

# Bringing Justice to All

A LOOK AT THE GROWING UTAH NONPROFIT

**T**he civil legal aid nonprofit “And Justice for All” (AJFA) strives to live up to its name. The organization provides free legal representation for clients who are low on financial resources or are otherwise vulnerable. Tatiana Christensen, ’05, staff attorney and pro bono coordinator, is one of five BYU Law alums who work for one of the three partner agencies involved in AJFA. Christensen explains, “We work with those who are facing challenges to very basic human needs—physical safety, freedom from sexual assault, food, shelter, healthcare, etc. The legal system is often difficult or impossible for our clients to navigate on their own.”

AJFA provides services throughout Utah by coordinating legal services and raising funds, and it strengthens communities through a focus on serving individuals. The AJFA website states that they are “saving the world, one Utahn at a time.”

## An Innovative Idea

AJFA was formed in 1998 when Utah Legal Services (ULS), a nonprofit law office, was facing decimating cuts in their Legal Service Corporation funding. Lauren Scholnick, an attorney at ULS at that time, came up with the idea of forming a joint

*Left to right: Amberly Datillo, ’04, Tatiana Christensen, ’05, and Craig Harrison, ’92—three of the five BYU alums who work with AFJA.*



fundraising campaign. The three major agencies that provide civil legal services in Utah—Utah Legal Services, the Disability Law Center, and the Legal Aid Society of Salt Lake—underwent a study about the viability of a joint campaign. Armed with positive responses, the three agencies formed “And Justice for All” with the goals to increase resources from the legal community and improve access to civil legal services throughout Utah.

### **An Efficient Solution**

Part of AJFA’s efficacy stems from the fact that it acts as an umbrella organization that simplifies donating and streamlines administration of services for those in legal need. Stewart Ralphs, executive director of the Legal Aid Society of Salt Lake and founding partner of AJFA, states that funds raised by AJFA serve as the single largest source of private funding for all of the AJFA partner agencies, and those funds are critical because they serve as “matching” funds for many major governmental grants. Although the three founding agencies do most of the fundraising and receive the majority of funds, AJFA sets aside 10 percent of the annual campaign to provide resources to programs in other organizations that provide civil legal services such as immigration, limited scope, and mediation services.

AJFA also helps direct the delivery of legal services. Anne Milne, ULS executive director and founding partner of AJFA, asserts that AJFA strives to eliminate duplication and fill gaps in services. “By consolidating, AJFA is able to minimize overhead expenses as well as administrative and fundraising

costs,” she says. “We take collaboration seriously and work collectively to make the best use of resources.” AJFA works closely with the bar and court programs to help meet the civil legal needs throughout the state, and AJFA agencies collaborate on special projects between agencies and law firms.

In addition, AJFA simplifies the necessary costs and organization of running an agency. Through a capital campaign, AJFA purchased the Community Legal Center, which now houses

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—STEWART RALPHS

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the Salt Lake offices of all three founding agencies, saving them hundreds of thousands of dollars every year. “This central location of our programs in the same building serves as a one-stop shop,” says Ralphs. “A person seeking services from one agency may be quickly referred to another agency or program that better fits her or his needs.”

### **A Wealth of Results**

The idea that Utahns need these services is unquestioned. AJFA figures that 67 percent of households had one or more legal

problem in 2017, and 14 percent had more than five. A full 87 percent of legal problems were met by citizens who were not assisted by an attorney. In 2017 alone, AJFA helped 29,877 clients as well as 18,789 “secondary beneficiaries,” such as the children or other family members of the primary beneficiaries. In total, AJFA’s partner agencies helped 48,666 individuals last year, and the organization estimates they reached another 4,316,249 through systemic advocacy efforts.

One example of the people AJFA has assisted are those in domestic violence situations. The AJFA website states that 28 people died in domestic violence incidents in 2017. Last year LAS and ULS helped 4,123 people get protective orders to avoid that same fate.

### **A Constant Need**

AJFA is a place where attorneys can put their legal expertise to work. Milne expressed the ongoing need AJFA has for creating relationships with those who can help provide legal services and mentioned BYU Law’s recent innovation, SoloSuit, which grew out of the school’s LawX Legal Design Lab.

Milne says, “We need and welcome new partners, whether individual lawyers taking pro bono cases, new nonprofits focused on providing legal services, or law students and professors designing efforts like [solosuit.com](http://solosuit.com).”

Adina Zahradnikova, executive director of the Disability Law Center and AJFA founding partner, echoes this need. She says, “Law clerks and interns play a critical role in supporting the mission of the Disability Law Center. They add a vibrancy and passion to our organization that

helps ensure we are serving clients with integrity, enthusiasm, and impact.”

### **A Deeper Meaning**

The mission of AJFA is meaningful on both a community and a personal level—not only for those who are served but also for those who serve. For Christensen, the service she gives in AJFA has been an important foundation. She says, “My religious and spiritual convictions have encouraged me to seek out opportunities in my career and in my personal life to serve, in whatever way I can, those who are less fortunate than I. And I feel that I have been able to do that at AJFA.” BYU alum Amberly Datillo, ’04, is a staff attorney at Disability Law Center, one of AJFA’s partner agencies. Growing up, she loved helping her grandmother, a special education teacher, in her classroom, and Datillo entered BYU Law planning to use her degree to advocate for people with disabilities.

In 2011 Datillo’s son was diagnosed on the autism spectrum. Datillo notes that her work done under the AJFA umbrella at the Disability Law Center became even more important to her, as it allows her “to advocate for people with disabilities, including my son, to have the resources they need to lead full and included lives.” She adds, “Our community misses out when we don’t include people of all abilities.”

And Ralphs agrees: “We as a society are stronger when all of the members of our community have access to justice.”

*To donate your time or other resources to AJFA, or to learn more about the organization, please visit [andjusticeforall.org](http://andjusticeforall.org).*

# On Taxation, Inequality, and the Citizen's Role

AN INTERVIEW WITH USC'S PROFESSOR KLEINBARD

**A**t BYU Law School on March 26, 2018, USC professor Edward D. Kleinbard delivered the Bruce C. Hafen Endowed Lecture, titled “What’s a Government Good For? Fiscal Policy in an Age of Inequality.” Recently, BYU professor Cliff Fleming followed up with him to discuss Kleinbard’s professional trajectory, advice for budding lawyers, and ideas on taxation.

**Fleming:** You had a lengthy career at a high level of law practice followed by a period of high-level government service. How would you compare the satisfactions of those two parts of your professional life?

**Kleinbard:** I enjoyed law practice very much. In contrast, from 2007 to 2009 my service as chief of staff of Congress’s Joint Committee on Taxation (JCT) required me to be the principal non-partisan tax adviser to the most partisan collection of men and women on the planet. I was surprised at how little interest there was in improving our tax laws unless the improvement would advance a partisan agenda. Working as a staff member at JCT is an interesting way of observing bare-knuckle politics, but the chief of staff is a job I wouldn’t wish on anyone.



But the Treasury Department’s Office of Tax Policy and the IRS’s Office of Chief Counsel are excellent places for young lawyers to both contribute to the public good and gain important skills and experience—usually without quite as much day-to-day political drama as one faces on the Hill. I highly recommend that kind of service.

**F:** What advice would you have for an undergraduate who is considering law school?

**K:** Too many people go to law school because they can’t think of anything else to do. It’s true that law school provides a broad educational experience that is useful in many vocational settings, but a legal education has become very expensive. Anyone contemplating that expense should first understand that lawyers are service providers. If one doesn’t enjoy solving other people’s problems, advocating other people’s causes, and resolving

other people’s controversies, then practicing law will not be a good fit. My joke has always been that if I couldn’t be a lawyer, I would have been a butler; I like taking other people’s burdens off their shoulders and making them mine. Most any legal specialty practiced at a high level requires sustained analytical effort, strong writing skills, and a willingness to read and absorb an enormous amount of material, but if you want to pursue the most intel-

lectually demanding specialties, then I would look to tax and intellectual property.

**F:** A current meme among politicians is that America is an over-taxed nation. You have presented a strong case for the proposition that Americans are undertaxed in comparison to other nations with developed economies. What are your thoughts on how the overtaxed narrative has gotten such traction?

**K:** I think it's due to three things. First, there is a small but very wealthy set of Americans who simply do not want to pay taxes at a level commensurate with the good fortune with which they have been blessed. They are, however, willing to spend substantial sums in the political process to secure their preference for low taxes on themselves. Second, these individuals have done a brilliant job of selling Americans on the notion that there is a magical "growth fairy" who will automatically reward us with broadly enjoyed economic growth if we lower taxes. The empirical evidence is to the contrary, but the message has been successfully sold. Third, this sales job has been aided by a related sales job—i.e., successful advocacy for the proposition that the American ideal of individual political liberties must be conflated with low taxes and small government. That is simply not so. Through fundamental constitutional guarantees and the control of government exercised by Americans through the democratic process, we can have the individual liberties that Americans prize while taxing ourselves at a level that pays for the government services Americans demand and that avoids saddling our children and

grandchildren with government debt that we have incurred for our own benefit.

**F:** You mentioned in your lecture that your current work involves an examination of the role of luck in our lives. Would you please say something about that?

**K:** The evidence is overwhelming that for most Americans, some of the most important determinants of their life achievements are where, when, and to whom they were born. The right align-

ment of those factors creates an overwhelming likelihood that a person will enjoy comfortable economic outcomes. The wrong alignment creates the opposite likelihood. It is certainly true that some people are able to overcome adversity, and we rightly hold them up for praise. Nevertheless, being born to the right parents in the right place at the right time is not an outcome earned through meritorious achievements in a prior lifetime. It is simply good fortune. This means a few important things.

First, we who are successful need to be wary of telling ourselves that we made it on our own and owe little to anyone else. Second, we should be willing to share our good fortune with those who were born to the wrong parents or in the wrong place or at the wrong time. Finally, this should help us understand the potential of government to fulfill an insurance role. To be specific, when we recognize that good people can have bad things happen to them through no fault

of their own, we can see that an adequately funded government can act to mitigate at least the worst of the bad consequences, just as private insurance mitigates the financial consequences of a house fire.

improve the process so that we get more carefully considered tax legislation that has stability because it draws bipartisan support?

**K:** The fundamental failure of our democratic processes is the collapse of a functioning legislative branch. If Americans pay attention to the electoral process, actually show up to vote, and elect members of Congress who are reasonably intelligent, committed to the good of all citizens, and endowed with some experience or training to have given them exposure to the complex issues on which they will have to legislate, these problems will largely dissipate. Without a better informed, more critical, and more committed electorate who take the franchise seriously, we will continue to get what we got in December 2017.

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**F:** The major federal tax legislation enacted in December 2017 was passed in a very hurried fashion that, we are discovering, produced errors and unintended consequences. Moreover, the legislation was passed without bipartisan support. How can we

*The Robert C. Packard Trustee Chair in Law at usc's Gould School of Law and a fellow at the Century Foundation, Edward D. Kleinbard was one of four individuals honored as a 2016 International Tax Person of the Year by the non-partisan policy organization Tax Analysts. He is also the author of We Are Better Than This: How Government Should Spend Our Money (Oxford University Press, 2014), which Pulitzer Prize-winning journalist David Cay Johnston described as "a masterpiece of tax, fiscal, and economic policy." In 2007 Kleinbard was appointed as chief of staff of Congress's Joint Committee on Taxation. Prior to that, he was a partner in the New York office of Cleary Gottlieb Steen & Hamilton LLP for more than 20 years. Kleinbard received an MA in history from Brown University and a JD from Yale Law School. He joined the usc law faculty in 2009.*

# Entertaining Strangers

*Based on remarks from the  
2018 annual J. Reuben Clark Law  
Society Leadership Conference*

By Gayla Moss Sorenson

BYU LAW ASSISTANT DEAN OF EXTERNAL  
RELATIONS; JRCLS EXECUTIVE DIRECTOR

Since assuming my role as executive director of the J. Reuben Clark Law Society in January of this year, I have enjoyed traveling around the country to meet with members of the Law Society and with BYU Law alumni from sea to shining sea—literally! I have been impressed by the camaraderie, the educational events, and the service given by those I have visited. I have felt a genuine sense of gratitude for our members' generous donations of skills, time, and money, and I have developed a deep sense of responsibility to help lead this society in a way that consecrates the use of those resources.

As I have pondered that responsibility and counseled with other leaders about the direction of the Law Society, I have become convinced that we need an even greater focus on the practical application of one of the commitments made in our great mission statement: to

“strive through public service . . . to promote fairness and virtue.”

Although I did not participate in the drafting of our mission statement, I believe that each word was carefully chosen by the group of highly skilled attorneys who wrote it. Accordingly, our commitment is not to some generalized form of service but to *public service* that promotes *fairness* and *virtue*. What does it mean to serve the public, and how do we do so in a way that promotes fairness and virtue?

## Public Service

As it is commonly used, a public service is one offered to *all* members of a community. As attorneys of faith, I suggest we

look to sacred texts to help us think about that more deeply. In Hebrews we are given an interesting directive: “Let brotherly love continue. Be not forgetful to entertain strangers: for thereby some have entertained angels unawares” (Hebrews 13:1-2).

As a young adult, I applied my preferred definition of “entertain” and took this as an injunction to invite people I did not know very well to my parties. However, while having strangers over for game night or Sunday dinner is an enjoyable way to pass time, my more mature perspective has led me to understand that the secondary meaning of “entertain” is more applicable. The truly

Christlike interpretation would be to carefully consider those who are not readily known to me. Accordingly, I have come to cherish these verses as a call to extend my brotherly love to those who are outside my established circle of family and friends and to carefully consider how I should do so.

As we couple this admonition in Hebrews with the Law Society's mission statement, I believe we must be more motivated to search out opportunities to serve strangers—people who are unlike us and people who are not a part of our nuclear or faith-based families. I have reached a point where I cannot simply help a family member with some



estate planning or advise a ward member who is engaged in a landlord-tenant dispute and feel that I am fully living up to the commitments I have assumed as an attorney of faith and as a member of the J. Reuben Clark Law Society. Just as when we are shopping for a car and suddenly begin to see the model we are considering everywhere, once we start to carefully seek out the “strangers” we can serve, opportunities will miraculously begin to present themselves.

Strangers can be found in so many places: among veterans trying to navigate a complex system to claim benefits, among refugees and asylum seekers faced with bewildering legal processes, or among former convicts seeking pardons so they can find work and contribute in professions otherwise barred to them. True public service and true compliance with gospel teachings require us to serve them all.

### Fairness and Virtue

Although seeking out and serving strangers is not easy, our mission statement actually requires even more of us. There are countless people who can provide service in a multitude of ways, but we have committed to promote both fairness and virtue, and our legal training uniquely fits us for this task. Only 0.4 percent of the United States population are attorneys, and the percentage globally is even lower.<sup>1</sup> As taught in one of my favorite Primary songs, as attorneys we truly “have a work that no other can do.”<sup>2</sup>

First, fairness. Fairness is a concept linked to the particular circumstances of a given case, so in order to promote fairness, we have to dive—not wade—into understanding the plight

our stranger is in. In conjunction with the encouragement to serve strangers, we are counseled as follows: “Remember them that are in bonds, *as bound with them*; and them which suffer adversity, *as being yourselves also in the body*” (Hebrews 13:3, emphasis added).

If we are truly going to promote fairness, we cannot simply direct matters from afar; we must understand those we are serving at a level from which we can completely identify with the bonds and adversity they face.

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This means we must indeed “entertain” these strangers we are committed to serve.

Next, virtue. Virtue requires just application of the law, and even though many of us do not practice in the areas where strangers are most likely to need our help, our skill sets enable us to acquire expertise in new areas if we apply ourselves. Moreover, while I do not want to minimize the complexities of any given area of law, our baseline abilities to read legalese, parse through the requirements of an application, and organize information in a way that supports a claim often go a long way toward clearing what feels like an insurmountable hurdle to someone in need.

While we cannot guarantee the desired outcome, we can ensure that the outcome is virtuously, and therefore justly, based on complete and accurate facts presented in compliance with required processes.

### Entertaining Angels

I hope you are personally motivated to entertain strangers and to “strive through public service . . . to promote fairness and virtue.” I speak to you, though, not just as individuals who may be making new commitments

to volunteer there. However, based on a combination of valid reasons and weak excuses, I failed to take any concrete steps to help these strangers. Then our Women in Law Committee organized a group of attorneys to volunteer in Dilley. My reasons and excuses quickly evaporated. Someone else took the time to set up the logistics, others could speak Spanish, and still others were willing to provide the basic training necessary to help with this phase of the asylum process.

A society-wide approach allows us to apply our complementary strengths while motivating each other directly and through our examples. Because of a society-wide approach, I now have concrete plans to provide public service in a way I otherwise could not or would not have done.

In closing, I’d like to briefly touch on the tantalizing possibility of entertaining “angels unawares.” I feel sure that, more often than not, those we serve will, in turn, be angels who help us refine our better selves and who affirm that we are doing our Heavenly Father’s will. Although those we serve may be strangers to us, they are not strangers to Him. The aspirations of our Law Society are lofty, and while we do great good, I know we can do even more.

### NOTES

- 1 See “Numbers of lawyers in the United States from 2007 to 2018,” Statista, [statista.com/statistics/740222/number-of-lawyers-us](https://www.statista.com/statistics/740222/number-of-lawyers-us), accessed Sept. 24, 2018; also “U.S. and World Population Clock,” United States Census Bureau, [census.gov/popclock](https://www.census.gov/popclock/), accessed Sept. 24, 2018.
- 2 “Dare to Do Right,” words by George L. Taylor, music arr. by A. C. Smyth, *Children’s Songbook* (1989), 158.

