

**DEAN HANSEN CONTINUES
CONSULTATION VISITS TO
EASTERN EUROPE**

Two years ago Dean H Reese Hansen visited with deans from 27 Yugoslav and Polish law schools as a member of the Central and East European Legal Initiative (CEELI), an organization formed by the ABA to help the process of legal reform now underway in Central and East European countries. Continuing the initiative, Hansen traveled to Moscow, Russia, this summer to talk with deans from Russia, Byelarus, Kazikhstan, and Kyrakstan about the impact of legal reforms on legal education there.

Dean Hansen chaired discussion on curriculum development, one of four topics republic deans had identified in a survey as most important to them. Other U.S. deans discussed faculty development, funding, and libraries.

According to Dean Hansen, republic deans were interested in several aspects of Western law school teaching that had been moot points under the communist system. For instance, they were concerned about who designs the curriculum and who has the authority to decide what curriculum should be taught. Under the old communist rule, curriculum was mandated by the Ministry of Education. Now, some schools plan to continue to follow the ministry's former guidelines, while others plan to ignore them. In the past the ministry also placed controls over many aspects of law school, such as curriculum

and content of lectures. According to Hansen, members of the republics wanted to know how American law schools handle these issues.

Dean Hansen also discussed the various classes that are core to American law education. He says the Eastern European schools "have not had to teach anything on private property, commercial banking, insurance, medical malpractice, securities, lending and borrowing, etc. They have a vast area of new topics that they are going to have to plug into their curriculum. In most cases the faculty will learn while the students learn."

CEELI also helps provide East European law schools with teaching materials. Dean Hansen reports that historically Russian legal education has been lecture-based, the students coming without preparation. "They just come and listen to the lecture," he says. After the lecture the students divide into smaller groups, called seminars, where the teacher expounds on the lecture and clarifies points. "They were a bit surprised to learn that in America law schools students come to class prepared, having read materials. The inference of their questions is 'What is the professor for if the students have materials to read and learn before they come to class?' We explain that in American legal education, students are expected to participate in the dialogue that produces the learning. Students get a better education when they come prepared to participate than when they come just to listen to a lecture."

Another concern of the Russian, Byelarusian, Kazikhstani, and Kyrakstani deans is the balance of hours devoted to each topic. Under the state-dictated curriculum, criminal law was taught a required 155 hours, while property law was only taught 25 hours. Dean Hansen says, "There was reason behind the imbalance under the old regime. Many law schools were essentially police academies, and there was not much property law to be taught. The state owned the property—end of discussion. Now, with private property emerging, they need about 30 hours of criminal law and 150 hours of property law." Though the transition from criminal to property law is theoretically easy, it is practically very difficult, says Hansen. "The teachers have been teaching those 150 hours of criminal law for the last 30 years. Some are former old hard-line communists and are not cheerfully going to give up their curricular turf."

In the future CEELI plans to bring the deans to America for a few weeks, reports Dean Hansen. Then CEELI will match American law schools with republic law schools (sister schools) for what CEELI hopes will be open exchange and regular dialogue between faculty members. Dean Hansen says, however, that "the language barrier is a difficult hurdle, because, though they're starting to teach English in higher education, it's not widespread. It's going to take time, but they want to learn English and they will; they're very bright and ambitious people."

Libraries are another concern for republic law schools, their meager libraries containing mostly old communist dogma and doctrine. Also, funding is a problem. "There are a few private law schools starting up in Russia now, and they have problems funding, since the average salary in Russia is so meager. The people have little discretionary money. Just coming up with the necessities, yet alone tuition, is extremely difficult." And, since law faculty are nearly at the bottom of the economic chain, faculty salaries are a major problem. However, Hansen feels that as the countries begin to engage more readily in free enterprise and national and international commerce, the need for highly qualified lawyers will explode, and they will go to the law schools to get them, creating great salary competition.

The republics' greatest challenge, according to Dean Hansen, is to maintain political stability during the next few years. "Transformation from communism/socialism to democracy/free enterprise is a daunting task. The parliaments are working fast at it. Communication between the parliament and the citizenry and between the academy and the legal and business professions is hampered by paper shortages, inadequate telephone services, and other communication problems. They are also dealing with a huge land mass. The uncertainty of the future interjects into everything they do a kind of caution, ambivalence, or anxiety. If they can hang on long enough to find some

stability so that they have enough confidence to invest themselves and their capital in a new system, they can probably make it. The next two years are going to be monumentally critical to them."

"The people want to change. They know the system must be changed, and they seem to be hoping that Yeltsin, or somebody like Yeltsin, will emerge as a very strong central leader. I think they're going to have to have a strong leader, because I don't think they can go straight to a powerful legislature to run their country. They've got to have a strong administrative branch of their government, at least for the near future. Of course, the great risk is switching back to the old way, and they are painfully aware of that. Protestors against the new Yeltsin constitution, as I understand it, feel it gives too much executive power and too little legislative power. The balance of power question that we largely settled in Philadelphia a long time ago is a current issue there."

The most important thing that CFEI can do, according to Dean Hansen, is help the republics find their way in legal reform, legal education, and legal system where they haven't had any experience. These people have been behind the iron curtain. Once you've been there, you understand what the iron curtain really was—a dramatic and powerful barrier between their society and the rest of the world. They just don't have experience right now. Somebody's got to help them. I hope we can be of some help."

THE VISIONARIES: BYU'S TWENTIETH LAW SCHOOL CLASS SEEKS EXCELLENCE, SERVICE

Everyone knows that BYU's J. Reuben Clark Law School students must have impressive credentials. This year's class, the school's historic twentieth group of bright and ambitious minds, is no exception.

But not everyone has the chance to go behind the scenes to catch an illuminating glimpse of the individuals, the interests, the experiences and aspirations behind each year's new class. Like their predecessors before them, this year's students bring the kind of intelligence and spirit that will not only ensure their success in law school, but will certainly enhance the Law School community and the legal profession. A representative few of the diverse and talented group of men and women selected for the Law School's anniversary class are presented here.

Erik Davis

A former American literature doctoral student from UCI A, Erik Davis steps into a different world this year as he becomes a member of the Law School's class of 1996. Asked if he ever considered law school before this year, Erik laughs, "I used to tell people that everybody considers law school in their dark moments, and then when things brighten up they go back to English." On the serious side, Erik feels confident that the springtime "fit of rebellion" that inspired him to apply to law



school signals a permanent change in outlook.

I think the time has come for me to engage with the world in a more concrete way. Literature is a very worthwhile study, but right now I want to get involved with issues that concern me locally and environmentally in Provo and Utah. I feel a commitment to work to improve my community and to see it realize its remarkable and unique potential, a potential that our small vision and mercenary motives too often reduce to merely potential for profit."

Erik's interest in local and state issues stems from his deep roots in the area. The son of two BYU professors, he relates, "I feel like I have a huge investment, both culturally and emotionally, in the Utah and Utah Valley communities."

Some of the projects that interest Erik are improving land-resource use and restoring downtown Provo. Correspondingly, the legal subjects most captivating for him are state and local government, American

Erik Davis

Indian law, and environmental law, particularly legislation affecting land use, water and other resources, air pollution, and toxic waste.

Though Erik doesn't necessarily see himself in a traditional attorney's role after law school, he feels strongly that a legal education will provide him with the tools he needs to give the practical community service he has planned for so long. And, he reminds himself, there's no real hurry to write his career decision in stone. "One good thing about being in law school for three years is that I have that long to decide what I want to be when I grow up."

Christine Fox

"Attending law school has been my dream since I was a young girl listening in awe to an attorney discuss the many different types of work he was called upon to do," says retired dairy farmer-turned-truck-dispatcher-



Christine Fox

turned-legislator Christine Fox. "Although there have been years when law school seemed to be in a completely different realm, the dream never faded."

Christine understandably claims she has "paid a lot of tuition in the school of life." Now the mother of six children with four teenage daughters still at home, her post-high school academic career at Utah State was cut short soon after it began when she married her husband, Merrill, and settled into life on a dairy farm. Later, in what began as an effort to economize by hauling their own feed, Christine and her husband developed a full-fledged trucking company operating in all the western United States.

In 1987 tragedy struck Merrill was killed in a farming accident, forcing her to sell the dairy farm and trucking business to return to school and to fill her husband's seat in the Utah legislature. Not content to be merely a "token" legislator, however,

Christine worked to prove that she could be a vital member of the body who could and would get the job done. Winning reelection in 1988, 1990, and 1992 and being elected House Assistant Majority Whip in 1990 and Majority Whip in 1992, Christine seems to have more than met her goal.

As a veteran of varied life experiences, Christine relishes the thought of a diverse law school class and looks forward to the benefits she will derive from her association with other Law School students. "I think that's what makes a student body really rich, when you have a lot of different viewpoints and a lot of experience to draw from." In fact, she claims that so far the highlight of her educational career has been her association with other students.

Continuing to serve in the legislature during her tenure at the Law School, Christine is especially looking forward to governmental and constitutional law, "which sounds dreadful," she jokes, "but it's the area

of law I've always planned to pursue." Because of her experience debating issues on the legislative floor, however, Christine has recently become more intrigued with litigation than before.

Environmental law is an additional interest for Christine, one her probusiness background tells her will be crucial to Utah business in the coming years.

Asked what she sees herself doing with her juris doctorate, Christine smiles.

"I've learned not to drive any stakes; those are the ones you end up having to pull out. So I guess I'll just wait and see."

Dawn Li-Ming Han

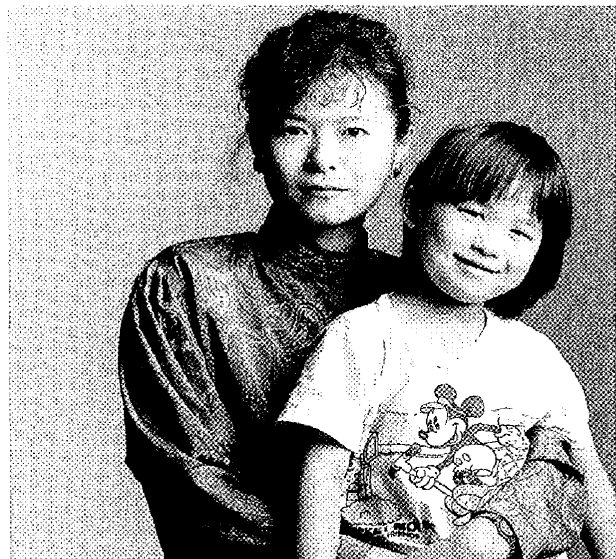
When Dawn Li-Ming Han boarded the plane for America, her father reminded her sternly, "Remember, you are to study in the United States so you will be of greater use to society. Ten years later, Dawn now breathes with a sigh of relief and anticipation, "I am finally at the point where

my father's wishes and my ambition appear to be a reachable goal."

Dawn describes her pursuit of education in the United States as "a battle of personal determination against arduous circumstances." After two semesters at BYU, she married and followed her husband to San Francisco for his career in the local Chinese media. She did not anticipate that her immigration status and financial difficulties would prevent her from entering a university for the following four years. As soon as she could, she enrolled at San Francisco State University, while working full-time and raising three young children.

Two years later her schooling was again disrupted by serious pregnancy complications with her fourth child. After three semesters' absence, she returned to school last year as a non-native speaker of English to complete a bachelor's degree in English literature.

Dawn Li-Ming Han and her daughter Margaret



earning a place on the dean's list

Dawn's experiences with literature directly influenced her present plan to pursue a law degree. "Literature moves me with the vast dimension of human experiences it encompasses; it also enhances my understanding of people and society. My emotional and intellectual experiences within the realm of literature have led me to realize that my ambition for a higher education is to apply what I have learned to helping society."

Dawn's specific goals for "helping society" are to help immigrants like herself settle into happy, successful lives in America and to help provide a supportive environment for families in "this country of hope." A first-generation immigrant living in ethnically diverse San Francisco and wife to a veteran journalist, Dawn is keenly aware of the cultural confusion and identity predicament most immigrants confront. "I want to be part of the process that steers toward self-reliance, security, and strength and respect for families," she says of her two goals. "I hope I can do much to help solidify families in this country. I have been helped by many people, and I feel that if I am capable I should contribute to helping others, especially minorities. In San Francisco alone, immigrants have many problems."

No newcomer to the American economy, Dawn is well aware of the poor pay family-based immigration lawyers typically receive. However, she says firmly, "In society today most things are geared to how much money you make. But there are still things that are fun-

damentally important that require people who are willing to dedicate themselves to working for the common good. In my opinion, the family is the most important commodity. I am hopeful that law school will provide me with the skills I need to make the law serve the family better."

Amy Waldron

Amy Waldron has a rich heritage—not a heritage of widespread recognition, but a quiet heritage of "everyday citizens" wielding extraordinary influence. Together, Amy's mother and grandmother have been involved in the local politics of their

tial shoes. "I want to be in a position to stimulate solutions," she says. "A legal education will enable me to do that, for a variety of worthwhile causes."

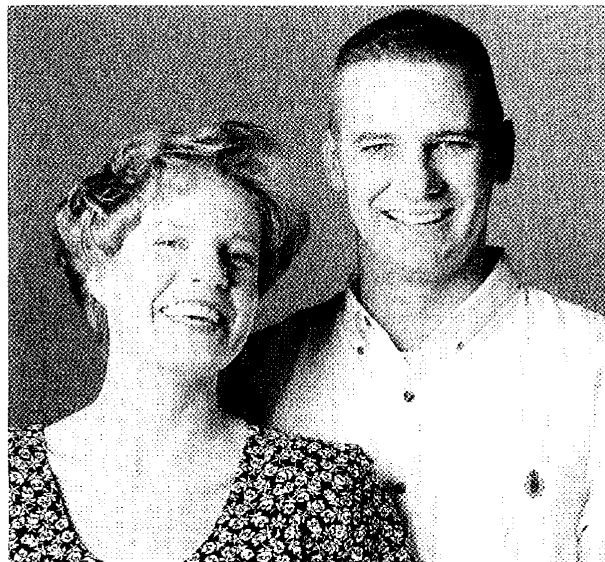
Amy was born in Thailand, has lived in Jamaica, and has traveled throughout Europe, Asia, and across the United States with her family. A recent BYU graduate in English, she spent a semester studying in London and traveling throughout the United Kingdom and Europe. Throughout her varied world experiences, Amy has found the challenges of daily life consistently similar: "Around the world, people are trying to

world is to become a good mother so that her children, in turn, can become good citizens, she also wants to be "empowered to change what can be changed." Furthermore, she believes "there is a great need for women and mothers with the knowledge, desire, and certification to fill leadership positions in the community and in the world." Perhaps it is no coincidence that Amy's heritage of service brings her to an anniversary class honoring its own pioneering roots.

Paul Waldron

Like his wife, Amy, Paul Waldron wants to serve the community—the educational community, that is. Bored by a less-than-challenging curriculum through much of his academic career, Paul wants to effect whatever changes he can to ensure that his children, and all children, get the most enriching education possible. He also wants to be equipped to address the legal issues of the modern classroom, where teachers and administrators often leave out anything that may offend a particular interest group to avoid a lawsuit. For these reasons, Paul begins this fall the long but interesting journey to earning both a JD and PhD or EdD.

Though Paul spent his undergraduate years at BYU in American studies and philosophy, he claims it was here that he developed his great interest, now almost passion, for learning how people learn. Talking with professors he has become well versed in both the educational history of different



Paul and Amy Waldron

hometown of Concord, California, for over 40 years. From her grandmother's efforts in the 1940s to influence representation changes in her growing city to her mother's years of volunteer effort to combat the effects of drug and alcohol abuse, Amy has seen the value of active concern firsthand. A generation later, Amy seeks to fill her forebears' influen-

understand the world enough to survive. To ensure that understanding for everyone requires knowledge, integrity, and a willingness to serve. To me, that signals the need for law training."

Although Amy feels the most rewarding contribution she can make to the

epochs of the world and in educational issues from early childhood development through post-graduate work

Not all of Paul's educational insights have been gained in the classroom, however. Paul has also been "profoundly influenced" by several authors from his private reading, philosophers and educators such as Emmanuel Levinas, Soren Kierkegaard, Simon Weil, and Parker Palmer. Palmer's book *To Know As We Are Known: A Spirituality of Education* cited a study that impressed Paul. According to the study, college students today think they can be successful in the world and live a good life, even though they perceive that the rest of the world is "going down the drain," Paul declares.

Such a self-centered attitude must be reversed. Paul was also greatly influenced by his LDS mission to Spain. "There I saw the effect of lack of education, even among the middle class. The Spanish are wonderful people. It pained

me to see them suffer because of ignorance. For a Western country, it was disappointing to see many people accept as fact theories I had heard discredited in high school. They seemed years behind other advanced nations because their educational system as a whole is not up to par, even though yearly more book titles per capita are published in Spain than in the United States."

Since his return to the U.S., Paul has sought arenas in which to advance his ideas about educational reform. For example, recently he designed and chaired a BYU conference on educational reform involving both faculty and students. He has also shared his ideas with many organizations on and off campus.

Though some may fear that the kind of idealism and enthusiasm that inspire people like Paul are destined to fade with time, Paul couldn't be more serious about his educational and career goals. "In the schooling system, too many

young, curious minds are shut down and passed by before they have the chance to flourish and bear fruit. Often young minds are taught by example that the world is not one of much hope. It is easy to become cynical and apathetic to a wider sense of community and to focus exclusively on getting ahead of some else. But humankind is a community in which we all have responsibility. My wife and I are attending law school together to better fulfill that responsibility.

BYU LAW GRAD TO CLERK FOR U.S. SUPREME COURT CHIEF JUSTICE

Steve Sargent, a 1993 graduate of the J. Reuben Clark Law School, will clerk for Chief Justice William Rehnquist during the 1994-95 term. Steve will be the eighth graduate of the Law School to serve as a U.S. Supreme Court clerk.

An accounting undergraduate, Steve served as editor-in-chief of the *BYU Law Review* during the 1992-93 school year.

Shortly after sitting for the Washington State Bar in July, Steve, his wife, Kathryn, and daughter, Maren, moved to Kansas where he assumed his duties clerking for a year for Judge Deanell Beebe Tacha of the 10th Circuit.

When notified of Justice Rehnquist's choice, Associate Dean Scott



Cameron commented,

"Steve's selection for this clerkship is a real honor for him and for the Law School. His outstanding academic performance in law school combined with his strong leadership and his personable nature will allow him to be an excellent clerk and representative of the school."

When asked his reaction to the news, Steve replied, "I felt very fortunate to receive the clerkship with Judge Tacha and just assumed that no news was bad news when I hadn't received any word from Justice Rehnquist. Then when his secretary called and told me I had been selected, I couldn't believe it. I'm excited and definitely overwhelmed at the thought of actually working at the U.S. Supreme Court. In every way, my family and I are looking forward to our year in the nation's capital."

CLARK MEMORANDUM RECEIVES KUDOS FROM CASE

The Council for Advancement and Support of Education (CASE) awarded the Clark Memorandum a gold medal in a recent national competition. "The award means the *Clark Memorandum* was judged as the finest publication of its kind in the nation," said Scott Cameron, editor. The magazine competed against more than 100 other entries and was evaluated on content, editing, writing, design, and photography.



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