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The Work of Serving Others

Carl S. Hawkins

You have chosen a career in which there will always be tension from competing demands and never enough time to satisfy all of them.

Rather than try to explain this tension in abstract terms, I will take examples from the lives of J. Reuben Clark Jr. and two other LDS lawyers I have known: John K. Edmunds and Robert W. Barker.

Before I speak of them, let me talk briefly about why the practice, itself, of law involves internal and external conflict. You hear Justice Joseph Story's quote that "the law is a jealous mistress." Despite that metaphor's sexist connotation, it may not be entirely inappropriate. It aptly suggests that the law makes relentless demands on the time, energy, and loyalty of its practitioners and that it does so in conflict with other loyalties. You need to begin thinking realistically about why law is more than a nine-to-five job.

First, the intellectual element of law practice means that the task is always open-ended. You can never be sure that your research, investigation, or preparation is complete. Some of you have already experienced this in law school.

Second, and more important, your duty as a lawyer to put your client's interests ahead of your own means that you cannot diminish your efforts just because the task has become tiresome, unprofitable, or too demanding. Time pressures, lack of resources, and fatigue may sometimes impose practical limits on what you can do for your clients, but you cannot regulate your professional tasks, once undertaken, to fit into a comfortable schedule that always leaves enough time for the other things you would like to do for family, friends, church, community, and personal enjoyment.

You will face these conflicting priorities throughout your life, so let's talk about different individuals who have also faced them and who still served others well.

President J. Reuben Clark Jr. is known to your generation as an important figure in Church history who served as a counselor to three Church presidents: Heber J. Grant, George Albert Smith, and David O. McKay. To my generation he was a towering presence who exerted tremendous influence in Church administration, policy, politics, and intellectual style for almost three decades. But we knew little of the whole man, his family, or his career as a lawyer before he was called into the First Presidency. From his biography by Frank Fox we can now learn something about how he handled the competing demands of career, family, and the Church in his earlier years.

Reuben began his legal career later than most. He was 32 years old when he entered law school at Columbia University in 1903. He had a wife and two small children and had already experienced some success as an educator, as principal of Wasatch High in Heber and of the state normal school in Cedar City, and then as a teacher at the Salt Lake Business College. Reuben had to pay for his legal education with a series of personal loans from a benefactor in Salt Lake City, and those debts hung around his neck like a millstone for many years thereafter.

He did well in his first year of law school and was elected to the law review. Later he was chosen as a research assistant for Professor James Brown Scott and did most of the work in compiling Scott's books on quasi-contracts and equity jurisprudence.

Reuben's wife, Luacine, was never enthusiastic about the move to law school, but she went along as a dutiful Mormon wife and tried to make the best of it. Her health was frail, she hated New York City, and she missed her family and friends in Utah.

[L]aw school swallowed up her husband like Jonah's whale; he was in class all morning, in the library all afternoon, and often at work in the evening. . . . Every endeavor . . . brought its own kind of reward for him. . . . For Reuben it was a remarkable story of success. For Luacine it was a chronicle of disappointment. [Frank W. Fox, *J. Reuben Clark: The Public Years* (BYU Press and Deseret Book, 1980), 366]

Graduation did not bring any relief for Luacine. She wanted Reuben to return to Utah and practice law there, but he chose to follow Professor Scott to Washington, D.C., where Reuben accepted a position as assistant to the solicitor of the State Department. In fact, Reuben did most of the solicitor's work and was later appointed acting solicitor and then solicitor. As the State Department's lawyer, Reuben earned great respect for the high professional quality of his work. His comprehensive research memoranda became one of his trademarks. On each major legal problem he compiled the historical background; collected every relevant statute, precedent, and administrative ruling; and analyzed them so comprehensively that there was nothing left to be done by others. His famous *Memorandum on the*

Monroe Doctrine is only the best known of many such research memoranda that he prepared.

You should read those chapters in his biography that tell about some of the professional challenges Reuben encountered in the State Department. For example, there were several difficult occasions when Reuben had to set aside his personal opinions and prepare legal rulings to support State Department policies or actions of which he disapproved. There is a poignant story of Reuben's preparing an evasive opinion that permitted Mexican federal troops to be transported through United States territory, in violation of the Neutrality Act, in order to protect Mormon colonists in northern Mexico.

There is also the revealing portrait of a man who had the capacity to grow and change as he learned from experience. Reuben began his career in the State Department as an enthusiastic supporter of dollar diplomacy, believing that national policy should foster the spread of American capitalism and protect it with armed intervention when necessary. But his experience with several such interventions in Central America eventually convinced him that they were politically unsound and morally wrong.

Reuben resigned his position with the State Department in 1913 and opened his own law office in Washington, D.C., establishing a branch office in New York City a few years later. But even then he spent more time in public service than in private practice, accepting numerous appointments to serve on international commissions, as legal counsel to foreign governments, and as an advisor to government officials involved in international relations. During World War I he served as a major in the Judge Advocate General's Corps, and after the war he served as an expert assistant to the American commissioners to the Conference on the Limitation of Armament.

Then, in 1920, at his wife's insistence, Reuben finally closed his Washington and New York law offices and moved his family to Salt Lake City. But his eastern clients, along with various government appointments and special assignments, continued to keep him away from his family for long periods of time. Included among these were a brief appointment as undersecretary of state and a later appointment as legal advisor to the United States ambassador to Mexico. In that position Reuben used his extraordinary professional skills to negotiate a settlement of the long-standing dispute over Mexico's expropriation of foreign oil holdings. This led to his appointment in 1930 as ambassador to Mexico—an appointment that he filled with such great success that, upon his release three years later, President Herbert Hoover said:

Never have our relations been lifted to such a high point of confidence and cooperation, and there is no more important service in the whole foreign relations of the United States than this. A large part of it is due to your efforts, and I realize it has been done at great sacrifice to yourself. The American

people should be grateful to you for it. [Herbert Hoover, “Letter Accepting the Resignation of J. Reuben Clark, Jr., as United States Ambassador to Mexico, February 28, 1933,” in *Public Papers of the Presidents of the United States: Herbert Hoover, 1932–33* (Government Printing Office, 1977), 1008]

But this review of Reuben’s professional achievements does not reveal enough about the competing demands of family and church while he was pursuing his professional career as a lawyer. For that purpose, you should read chapters 20 and 23 from Fox’s biography of J. Reuben Clark Jr.

From chapter 20, regarding his family life, you will learn that it was a constant struggle for Reuben to reconcile the competing demands of profession and family. Not only did his work keep him away from his growing family for long hours almost every day and not only did he bring a briefcase full of work home from the office every night, but he was completely separated from his wife and children for months at a time, when he would send them back to Salt Lake City to beat the summer heat or to save money needed to pay that “hideous debt” incurred in law school. Luacine’s health was fragile, and she suffered through one sickness after another and nursed her children through several serious illnesses—including one near-death experience—while Reuben was trying to get ahead in the State Department, working part-time as a law teacher, and trying to complete Professor Scott’s law books.

You may be tempted to think that Reuben was a compulsive workaholic who was not sensitive enough to the trials his family had to endure for the sake of his career. You may recall the time he was detained by business in New York and missed Christmas with his family or the more distressing time when, after leaving Luacine and the children in Salt Lake City for many months, he failed to keep his promise to be home in time for the birth of their fourth child. I remember especially the almost desperate letter that Luacine wrote to Reuben when he was stranded in the East doing legal work for an international conglomerate in the spring of 1923: “Let go before your health gives out. Come on home. We won’t starve, and if we do we will all go together. Let’s live normally just a little while before we die. Forget your dreams. What’s the difference anyway” (Fox, 387).

But before you judge Reuben too harshly, you should acknowledge that he took his family obligations very seriously. You should remember his carrying a sick child in one arm while he paced the floor with a law book in the other hand. If he brought work home from the office almost every night, he usually did some of that work while one or more of his children played at his feet or sat upon his lap. When Luacine’s illness did become critical, he put his work aside and personally nursed her night and day through the crisis. If he was away from his family for months at a time, his spiritual and moral leadership still guided his children pervasively, and they never strayed from the high standards he set for them. If he was

driven by ambition for professional success, we should remember that he never compromised his personal integrity, and when he was ultimately forced to a choice, he gave up his dreams of wealth and social standing in deference to the wishes of his family.

I would not presume to judge Reuben for how he met the competing demands of profession and family. My purpose, rather, is to help you to recognize that these competing demands were persistent and difficult and never really comfortably at rest, even for a man of Reuben's great character and capacity. I hope that knowing of his experience will help you to become more sensitive to the competing demands of family and profession that you will have to face.

And how did Reuben respond to the competing demands of his church and religion during his turbulent professional years?

You may be surprised to learn that Reuben was something of a liberal intellectual in his early years as a lawyer. He had privately engaged in intellectual criticism of the Church's positions on polygamy, the Word of Wisdom, and even the wearing of temple garments. He questioned Reed Smoot's service as a senator while he was also an apostle. Regarding his intellectual approach to religious questions, Fox described Reuben as saying that

scientists and lawyers . . . were not usually "blindly credulous or religious," because they . . . could accept nothing on faith. Scientists were always required to support their hypotheses through experimentation; lawyers were always responsible for facts. "[The lawyer] must consider motives, he must tear off the mask and lay bare the countenance, however hideous. The frightful skeleton of truth must always be exposed." [Even with religion] the scientist or the lawyer had to submit every conclusion to "the firey [*sic*] ordeal of pitiless reason," bringing to all doctrines, all preachments, and even the very scriptures themselves a final conclusive test. "What he can himself reason out according to his standards, he accepts unqualifiedly; whatever cannot stand his test, he rejects as unfit." [Fox, 431]

You may be even more surprised to learn that the young lawyer Reuben was not always diligent in his Church responsibilities. He did not enjoy attending branch sacrament meetings in the Washington mansion of Senator Reed Smoot. Fox writes:

Reuben began to find excuses for staying away. Once the umbilical of the sacrament meeting was severed, the concept of an inviolate Sabbath began to alter. Reuben continued to hold the family to a more or less rigorous observance of the day—no movies, bicycling, or skating, for example—but reserved for himself the old loophole of the ox in the mire. Indeed, J. Reuben Clark distinguished himself as the man on the job on Sunday. [Fox, 432]

From my reading of Fox's detailed account of Reuben's years as a lawyer in Washington and New York, I found no evidence that he ever held an

official position in his local branch of the Church or even served as a home teacher. Luacine was sufficiently concerned about his Church activity to chide him on one occasion:

I don't see why you can't do a little church work where you are. Everyone loves to hear you talk, you would be such a big help if you would take hold. You have been nearly 20 years out of it [that is, since he went east to law school]. . . . However, we have thrashed this out before. I have hired you, I remember, more than once to go to church with me, but now you are of age. I will leave your religious training alone, and attend to my own. [Fox, 442]

Reuben was 51 years old when his wife sent that letter to him.

But again, before we judge him too quickly or too harshly, let's remember that Reuben was driven by extraordinary intellectual capacity and by a consuming ambition to achieve professional success and recognition as a "stranger in Babylon." He felt a need to prove that a poor Mormon farm boy from Grantsville, Utah, could make it in the sophisticated and powerful circles of eastern society and politics. Reuben was, as Fox observes, one of the first to prove that a Mormon could succeed in the East on its own terms without surrendering his Mormon identity. Others, like Reed Smoot, "remained essentially western careers built upon local bases of support, while Reuben Clark had gone to Washington penniless and unknown and had carved out his own success" (Fox, 439). And Reuben Clark had no George Romney or Willard Marriott or Ezra Taft Benson to mark the path ahead for him.

We should also remember that while he indulged in occasional intellectual criticism of Church practices, he personally lived in strict compliance with Church standards of personal conduct, including the Word of Wisdom and the wearing of his temple garments. He taught his children, both by precept and by example, the basic tenets of his Mormon faith, and he successfully indoctrinated them in traditional LDS values. If he was not always diligent in Church attendance or active in Church callings, he was, nevertheless, laying the foundations for later service that would contribute to building the kingdom in ways that only a man of his great accomplishments could do. And who, knowing of his later dedicated service to the Church, would ever presume to question the depths of his spiritual commitments or the animating power of his faith?

Once again, my purpose has been to show you that competing loyalties to church and profession confronted Reuben with persistent and difficult challenges never fully resolved until after he was called into full-time Church service. You, too, will have to confront competing demands from church and profession throughout your careers.

In the time that remains, I will briefly mention two more examples from the lives of contemporary LDS lawyers. I have chosen these two because I knew them personally and admired both of them, even though

they both made quite different accommodations to the competing demands of church and profession.

As a beginning law student at Northwestern University in Chicago, the first time I went to church at the Logan Square Ward I saw an old Studebaker Champion drive into the church parking lot. A Studebaker Champion was one of the cheapest, small American cars you could buy in those days, and this one was nine years old. Rust had eaten as many holes in the fenders and rocker panels as the lace on an old dowager's petticoat. The man who stepped out of that car was John K. Edmunds, a lawyer and president of the Chicago Stake.

John and his wife, Jasmine, moved from Salt Lake City to Chicago in 1927, when he went to law school at Northwestern University. After John graduated from law school, he and Jasmine stayed in Chicago because a Church General Authority counseled them to help build up the Church in that area. The few organized branches of the Church in that area were then part of the old Northern States Mission. That was just at the beginning of the Great Depression, and jobs were not easy to come by in the established law firms in Chicago, so John set out to build his own private practice in a city where he had no prior connections. He later told me that, from the beginning of his law practice, he resolved to limit the number of his clients so that he could devote half of each working day to Church work. You can understand how this would keep him from developing a large or lucrative law practice.

John K. Edmunds became stake president in 1945, shortly after the Chicago Stake was carved out of the Northern States Mission. At that time the stake extended beyond the vast metropolitan area of Chicago and its suburbs to include Milwaukee, Wisconsin, on the north and South Bend, Indiana, on the south. For 18 years John was not only the president of the Chicago Stake, he was the soul of the Chicago Stake. Not only did he provide administrative leadership to the stake's scattered and understaffed wards and branches but he also provided spiritual leadership to its people through his personal ministry. Hundreds of LDS students who came to Chicago for postgraduate and professional degrees were inspired by his example and encouraged by his personal interest in them. Many of us who were law students found in his example the assurance we needed that our professional careers could be combined with active Church service. Among those who are proud to claim John K. Edmunds as a mentor—like me—are Rex Lee, Monroe McKay, and Dallin Oaks.

John was released as stake president in 1963 and went on to serve as a patriarch and as a regional representative of the Quorum of the Twelve Apostles until 1969, when he retired from his law practice in Chicago to accept a call to preside over one of the Church's missions in northern California. In 1972 he was called to be president of the Salt Lake Temple.

While in that calling, he also served on this law school's first board of visitors.

When I attended John K. Edmund's funeral in 1989, I was moved to see four General Authorities of the Church seated on the stand. All four of them rose to their feet to show their respect when a little silver-haired man, who was to be the principal speaker, made his way up to the stand. It was David M. Kennedy, then the First Presidency's ambassador at large and formerly U.S. ambassador to NATO, secretary of the treasury in the Nixon administration, and president of the Continental Illinois National Bank when it was the fourth-largest bank in the United States. David Kennedy, who was also a law graduate but never practiced law, had served for years as a counselor to President Edmunds in the Chicago Stake presidency.

John K. Edmunds never established a large law firm or aspired to honors or recognition among the Chicago bar, but he diligently served his clients with high professional standards while devoting so much of his time, energy, and skills in building up the kingdom wherever he was called to serve.

Another one of my mentors was Robert W. Barker, who was a partner in the Washington, D.C., firm where I practiced law for six years. Bob was the son of an Ogden judge. After receiving his bachelor's degree from the University of Utah, he served as an army officer under General George S. Patton's command in North Africa, Sicily, England, and Europe during World War II. After the war he earned his law degree at Georgetown University Law School, practiced briefly in Ogden, and then served for two years as the administrative assistant to Senator Wallace F. Bennett before becoming a partner in Ernest Wilkinson's Washington law office.

Bob was the most demanding and professionally proficient lawyer I have known. He was also one of the most intense and tenacious lawyers I have known. He wore down many an adversary by using unrelenting pressure combined with brilliant legal strategies and skillful professional tactics. Bob typically worked well into the evening on weekdays and put in a full day at the office on most Saturdays.

He handled a remarkable variety of legal matters, from complex anti-trust litigation to advising and representing corporate media clients in their dealings with the Federal Communications Commission and other government bureaucracies. He successfully defended Maurice Stans, chairman of the Finance Committee to Re-Elect the President (Nixon), through a notorious series of congressional hearings and a federal criminal prosecution arising out of the Watergate affair. He played the lead role in the consortium of lawyers who successfully prosecuted the largest and most complex of all Indian land claims against the United States government on behalf of the Indians of California.

In the midst of his busy practice, Bob found time for public service and service to the legal profession. He was a member of the American College of Trial Lawyers and a fellow of the American Bar Foundation. He chaired the American Bar Association's Section on Indian Law, the D.C. Bar's Legislative Committee, and the Court of Claims' Lawyers Advisory Committee. He served as general counsel of the Inaugural Committee and chairman of the Law Committee for the Nixon inaugurals and as deputy general counsel and chairman of the Law Committee for the Reagan inaugurals.

Somehow, through all of these distinguished professional achievements, Bob also managed to serve his family and church very well. He and his wife, Amy, successfully reared one daughter and five sons and were the loving grandparents of 10 grandchildren when Bob died in the harness in 1987. In the meantime, Bob had served as bishop of the Chevy Chase Ward in Maryland, as a counselor in the presidency of the Washington D.C. Stake, as a regional representative of the Quorum of the Twelve Apostles, and as president of the Washington D.C. Temple. From his Washington law office Bob represented the Church in many sensitive matters in its relations with the federal government and foreign countries, and he also served on this law school's board of visitors and was the principal benefactor in endowing one of our professorial chairs.

In his eulogy to Robert W. Barker, President Gordon B. Hinckley said:

Bob Barker was a remarkable man in whom I had total confidence. He was a tremendous attorney and legal scholar. His mind was disciplined, and he worked very hard. . . . Bob was absolutely undeviating in his faith and faithfulness. He responded to every call that was ever made upon him without hesitation, and the results were wonderful.

I have juxtaposed the lives of John K. Edmunds and Robert W. Barker to show that, notwithstanding real differences in their professional achievements and how they reconciled the competing demands of church and family, both men set examples to be admired. I would not presume to advise you as to whether you should choose the more modest law practice of a John K. Edmunds or the more ambitious legal career of a Robert W. Barker or some other career model. What matters is that you conscientiously try, as both of them did, to work out the continuing accommodation of family, church, and profession that is best suited to your unique circumstances and the special needs of your loved ones and that you serve each of these with skill and devotion. You may have to live with uneasy tensions in the process, but I believe that, if you persevere, you may achieve your own kind of success in your legal career while experiencing fulfillment in service to your family and to your church.

This address was given at BYU Law School on January 17, 1995. Reprinted from “Profession, Family, and Church in the Life of J. Reuben Clark Jr., and Two Contemporary LDS Lawyers,” in Lisa Bolin Hawkins, editor, Carl S. Hawkins and Nelma J. Hawkins: Personal Histories, Career and Professional Service (2012), 614–621.

*Carl S. Hawkins (1926–2010) received his JD from Northwestern University in 1951 and clerked for Chief Justice Fred M. Vinson of the U.S. Supreme Court 1952–1953. At J. Reuben Clark Law School he served as a founding law professor 1973–1991, acting dean 1975–1977, and dean 1981–1985. His book *The Founding of the J. Reuben Clark Law School* was published in 1999.*