

GIVING BACK

A Conversation with Charter Class Member Jim Parkinson

ATTORNEY, AUTHOR, FILMMAKER, EDUCATOR,
HUMANITARIAN, FRIEND OF THE LAW SCHOOL

Rex E. Lee was advised by his friend Willard Pedrick, the first dean of Arizona State University's law school, "that one of the unfortunate facts about life is that every new law school has to have a first class. The only way to deal with that, he said, was just to get rid of them as soon as you could, and then fumigate the building." Lee realized that the charter class at BYU Law School was taking more of a risk than any future classes would be, so he took great care in recruiting them. He understood the value of the Law School and that its mission would become more apparent as the professional and personal lives of the graduates unfolded.¹ He wasn't wrong. The members of the charter class were risk takers, and they were not afraid to start something new in their professional lives in the same way they had done as the first graduates of the Law School.

Editors Scott Cameron and Jane Wise sat down with charter class member Jim Parkinson and talked with him about his preparation, practice, projects, and passions of the last 40 years.

PREPARATION

You were part of the fabled first class at the Law School. Why law and why BYU?

My uncle James O. White was an attorney in Los Angeles. He was a Stanford law graduate, a World War II veteran, a Silver Star recipient, and my hero. I was an undergraduate at BYU, and I wanted to become an attorney. I wasn't sure exactly where that would take me; I just knew it would open many doors.

I belonged to the Blue Key Honor Fraternity at BYU, and one night a fellow by the name of Rex Lee showed up and talked to a small group of us about the vision of the BYU Law School. I had no concept of it before that day. Once I heard the Pied Piper, I said I needed to be in that deal. I had no idea where it would lead, but I knew that if there was somebody like this Rex Lee fellow at the top, it was going to go in a powerful direction. I thought I had the skill set to be an attorney. I knew if I were properly trained there would be an opening somewhere.

My father, a doctor, wanted me to go into medicine. He had a prominent attorney friend call me to say that there were already too many lawyers and that I couldn't make a living as a lawyer.

I asked him, "Is there any room at the top?"

He said, "There is always room at the top."

I said, "OK. I will do just fine. I am going to law school." I was incredibly arrogant

and naïve. My arrogance was knocked out of me the first time I sat in a classroom and got a full-frontal blast of Rex Lee's intellect and met the extraordinary members of that charter class. I had no idea then how important those fellow students and faculty would be in my professional and personal life.

I clerked the summer of my first year with personal injury attorney Thomas T. Anderson in my hometown of Indio, California. Mr. Anderson was considered one of the best personal injury trial attorneys in America and was a true Christian gentleman. Those three months really opened my eyes: I wanted to be a trial attorney. My second year

his example how important it is to take one's skill set and represent the people in the world who are downtrodden, who don't have money, and who need representation. Monroe has always been a great champion for the little guy.

And I've had a remarkable 35 years as a trial attorney. What made it truly remarkable was representing people who needed me. If I didn't win the case, my clients faced serious consequences. So I became a contingency-fee trial attorney, living on the edge but also having an incredible feeling of doing something worthwhile. I received this incredible gift from BYU Law School.

How do you ever repay that? What I have done and what I am doing stems from the ticket I got punched by Rex Lee.

of law school I took a trial practice seminar put on by Woody Deem and Ed Kimball, and I discovered that I had a knack for trial law. Ed had a remarkable influence on me. He had a towering intellect, a profound understanding of the evidence code, and an understanding of the principles of persuasion. I learned the basics and knew what I had to master to become successful.

Monroe McKay opened my eyes to what the law can do for the little guy. In other words, you have a choice of where you will invest your time and talents. Monroe showed me by

Probably the most significant thing that happened to me in law school was developing personal relationships. The impact that Monroe McKay, Ed Kimball, Dale Kimball, and Rex Lee had on me is impossible to quantify. I spent an entire semester with Monroe as a research assistant. Every morning while eating donuts at the Wilkinson Center, I would report on my research and Monroe would talk to me about practicing law and the moral responsibilities lawyers have. How do you ever repay that? What I have done and what I am doing stems from the ticket I got punched by Rex Lee.



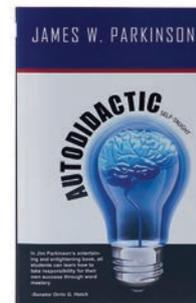
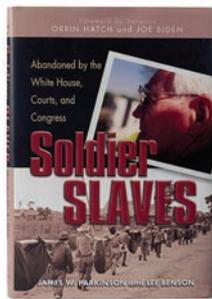
Then there are the friendships that came from law school—Dee Benson and Paul Warner are still my closest friends today. We pushed the envelope a little at the old St. Reuben’s—the Catholic school in which the Law School was located before the new building was finished. At our graduation Rex Lee mentioned squiring the first accreditation committee through the building and then seeing us at the end of the hallway. He quickly changed route. Ironically, all three of us ended up being honored by the Law School as an Alumnus of the Year. We are also all serving as adjunct professors at the Law School.

When the three of us graduated, the school had no job placement history, so we actively sought jobs on our own. We did not wait or expect the school to find a place for us in the legal community. I think only a couple of firms came to the school to interview, and a few might have talked to Dee, but they had no interest in talking to Paul or me. Then there were Tom Perry and Steve Hill, who have not only blessed my life but also shaped my professional career. These friends have provided connections and networking throughout my career. Every person who graduates from BYU Law School has been given a gift—not only in skills but in friendships.

PRACTICE

What did you do after law school? What were some of your favorite cases?

After I left law school I moved back to Indio and worked with Thomas Anderson for 12 years as a trial attorney practicing personal injury work, and I ended up becoming his partner. Over the next 35 years I was involved in some interesting personal injury cases and had excellent training. It is just as Monroe



had pointed out: when you do personal injury plaintiff work, you get to know your clients well, and their problems become your problems. Every case I was ever involved in—no matter the extent of the injuries, the damages, or the recovery—turned out to be fascinating. To see what could happen to a person’s life because of the negligence of another, and to see how the system tries to remedy the problem and put that person back where they would have been before the negligence, is a fascinating process. Every case was extraordinarily important to me, and I met remarkable people, from farm workers to famous athletes.

The National Tobacco case was one of the most absorbing things I’ve been involved in. Although I played a very small part in the case, I met and worked with some of the best attorneys in America. In 1998 tobacco companies agreed to end certain marketing practices and to pay for tobacco-related health care costs amounting to \$206 billion over the first 25 years in order to be exempted from private claims. Of course, as a Latter-day Saint, taking on the tobacco industry was very satisfying.

Another case I will never forget is one that we handled on behalf of American World War II soldier Harold Poole and others like him—survivors of the Bataan Death March in 1942 who were used as slave laborers for Japanese steel corporations for

more than three years. Everyone knows that Pearl Harbor was attacked on December 7, 1941. What many people forget is that the Philippines was attacked later that same day. General Douglas MacArthur was unprepared to defend against an invasion of 104,000 crack Japanese troops, and April 9, 1942, marked the largest surrender of American troops since the surrender

some of the best lawyers and law firms in the country. I met some remarkable people in that case, and we took it all the way to the United States Supreme Court and to Congress. We worked very closely with Senator Joseph Biden, Senator Orrin Hatch, and Representative Duncan Hunter. Getting to know the war veterans, learning their stories, and hearing directly from them was a

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at the Appomattox Courthouse. The Japanese then had a problem in the form of 10,000 American and 70,000 Filipino soldiers to deal with. The resulting death march—in which these prisoners were marched to prison camps—was gruesome. Because surrender was so dishonorable according to the Japanese warrior code, the Japanese soldiers brutalized the prisoners. When you consider the number of soldiers who died on that 84-mile march, there was a dead body every 32 feet. Later, when Japan required additional workers for the war effort, the survivors were shipped to Japan to serve as slaves to Japanese private industry. For more than three years these men worked in steel mills and mines. When they returned home they were told not to talk about what had happened.

Unlike the tobacco case, I was co-lead counsel on this litigation. We had a team of

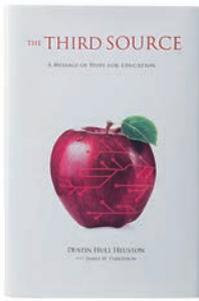
remarkable experience. I listened to their responses to death, to cruelty, and about the end of the war, and just listening to those stories changed how I look at life.

PROJECTS AND PASSIONS

You went from practicing law to writing books and making a documentary. How did you become involved in these projects?

AUTHOR: *Soldier Slaves*

When I first met some of those soldier-slave survivors, it dawned on me that theirs was a great story. I wanted to share it with other people, so I talked to Lee Benson, a columnist for the *Deseret News*, and Dee’s twin brother. I had done other projects with Lee, and I started reporting to him every time I met with one of the Bataan Death March survivors. Lee came to many of the hearings, and we began working on a book as the case progressed. Lee and I traveled with Harold



Poole—Paul Warner’s father-in-law, who became the protagonist of our book *Soldier Slaves*—to the Philippines. There we retraced the Bataan Death March. Writing the book, gathering the stories, and digging into the history with Lee was a remarkable, life-changing experience.

FILMMAKER: *The Inheritance of War*

The natural progression of the book was to make a documentary. It was titled *The Inheritance of War*. I had a very fine filmmaker, Ashley Karras, who helped me. She went to the Philippines and filmed, and I interviewed the men. The documentary has been shown in film festivals across the United States. The footage and the interviews are very moving, and I’m so thankful we captured that with the documentary. The book tells of the litigation and the story of Harold Poole. Together, the book and the documentary tell a powerful story.

EDUCATOR

After I wrote *Soldier Slaves* I decided to take the story into high schools and teach that part of American history to young people. I have gone to high schools in New Jersey, Mississippi, California, and Utah, and I’ve spoken to probably 10,000 students about the book. I would show the documentary and give the students a copy of the book. I also started an essay contest titled “What Is a Hero?” and

gave \$1,000 scholarships to students with the best essays. I did this in 10 different schools. I noticed that most of the essays were very poorly written, so I dug a little deeper and found that some high school students can’t read or write. They are either illiterate and can’t read or aliterate and can read but choose not to. I began to ask students how many books they were reading, and I was stunned at the lack of interest in reading.

AUTHOR: *Autodidactic: Self-Taught* and *The Third Source*

This discovery led me to write a little book titled *Autodidactic*, which means “self-taught.” I emphasized that each student has to take responsibility for his and her own education by learning vocabulary, reading, and writing. I put a list of important books to read at the back of the book. This book has gone to probably 15,000 high school students across the country, and there has been a remarkable response in terms of students turning their lives around and becoming more interested in reading.

I gave a presentation in Cedar City, Utah, a year or so ago. A student came up to me afterward and said he wanted to talk with me privately.

He looked at me and said, “Are you lying?”

I asked what he meant.

He said, “Well you said anyone can make it. I come from a foster home. My mother got us

on drugs when I was eight. Can someone like me make it?”

I reached in my pocket, pulled out \$20, and gave it to him. I said: “Go buy a dictionary, start reading, and look up the words you don’t know. It’ll change your life.”

His teacher called me four months later and said that the student’s grades had gone from a D- to a B+ and that he had read 10 books. He has changed his life. When you find a boy in Cedar City in a foster home who had to move out of St. George because his mother got everybody on drugs, you realize that you had better raise your voice to try and save somebody.

With my interest in literacy, I was led to Dustin Heuston, founder of the Waterford Institute in Salt Lake City. The Waterford Institute has melded technology with great scholarship in teaching reading to make it possible for all children to learn how to read. Waterford has sold more than \$500 million of its software around the world. That led me to coauthor my next book, *The Third Source*, with Dustin. What I discovered when I started researching for the book with Dustin is that if a student can’t read by the fourth grade, the game is basically over, because at that point students go from learning to read to reading to learn. The statistics were startling. By the fourth grade only 14 percent of African-American and 17 percent of Hispanic children can read at grade level. Literacy is the civil rights issue of our generation.

I traveled to Senegal in West Africa and met with its president to set up a program for preschool children to lay the groundwork for reading. Although the native language there is French, those children started learning English for 15 minutes a day on the

Waterford programs, and it has been a remarkable success. Then we went to Mississippi, and we are doing the programs there. I see the difference it is making in children’s lives.

HUMANITARIAN:
Work in Africa

You have a love for Africa and are involved in humanitarian projects there. How did this interest develop? What are some of the things you have done?

I was the first chairman of the Republican Trial Lawyers Caucus for ATLA (Association of Trial Lawyers of America), which is dedicated to reaching out to pro-civil justice Republicans in Congress. I served with Vice Chairman Wilbur Colom, a very successful trial attorney, Republican, and African-American from Columbus, Mississippi. The year I stepped down he stepped in as chairman, and we became close friends. We have become so close as friends and business partners that we tell people we are twins. He told me on the phone the other day that he is conflicted about the presidential race between Mitt Romney and President Obama. He said he had to give money to both. When I asked why, he said, “Well, on the one hand I’m black, and on the other hand I’m a Mormon.” He considers himself a non-baptized Mormon because of me.

Wilbur asked me about eight years ago to accompany him to Africa. I called up Monroe McKay, who had served a mission in South Africa, and said, “My friend has invited me to Africa. Do you want to go?” He agreed. I invited Monroe for a very important reason: if Jim Parkinson disappears in Africa, no one will care, but if the chief judge of the Tenth Circuit Court of Appeals disappears, the United States Marines will come looking for him.

While we were in Capetown, Wil, Monroe, and I went to church together. That Sunday happened to be stake conference. Because we were an hour early, we were able to watch the chapel fill up. About one-third of the congregation was black. I didn't notice, but Wilbur pointed out that the members didn't segregate: there was a black person and then a white person. Right before the opening prayer, in walked 10 missionaries, all of them black and each wearing name tags from their home countries. Monroe and I were so moved that we couldn't speak.

When we got in the cab to leave, I asked Wil, the non-Mormon, what he thought of the church service.

He said, "Parky, it was wonderful, but ya'll gotta do something about that music."

So I waited six months, and I called up the Mormon Tabernacle Choir office and told them I was bringing a special guest to their Sunday morning choir performance. I asked them to introduce Wilbur Colom and his wife, Dorothy, and dedicate "The Battle Hymn of the Republic" to them. After the broadcast the choir sang and dedicated the song to them. Tears streamed down Wil's face after the song, and I turned to him and said, "Now what do you say about Mormons not being able to sing?"

He said, "Parky, those Mormons can sing! It's you and Monroe that can't sing!"

After Capetown we made our way up to Tanzania. While there we visited with the United Nations for the Genocide in Rwanda, and I met with Hassan Jallow, the chief prosecutor. I invited him to come to BYU to speak at the Orrin Hatch program I sponsored, and we ended up becoming best friends.

From there Mr. Jallow invited me to the Gambia, where I met the president and planted seeds for future programs. This then led me to meet Mr. Jallow's cousin, who is now the ambassador of Senegal to the United States, and that led to my meeting the president of Senegal.

On one of my trips to Tanzania I read an article in the newspaper about a man who lost his wife to breast cancer. She was in her 30s. I thought that if my brother Dr. Brett Thomas Parkinson from Salt Lake City had been there he might have been able to save that woman's life. He is a radiologist who specializes in mammography, and he is head of the breast cancer program for Intermountain Healthcare. When I got back to the United States, Wil and I put up the money, and we partnered with the Women's Medical Association of Tanzania. We got Hologic, a maker of mammogram machines, to donate 13 machines to Tanzania. Then my brother and his group traveled to Tanzania to train doctors on the equipment. We also had doctors from Tanzania train in Utah and Mississippi. Now they have 13 mammogram machines operating in Tanzania, a country of 35 million, when before there were no working machines. My work with Wilbur then led to a business partnership, and we have now built our first hotel in Africa. We will be building two more this year and probably more than 30 in the next 10 years.

I was asked by Michael T. Benson, the president of Southern Utah University (SUU), to be his presidential ambassador and a distinguished fellow for international engagement. As the presidential ambassador for SUU, I have now met with six of the vice-chancellors of the top university in Tanzania. We are currently setting up exchange

programs for SUU and the University of Dodoma. On my next trip I am going to meet with the past president of Tanzania, Benjamin Mkapa, who is currently serving as chancellor of the University of Dodoma.

FUTURE PROJECTS

What are your plans for the future?

I am spending most of my time working on my African investments and philanthropies. I recently collaborated with Lee Benson and coauthored *Billy Casper: The Big Three and Me*. We are currently traveling the country promoting this book. I've been to the Masters and the U.S. Open with Billy Casper and Lee. If you want to really enjoy the Masters, you need to go with a guy who owns a Green Jacket! One organization I continue to support and am a proud member of is the 100 Black Men of Columbus, Mississippi—a service organization. I don't live in Columbus, so it was quite an accomplishment to become a member. I think I am the only white member in the country.

FRIEND OF THE LAW SCHOOL

You are a committed friend and donor to the Law School. What projects are you especially proud of?

The only reason I have had an opportunity to work with the people I have, the only reason I have been able to write books and make a documentary, and the only reason I'm in Africa is that I had a law degree from BYU. That's my only calling card. So I have incredibly strong feelings about the Law School. Without it I would never have had my career. I don't take it for granted at all—no graduate should. Every graduate should be looking for opportunities to give back.

As for projects, in 2004 I organized what became a yearly

conference until 2011. The Orrin Hatch Distinguished Trial Lawyers Conference brought trial attorneys together at the Law School. Because of my 2005 trip to Africa with Monroe and Wil, I invited Hassan Jallow to speak. We had two past presidents of ATLA and Ming W. Chin, associate justice of the California Supreme Court, as speakers. We have also had the head of the NAACP of Mississippi along with federal judges and U.S. attorneys as speakers. Secondly, I was able to chair the fund-raising effort for the trial courtroom at the Law School. It is a beautiful room with milled cherry-wood paneling and state-of-the-art technology. It is a superb setting to learn trial advocacy skills in. I consider court rooms to be sacred spaces, places where the truth—the verdict—is found.

Let me repeat myself: How can anyone who graduated from this law school not give back? The relationships I established here are still strong. They impact me every time I turn around. The people I met here make me want to be a better person and a better lawyer, and they have connected me to others who have helped me professionally. Back in the day we had incredible access to the faculty. I could walk into Rex Lee's office and talk to him anytime I wanted that first year. In fact I did the same thing with Dale Kimball. They were always available to talk, so that was incredible. The faculty at the Law School now are extraordinary! They could go anywhere and do anything, but they choose to be at this law school.

NOTE

- 1 Rex E. Lee, *Thoughts After 15 Years*, CLARK MEMORANDUM, Spring 1990, at 15-16.

POINTERS FOR YOUNG LAWYERS:

BE WILLING TO TAKE REASONED RISKS



Too often we want to see the end from the beginning. We want to get to the “happily ever after” before we realize what “happy” is. This can happen so easily when we emerge from a prolonged stint in education. It is important that once the euphoric rush wears off from having one’s first paycheck-producing job, we are still able to take “reasoned risks.” Four Law School graduates—Sheila McCleve, Shawn Lindquist, Steven Lund, and Bruce Reese—love their careers and agree that among the most important traits for a young professional to have are faith and flexibility.



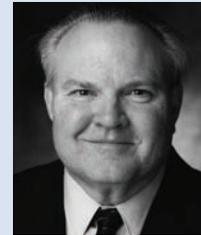
SHEILA MCCLEVE, '76, worked as a law clerk to Justice Richard Howe of the Utah Supreme Court and then got a job working for the Utah Public Service Commission. Her associations with people affected her even more than the content of her everyday work life and led to her being appointed a judge in Salt Lake City, where she served for more than 25 years. Sheila advises, “We should do everything we can in our current position, and then the hand of providence can intervene, and an opportunity may present itself that could not have been foreseen.”



SHAWN LINDQUIST, '97, thought he had landed his dream job when he was the first BYU Law School graduate to be hired by Wilson Sonsini Goodrich & Rosati in Silicon Valley. He loved his job, but on the verge of partnership he took a leap of faith and joined Omniture, a young technology company headquartered in Utah. Though his colleagues counseled that the decision was risky, it turned out to be one of the best decisions of his career. “I’ve never left a job for a negative reason,” Shawn says. “It was always for something that I felt was important to my family and would provide me with additional opportunities and challenges. When I left, I never wanted to leave my colleagues in a lurch, so I always made sure that projects were completed and responsibilities fulfilled before moving on.” This has paid dividends, and now Shawn employs Wilson Sonsini to assist with legal matters for Fusion-io, where he is currently serving as chief legal officer.



STEVEN LUND, '83, was working for a law firm in Utah County when a close friend asked him to help build a little start-up cosmetic business. Steve acknowledges, “The most comfortable thing would have been to stay with the law firm.” He thought that by helping his friend he could transition from the law firm in which he was working to another state. On the contrary, that “reasoned risk” wasn’t a transition between jobs at all. Steve ended up finding his life’s work with Nu Skin, where after 30 years he has gone from in-house counsel to executive vice president and then to president and currently as chief executive officer.



BRUCE REESE, '76, was forced to be flexible when the firm for which he worked imploded. He sought greener pastures in Denver, only to find out he was not meant to be a litigator. It was not until his third position that he started on the path to becoming CEO of Bonneville International Corporation and now of Hubbard Radio. Bruce states: “I think the training that we get as lawyers really does give us a lot of flexibility, and I encourage people to take advantage of that. Be flexible and look for the opportunities that life will present you. I had no clue I would end up doing this. . . . So I think you just have to be ready and open to the opportunities, maybe take ‘reasoned risks’ with your career, and see where they will take you.”

A Motion to Impress



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