

WHEN JAY S. BYBEE, '80, ARRIVED IN WASHINGTON, D.C., IN NOVEMBER 2001 AS THE NEWLY CONFIRMED ASSISTANT ATTORNEY GENERAL FOR THE OFFICE OF LEGAL COUNSEL, HE FACED SOME DAUNTING CHALLENGES. FIRST, HE WANTED TO SETTLE HIS FAMILY OF SIX IN SUB-URBAN VIRGINIA AFTER THEIR MOVE FROM LAS VEGAS, WHERE BYBEE TAUGHT AT THE UNLV BOYD LAW SCHOOL.

Next, he needed to immediately get up to speed on legislation his office was reviewing for constitutionality in order to make recommendations to Attorney General John Ashcroft and President George W. Bush.

On top of that, Bybee was still grading UNLV law students' final exams, and he had to figure out, for the first time, how to work a cellular phone into his lifestyle.

"It has all moved fast and furious," Bybee said in an early-morning telephone interview in December before hustling off to a meeting.

In overseeing the Office of Legal Counsel, Bybee supervises the work of 18 attorneys who render opinions on whether new congressional legislation passes constitutional muster. As a result of the September 11 terrorist attacks, much of Bybee's work involves striking a balance between security and civil liberties.

"As the focus of the president and the attorney general has changed, our focus has necessarily changed as well," Bybee said. "We've had a lot of terrorism-related questions."

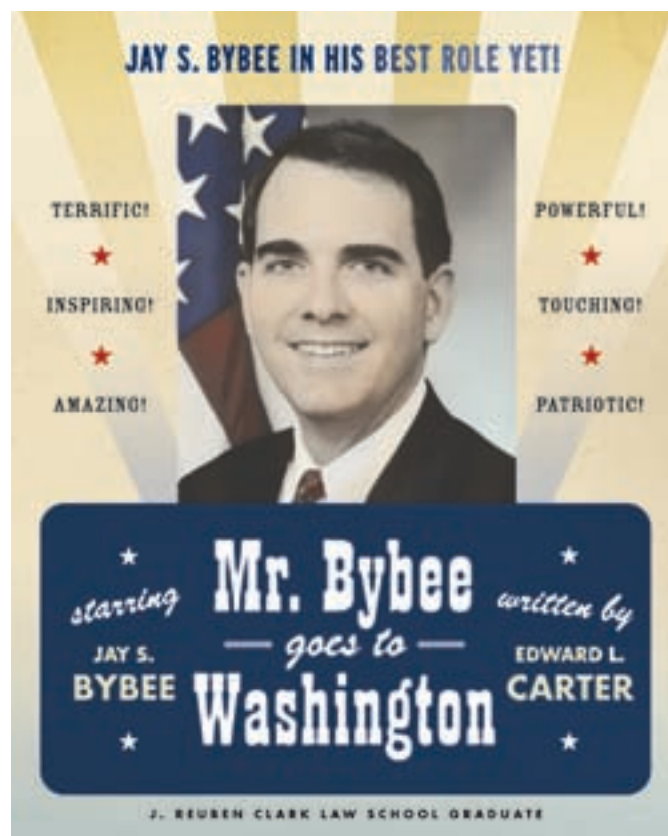
Bybee professes feeling unprepared for the enormous task of providing legal advice to the president and attorney

general in post-September 11 America. He also feels the weight of following great legal minds like Supreme Court Justice Antonin Scalia and Chief Justice William Rehnquist, both of whom once occupied the position he now holds.

But Bybee is as ready as anyone could be. He spent five years in the Justice Department's Office of Legal Policy and Civil Division, appellate staff, from 1984 to 1991. He then worked for two years as associate counsel in the White House Counsel's Office under the elder President George Bush.

After teaching law for seven years at Louisiana State University, Bybee became one of eight founding faculty members at UNLV's Boyd Law School in January 1999. At UNLV he taught constitutional law, which gave him the opportunity to explore the legal and policy issues that now confront him. "I've been dealing with these issues in the classroom," he said, "but to make these decisions in the real world is different."

Throughout his career Bybee has relied on the foundation he established at the J. Reuben Clark Law School, where he enrolled in particularly memorable classes taught by former deans Rex Lee and Carl



Hawkins. "I certainly had great training at BYU Law School," he said. As a member of the fifth graduating class at the Clark Law School, Bybee used resourcefulness, persistence, and Rex Lee's reputation to get summer jobs and eventually a position at the Washington, D.C., firm of Sidley & Austin. Bybee also clerked on the U.S. Court of Appeals for the Fourth Circuit.

"Rex Lee was just an enormous resource for us because he had a tremendous reputation," Bybee said. "When we went places, there were people who knew Rex Lee and said, 'If he thinks you're OK, that's good enough for us.'"

After the Senate confirmed Bybee as assistant attorney general on October 23, 2001, Bybee and his wife, Diana, left their Las Vegas home and moved their four children across the country. Bybee took a leave of

absence from UNLV, where he expects to return after his service in Washington is finished.

Bybee knows that the "pressure-cooker" inside the Beltway may present some stressful situations, but he will approach them the same way he always has—by simply being the best lawyer he knows how to be. "We knew there would be stress and the hours would be long. That's one of the costs my wife and I took into account," he said.

"This is not a policy office," Bybee continued. "This is an office that provides legal advice. One of the functions is that we must be free of [improper outside influence] so we can provide dispassionate legal advice."

Doing top-flight legal work in an intense setting is something Jay Bybee has done for a long time. Managing that new cell phone, though, is another story.