:12: "Blessed is the man whom thou chasteneth, O Lord, and teachest him out of thy law." Heb. 12:6: "For whom the Lord loveth he chasteneth."

Most people find it hard to chastise, to love by seeming to be angry. But, in spite of the scriptures just cited, Ray Davis did not. Ray was blessed as a teacher with the gift of chastisement.

Another of Ray's colleagues, senior to him when he joined the faculty, said, "Ray was no respecter of persons." This faculty member at one

one's responsibility. I asked his colleague how he reacted. He said, "I felt chastised, but not humiliated. I needed it. It was deserved and accepted without resentment, because Ray has such a high sense of justice and of what is right and wrong. I profited by it." What a marvelous compliment!

If the emperor was without clothes, Ray would tell him not only that he was without clothes but that he had better put some on and do it quickly! I've thought that I would like, if my credentials are proper, to be at his side when we approach the pearly gates, for if St. Peter does not have the entrance procedures in good order, Ray will recommend the proper correction.

On a more personal note, Ray was a person of deep feelings, a deeply sentimental individual who did not put his emotional side on public display. In the personal piece concerning his life, to which I referred to earlier, he stated with heartfelt gratitude to God, "The earth is a wondrous place to live. Its plains, meadows, forests, rivers, oceans, mountains, hills, lakes, deserts, jungles, and canyons are great marvels. But there are some of these natural wonders that I have seen that stand out. They are special to me. In them I can see the great-

the gospel and its teachings, but they are abstract without people for whom they are meant. It's the people who have been paramount in my life."

Underwriting the mellowing of Ray in the years he has been at BYU is Marilyn. She is the greatest thing that ever happened to Ray.

We, Ray's colleagues, are not only proud of Ray and Marilyn, we love them dearly.

A significant part of the joy of teaching is the enjoyment of one's colleagues, close friends with whom you share your mind and convictions, and your loyalty and love for the institution at which you teach. In doing so, we are more than our minds, more than our reason, more than our publications. We are individuals who need to be loved and who need to mean something in the lives of others. Our association with Ray and Marilyn reminds us of this.

We will miss you, Ray. We have been changed by you. You will remain a one-of-a-kind, colorful, engaging, forceful, authentic friend. We have not lost you, but we sorely grieve your temporary absence. You lifted and charmed us. We salute you, dear friend.

As Ray would have me do, I close my remarks in his behalf, and in yours and mine, in the name of Jesus Christ. Amen.



*The Seventy are . . .  
called to preach the gospel,  
and to be especial witnesses unto  
the Gentiles and in all the world. . . .  
And they form a quorum,  
equal in authority to that  
of the Twelve special witnesses or Apostles.*

—D&C 107:25, 34

the release of all regional representatives and “the call of a new local officer to be known as an Area Authority.” He said, “These . . . high priests . . . will continue with their current employment, reside in their own homes, and serve on a Church-service basis . . . generally for a period of [five to] six years” (Elder L. Aldin Porter, “A History of the Latter-day Seventy,” *Ensign*, August 2000, 14–20). In 1997 the prophet stated that Area Authorities would now be known as Area Authority Seventies.

Unlike General Authorities, who take assignments all over the world, Area Authority Seventies fulfill assignments within the geographic area of the Church to which they have been assigned. “We will go and do whatever the Quorum of the Twelve—or our Area Presidency—assign us to go and do,” explains James Hamula. “Area Authority Seventies are viewed not as the former regional representatives, who were assigned to specific stakes, but as Authorities having area-wide responsibility.”

Although not assigned to a number of stakes, an Area Authority Seventy may serve as a visiting authority at stake conferences. “We’ll go out on any number of weekends on assignment from the President of [the Quorum of] the Twelve to preside and speak at stake conferences,” says Michael Jensen. The Seventies also assist in the creation or reorganization of new stakes, set apart stake presidencies, and help train these presidencies.

“I am all the more convinced today than I was six months ago that this is the Lord’s Church,” says Elder Hamula. “You can’t go to a stake conference as I have and

## Law Alumni Called as Area Authority Seventies

BY JOYCE JANETSKI

Three alumni of the J. Reuben Clark Law School have been called to serve as Area Authority Seventies for The Church of Jesus Christ of Latter-day Saints. The First Presidency ordained Steven E. Snow, Michael L. Jensen, and James J. Hamula to the office of Seventy and set them apart as members of the Fifth Quorum of Seventy (Area Authority Seventies serving in the United States and Canada). All three men have served as mission presidents.

The calling of Area Authority Seventy is relatively new to the Church. In April 1995 President Gordon B. Hinckley announced

reorganize stake presidencies and not feel the strong influence of the Spirit to have done what the Lord wants done. The Church is in very good hands with the quality of priesthood leaders that we have throughout the stakes.”

“As I visit different stakes and serve as a visitor at stake conference, I am overwhelmed by the goodness of people throughout the Church,” says Steven Snow. “The members are wonderful. There are a lot of people doing a lot of great things.”

The duties of Area Authority Seventies also include conducting mission tours. Once a year each mission is visited by the



**Steven E. Snow**

Area Authority Seventy serving that mission, who will instruct and spend time with the missionaries and mission leaders. Elder Jensen notes, “This particular assignment is really fun, because you get to associate with all of these wonderful missionaries.”

“As a mission president that had Area Seventies come to me, I certainly enjoyed it when they came,” says Elder Hamula. “But I’ve not yet had the pleasure of having that assignment. If I do, I will relish the duty above all else—I just love being with the missionaries.”

A third assignment of Area Authority Seventies is presiding at Member Missionary Coordinating Councils. The Seventy, who may serve several MMCCS within a one-year assignment, meets quarterly with a mission president and the stake presidents served by that mission. “You have a kind of a dual organization under the Area Presidency: the stakes on one hand and the missions on the other,” says Elder Hamula. “The missions overlie the stakes, and the two divisions work cooperatively. There is really marvelous structure.”

The councils provide a forum to coordinate and further missionary work. “President



**Michael L. Jensen**

Hinckley emphasizes the need for nurturing new converts and integrating them into the fabric of the Church,” says Elder Jensen. “There’s a desire to have an accountability name by name, one by one like the Savior did.”

Steven E. Snow, ’77, who was called as an Area Authority Seventy in the Utah South Area in April 1999, says his situation “is a little unique.” He explains, “We have only one mission in our whole area—the Utah Provo Mission—so we don’t necessarily visit missions as some Area Authorities do.

The other seven [Utah South] Area Authorities and I act like a high council to the Area Presidency, filling assignments in an area with more than 180 stakes.”

Elder Snow, with his wife, Phyllis, returned to the St. George area in June 1997 after serving as president of the California San Fernando Mission. He continued as partner in the law firm Snow, Nuffer, Engstrom, Drake, Wade & Smart, after its six founding BYU Law School graduates. The Snows have three sons and a Navajo foster son, all of whom have served missions for the Church.



**James J. Hamula**

Elder Snow’s past service includes 11 years on the Utah Board of Regents, the governing board for higher education, where he was vice-chair from 1987 to 1993 and chair in 1994. He also served as president of the St. George College Stake.

James Hamula, ’85, was called as an Area Authority Seventy in April 2000 to serve in the North America Southwest Area. He has worked for Gallagher & Kennedy, a law firm in Phoenix, since his release as president of the Washington D.C. South Mission in June 1997. He and his wife, Joyce, and their family live in Mesa.

“We had four children when we left on our mission—we came home with six,” says Elder Hamula. “We had twin boys born to us in the mission field. We learned that nothing in the mission field comes singly, only in sets. We look forward to having those children return to the mission field some day.”

Elder Hamula served as stake president of two Arizona stakes from 1988 to 1994. After his three years as mission president, he served as ward, then stake Young Men president before being called as Area Authority Seventy.

Michael L. Jensen, ’78, was also called in April 2000 as an Area Authority Seventy and serves in the California Hawaii Area. Released as president of the Germany Hamburg Mission in July 1998, he returned to the San Diego firm of Luce, Forward, Hamilton & Scripps, where he had worked for 11 years. “When I left, it took a leap of faith,” he admits. “Three years later, I asked to come back as a partner in the law firm; ordinarily you don’t. They were gracious in allowing me to come back. It’s taken a while to rebuild a practice, but I’m back to where I was before.”

A past bishop of the North Hollywood Third Ward, Elder Jensen has served as stake president of the Penasquitos Stake and as regional representative in the San Diego and Blythe Regions. As a young missionary he was called to the Germany Munich Mission, to serve in a country where 21 years later he would be a mission president.

Elder Jensen and his wife, Jean, are the parents of one daughter and five sons, two of whom are returned missionaries.

## Law Society

### Member Made

### Mission President



**M**artin Reed Slater, '82, was called by the First Presidency of the Church to be president of the Thailand Bangkok Mission. He and his wife, Jennifer, began their service on July 1, 2000.

The parents of three children, the Slaters are members of the Torrance Second Ward, Torrance California North Stake. Martin has served as a seminary teacher, stake president and counselor, bishop, and ward Young Men president. His current calling takes him back to the mission where he served as a young man. Jennifer has filled many callings in the Young Women, Primary, Relief Society, and Scouting organizations.

Martin is the president and owner of First Water Investments, and Jennifer is the owner of a real estate management company.

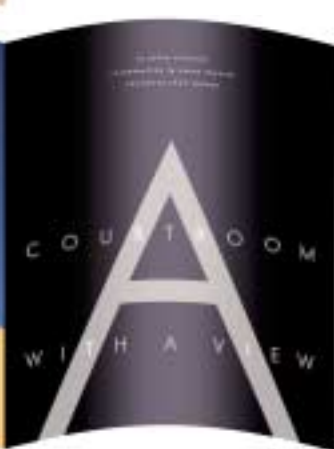
## Clark Memorandum Gathers Awards

**T**hree national organizations recognized the outstanding graphic design and content of the 1999 issues of the *Clark Memorandum*.

The Council for the Advancement and Support of Education (CASE) presented the publication with a bronze medal in the special constituency magazines category of the 2000 CASE Circle of Excellence Awards Program. The prestigious award honors the spring and fall 1999 issues of the magazine, which were produced by a team including editor Scott Cameron, associate dean of the Law School; art director David Eliason; photographer John Snyder; and associate editor Joyce Janetski.

The Salt Lake City Chapter of the American Institute of Graphics Arts (AIGA) gave the *Clark Memorandum* a Copper Ingot Award. The magazine was one of 10 chosen from the 100 best pieces of design and advertising during the year, and the award recognizes David Eliason's design of the feature spread for "A Courtroom with a View," in the spring 1999 issue.

The Society of Publication Designers (SPD) presented the magazine a Merit Award for the design of a feature spread during its 35th annual competition. The award recognizes



the design for the article "Gettysburg: A Personal Essay," written by first-year law student Matthew Kennington, published in the fall issue. The spread was designed by David Eliason and Andy Goddard and photographed by John Snyder, whose additional photo of Gettysburg appeared on the cover of the magazine. Chosen from several thousand worldwide entrees, the spread was displayed in the SPD's *Publication Design Annual* and the SPD Exhibition in New York City.

**Clark Memorandum**

J. Reuben Clark Law Society  
J. Reuben Clark Law School  
Brigham Young University

**A Staff Among Spears**

The jabs and the jeers,  
Derision—and tears  
On Calvary Hill  
Afflicting Him still,  
To this very day.  
The things that we say  
And do through the years  
Assailing his ears,  
Besieging his eyes  
That still agonize,  
Then piercing his heart.  
But as from the start  
The humble reveres  
With penitent tears;  
A staff among spears.

*March 3, 1986*

*Alex B. Darais  
Professor Emeritus of Art  
Brigham Young University*