

THE AMIGO BRIEF

AT WORK ON AN EXCEPTIONAL CASE:

HOSANNA-TABOR EVANGELICAL LUTHERAN

CHURCH AND SCHOOL V. EQUAL

EMPLOYMENT OPPORTUNITY COMMISSION

by Donlu Thayer¹



BRADLEY SLADE

THE CASE

In March 28, 2011, the U.S. Supreme Court agreed to hear a case immediately hailed as the most important religious freedom case in decades. At stake in *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC* was the “ministerial exception,” a First Amendment doctrine never before explicitly recognized by the Court, though it had been used by all U.S. Circuit Courts of Appeal to exempt churches from discrimination claims brought by their leaders and teachers.

The case began when Cheryl Perich, a teacher at a Lutheran elementary school, decided to return early from disability leave. She first showed up in the classroom in which her temporary replacement was teaching, and then, when the church did not meet her demands, she threatened to sue, citing violation of the Americans with Disabilities Act (ADA). From the point of view of the church, however, Perich was not a lay employee protected by the ADA; rather she was a person called of God and commissioned by the congregation to be “the Church’s *primary* means of teaching the faith to

her students.”² She was, in short, a minister. Since her threat to sue violated church teachings that such disputes should be resolved outside of litigation, Perich was asked to resign voluntarily. She refused. Her commission was rescinded by the congregation, and she was dismissed.

Perich then filed a complaint with the Equal Employment Opportunity Commission (EEOC), which became party to the suit. The district court ruled that the firing was subject to the ministerial exception and thus not within the purview of the court. On appeal Perich countered that religious matters occupied only a small portion of an otherwise secular teaching day, and she therefore should not be considered a minister. When the Sixth Circuit ruled in Perich’s favor, the church appealed to the Supreme Court, asserting its constitutional right to select its own religious leaders and teachers. In response, the government took the surprising position that the circuit courts all had erred in finding constitutional support for the ministerial exception.

Before the Court heard oral arguments in *Hosanna-Tabor* on October 5, 2011, it had seen

10 briefs in support of the government’s position, including one representing more than 60 professors of law and religion. It had also received 20 briefs in favor of the Petitioner, including one from the International Center for Law and Religion Studies (ICLRS) at BYU.³

The decision, announced on January 11, 2012, was stunning: “We agree that there is . . . a ministerial exception,” wrote Chief Justice Roberts for the entire Court, the unanimous opinion overturning the Sixth Circuit and repudiating the “untenable” arguments of the U.S. government. The Constitution provides “special solicitude to the rights of religious organizations” and bars “the government from interfering with the decision of a religious group to fire one of its ministers.” The protection extends not just to pastors, priests, bishops, or rabbis but to any leader or teacher who personifies the beliefs of the religious community. “By imposing an unwanted minister,” wrote the Chief Justice, “the state infringes the Free Exercise Clause, which protects a religious group’s right to shape its own faith and mission through its appointments.”

THE ICLRS’S INVOLVEMENT

Days after the announcement that *Hosanna-Tabor* would be heard, Center personnel were discussing the case at the International Society meeting on BYU campus with BYU law alum Hannah Smith, now senior counsel at the Becket Fund for Religious Liberty, co-counsel for the Petitioner. A week later a request came from lead counsel Douglas Laycock for a “comparative law brief”—something the Center, with its ability to mobilize an international network of foreign experts, is uniquely qualified to undertake. A few Supreme Court justices are known to appreciate the persuasive value of international precedent, and it was thought that a comparative law brief might be important in tipping the balance in favor of the Petitioner.

The filing deadline was only six weeks away though—hardly enough time to survey the world and write a complex brief, especially when Center director Cole Durham would be participating in conferences in half a dozen countries during that time, and other Center personnel faced heavy travel, teaching, and publication schedules.

Fortunately, the Center is part of a law school.

As work on the brief began, most of the Center's 2011 BYU law student fellows were leaving for their summer assignments abroad. Brandon Bastian, however, was assigned to Salt Lake City and was able to coordinate the student team throughout. Other student fellows who contributed in the beginning or returned in time to help in the flurry at the end included Joseph Stewart, Cynthia Hale, Szonja Ludvig, Rachel Snow, Katelyn Trottier, and Crystal Wong. The bulk of the student work fell

Students from six law schools worked together to assist staff at the International Center for Law and Religion Studies in preparing an amicus brief in the Hosanna-Tabor case decided by the U. S. Supreme Court in January 2012.

Universität, who came with his law-student wife, Cynthia, from Frankfurt, Germany.

The actual drafting of the brief called upon the talents and experience of Center associate director Elizabeth Clark. Managing director Robert Smith created assignments for the students and supervised the

project. Administrative assistant Deborah Wright handled scores of communications with international experts. The Center's editor, Donlu Thayer, was the keeper of the draft, incorporating the student research and the contributions of associate directors Brett Scharffs and Gary Doxey and senior fellow David Kirkham, along with comments, requests, and final revisions from Cole Durham.

In early April, somewhere between Warsaw and Rome, Durham approved a letter to be sent to four dozen friends, international experts in church-state relations, and recommended contacting Gerhard Robbers in Germany. Robbers had successfully represented The Church of Jesus Christ of Latter-day Saints in an important employment case before the European Court of Human Rights,⁴ and he was able to quickly obtain German government permission to send a crucial document from the case that summarized the rights of religious organizations to hire and fire employees in many European countries. The document, however, was in German.

Samuel and Cynthia Fröhlich thus were invaluable at the outset of the project. They not only provided insights into European judgments and laws generally, but they translated the Robbers document, which formed the backbone of the research for the brief.

What followed, in the words of Bastian, was a crash course in "the climate of religious freedom in the world," as the team "spent hundreds of hours poring over books, articles, emails, cases, and briefs, referencing forty-some-odd countries. In efforts to state the case as clearly as possible, charts, graphs, briefs, summaries, and quotations were assembled.

The initial, basic research document topped 215 pages, and we scoured all available resources to answer 11 questions about 34 countries—374 answers that we wanted properly cited."

One focus, suggested early on by Scharffs, was the Sixth Circuit's "nutty percentage-of-time" test for determining whether someone qualifies for the ministerial exception. The task of providing support for countering this argument fell to incoming BYU law student Jared Hatch: "I found one French case that somewhat indicated that the amount of time spent engaging in secular activities was a 'consideration' but ultimately was not a determinative factor," he says. "Thus, I was very pleased when I read Justice Roberts's remark: 'The issue before us . . . is not one that can be resolved by a stopwatch.'"

Though from several different schools with "very different personalities," the students nevertheless got along, says Megan Healey Taylor. "Everyone had the skills and work ethic to stick to those long nights and to function as a unit." At some point, says Healey Taylor, a late-night slip of the tongue led the team to start calling the project the "amigo brief," which seemed to capture the process perfectly.

In the end, according to Becket Fund's Eric Rassbach, who coordinated the briefs for the Petitioner, the Center's brief provided crucial resounding international affirmation of the principle underlying the ministerial exception, which became particularly significant when the government chose to contest the constitutional basis of the doctrine.

For the students, Bastian says, "Our eyes have been opened to what it takes to write a brief for the Supreme Court. We have a knowledge of

the state of religious freedom internationally, and we can say that we were part of a unanimous Supreme Court decision, historic in many ways, that cemented in judicial precedent a freedom worth fighting for."

A final footnote to the *Hosanna-Tabor* opinion, one that is "likely to take on added significance as time goes on,"⁵ suggests that lawyers who understand these important issues might find work in coming years. The ministerial exception, wrote Chief Justice Roberts, is not "a jurisdictional bar" to all such lawsuits claiming workplace bias. Rather, it is "a defense on the merits. District courts have power to consider [such] claims in cases of this sort, and to decide whether the claim can proceed or is instead barred by the ministerial exception."⁶

The Amigo Team will be ready.

NOTES

1. Donlu Thayer is managing editor of print and electronic publications for the International Center for Law and Religion Studies at Brigham Young University.
2. *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission* slip opinion; <http://www.religlaw.org/document.php?DocumentID=5788>.
3. See <http://www.scotusblog.com/case-files/cases/hosanna-tabor-evangelical-lutheran-church-and-school-v-eeoc/>.
4. *Obst v. Germany*, ECtHR App. No. 425/03, 23 September 2010, available at <http://www.strasbourgconsortium.org/portal.case.php?pageId=10#caseId=4>.
5. Lyle Denniston, "Opinion recap: A solid 'ministerial exception,'" *SCOTUS Blog*, 11 Jan. 2012, 11:33 a.m., <http://www.scotusblog.com/?p=136532>.
6. *Hosanna-Tabor* slip opinion, *supra* n. 2.



BRADLEY SLADE

THE VALUE OF ENDURING FRIENDSHIPS

DEAN JAMES R. RASBAND HAS EMPHASIZED THAT A LAW DEGREE IS “AT ITS CORE A LEADERSHIP DEGREE.” COMMENCING WITH THIS INTERVIEW WITH ROBERT A. JOHNSON, ’76, CEO OF DESERET MUTUAL BENEFIT ADMINISTRATORS (DMBA), CLARK MEMORANDUM WILL EXPLORE WITH GRADUATES THE WAYS IN WHICH THEIR LAW DEGREE HAS PREPARED THEM FOR LEADERSHIP.

Bob, will you describe your educational background, both your undergraduate major and your graduate work, and how you made the decision to attend law school?

I grew up in California and New Jersey. After graduating from high school in New Jersey, I attended Princeton University, located 45 minutes from home. After two years at Princeton, I served a mission for The Church of Jesus Christ of Latter-day Saints. Upon completing my mission, I

realized that the very best thing for me would be to transfer to Brigham Young University.

At BYU I majored in economics, which was the perfect major for me. It had enough quantitative rigor that I didn’t have to compete with very capable English majors but not enough quantitative rigor that I had to worry about math majors. When I completed my undergraduate degree, I taught summer courses in the BYU Economics Department. I was set to attend Harvard Business

School in the fall, but I met Rex Lee that summer, and he persuaded me to embark with him and others on the grand adventure of a new law school at BYU.

Where did you serve your mission?

California. I’d grown up in a less-than-active family. My mission really got the fire of the gospel burning in me.

As you attended and completed law school, what were your expectations?

I found that studying the law was a pleasant task, and thinking like a lawyer came naturally. I graduated from law school determined to try the practice of law. At that point I didn't think I'd become a business executive, even though before law school I was headed in that direction.

With whom did you start your practice?

After serving for a year as a clerk for a federal judge, I began my practice in Washington, D.C., at a law firm by the name of Wilkinson, Cragun & Barker. Wilkinson was Ernest Wilkinson, former president of BYU. Bob Barker was counsel for the Church on several matters. I was intrigued by the prospect of being in such an exciting location and occasionally representing Church interests.

How long were you there?

I was there for two years (1977–79). I left because the firm was in the throes of blowing up. The

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This article is from an interview with Robert A. Johnson, CEO of Deseret Mutual Benefit Administrators, on June 16, 2011.
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atmosphere was toxic, and I thought I would try practicing somewhere else. I had a very good friend, Robert Grow, with whom I went to law school and who was one of my missionary companions. He encouraged me to come to Salt Lake to join a small firm in which he practiced. What a wonderful place to practice. The firm was small at first, so I gained a lot of practice experience quickly, and the

senior partners were very generous towards the associates. The firm (now Parr Gee) grew rapidly, and instead of being at the bottom of the pyramid I was near the top—and that's a better place to be at a law firm. I was at that firm for 10 years.

What did you do next?

As I noted, I was good friends with Robert Grow. He had joined Joe Cannon to start Geneva Steel and left me Geneva as a client. It was a very exciting time to be representing Geneva. The company was just getting started, there were fascinating legal issues, and we were billing Geneva piles of money. Then one day Robert and Joe invited me to come down to Geneva as general counsel, and I did.

How long were you with Geneva?

I was there a little over two years. In 1991 Bruce Reese, another friend and fellow law school classmate, was promoted to executive vice president of Bonneville International Corporation (the Church's broadcast company). With his promotion, he vacated the general counsel chair. So he called me up and said that he would like me to serve as his successor. He introduced me to Rod Brady (Bonneville's president) and President Gordon B. Hinckley (Bonneville's chair). It was easy to accept the invitation from President Hinckley to serve as the general counsel at Bonneville.

In serving as general counsel at Geneva and then at Bonneville, how did the nature of your work change from private practice?

It changed in two ways. First, you own problems as

a corporate officer in a different way that you own problems as an outside counsel. At a law firm your clients' problems are their problems. If they are convicted of crimes, they go to jail—you don't. If you successfully negotiate a contract, they have to abide by its terms. You, on the other hand, take your family to dinner. As general counsel you are much closer to the results of legal representation. Second, you are free from the tyranny of billable hours. You don't have as one of your primary goals getting 2,300 hours billed by the end of the year. Rather, you get determined to solve problems, and I was exhilarated by that.

You went from working for a steel company to working in broadcasting. What were the similarities between those two businesses, and what were the differences?

They are similar in that if you're not careful, both can pollute the air—one by way of very small particles that you breathe in, the other by way of ideas in audio and visual entertainment that taint the human spirit. And they both operate in highly regulated industries. But there are vast differences. Geneva was a start-up business with little financial security. As a public company, Geneva's mission was to produce wealth for its shareholders. By contrast, Bonneville had been around for much longer and had secure financial footing. Bonneville was owned by the Church, which has an important and very non-monetary mission. Thus Bonneville had the ability to think long-term about the future with a range of goals that were quite ennobling.

What were the most important skills you learned in law school that you used in the practice

of law? Is there a different set of skills that you use as a CEO?

Law school, as I remember it, is a very competitive environment. Success in law school can be derived from very solitary commitment, and the law firm environment shares some of that separateness fostered in law school. You succeed in law firms by securing clients, holding them close, and making sure that your cords of attorney-to-clients loyalty are stronger than the bands of death (or at least any attempt by another lawyer to spirit your clients away). You don't get a lot of points being a team player in law school or at law firms. Success in business results from a much more team-oriented effort. In business you throw out ideas and an iterative and collaborative process begins. When an idea is good, the company moves forward and all share in that progress.

You have had the good fortune to work with friends. How did that influence your career as an attorney and your transition into business?

Even before law school I was blessed to be continually connected with two very dear friends, Robert Grow and Bruce Reese. They are both heroes of mine. As lawyers, they were going through the same experiences and adjustments that I was going through. It was easy for me to share my problems with them, and I knew that they would keep confidential what I shared. Their insights were invaluable. Both had a head start on me in the environments we shared—Robert at the law firm and Geneva and Bruce at Bonneville. Both were senior to me, and yet they went out of their ways to see that I was treated generously.

Bruce, in particular, aggressively shared his success with me before Bonneville's owners. It has been an amazing experience to work with, collaborate with, and know these men. I consider myself enormously blessed by their friendship.

Tell me about the transition from Bonneville to the health care industry and DMBA.

When I transitioned from being general counsel at Bonneville to being its chief operating officer (in 1996), I was invited to begin service as a member of the Deseret Mutual board of directors. For 14 years I had the opportunity to serve on the board as an outside director, to serve on key committees of the board, to be vice chairman of the board, and to work closely with Michael Stapley, then CEO of Deseret Mutual. I came to understand somewhat the nature of the place, the types of issues that consumed Michael, and the strengths of the members of the management team. In particular, Michael and I became personal friends. Perhaps in honor of that friendship, when Michael announced that he was going on a mission for the Church he reached out to me and said, "Bob, you'd be the perfect person to replace me."

Well I wasn't quite sure of it. I had become president and chief executive officer of KSL Broadcast Group and was enjoying myself. Further, Michael Stapley was an expert in benefit matters—a giant in the industry—and I knew that I could never duplicate his expertise and stature; the arc of my career wouldn't be long enough to allow me to do so. I politely deflected Michael's interest, and he went to search for other candidates. Each time Michael

would get close to finding his replacement, the marriage didn't work out. And each time he would call me and say, "Bob, it's not working out because you need to leave KSL and come here."

Over a six-month period Michael's calls began to open my mind to the possibility of a career change. I began to ponder the matter and eventually counseled with some people I respect greatly and who had an interest in both organizations. Finally I came to feel that the right place for me was at Deseret Mutual. Now that I am at Deseret Mutual, I can tell you that I feel completely at home. I love this place.

Elder Dallin H. Oaks gave a graduation speech at BYU in which he described some of his "Fathers in the Law"—those who had the greatest impact on his career. Can you describe some individuals who have had an impact on your career?

I have already honored Robert Grow and Bruce Reese. Let me add two others. First, Bob Barker, one of the name partners of Wilkinson, Cragun & Barker. Bob, who is deceased, was a magnificent attorney. He taught me to ask the bigger questions about the problems I was dealing with as a lawyer. He taught me to get context, to understand from the client why I was given the problem, and then to be creative at a high level about the solution. There's such a temptation for young lawyers to jump into the statutes, regulations, and case law to find the nugget that solves the problem. I was taught that our clients are best served by asking broader questions about the matter before we start looking at the law.

Second, Dale Kimball, once a name partner at the Salt Lake law firm in which I practiced. Dale taught me to appreciate the

strong, admirable qualities of my partners. When I would process with Dale about a law firm issue or a lawyer in the firm, Dale would teach me the qualities of my colleagues that could bless my practice. Dale's habit of looking for the strengths and not the flaws in others is a practice that I try to emulate.

What advice would you give to young lawyers as they start their legal practice?

I would encourage them to find places to practice where the very best parts of them—their integrity, their humanity, their curiosity—are reinforced by the people they choose to practice with. They will grow most if they are in a nurturing environment in which those elements are honored.

In an economy in which finding the perfect job is difficult, how can a young lawyer determine whether or not an environment will be one that will nurture and help to develop their capabilities?

I appreciate that right now job choices are limited. You need to feed yourself and your family, so you may not have time and resources sufficient to find the ideal law firm. But you can always reflect on your circumstances and try to be strategic. We have a lot to do with the creation of our own environments, not the person in the next office. You create your environment by choosing whom you reach out to in bar organizations, in alumni organizations, and in your neighborhoods. Those people could eventually have a great deal to do with what you become and where you practice. Have the energy and foresight to nurture those relationships. My career was determined by my friends

and mentors to a vastly greater degree than it was by my class rank or my law review standing.

As a CEO you often hire attorneys or determine whom you would select to be legal counsel for your company. What are the qualities that you look for in an attorney?

I want someone who will take the time to try to understand my vision and senior management's vision for the company. I want someone who buys into that vision and then will guide all of his or her representation by that vision.

How have you maintained balance in life among employment, family, and other commitments?

I'm not sure I've done a great job of maintaining a healthy balance in my life, particularly at certain points in my career. Since this interview will be read by law students, I offer this regret regarding my personal law school experience: in law school I was too interested in academic success and not interested enough in the richness of the study of law for its own sake. I was also too often willing to sacrifice my family's needs for my studies and practice. However, over time, through the process of making mistakes concerning what I was committed to and how much I would give to that commitment, I have learned that my greatest satisfactions are in the personal relationships that I have. As I have matured I have consciously tried to dedicate more of my time—quality time—to the people around me. I'm not a model, but I know that life as a law student, as a young lawyer, as a general counsel, and as an executive will be better and more satisfying if you live a life that has balance.

Arnold Friberg Portrait Unveiled



On Friday, February 10, 2012, an Arnold Friberg portrait of J. Reuben Clark Jr. was unveiled at the Law School by donors Gregory and JaLynn Prince. The portrait will be displayed in the Law School Conference Center on the fourth floor.

Gregory Prince, Dean James Rasband, and JaLynn Prince



JaLynn Prince



Gregory and JaLynn Prince || Dean James Rasband and Lew Cramer



JaLynn and Gregory Prince

TWO ROMAN BRONZE PLATES ON DISPLAY AT THE LAW LIBRARY

AN INTERVIEW WITH PROFESSOR JOHN W. WELCH

CM: We are fortunate to have in the Law Library a very attractive and interesting exhibit featuring two Roman bronze plates recently gifted to BYU. Why has this display come to the Law School?

JW: There are many reasons. For one thing, these two plates are legal in nature. This rare set of plates documents the grant of citizenship by the Roman emperor Trajan in AD 109 to a retiring soldier, Marcus Herennius Polymita Berens, and his two sons and daughter. In addition, these two plates are put together in a fascinating format. They are doubled, sealed, and witnessed—a legal format that was widely used in formalizing important legal documents in various ancient legal systems for over two millennia.

CM: Where else have these BYU Roman plates been exhibited?

JW: This is the third venue for the exhibit. The first was for a year and a half in the Harold B. Lee Library at BYU, and the second was at the UVU Institute of Religion. It is wonderful to bring it now to my home here in the Law School. I appreciate Kory Staheli and his staff for doing a terrific job of installing these intriguing artifacts and explanations in the Reference Reserve area of the Howard W. Hunter Law Library.

CM: Tell us more about Roman citizenship and plates such as these.

JW: No right was more powerful in the early Roman Empire than citizenship. It gave citizens a number of legal immunities, privileges, and protections, including exemption from tax. The Apostle Paul invoked some of these rights in his trials before Felix and Festus in Caesarea. How Paul proved that he was a Roman citizen is unknown, but we do know that the punishment for falsely claiming to be a Roman citizen was death. Plates like these would have served as important proof of citizenship, especially for one who had just obtained this high status.

CM: Where have plates such as these been found?

JW: Fragments of these so-called military diplomata have been found in all parts of the Roman Empire, but only about a dozen complete pairs have been found. The BYU plates were found in February 1986 in Romania, in an area that was once part of the Roman province of Dacia. A collector in Berlin acquired them, and when he died in 2001, the plates were sold at auction and were then offered for sale by the Royal Athena Gallery in New York, where they were acquired and donated to BYU.

CM: What other museums own such plates?

JW: Not very many. I believe BYU holds the only set of Roman military diplomas in the United States. I have

stumbled onto other sets in the British Museum, the Louvre, the Bibliothèque Nationale in Paris, and the Römisch-Germanisches Zentralmuseum in Mainz. So BYU is in pretty elite company.

CM: What does it mean that these plates were “doubled, sealed, and witnessed”?

JW: These plates have, of course, a total of four sides. When you put the two plates together, it’s like a sandwich with two pieces of bread. On the outside of the top plate is cast the full text of the imperial decree. On the two inside faces is inscribed a second copy (the “double”) of that complete text. On the backside of the bottom plate is cast the names of the seven administrative witnesses along with their official personal seals (hence, this set was “sealed” and “witnessed”). The two plates were held together with two corner rings so that they could be opened like a book. When closed, the two plates were bound together with a wire that ran through two holes in the middles of the plates, and a rectangular case was affixed over the twisted wire to hold the plates snugly together. In the case was a bed of wax into which the seals were impressed. More than sealing something closed, seals in the ancient world were stamps of approval, legitimacy, validity, and warranty.

CM: You mentioned that these plates were witnessed

with seven seals. Does this have anything to do with the Book of Revelation?

JW: I think so. Remember that the Romans were issuing these official documents in profusion in the last part of the first century and the beginning of the second century, around the very time when the Revelation of John was written. Note that John saw in a vision “a book written within and on the backside, sealed with seven seals” (Revelation 5:1). That obscure verse now seems a lot more understandable.

CM: Why would Romans and others go through so much trouble to double and seal these documents?

JW: Actually, this manner of preserving and verifying documents served many legal functions. Lawyers today can learn from the Roman legal and administrative genius. Requiring such a formal written copy fights against sloppiness, forgery, and document falsification. Having a backup copy also mitigates the problems of lost or altered documents. Only a judge had authority to break the seals and open the record. If there were ever a question about the reading of the open portion of the document, a judge could open the seals and find there a duplicate original, and he could then rule with confidence.

CM: How widespread was this legal convention in antiquity?



Important legal documents were preserved on metal plates in many ancient cultures. BYU owns this rare set of doubled, sealed, and witnessed Roman plates (left and center) from AD 109. (Left: front of plate 1; Center: back of plate 2.) The plate from Gubbio, Italy, (right) presents an Iguvine law (ca. 200 BC) in the Umbrian language using an Etruscan script.

JW: Doubled, witnessed, and sealed documents were virtually universal. They are found in many cultures, languages, and media. Archaeologists have found all kinds of documents—deeds, manumissions, bills of divorcement, promissory notes—using Latin, Greek, Hebrew, and Akkadian and written on clay, papyrus, parchment, wood, and metal.

CM: Hebrew? That sounds unusual. How do we know that ancient Israelites used this practice as well?

JW: For one thing, in Jeremiah 32:6–15 we read about the closing of a real estate transaction in which Jeremiah purchases land from his nephew. They prepare a deed with two parts: one that was “sealed according to the law and custom” and another that was “open.” Because of Aramaic deeds from the fifth century BC that were found on the island

of Elephantine in Egypt, we can now see exactly what Jeremiah was talking about. Sealed documents are also mentioned in Isaiah 8:16 and 29:11. In Ezekiel 2:10 the prophet was shown a book that “was written within and without,” presumably referring to this same practice. The lengths to which the ancients went to preserve and authenticate their most important records makes these legal protocols a strong and widely understood literary element that becomes important in interpreting the symbolism of these texts. For example, one of the reasons why an ordinary person cannot read a sealed book is that only a person with proper authority has the right to even open it.

CM: Working with these plates certainly opens up a lot of exciting things to think about. What experiences have you had that have been especially eye-opening?

JW: Teaching my course at the Law School on ancient laws in the Bible and the Book of Mormon made me aware of Jeremiah 32 long ago. But I wanted to learn more about that text and to see if anything like Jeremiah’s deed had ever been found. After all, Jeremiah and Nephi were contemporaries in Jerusalem, and in their own way the plates of Mormon were put together as a sealed record, complete with witnesses, with one part open and the other part sealed. I looked high and low (in the days before the Internet) and finally figured I was just not going to be able to find anything. Then I went to a conference on ancient law held at the Leiden Papyrological Institute in the Netherlands. On the final day of the conference, as I sat in the reading room where we were meeting, I noticed right behind me a shelf of books on *Doppelurkunden* (doubled documents). That

was a gift from heaven and the beginning of many rewarding years of research, discovery, and writing.

CM: Where can a person read more about these plates?

JW: Two full articles about these plates have been published in *BYU Studies*, volume 45, number 2 (2006), which can be easily accessed for free on the *BYU Studies* website (www.byustudies.byu.edu). These articles answer all kinds of questions, such as, How did these plates come to BYU? Are these plates authentic? What do they say? What rights were granted to BYU for these plates? Where are other doubled documents that have been found? and What significance do these plates have for Latter-day Saints? Also, a free brochure summarizing these points is available to all who visit the exhibit in the Howard W. Hunter Law Library.

Coming Events for BYU Law School Alumni and J. Reuben Clark Law Society

MAY 21	Supreme Court Swearing-In Event George Washington Law School and Georgetown Law School Washington, D.C.
MAY 21	Rex E. Lee and Shawn Bentley Awards Luncheon Atrium Ballroom of the Washington Court Hotel Washington, D.C. 12:30 p.m.
JUNE 1-4	Law Society Asia Pacific Conference New Zealand www.jrcls.org
JUNE 13	Religious Freedom Discussion Series with Gary B. Doxey Register at www.iclrs.org
JULY 11	Religious Freedom Discussion Series with Elizabeth A. Clark Register at www.iclrs.org
JULY 18-21	Utah Bar Conference: BYU Law Reception Sun Valley, Idaho 3:00 p.m.
AUGUST 1	Religious Freedom Student Writing Competition Submission Deadline www.jrclsdc.org (Int'l Religious Liberty link)
AUGUST 14-17	Law Society Education Week Lawyer CLE Program BYU ce.byu.edu/ed/edweek
AUGUST 23	Founders Day Dinner Little America Hotel Salt Lake City Elder Dallin H. Oaks
AUGUST 24	BYU Law Alumni Golf Tournament The Links at Sleepy Ridge
SEPTEMBER 5	Religious Freedom Discussion Series with Brett G. Scharffs Register at www.iclrs.org
OCTOBER 4-5	Annual Law Society Leadership Conference Aspen Grove
OCTOBER 6	General Conference Reception Joseph Smith Memorial Building, 10th Floor Salt Lake City Noon
OCTOBER 7-9	19th Annual International Law and Religion Symposium BYU Law School
OCTOBER 11	International Religious Liberty Award Dinner Mayflower Hotel Washington, D.C.
OCTOBER 12	Ethics CLE Symposium BYU Law School lawalumni.byu.edu
OCTOBER 12-13	Alumni Weekend BYU lawalumni.byu.edu Reunion Dinners: '77, '82, '87, '92, '97, '02, '07
DECEMBER 5	Religious Freedom Discussion Series with Robert T. Smith Register at www.iclrs.org

2013

TBA	Law Society Annual Fireside LDS Conference Center Salt Lake City
FEBRUARY 16-18	Law Society Annual Conference and 25th Anniversary Celebration George Washington University Law School and Georgetown Law School Washington, D.C.
APRIL 6	General Conference Reception Joseph Smith Memorial Building, 10th Floor Salt Lake City Noon

The *Clark Memorandum* welcomes the submission of short essays and anecdotes from its readers. Send your short article (750 words or fewer) for "Life in the Law" to wisej@law.byu.edu.