



Hafen Selected As Dean

By Todd Maynes

Imagine Snoopy huddled over a pile of law books. Peppermint Patty approaches him and says, "Snoopy, we need to go to court. I got in trouble again at school." Sadly, Snoopy casts a longing gaze at his casebooks and treatises. "How can I study my law books if my clients keep bothering me?" he wonders.

"That cartoon expresses the story of my life," says Law School Dean Bruce Hafen. "For years I've wanted more time to teach and write, but life is just an

interesting series of interruptions."

It doesn't look like he'll have too much time to teach and write in the future either. As the new dean since fall 1985, Hafen is a very busy man. "I didn't realize when I came back to BYU this year how much more would be going on than went on ten years ago," he says. "The Law School is now a fast-paced, mature institution. I'm just now getting up to speed."

Dean Hafen originally came to the Law School at its very inception. After graduating in 1967 from the University of Utah Law School and practicing for four years with a Salt Lake City law firm, he was asked to be an assistant to BYU

President Dallin Oaks, with the specific assignment to help create the Law School. From there, Rex Lee asked him to stay on as assistant dean and a member of the original faculty. Then, the hiatus from the Law School began. Dean Hafen spent two years on leave, working for the LDS Church Correlation Department, and then seven years as president of Ricks College. During his summers he returned to Provo to teach and do scholarly research at the Law School.

Law School alumni and friends are wondering what will be the theme of Hafen's deanship as he follows in the footsteps of people like Rex Lee and Carl Hawkins. "I'm committed to seeing that the Law School is seriously contributing to the national policy debates over legal issues," he says. "We have the capacity to do that among faculty, students, and alumni. And the perspective of our people is needed in the contemporary dialogue."

To reach that goal, Dean Hafen feels a need to reach out to the Law School's alumni. "The alumni are part of the mission of the Law School," he says. "Indeed, the mission of the Law School unfolds in their individual lives. We need their input on what this school should be doing. We need their help in placement and in the recruiting of both students and faculty. And we need their help with fundraising, by making contributions and by encouraging others to contribute. We need a better financial base to sustain our commitment to serious scholarship. We need the faculty here during the summers doing research, not off practicing law."

Dean Hafen has several ideas on how to obtain that input. "The J Reuben Clark Law Society is off to a good start, but it needs to be further developed. We need to have more frequent gatherings throughout the country, and we need a strong alumni publication. Any good law school maintains close ties with its alumni."

Furthermore, the dean is making an effort to get to know today's law students, tomorrow's alumni, on a personal level. For example, this past year he invited all the members of the second-year class to come to his home in groups of thirty for evenings of food and conversation.

"There are a lot of very interesting people in the student body," he says. "I'm impressed by the students and amazed at their maturity and diversity."

Another important area in the development of the Law School, according to the dean, is the recruitment of top faculty. The dean notes that several outstanding faculty members have left the Law School since the first class graduated in 1976. "Woody Deem has retired, and people like Frank Smith, Dale Whitman, Gordon Gee, and Monroe McKay have accepted other positions. But those vacancies are being filled by other very able people. This institution has reached the stage where the future does not depend on one or two individuals.

"Turnover is not a problem; it is the exact opposite. We're complimented when our people are sought after by important institutions elsewhere. Some will come back to us with valuable new experience—like Rex Lee, who returns this fall,

and Doug Floyd, who is on leave for another couple of years. And the new people we're attracting are tremendous. The list of top-flight faculty prospects is twice as long as it used to be. Look at Michael Goldsmith and Jim Gordon, who are our newest full-time appointments. Many law schools would love to have these two promising young teachers "

Finally, Dean Hafen wants to continue his own teaching and research while being dean "I'll take my turn at doing administrative work, and I've enjoyed my experiences outside the Law School, but I'll continue to spend a lot of my time doing research because policy analysis and writing are my favorite parts of the law. I also believe that even if it weren't so interesting, the dean should be actively involved in legal scholarship "

The dean's research interests are in family law and education law. He recently published an article in the *Michigan Law Review* on the constitutional status of marriage, kinship, and sexual privacy, which has been cited by the Supreme Court. He recently returned from presenting a paper to a conference on children's rights at Harvard Law School and will publish a book review essay on children's rights in the *Harvard Law Review* later this year. He is co-authoring a chapter with Professor Robert Riggs in Matthew Bender's forthcoming treatise on privacy law. Also, a paper on the constitutional issues underlying recent attempts in Congress to broaden federal civil rights jurisdiction over private colleges will be included in another forthcoming book.

Hawkins Steps Down As Dean

Although Carl Hawkins has now stepped down from his position as dean of the Law School, he has not stepped out of the mainstream of legal teaching and scholarship.

"I'm surprised at how busy I've managed to stay," he says. "I'm teaching torts and advanced torts, and a professional seminar. I'm updating my torts casebook, and I'm participating on a number of committees at the Law School, at the university, and on the state and national level."

He also plans to do some traveling and will teach next winter at the University of Florida Law School. "I've got five good years left until retirement," he says.

Elder Dallin H. Oaks and Dean Rex E. Lee remember Carl Hawkins' decisions to join the fledgling faculty of the J. Reuben Clark Law School as "the critical event" in the first year after Lee's appointment as the founding dean in 1971. Elder Oaks and Dean Lee shared their memories of that year at a fall dinner honoring Dean Hawkins as he concluded his service as the school's second dean from 1980 to 1985.

Hawkins had earlier served as acting dean, then was dean during the time Rex Lee was solicitor general. He resigned the deanship in early 1985 to return to full-time teaching.

"It was clear from the beginning that the quality of our initial faculty was the single most important factor affecting the success of the Law School," recalled Dean Lee. "With the right



faculty, we would be credible enough to attract good students and the acceptance of the profession. Without them, the school would be a lost cause. But there were so few Mormon law teachers of national stature that I quickly saw one man as the key to what other faculty prospects would do. That man was Carl Hawkins. Carl had earned the admiration of legal educators across the country, had a brilliant record of scholarship and teaching, and was respected for his impeccable judgment. If that domino fell, all the others would follow."

Lee told of a "depressing" trip to Michigan in the

winter of 1971-72, where he visited Professor Hawkins at the University of Michigan Law School. He noted that Hawkins was also serving as stake president in Ann Arbor. "After that trip, I was as depressed as I've ever been in my life, because I was convinced Carl would never leave Michigan to join us," continued Lee. "But within a few weeks, I began to feel that somehow everything would be all right."

Elder Oaks, who had known Hawkins since their law teaching days on the neighboring faculties at Chicago and Michigan, remembered the day later

that year when Carl Hawkins called to say he had decided to join the BYU faculty. "After talking to Carl, I thought to myself that the Lord must be very interested in this Law School, and he wants it to be first rate. Carl's tremendous contribution since coming here has clearly confirmed those early impressions."

In retrospect, Dean Hawkins feels a lot of satisfaction because of the achievements of the Law School while he was dean. "I was dean when much of the growth and development here came to a natural fruition. Of course, credit for that has to be shared with Dean Rex Lee and the first faculty."

Among Dean Hawkins' accomplishments were bringing the faculty to its full size, seeing the Law School accredited by the Association of American Law Schools, and the acceptance of the Law School as a member of the Order of the Coif. "We didn't have to give up anything we considered important or valuable in order to be accredited," he says. "There was some debate about the school's church connections, but in the end we didn't have to give up the code of honor, the tuition differential, or the right to make our own decisions about Mormons and non-Mormons on the faculty and in the student body." "I don't think those achievements are so important on their face, but they are important since they recognize the fact that this Law School is growing and improving."

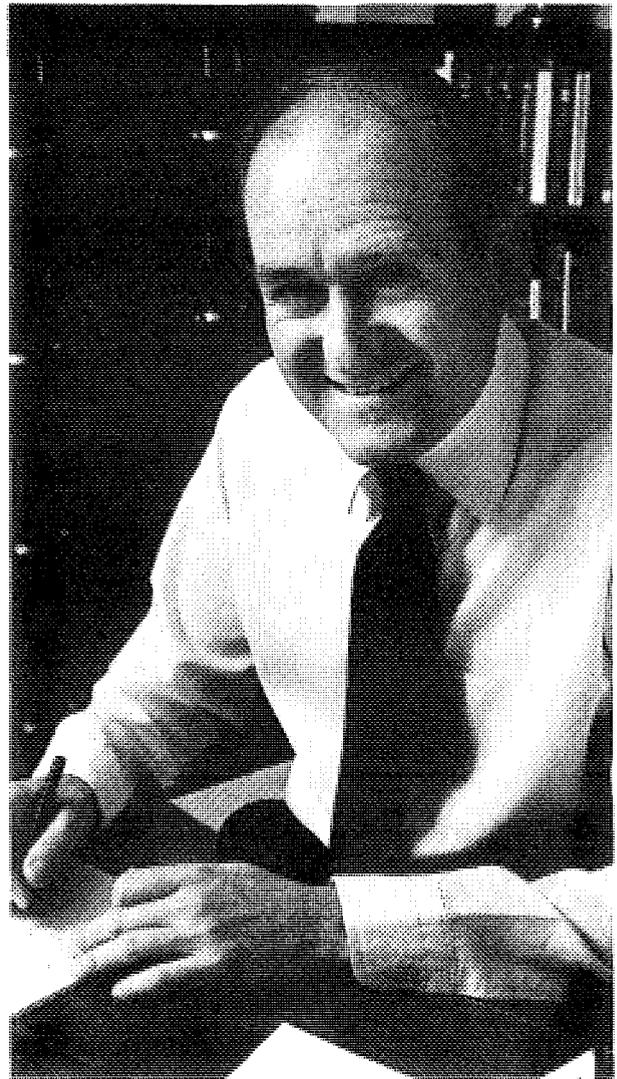
One of the improvements of the Law School which occurred during his tenure

was the development of computer systems for students and faculty. Dean Hawkins considers that to be a great irony. "At professional association meetings, everybody congratulates me on that development," he says. "I have to laugh about that, since I had very little to do with it. I had little knowledge about computers; I just told the people who knew about it to go ahead. That development was accidental as far as I'm concerned."

Despite the changes that occurred during his term, Dean Hawkins has no trouble discussing the single most satisfying aspect of having been dean of the Law School. "It is a very heart-warming thing to see what our graduates are doing in cities and towns all across the country, in their professions, their church, their public service, and their communities. Graduates everywhere, from Florida to Oregon, in small towns and metropolitan areas, are doing very worthwhile things."

Fleming Appointed Associate Dean

Upon his return from Washington, D.C., where he has served for the past year as professor in residence of the Chief Counsel of the Internal Revenue Service, Professor J. Clifton Fleming, Jr., will assume the duties of associate dean of the J. Reuben Clark Law School. He will replace Mary Anne Q. Wood, who is taking a leave of absence from the Law School. The appointment was made by



the university president, Jeffrey Holland, on recommendation of Dean Bruce Hafén

Commenting on the appointment, Dean Hafén said, "I am excited about working with Cliff, he is a superior teacher, a mature scholar, and a person of unusually sound judgment."

Dean Fleming will assume primary responsibility for law school academics. His assignments will include coordination of faculty recruitment efforts and curriculum coordination. Planning for the annual meeting of the Board of Visitors will also be one of

his duties. In addition to his administrative duties as associate dean, Fleming will teach courses in tax.

An honors graduate of George Washington University Law School, Dean Fleming practiced in Seattle, Washington, in the late 60s and early 70s. He began his teaching career at the University of Puget Sound in 1973. In 1977 he taught at the University of Nairobi, Kenya, as the Fulbright-Hays Visiting Professor. He continues to serve as a member of the Corporate Stockholder Relationships Committee of the ABA Section of Taxation.

Zobell Assumes Position of Assistant Dean

Dean Bruce C. Hafen has announced the appointment of Claude E. Zobell, Jr., a 1979 J. Reuben Clark Law School graduate, as the new assistant dean of the Law School. Dean Zobell assumed his new position in January of this year.

"As the operation of the Law School has become more complicated," Dean Hafen said, "we have found it necessary to expand our administrative force. The addition of Dean Zobell to the administration of the Law School will allow us to become more aggressive in a number of critical areas."

Zobell's major areas of responsibility include admissions and student recruitment, applicant counseling, alumni relations, development, and public and press relations

Prior to accepting the position of assistant dean, Zobell served as administrative assistant/legal counsel in Washington, D.C., to Congressman Harry Reid of Nevada. He also practiced for four years in a Las Vegas litigation firm.

During the years he practiced in Nevada he taught continuing education courses in pharmacy law for the Nevada Board of Pharmacy and served as vice-president/legal counsel for the American Diabetes Association, Nevada Affiliate.

Goldsmith and Gordon Join Law Faculty

Michael Goldsmith, a 1975 graduate of Cornell Law School, and James D. Gordon III, a 1980 graduate of Boalt Hall School of Law, have become members of the faculty at the J. Reuben Clark Law School. Professor Goldsmith teaches evidence, criminal procedure, and a seminar on RICO. Professor Gordon teaches contracts, securities, and directs the first-year legal writing program.

Goldsmith comes to BYU from Vanderbilt Law School in Nashville, Tennessee, where he served as an assistant professor from 1980 to 1984. Prior to entering his academic career he was an assistant U.S. attorney in Philadelphia, Pennsylvania, senior staff counsel on the U.S. House of Representatives Select Committee on Assassinations, and deputy state's attorney for Chittenden County in Vermont. After graduation from Cornell he served as law clerk to United States District Judge Albert W. Coffrin in Burlington, Vermont. In 1983 he was appointed counsel to the New York State Organized Crime Task Force.

During law school Goldsmith served as a note and comment editor of the *Cornell Law Review* and was selected for membership in the Order of the Coif. He received a bachelor of science in 1972, also from Cornell.

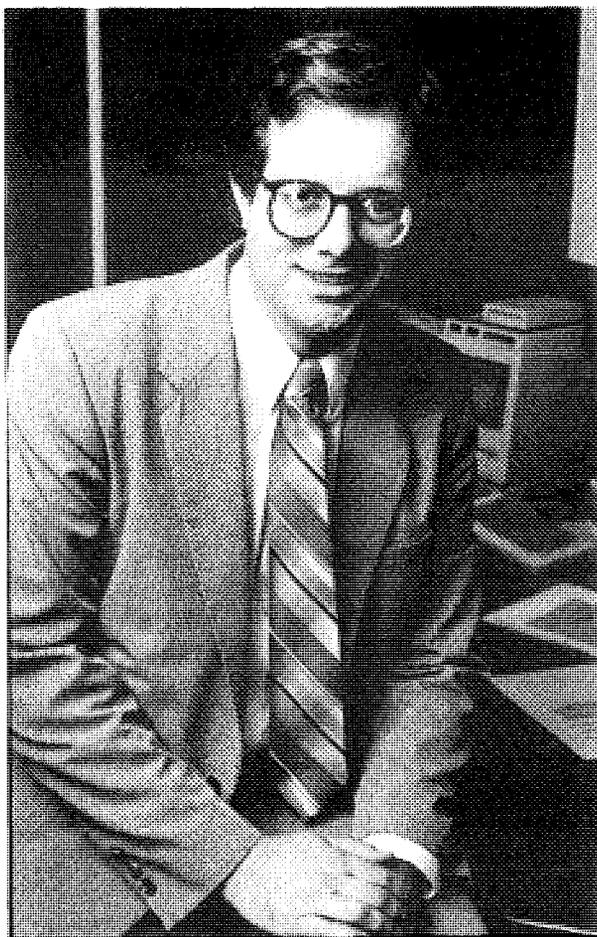
Goldsmith coauthored with Professor Irving Younger the 1984 text *Principles of Evidence*. He has

published in the *Journal of Law & Criminology*, *Vanderbilt Lawyer*, *Michigan Law Review*, and the *Cornell Law Review*. He has presented lectures at an ABA RICO symposium, Vanderbilt Medical School, National Association of Attorneys General, Vermont Law School, New York University, Notre Dame Institute on Organized Crime, and others.

Professor Gordon served as associate editor of the *California Law Review* while attending law school at Berkeley. He was also a legal research and writing instructor at Boalt Hall. He graduated from BYU in 1977, summa cum laude, with a B.A. in Political Science and was a Hinckley Scholar.

Prior to coming to the Law School, Gordon was an associate with the Salt Lake City law firm of Larsen, Kimball, Parr & Crockett. He served as law clerk to Judge Monroe G. McKay of the Tenth Circuit United States Court of Appeals. Gordon also had internship experience with the Utah Fourth Judicial District Court and Congressman Fortney H. "Pete" Stark in Washington, D.C. He has published in the *California Law Review*.

Professor Gordon was selected "Professor of the Year" by the first-year students in the Student Bar Association's annual election. Professor Goldsmith was given the same honor by the second- and third-year students.





Greg Bishop, Larry Laycock and Steven Olsen, all third-year students, competed in the thirty-sixth annual moot-court national competition, which involved twenty-eight teams.

Moot Court Places among Top Four in the Nation

This year's moot-court team placed among the top four teams in the nation at the Moot Court National Competition in New York City held in late January.

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The Association of the Bar of the City of New York, Young Lawyers

Committee, sponsors the national competition. The first round of competition pared the field from twenty-eight to sixteen teams. The second round reduced the number to eight. Only four teams, including BYU, remained after the third round. The University of Oklahoma ultimately won first place

BYU's written brief was judged best in the competition.

"The team's unprecedented performance reflects the outstanding quality of student skill that has developed at the Law School," Dean Bruce Hafen said.

"This is another indication

of how BYU is taking its place among the nation's foremost law schools."

To earn a place in the nationals, a team must place either first or second in its regional competition. BYU qualified in a regional contest involving thirteen teams from six western states.

There are fourteen regions in the United States, with 157 schools vying for the 28 slots in the national competition.

Moot Court competition requires the preparation of a legal brief and presentation of oral arguments on an assigned case before a panel of state and federal judges. The competition is designed

to develop and demonstrate skills of oral and written appellate advocacy. This year's assigned topic concerned cable-television franchising issues.

After graduation, team member Greg Bishop joined the Washington, D.C., firm of Nixon, Hargrave, Devans & Doyle. Larry Laycock joined Snow, Christensen & Martineau; and Steve Olsen returned to Idaho to practice with Holland & Hart in Boise.

Moot Court Teams Achieve National Prominence

Combining to produce the best year ever experienced by the Law School, the moot-court teams sponsored by the Board of Advocates achieved national prominence in several competitions.

In addition to the third-place finish in the National Moot Court Competition (see accompanying story), BYU teams advanced to the quarterfinals in the National Mock Trial Competition Regionals, placed third in the William B. Spong, Jr., Invitational Moot Court Tournament, achieved second and advanced to the finals in the Giles Sutherland Rich Patent Law Moot Court Competition Regionals, and placed third in the Irving R. Kaufman Securities Law Moot Court Competition.

Garth Ferrell and Sheila Page, both third-year students, and Julie Trent, a second-year student, represented the Law School in the National Mock Trial Competition regionals in Denver, Colorado. The competition was hosted by the University of Denver.

Merrill Clark, Christa Crapo, and T.J. Rudman traveled to Williamsburg, Virginia to compete in the William B. Spong, Jr., Invitational Moot Court Tournament hosted by the College of William and Mary.

This year marked the first time the Law School has entered a team in the Giles Sutherland Rich Patent Law Moot Court Competition. Steve Sumsion, a third-year student, and Todd Zenger, a second-year student, distinguished themselves with their second-place showing in the regional competition.

Three third-year students, Sterling Brennan, Gary Kuhlmann, and Larry Laycock, represented BYU in the Irving R. Kaufman Securities Law Moot Court Competition hosted by the Fordham University School of Law in New York City. Thirty-four teams competed in this final tournament.

Admissions

Despite the general decline in law-school enrollment throughout the nation, the Law School enrolled a full class of 151 students in the 1986 entering class. The median undergraduate grade point average for the class was 3.5 and the median score on the Law School Admission Test was in the eighty to eighty-fifth percentile.

The Law School's efforts at diversification of the student body resulted in the enrollment of fourteen minority students. Twenty-five members of the first-year class are women. The class includes students from twenty-four different undergraduate institutions, twenty-three states, and three foreign countries.

Employment of New Graduates Diverse

Members of the 1985 graduating class obtained employment in a number of diverse and exciting positions. From Washington, D.C., to Southern California, twenty-eight members of the class of 1985 are employed in judicial clerkships for the 1985-86 year. Anna Mae Goold, Law School Career Services and Placement coordinator, reports that this is the largest number of judicial clerkships ever obtained by a single class at the Law School. Most of the clerkship positions are with federal courts. Several students, however, are clerking for state supreme and district courts.

Other members of the class of 1985 went directly into practice after graduation. Ten members of the class joined firms of more than 100 members. Six are now employed in firms of fifty-one to 100 members. Medium-sized firms of twenty-six to fifty members employ thirteen members of the 1985 class. Forty-one new alumni are employed by small or very small firms, and three members of the class are self-employed. Firms hiring members of the class of 1985 include: Evans Kitchel & Jenckes, Streich, Lange, Weeks & Cardon, and Lewis & Roca—all of Phoenix; Alston & Bird in Atlanta; Kim & Chang in Seoul, Korea; Vinson & Elkins in Houston; Latham & Watkins in Newport Beach; Willian, Brinks, Olds, Hofer, Gilson & Lione Ltd in Chicago; and Fine, Waltzer & Bagneris in New Orleans.

Twelve students assumed positions in business or industry. Two of the twelve are employed by Dow Chemical in Midland, Michigan, and one of the twelve now works for Reynolds Electrical Engineering.

In addition to the students employed in judicial clerkships, fourteen members of the class chose government employment, including work in administrative agencies, the military, and prosecution. Two members of the class are working for legal services organizations.

"We are especially proud of the geographic diversification achieved by the 1985 class," Mrs. Goold remarked. "Less than one third of the class chose to remain in Utah." California, Arizona, and Nevada continued to attract a substantial number of recent graduates. Interestingly, the South has become a more fertile area for BYU placement. Four 1985 graduates are working in Georgia and three are in Florida. Other southern states former students are calling home include Alabama, Louisiana, Tennessee, and Texas. Six students went to Washington, D.C.

Mrs. Goold also reports a marked increase in the number of law firms that interviewed on campus during the fall of 1985. More than 100 firms came to the Law School last year in search of potential associates and employees.

One of the most promising recruitment tools we have, Mrs. Goold points out, is the alumni. Many firms that are now selecting BYU as a source of new associates are doing so because of the fine example shown by earlier graduates.