



Jean Burns glances past a miniature winged gargoyle crouched atop her computer and out a long narrow window at the falling flakes. They're not thick yet, but a storm is on the way. She is driving herself today—contrary to an old student rumor

thing. First she graduated magna cum laude and Phi Beta Kappa from Vanderbilt University with a major in philosophy. (“When people ask me, ‘Why philosophy?’ I always answer, ‘For the money.’”) From Vanderbilt she went to the University of Chicago Law School, where she graduated cum laude and Order of the Coif while being on the law review. Next she clerked for Judge Wilbur F. Pell Jr. at the United States Court of Appeals, Seventh Circuit. Finally, before coming to *BYU*, she became a partner in a prestigious Philadelphia firm. People should be afraid of her! In fact, former student and car-pool driver Kim Littlefield freely admits, “She can scare the holy heck out of you in class.”

When asked about her 10 years at *BYU*, Jean responds that one of the unexpected pleasures of the job has been carpooling. “I thought the commute between Salt

# *Driving* Mrs. Burns

by Lovisa Lyman

that she can't drive—and she doesn't relish tackling the snow: “I read somewhere that 90 percent of drivers believe they are above average. I freely admit to being in the remaining 10 percent,” she quips. The gargoyle on the computer monitor, one of many in her office, is not just a decoration: “Computers, like dogs, can sense fear,” she explains. “My gargoyles protect me from the evils of the world.” Today, she says, she needs a gargoyle in her car.

It's amazing that Jean Burns would need protection from any-

Lake City and Provo would be the worst part of teaching at *BYU*. Instead, carpooling with students (a system begun by



Jean's colleague, Michael Goldsmith) has turned the commute into a fun and broadening experience." Jean furnishes the car and the gas, and a student, who also lives in Salt Lake, does the driving. Sometimes it's been just her and the student; other times Michael Goldsmith has commuted with them; and then there has been the steady flow of car-pool "guests."

Jean uses the hour on the way down to prepare for class and the hour on the way home to chat with her student driver about everything and anything. Jean explains that "it's been a wonderful way for me to get to know a few students really well—and also to find out what's really going on at BYU."



The student drivers have varied widely over the years. The first was Solomon, a BYU engineering student and a Shiite Moslem, who had just emigrated from Lebanon and only learned to drive after arriving in the U.S. Solomon was "our most exciting" driver, Jean says. She explains that Michael Goldsmith taught Solomon the right-turn-on-red rule. The problem was that either Michael did not teach or Solomon did not learn the stop-before-you-turn part of the rule. "We'd just go whizzing around corners, barely missing pedestrians a few times. Occasionally

Michael or I would let out a scream. With a Middle Eastern stoicism, Solomon would just say, 'We don't need them' and keep going."

Thereafter Jean stuck with BYU law students for her drivers. Over the years she's carpooled with Matt Lalli (now practicing in California), Robert Booker (now practicing in Salt Lake), and Kim Littlefield (also working in Salt Lake). During the last two years she has carpooled with Marnie Jorgensen, currently a third-year student, and Diana Grant, a second-year student. In fact, as Jean and some of her former carpoolers tell it, the car-pool experience provides valuable lessons in law and life.

#### Tools of the Trade: The Burnsmobile

The first car used by the car pool was Jean's four-wheel drive Toyota Tercel wagon, better known as the Burnsmobile. Of the car, Matt Lalli says: "[It] made every philosophical statement I ever wanted in an automobile. It was Thoreauvian in its simplicity, had the strength and ambition of Napoleon, and was even more pure than a BYU coed. It was, literally, the golden mean of transportation."

When it came time to buy a new car, Jean disposed of her beloved Tercel in the

only appropriate way: she donated it to the BYU Law School to be auctioned off, with the proceeds going to the library fund.

#### Evidence: The Car-Pool Privilege

When the car pool began, Jean and Michael created a new evidentiary privilege: the car-pool privilege. This rule, Jean explains, is more sacred than the attorney-client or doctor-patient privilege. It means that anything said in a car pool is confidential and can't leave the car pool. Jean says, "This way we're all free to rant and rave about anything at all. I think we all say things in the car pool that we'd never tell a spouse." Which brings up the next insight.

#### Negotiations

"Gerry Williams should assign carpooling as part of his negotiations class," Jean chuckles. "My car pool has outlasted some of the riders' marriages and relationships with 'significant others.'" Jean's convinced that the reason is twofold. First, "there's more honesty in the car pool than in most marriages." For instance, if a carpooler doesn't like the music being played or even a fellow rider's cologne, he or she never suffers in silence. Second, Jean laughingly says, "Car pools are probably harder to get and keep than spouses, so people are more willing to negotiate." Over time, rules evolve, like, "Whoever's driving gets to pick the route." Time to leave Salt Lake is roughly determined by when carpoolers' classes begin. Departure time is completely negotiable, depending on the needs of the car-pool members.

In fact, car-pool departure is a great way of escaping a late afternoon meeting. The words "My car pool is leaving," are wonderful, says Jean. "People respect it; it's like, 'My mother is dying.'" She adds, "Of course I never mention that it's my car."

One thing is not negotiable in Jean's car: the music is only 1960s and 70s Motown. Jean admits, "I'm a sucker for the Four Tops, the Supremes and the Temptations." Says Kim Littlefield, "Every once in a while I would get into the car and see a big grin on Jean's face, and she

would announce, ‘I just made a new tape for the car.’” It was a different tune on those days when the car pool used Michael’s car. Kim explains, “We listened to the light jazz stuff he likes.” Michael counters, “It’s amazing that the car pool survived Jean’s taste in music.”

One car-pool guest, Paul Werner, was the source of another car-pool rule. Paul (now practicing in Salt Lake) always brought treats—cookies, cake, pie—when he hitched a ride in the Burns car pool. Soon the rule was established: Guests *must* bring treats (or suffer harassment the whole way to Salt Lake).

#### Family Law

“Lots of car-pool conversation revolves around spouses,” reports Michael. Jean and her husband, Jim, have been married more than 25 years. They met when both were undergraduates at Vanderbilt and married after graduating. Jean went to the University of Chicago Law School while Jim attended Northwestern Medical School. “It’s great being in school together. No one feels guilty about studying on Friday night. Besides,” Jean adds, “it’s so cold in Chicago that there’s nothing to do but stay inside and study.”

After graduation, both found jobs in Philadelphia. Ten years later, Jim, a neurologist who does medical research, got an inquiry from the University of Utah Hospital. He visited the department and liked it. Jean had been considering teaching and interviewed at BYU. Since Jean and Jim took most of their vacations hiking in

the West, it was a perfect solution for them. Jean says that her carpoolers know all about Jim. “The problem is that my carpoolers almost always decided that he’s too good for me.” Kim Littlefield, who worked for Jim as a research assistant before coming to law school, agrees. “Jim is the nicest man on earth; the best boss I ever had.” Jean laughingly counters that

Jean thought Marnie had encountered the strangest penal regulation when she reported being ticketed by a BYU cop for “unauthorized use of a washing machine.” (Marnie is quick to add that she “beat the rap” in court.) But then Diana confessed to being nabbed for after-hours visits to a city wall. It seems that recently one night Diana and some friends were enjoying the view of the



Jim is the lucky one. By going into medical research, with its dependence on grant funding, “he’s managed to find the only area of medicine that combines low pay and no job security. And then he works like crazy to keep this job. Go figure.”

#### Criminal Law

Jean reports that her two most recent drivers, Marnie Jorgensen and Diana Grant, have added criminal-law experiences to the car-pool dialogue. “I keep getting mixed up with these law breakers,” Jean jokes.

Salt Lake City lights from a wall overlooking Memorial Grove Park (less than a block from Diana’s home). A policeman stopped and told them to move on, because “the wall closes at 10 p.m.” Diana’s confession led to numerous car-pool discussions concerning such matters as: How do you close a wall? Is the sidewalk also closed? The street? The sidewalk on the other side of the street? What about sitting in a car in the street next to the wall?

#### Civil Trial Practice

Jean knows firsthand what it is to be a tough woman in a man’s world. What she didn’t know before, she learned during 11 years as a litigator in Philadelphia. To students in the car pool, she freely imports words of wisdom about their future practice of law.

Robert Booker credits his successful Salt Lake practice, in part, to advice she gave

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him: “To be a successful lawyer, you need to explain things as though a juror were in the sixth grade.” Robert has found this to be true: “Lawyers tend to talk about big concepts in big words. What they really need to do is break it down and dose it out in bite-sized pieces.”

Matt Lalli claims, “I can’t remember a thing Jean Burns taught me about the Uniform Commercial Code, but I’ll take to my grave these valuable lessons I picked up as we slid white-knuckled through the snow at the point of the mountain: Never make important decisions on Monday morning (and if possible avoid making any decision on Monday); recognize when you don’t have any power and keep your mouth shut; organize important papers on your desk under one rock and unimportant papers under a different rock; and, most important, when you are in a strange land where people do funny things, keep a sense of humor.”

Jean believes her background in litigation helped her make a smooth transition into law teaching. “I structure my class exactly like I would a direct examination. I try to find a logical, step-by-step progression through the material.”

BYU students are obviously glad she’s here. For five of the 10 years she has taught at BYU, she had been awarded excellence in teaching awards. Michael Goldsmith teases, “I tell her she consistently wins the Teacher of the Year Award, but she’ll never win Miss Congeniality. She’s a cross between Magnum Force and Murphy Brown—but possibly lacking some of Murphy Brown’s restraint.” He adds more seriously, “She comes across as tough and demanding and despite that wins student praise. I give her credit for that.”

Now that he’s a lawyer and interacts with other lawyers, Robert Booker meets few who study and have such a passion for their field of expertise as does Jean. “She loves what she’s doing, takes it very seriously, and enjoys teaching law.” “Jean is incredibly bright, and so funny,” adds Kim Littlefield.

#### Leisure Activities: Life Outside the Car Pool

Jean also takes her leisure activities seriously. A self-described “weekend warrior,” she enjoys running and hiking. Recently Kim Littlefield got her interested in weight lifting a couple of times a week. “Kim explained how muscle tissue burned more calories even when a person’s just sitting. I figured you couldn’t beat that,” Jean says.

Another diversion is Jean’s extracurricular reading. Though her office shelves are devoted to her legal collection—and an occasional gargoyle—her home library is filled with literary classics. Her love of literature was a determining factor in choosing the University of Chicago. Saul Bellow was teaching there. “But I never saw him once in three years,” she laments. She claims her reading is an attempt to complete her high school reading list. But no college prep regimen compares with the



one she established for herself. “Life is short,” she explains. “I generally don’t read writers until they win the Nobel Prize.” All of the critically acclaimed works of Austin, Balzac, Bellow, the Brontes, Butler, Caldwell, Camus, Cervantes, Chekhov, Conrad—just to name A through C—are on her list. She keeps a tally on her computer so she won’t buy the same book twice and marks the individual titles off as she reads them. She read all of Dickens, Austin, and the Brontes when her husband was doing his internship and residency. Of all the authors on her list, she has a special fond-

ness for Balzac. “In American and British literature, good guys always win. With Balzac, usually the biggest villain comes out on top.”

Jean’s carpoolers portray her as tough, generous, funny, incorrigible, and incredibly bright. Undoubtedly, there is much more that is of a confidential nature that they refuse to reveal. Robert Booker sums it up with an analogy: “If someone says, ‘What do you think of Mount Timpanogos?’ how can you answer? It’s too big. You don’t know where to start to tell what you think. That’s the way it is with Jean. I cannot begin to express the ‘like’ I have for her.”

Snow is coming down faster now, and Jean wants to be on her way. Just then there’s a knock at the door and a student sticks her head in. “I can do it!” she announces. Jean is obviously pleased and relieved. “Wednesday then. I’ll pick you up. You drive.”

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