

Fall 1993

Clark Memorandum: Fall 1993

J. Reuben Clark Law Society

J. Reuben Clark Law School

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CLARK

MEMORANDUM

BRIGHAM
YOUNG
UNIVERSITY

J. REDDEN
CLARK LAW
SCHOOL

FALL
1993



CONTENTS

FALL 1993

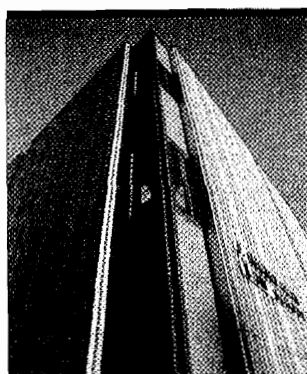
H. Reese Hansen <i>Dean</i>	<i>Letter from the Dean</i>	2
Scott W. Cameron <i>Editor</i>	<i>Calendar of Events</i>	3
Charles D. Cranney <i>Associate Editor</i>	<i>Becoming J. Reuben Clark's Law School</i> President Marion G. Romney	4
Allison Yancey <i>Assistant Editor</i>	<i>Integrity — the Evidence Within</i> Elder Neal A. Maxwell	10
Linda A. Sullivan <i>Art Director</i>	<i>Growing Up</i> President Elaine L. Jack	18
John Snyder <i>Photographer</i>	<i>Satisfaction in the Law</i> David G. Campbell	24
Contributing Designers David Eliason Shayne Eliason James Rabdau	<i>Portraits</i>	30
Laura Lyn Herberting <i>Student Copy Editor</i>	<i>Memoranda</i>	36

FALL 1993

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Cover Photograph:
John Snyder



LETTER FROM THE DEAN

DEAR ALUMNI, CLARK SOCIETY MEMBERS, AND FRIENDS: *Twenty years ago, on August 27, the J Reuben Clark Law School opened its doors. Twenty years is a long time, but to many of us it seems like yesterday. Some of you may recall our early days at St. Francis School, the first two years, in fact, until we built the beautiful building we have now. Some of you enjoyed sitting in the "Great Hall," literally at the feet of expert teachers like Woody Deem, Dallin Oaks, and Monroe McKay. Certainly all of us have benefitted from the Law School and our association with it, whether that association has been throughout the school's twenty-year history or only during the last few years.* ☞ *In some ways, it seems longer than twenty years since the Law School began—so much has happened. In the Law School's first decade, we earned accreditation by the American Bar Association, received membership in the Association of American Law Schools, and were chartered as a chapter in the Order of the Coif. The American Inn of Court movement, which now has over 125 Inns nationwide, started with its first Inn at the BYU Law School in 1980. Members of our first two graduating classes were selected as clerks by Chief Justice Warren E. Burger and Justice Lewis F. Powell, Jr.* ☞ *Our tradition of excellence continued through our second decade, with students doing extremely well in national moot court and trial advocacy competitions, editing three excellent scholarly journals, teaching in local high schools, and providing pro bono legal service through LawHelp. In our twentieth year, another graduate, Stephen M. Sargent, was selected to clerk for Chief Justice William Rehnquist, bringing our total of Supreme Court clerks to eight.* ☞ *The success of our students has been matched by the quality of our faculty, who have distinguished themselves with thorough and highly significant scholarship. Our graduates have demonstrated their strong training through consistently passing bar examinations, by succeeding in private and corporate practice and in government service, and by faithfully serving their communities.* ☞ *The Law School has matured, our first dean now president of Brigham Young University and our third dean now provost. Several faculty have retired, and two of our much-loved members, Woody Deem and Terry Crapo, have passed away. Three former students have joined the faculty, and a sense of continuity and progress is evident.* ☞ *The last twenty years have, no doubt, also been significant in your own lives as you have built both your families and your careers. Most of you have established yourselves in successful law practices in large and small firms, in cities and in rural areas. Some of you have gone on to serve as mayors, state legislators, county attorneys, judges, and law professors. One of your number, Bill Orton, is serving in the U.S. House of Representatives. Perhaps most important is the happiness you have found in service to your families, to your communities, and to your Church. It is in the individual lives of our graduates that the strength of the Law School is most evident.* ☞ *This year promises to be exciting. Besides our annual activities and symposia, we have planned various events to commemorate the Law School's 20th anniversary, including a Founders Day Convocation, a visit from United States Supreme Court Justice Anthony M. Kennedy, and a series of classes and lectures on constitutional reform by professor-in-residence Judge Malcolm Wilkey. The Law School has also been selected to host this year's Western Regional Trial Advocacy Competition.* ☞ *We have planned our activities this year in a format that we hope will provide you with as many opportunities as possible to come back and visit. Take a close look at the calendar on the page opposite. I think you will find the activities worth fitting in your schedule. From the excitement of the national moot court competition to the ease of the Annual Alumni/Law Society Dinner, we invite you to once again enjoy your association with one another.* ☞ *A closing note. This is a year of remembering, a chance to look back with fondness on the joys, hopes, and experiences we've all shared. It is also a year of renewals, an occasion to reestablish old ties and to build new ones.* ☞ *We want you to know that we consider each of you—students, graduates, nongraduate members of the Law Society, and benefactors—equal shareholders in the Law School's success. In the words of our founding dean, Rex E. Lee: "In our hands we hold the responsibility of seeing to it that the next [20] years—and the next and the next in perpetuity—will be just as good as the first [20]"* —DEAN H. REESE HANSEN

CALENDAR

AUGUST 1993

27

Founders Day

West lawn of Law School,
2 p m

SEPTEMBER 1993

11

SBA & Alumni Association Golf Tournament

9-Hole Golfing
Cascade Fairways Golf
Course (1313 E. 800 N ,
Orem), 4:30 p m.
\$6.50 green fees include free
bucket of golf balls.

Night Light "Scramble Golf Tournament"

Dusk (9 p.m.). \$5.50 green
fees RSVP or leave message
with SBA office by 4 p m.,
Friday, September 3, (801)
378-2349

Home Football Game, BYU v. Hawaii

12

*Law School Fireside,
Elder Dallin H. Oaks*
Stadium Avenue Chapel,
7 p m

29

*Benefit for the Women and
Children in Crisis Center*
Wilkinson Center Main
Ballroom, 7 p m.
\$5 individual, \$9 family
For details, call Lisa Stamps
Jones, (801) 378-3685.

OCTOBER 1993

13

Utah Supreme Court Session
Moot Court Room,
303 JRCB, 10 a m -Noon

22

*Law Society/Alumni Annual
Dinner and Class Reunions*
Salt Lake City Marriott
Hotel Grand Ballroom.
6 p m. Mix and Mingle
Reception, 7 p m Dinner.
\$27 50 per person.

Bill of Rights Symposium

*[Right of Privacy v. The
Public's Right to Know]*
Varsity Theatre and JRCB
8:30 a.m -4 p m
\$50 (includes CLE credit),
\$8 luncheon

Homecoming, BYU v. Fresno State

NOVEMBER 1993

3-6

*Woody Deem Trial
Competition, JRCB, 6-9 p m.*

11

*Malcolm R Wilkey Professor
in Residence Lecture*
205 JRCB, 11 a m

20

Race Judicata
Begins in Law School's east
parking lot, 8 a m \$6 pre-
registration. \$13 includes
T-shirt. \$10 race-day regis-
tration \$10 T-shirt

*Home Football Game, BYU v.
University of Utah*

JANUARY 1994

Justice Anthony M Kennedy Lecture

Early 1994 For details, call
(801) 378-6384

FEBRUARY 1994

1

Third Annual Public Interest Law Auction

Moot Court Room, 303
JRCB, 7 p m For details,
call Lisa Stamps Jones,
(801) 378-3685.

4-5

Family Law Symposium
JRCB, 9 a m -5 p m ,
9 a.m.-Noon. CLE credit
available

11

Moot Court Finals
Moot Court Room, 303
JRCB, 2 p m

17-19

*Western Regional Trial
Advocacy Competition*
JRCB. For details, contact
Brian Miller or Constance
Lundberg, (801) 378-6385.

MARCH 1994

11-12

*Women in the Law
Symposium*
JRCB, 9 a.m -5 p.m. \$50
(\$25 students) includes
Friday's buffet dinner (after
January 1, 1994, add a \$20
late fee). For details, call
Lisa Stamps Jones, (801)
378-3685 CLE credit avail-
able.

13

Spring Fireside
Stadium Avenue Chapel
(650 Stadium Avenue,
Provo), 7 p.m.

25

*Twelfth Annual State and
Local Government
Conference*
Excelsior Hotel, Provo
9 a.m -5 p m. \$40 materi-
als, \$12 luncheon CLE
credit available

26

*Rex E Lee 10K Run for
Cancer Research*
Race begins in Law School's
east parking lot, 9 a m \$6
preregistration \$13 includes
T-shirt or cap. \$10 race-day
registration \$10 T-shirt, \$8
cap For additional informa-
tion, contact the Student
Bar Association, (801) 378-
2439

APRIL 1994

22

Law School Convocation
Provo Tabernacle, 1 p m
Details to be announced

MAY 1994

1

"Law School for a Day"
Moot Court Room, 303
JRCB.

23

*Swearing-in Ceremony, U.S
Supreme Court/Dinner*
Washington, D C Details to
be announced

Becoming

President Marion G. Romney

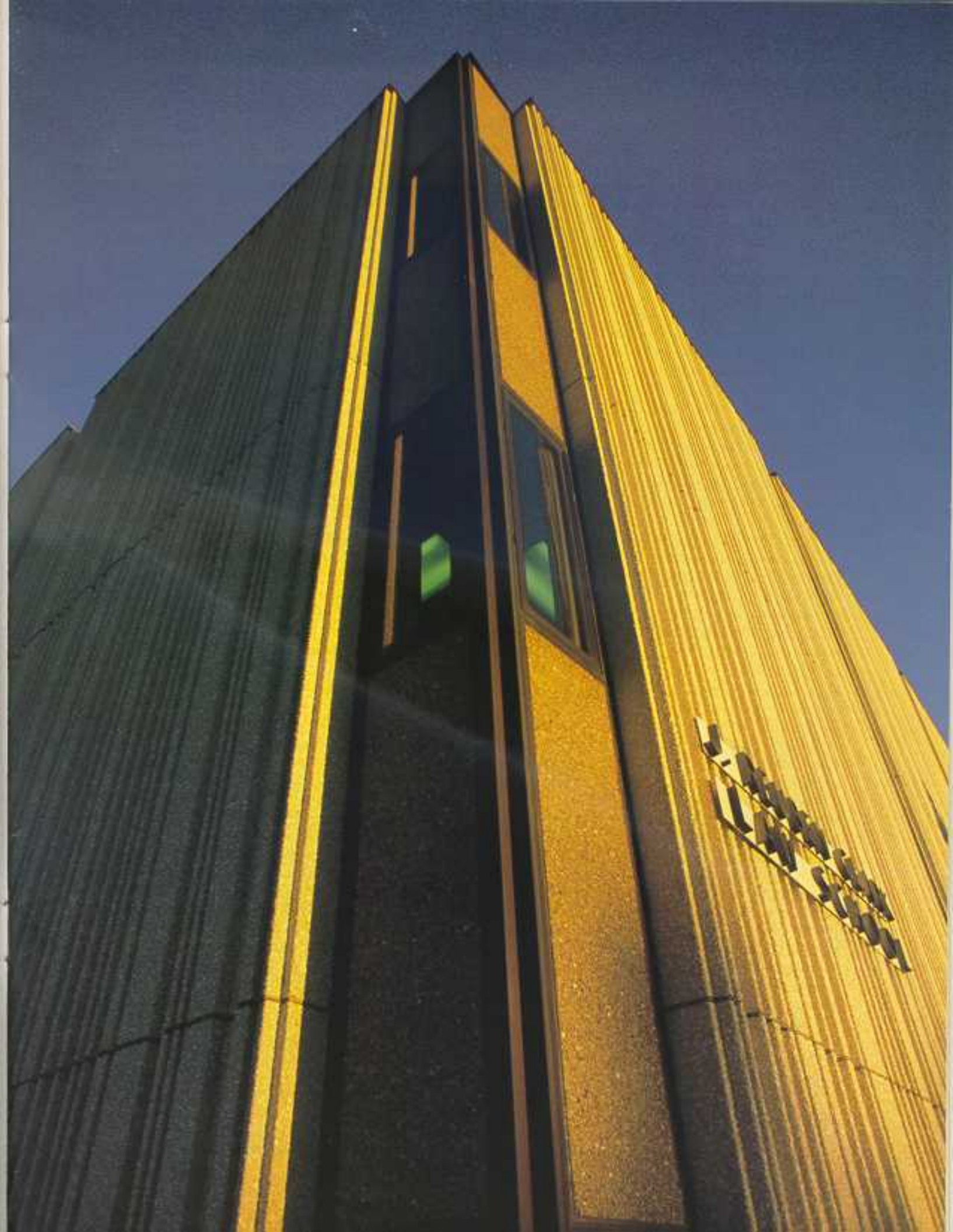
J. REUBEN CLARK'S LAW SCHOOL

THIS ADDRESS WAS GIVEN AUGUST 27, 1973, TO THE LAW SCHOOL'S FIRST CLASS

THANK YOU VERY MUCH, PRESIDENT OAKS, FOR THAT
SCHOLARLY ADDRESS I THINK THESE STUDENTS WILL
APPRECIATE IT MORE AS THEY PURSUE THEIR LAW
TRAINING § ELDER BENSON OF THE BOARD OF
TRUSTEES, COMMISSIONER MAXWELL, PRESIDENT OAKS,
DEAN LEE, MEMBERS OF THE LAW FACULTY, FRIENDS,
AND PARTICULARLY YOU STUDENTS OF THIS FIRST
CLASS AT THE J REUBEN CLARK LAW SCHOOL: §

TO APPRECIATE THE REASON THE CHURCH IS
ESTABLISHING A SCHOOL OF LAW HERE AT BRIGHAM
YOUNG UNIVERSITY, ONE MUST HAVE SOME UNDER-
STANDING OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS AND KNOW AND REALIZE
SOMETHING ABOUT ITS NATURE AND ITS PURPOSE
BASIC TO SUCH AN UNDERSTANDING IS A KNOWLEDGE
AND ACCEPTANCE OF A FEW FUNDAMENTAL VERITIES:

PHOTOGRAPH BY JOHN SNYDER



First—That we humans “are begotten sons and daughters unto God” (D&C 76:24)

Second—That mortality is but one phase, albeit an indispensable phase, of our total existence

Third—That God created us that we “might have joy” (2 Ne 2:25) and that it is his purpose and his work and his glory “to bring to pass the immortality and eternal life of man” (Moses 1:39), which is the highest form and type of joy and happiness

Next—That God has provided in the gospel of Jesus Christ the true and only way by which men can achieve that objective

Fifth—That The Church of Jesus Christ of Latter-day Saints is God’s divinely established program through which he teaches and administers the gospel

Sixth—That the manner in which we respond to God’s direction as he gives it in the gospel will determine our destiny. The Lord revealed the gospel to Adam in the very beginning. All the prophets from Adam to our present prophet, President Harold B. Lee, have taught it. Time and time again when it has been lost through apostasy, the Lord has restored it. The last restoration of both the gospel and the Church was through the Prophet Joseph Smith during the first part of the 19th century

Upon the Church the Lord has, in these last days, put the responsibility to teach the gospel just as he put the responsibility upon the primitive church when he said to his apostles, “Go ye into all the world, and preach the gospel to every creature. He that believeth and is baptized shall be saved” (Mark 16:15–16)

Much of what the Lord revealed to the Prophet Joseph Smith concerned theology; some of it, however, dealt with general education. For example:

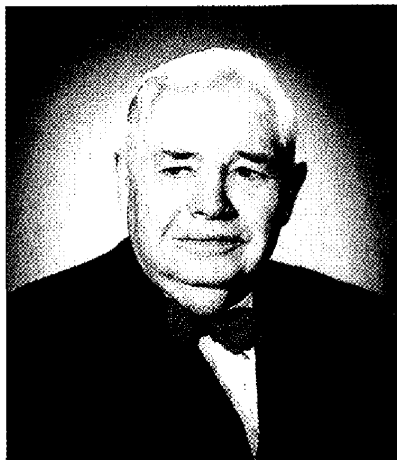
The glory of God is intelligence [D&C 93:36]

It is impossible for a man to be saved in ignorance [D&C 131:6]

Whatever principle of intelligence we attain unto in this life, it will rise with us

in the resurrection

And if a person gains more knowledge and intelligence in this life through his diligence and obedience than another, he will have so much the advantage in the



J. Reuben Clark

world to come [D&C 130:18–19]

Teach one another [D&C 38:23]

Study and learn, and become acquainted with all good books, and with languages, tongues, and people [D&C 90:15]

Teach ye diligently and my grace shall attend you, that you may be instructed more perfectly [concerning]

things both in heaven and in the earth, and under the earth; things which have been, things which are, things which must shortly come to pass; things which are at home, things which are abroad; the wars and the perplexities of the nations, and the judgments which are on the land; and a knowledge also of countries and of kingdoms [D&C 88:78–79]

Pursuant to these instructions, concerning general education, the Church has set up its educational system, including Brigham Young University. But, in addition to what the Lord said to the Prophet Joseph Smith about general education, he spoke specifically about law. Concerning the rule of law, he declared that

He hath given a law unto all things, by which they move in their times and their seasons;

that which is governed by law is also preserved by law and perfected and sanctified by the same

That which breaketh a law, and abideth not by law, but seeketh to become a law unto itself, and willeth to abide in sin, and altogether abideth in sin, cannot be sanctified by law; neither by mercy, justice, nor judgment [D&C 88: 42, 34–35]

Further he said,

There is a law, irrevocably decreed in heaven before the foundations of this world, upon which all blessings are predicated—

And when we obtain any blessing from God, it is by obedience to that law upon which it is predicated [D&C 130:20–21]

The Lord referred directly to the law of the United States:

Verily I say unto you it is my will that you should hasten to obtain a knowledge of history, and of countries, and of kingdoms, of laws of God and man, and all this for the salvation of Zion [D&C 93:53]

Modern scripture identifies America as the land of Zion. The Lord advised Joseph Smith that he, himself, had taken a hand in establishing the supreme law of this land, speaking directly of the Constitution of the United States

In 1833 he instructed the Saints “to importune for [a] redress” (D&C 101:81–101) for wrongs suffered by them in Missouri “according to the laws and constitution of the people, which I have suffered to be established, and should be maintained for the rights and protection of all flesh, according to just and holy principles” (D&C 101:77). It’s perfectly plain here, as President Oaks has already indicated, that this law—the “general principles”—is for the protection of all flesh and will be in force when he whose right it is to reign, reigns and controls. “And for this purpose have I established the Constitution of this land, by the hands of wise men whom

I raised up unto this very purpose” (D&C 101:80)

And now, verily I say unto you concerning the laws of the land .

that law of the land which is constitutional, supporting that principle of freedom in maintaining rights and privileges, belongs to all mankind, and is justifiable before me.

Therefore, I, the Lord, justify you, and your brethren of my church, in befriending that law which is the constitutional law of the land [D&C 98:4–6]

The board of trustees, in establishing this school of law, did so that there may be an institution in which you, the members of this class, and all those who shall follow you, may “obtain a knowledge of [the] laws of . . . man” in the light of the “laws of God”

President Brigham Young, after criticizing the conduct of certain lawyers, said:

Now, I request our brethren to go and study law, so that when they meet any of

And then on another occasion, he said, “Get up classes for the study of law” (*Journal of Discourses* 12:32)

Now another question to which I wish to respond is: Why name this school the J Reuben Clark Law School? To all of you who knew President J. Reuben Clark or who have learned about him and learned of the preeminence he attained in the field of government and law—particularly in the fields of international and United States constitutional law—the answer is obvious. In announcing the decision to establish this law school, President Harold B. Lee said:

We would hope that this institution might be instrumental in developing statesmen, as exemplified by the life of J. Reuben Clark, Jr.—men not only with unsurpassed excellence of training in the law, but also with unwavering faith that the Constitution of the United States was divinely inspired and written by men whom God raised up for that very purpose

I recommend that you law students

for every student and faculty member of the J Reuben Clark Law School

The trustees would like this school to reflect the aura of President J Reuben Clark, Jr.—an aura generated by faith, virtue, integrity, industry, scholarship, and patriotism. Now, with respect to these virtues as they were possessed by President Clark:

Faith

Although President Clark was separated from the body of “the Church” most of his adult life, his faith never wavered. An eminent nonmember judge, with whom he was long and intimately associated, said that he never heard President Clark speak publicly without declaring his faith. At his farewell dinner, before a nonmember audience, speaking of Jesus, President Clark said:

For us Christians he is the Christ, the Only Begotten Son of the living God, the Creator under God, of the earth, the Redeemer of the world, our Savior, the First Fruits of the resurrection, which

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he trustees would like this school to reflect the aura of President J. Reuben Clark, Jr.—an aura generated by faith, virtue, integrity, industry, scholarship, and patriotism.

this kind of lawyers they will be able to thwart their vile plans. I do not by any means say these things of all lawyers, for we have good and just men who are lawyers, and we would like to have a great many more [Journal of Discourses, vol. 16 (London: Latter-day Saints' Book Depot, 1854–86), 9]

On another occasion, he said:

If I could get my own feelings answered, I would have law in our school books, and have our youth study law at school. Then lead their minds to study the decisions and counsels of the just and the wise, and not forever be studying how to get the advantage of their neighbor. This is wisdom [Journal of Discourses 16:9]

and you faculty members familiarize yourselves with President Clark's accomplishments and with his writings. Dr. David H. Yarn, Jr., as President Oaks has already said, has been commissioned to write his biography. The first part of the biography, as explained by President Oaks, has already been published. I recommend to you, Dean Lee, that the complete biography, when it is finished, together with *Stand Fast by Our Constitution*, a compilation of President Clark's addresses, and the 1973 spring edition of *BYU Studies*, containing outstanding articles under the caption, “J. Reuben Clark, Jr., Diplomat and Statesman”—I recommend that these four publications be required reading

comes to all born to this earth, believer and unbeliever alike, the only name under heaven given among men, whereby we must be saved [Harold B. Lee, Behold the Lamb of God, foreword]

President Clark kept the Sabbath day holy, wherever he was. While he was serving as United States ambassador to Mexico, he regularly went on Sundays to sacrament meetings and worshipped with the humble Mexican Saints who, barefoot and meagerly clothed, met in a small, dirt-floor adobe house furnished only with rough-hewn logs for benches.

Virtue

He thus voiced his standard of virtue

in a conference sermon, October 9, 1938:

And now you young people—May I directly entreat you to be chaste Please believe me when I say that chastity is worth more than life itself This is the doctrine my parents taught me; it is truth Better die chaste than live unchaste The salvation of your very souls is concerned in this.

I ask you young women to believe me . . . when I say that any young man who demands your chastity as the price of his love, is spiritually unclean, and is offering something that is not worth the purchase price; his love will turn to ashes under your touch; it will lead you to misery and shame; and too often it will curse you with dread disease

at that time, he said, "The statement is true I would prefer to lose with it in the speech than to win with it omitted" (see Herndon's *Life of Lincoln*, 324–5). That's the kind of integrity President Clark had

Dr Yarn, in the monograph referred to by President Oaks, tells of President Clark receiving a request, on one occasion, to help persuade the Utah legislature to make a \$100,000 appropriation for a cause which President Clark promoted, but the sum asked for he thought was excessive In his response, after expressing his interest in the project, he said:

Frankly and freely, I believe you are asking too much

. . . this is not a hasty conclusion I

he really thought [Young Reuben, 114]

Industry

President Clark's zeal for industry as expressed in precept and example is proverbial As his biographer has said,

[Clark] was endowed with a tremendous capacity for work, with a comparable degree of initiative and perseverance, with a deep thirst for learning, and with an intellect and will to equal them

In his professional life there were times he worked continuously for thirty-six hours or more to finish a job For many people who worked with him or came to know him, he was a symbol of work At least once in his career he said his first, middle, and last names were work [Young Reuben, 3, 15]

E

very time you hear or read the name of your school you can be reminded of the great man whose life you can emulate to your profit.

To you young men I say that any woman who comes to you offering her person outside of legal wedlock, is playing the harlot [Conference Report, October 1938, 138]

Integrity

President Clark was the epitome of integrity. He measured to Lincoln's standard You will recall that one time when Lincoln was preparing his great "House Divided" speech, he had in mind putting in it the following statement He read his prepared speech to some of his friends who urged him not to put it in because it would surely prove his undoing The sentence was,

A house divided against itself cannot stand I believe this government cannot endure, permanently half slave and half free. I do not expect the house to fall—but I do expect it will cease to be divided [Abraham Lincoln, Log Cabin to White House, 153]

When they urged him not to say that

have thought the matter over very carefully, and have not been able to see my way clear to honestly recommend to your representatives the appropriation of the amount you ask for.

If you would say that you will drop the \$100,000 and work for the \$54,000 you may count on my active co-operation to the very limit of my poor ability; but if you still reach after the larger amount, you will at once see it will be better if I keep quiet; and I promise you that I shall do that [David H Yarn, Young Reuben, 114]

Then Dr. Yarn comments:

The frankness in this letter was to become a distinguishing characteristic of Mr Clark's correspondence and dealings with men throughout his long career. Although his recommendations many times did not contain what others had hoped to receive, nonetheless his candor and complete honesty contributed greatly to men's confidence in him for they knew they could depend upon him to say what

Scholarship

Dr James E Talmage, under whose direction President Clark did his first post-elementary studying, is quoted as saying, "He possessed the brightest mind ever to leave Utah" (*Young Reuben*, 71).

He was not only blessed with a superior mind, but "His religious faith provided him with a set of values and a perspective to help him see the temporal in the light of the eternal" (*Young Reuben*, 44)

Herein lies much of President Clark's greatness He was so eager to learn that even in his teens he would work all day in the fields and then read such books as *Napoleon* and *His Marshalls* during the evening

His mind went directly to the crux of the matter He never mistook the obiter dictum for the gravamen of a legal decision

He obtained a profound knowledge of history, particularly of political and legal history It can truly be said of him, as he said of the framers of the

Constitution, "They were, in matters political, equally at home in Rome, in Athens, in Paris, and in London" (in Conference Report, April 1957, 48)

As a student of history of the United States, its constitution, and the government, he had few, if any, peers. No recess of this vital area escaped his penetrating, exhaustive research. In this field he ranked with the giants of the Constitutional Convention. John Bassett Moore, an eminent jurist and authority on international law, said of him:

Clark is an able man. He works hard, thinks straight, and has the capacity of getting at the bottom of things. He is one of the few men to whom, after listening to their statement of a case, I feel justified in giving an opinion without reading all the documents myself. [BYU Studies, Spring 1973, 346]

I've found few men, even lawyers, whose statements I would be willing to act on without reading the cases myself. Philander Chase Knox, secretary of state under whom President Clark served, said:

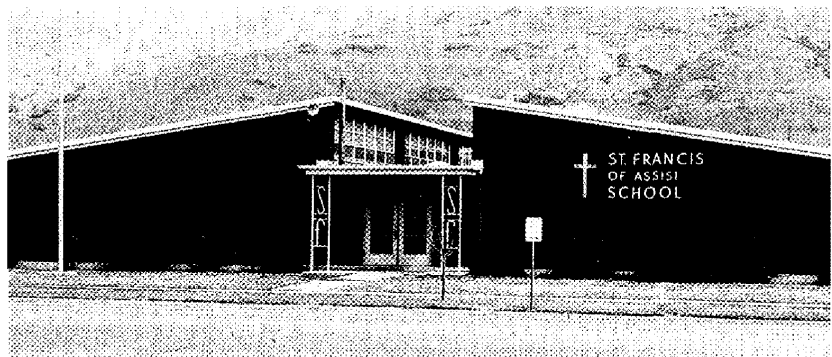
In my judgment [Reuben Clark] is perhaps the soundest international lawyer in this country. Were I President, I would make him Chief Justice of the Supreme Court. No one could have gone there better equipped at the start. [BYU Studies, Spring 1973, 346]

As President Lee said:

In the universal sweep of his great intellectual vision he has few equals and perhaps no superiors. Even those who violently disagree with his views are intrigued by his eloquence, his forthrightness, pure logic, and penetrating insight into the center and core of whatever subject he undertakes to expound. [BYU Studies, Spring 1973, 254]

Patriotism

President Clark's patriotism knew no bounds. He loved his country as he loved his church. To use his own words:



St. Francis Assisi School, temporary home of the J. Reuben Clark School, 1973-75, fondly known as "St. Reuben's."

The Constitution of the United States is a great and treasured part of my religion. The overturning, or the material changing, or the distortion of any fundamental principle of our constitutional government would thus do violence to my religion. [Stand Fast by Our Constitution, 7]

My faith teaches me that the Constitution is an inspired document drawn by the hands of men whom God raised up for that very purpose; that God has given his approval of the Government set up under the Constitution "for the rights and protection of all flesh, according to just and holy principles"; that the constitutional "principle of freedom in maintaining rights and privileges, belongs to all mankind, and is justifiable before" the Lord. [D&C 101:77; 98:5]

So far as my knowledge goes, this is the only government now on the earth to which God has given such an approval. It is his plan for the government of free men. [Stand Fast by Our Constitution, 172]

Now just a word in conclusion to you fortunate students who have been selected to constitute the first class in this law school. Because you are the first, you will be, as a group, probably more widely known than any other class. You have been admitted for your superior qualifications. Appreciate your opportunities; make the best of them. Set a high standard for your successors to emulate. You know why you are here, what your school, the board of trustees, your own loved ones, and, yes, your Father in

Heaven expect of you. Don't let any of them nor yourselves down. Every time you hear or read the name of your school you can be reminded of the great man whose life you can emulate to your profit. Be your best. Society needs you, your country needs you, the world needs you. Arise to the challenge of Josiah Gilbert Holland's great poem:

God Give Us Men

God give us men. A time like this demands

Strong minds, great hearts, true faith and ready hands!

God give us men. Men whom lust of office does not kill!

Men whom the spoils of office cannot buy;

Men who possess opinions and a will;

Men who have honor; men who will not lie;

Men who can stand before a demagogue And damn his treacherous flatteries without winking

Tall men, sun-crowned, who live above the fog,

In public duty and in private thinking For while the rabble, with their thumb-worn creeds,

Their large professions, and their little deeds,

Mingle in selfish strife—lo! Freedom weeps;

Wrong rules the land and waiting Justice sleeps

That God may give you the courage and faith to meet your challenge, I humbly pray, in the name of Jesus Amen



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IT'S BEEN ABOUT 21 YEARS SINCE

I FIRST LEARNED AS CHURCH

COMMISSIONER OF EDUCATION, IN

A CONVERSATION WITH ELDER

MARION G. ROMNEY, THAT IT WAS

HIS STRONG DESIRE, ON WHICH

HE SOON MADE GOOD, TO HAVE A

LAW SCHOOL □ SINCE THEN, I

THINK WHAT HAS BEEN AMASSED IN

THE WAY OF ACCOMPLISHMENTS

BY ELDER NEAL A. MAXWELL

This address was given at the Alumni

Annual Dinner, October 23, 1992

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is greater than even he would have ever imagined could occur in such a short time. The illustrative measurements I'll use here just by way of introductory comments leave out, in my opinion, the more significant accomplishments that have to do with being good fathers, mothers, husbands, wives, neighbors, and citizens. But we have:

20 sitting judges

17 state

2 federal

1 tribal

1 congressman

2 congressional candidates

A major industrialist

Numerous state legislators and law professors

3 mission presidents

20 stake presidents

Numerous Relief Society presidents, Primary presidents, bishops, high councilors, etc.

Graduates practicing in 17 foreign countries

7 who have clerked for U S Supreme Court Justices

It's very impressive, and I think the box score, so to speak, is greater than any of us who have watched with interest would have ever expected.

Of course, the on-rolling success of the Law School will be reflected as it now is in the lives of its graduates. And its real accreditation will be a spiritual accreditation.

I repeat quickly two thoughts from a speech given a decade ago to the Utah State Bar:

Please don't let professional intensity cause you to falter in your own families. A good day in court cannot compensate for a bad day at home. Winning points at the office round table is not as vital as that which happens at your supper table. Go on being a true friend to your family and neighbors as well as a good friend of the court.

One piece of current counsel before I speak to my major theme. Please pace yourselves! Those of you whom I know are highly conscientious and have need of this counsel. On my office wall is a quote from Anne Morrow Lindberg, which says: "My life cannot implement in action the demands of all the people to whom my heart responds." It's a needed reminder for me, and I rather expect for you as well.

Paralleling that counsel is this episode involving a report by a colleague to President Brigham Young. The colleague made his report and was anxious to leave so as not to impose on President Young. But President Young said, "Oh, please sit a spell with me. I am weary of men and things." How often do we "sit a spell" with spouse, children, colleagues, or friends?

I should like to address the topic of integrity, which for tonight's purpose will be defined as an undivided, uncorrupted, and unimpaired spiritual wholeness. We are not therefore speaking of mere reciprocity as in "honor among thieves," but of wholeness in relation to God's principles. Hence integrity is an important remedy for the almost con-

suming tendency of compartmentalization in our society and in some of our lives. Compartmentalization is destructive of identity and productive of hypocrisy. It retards putting off the natural man because there are so many places he can hide!

As I begin, I acknowledge that whether or not my remarks are at all helpful to you, this opportunity to reflect on what I yet lack with regard to integrity has been appreciated. Integrity is crucial to happiness; it is also portable. It will, brothers and sisters, to the degree developed, go through the veil of death with us, and it will rise with us in the Resurrection. How marvelous, isn't it, that God's long suffering, when you and I fall short with regard to integrity, gives us fresh chances to do better!

Of President Marion G. Romney, the initiator and early nurturer of the Law School, recipient of the Order of the Coif, his biographer, Elder F. Burton Howard, wrote:

As [Elder Romney] opened his first law office, he resolved to arrive thirty minutes earlier than any of his associates. He continued this practice for twelve years, during which he read the Book of Mormon nine times.

He learned that the solution to problems was generally to be found through reason and precedent. Thus, he saw no conflict between his approach and the scriptural admonition to "prove all things; [and] hold fast that which is good" (1 Thessalonians 5:21). [Marion G. Romney did not] see any reason to compartmentalize his life into religious and secular segments. [E. Burton Howard, Marion G. Romney, His Life and Faith (Salt Lake City: Bookcraft, 1988), 89]

As the founder of the Law School that example should be powerful for all of us.

The virtue of integrity is that it can respond to so many situations. Integrity is never imitated by rivalry! General Robert E. Lee, for instance, was asked for his opinion of a colleague. Lee replied candidly but generously. Lee's questioner then said, in effect, "Well, he doesn't speak so highly of you," to which General Lee replied, "Sir, you have asked me for my opinion of him, not his opinion of me!" Clearly—to borrow a phrase from Walter Bagehot—Robert E. Lee "had furnished his mind with fixed principles," which, in my opinion, is the best form of interior decoration!

John the Baptist had quite a following, but commented meekly and with integrity on Jesus' growing influence that "[Jesus] must increase, but I must decrease" (John 3:30). How one wishes for that kind of meekness and candor in public life today. A similar response occurred in the few brief moments in Church history when President Harold B. Lee lay near death. President Romney, his counselor, had come quickly to the hospital. Soon Spencer Woolley Kimball arrived, president of the Council of the Twelve. He meekly asked, "President Romney, what can I do to help you?" A few minutes later President Lee was dead, and President Romney said, "President Kimball, what can I do to help you?"

Our tongues are usually quick to reflect any lack of integrity. Brigham Young said,

When a person opens his mouth, no matter what he talks about, to a person of quick discernment, he will disclose more or less of his true sentiments. You cannot hide the heart, when the mouth is open. [Journal of Discourses, vol. 6 (London: Latter-day Saints' Book Depot, 1854–86), 74]

Since verbosity does disclose the heart, it has been observed that sometimes it is "in silence [that] man can most readily preserve his integrity" (Meister Eckhart, *Directions for the Contemplative Life*).

Competency and integrity were both present in the person of General George C. Marshall. In an early effort to preserve his integrity as chief of staff, Marshall refused to be palsy-walsy with his commander in chief. Early on, President Franklin D. Roosevelt addressed Marshall as "George." General Marshall quickly responded, "It's General Marshall, Mr. President" (David McCullough, *Truman* [New York: Simon & Schuster, 1992], 534). Loyalty was blended with integrity!

Later, loyal General Marshall wanted very much to lead the Allied invasion force which was his deservedly to claim. But Roosevelt wanted him to stay on as chief of staff, and Marshall did. Thus Eisenhower

got to lead the Allied crusade, and the rest is history. Marshall was more concerned about rendering service than with what his resumé would show! Meekness was blended with integrity!

Perhaps in its own way, genuine meekness is a special reflection of integrity's proximate reaction to ultimate reality, such as, where we really stand in relation to the God who created us and gave us his Only Begotten Son.

When integrity is missing, betrayal may take its place. In Kirtland, when Wilford Woodruff encountered Joseph, the Prophet held his hand and looked longingly and scrutinizingly into Wilford's eyes. Discerningly, Joseph said how glad he was to know Woodruff was his friend, for "I hardly know when I meet those who have been my

WASHINGTON

APPEALED

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FOR REASON,

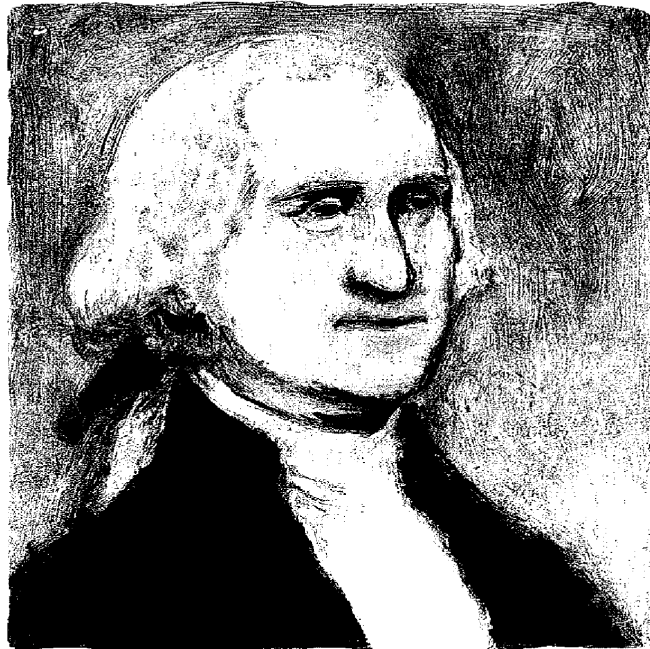
RESTRAINT,

PATIENCE.

brethren—who of them are my friends. They have become so scarce" (Mathias F. Cowley, Wilford Woodruff [Salt Lake City: The Deseret News, 1909], 68). How blessed we are that Joseph persisted and completed his mission—even amid those who lacked meekness and integrity!

The episode just recited may explain this quote from President Woodruff from which the title of my remarks is taken. He said:

To me the principle of integrity is one of the greatest blessings we can possibly possess. He who proves true to himself or his brethren, to his friends and to his God, will have the evidence within him that he is accepted; he will have the confidence of his God and of his friends. [Journal of Discourses 8:266, emphasis added]



True integrity "does provide 'the evidence within' of one's acceptance in a Higher Court! As professionals you deal with evidence. But you also understand (and this is part of what is different about this law school) that 'faith is the evidence of things not seen' and, likewise, how certain knowledge as Paul said is spiritually discerned (Hebrews 11:1; see 1 Corinthians 2:10).

Just as when one's conscience calls, it is with a voice which only he can hear. So, too, some assurances

AND DUTY—

ALL THE

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UNEXCITING

VIRTUES

—BART

MCDOWELL

that come are highly personalized.

Perhaps it is the general paucity of integrity in public life that results in its being so noticed by all of us. There is something special about the authority of example. This episode from the American Revolutionary War involves sacrificing and unpaid officers:

Washington called together the grumbling officers on March 15, 1783. He began to speak—carefully and from a written text, referring to the proposal of "either deserting our Country in the extremest hour of her distress, or turning our Arms against it." Washington appealed simply and honestly for reason, restraint, patience, and duty—all the good and unexciting virtues.

And then Washington stumbled as he read He squinted, paused, and out of his pocket he drew some new spectacles "Gentlemen, you must pardon me," he said in apology "It appears that I have grown gray in your service and now I find myself also growing blind "

Most of his men had never seen the general wear glasses Yes, the men said to themselves, eight hard years They recalled the ruddy, fullblooded planter of 1775; now they saw a big, good, fatherly man grown old. They wept, many of these warriors And the Newburgh plot was dissolved [Bart McDowell, *The Revolutionary War; America's Fight for Freedom* (Washington, D C : National Geographic Society, 1967), 190-91]

No wonder Flexner, Washington's biographer, wrote of our first president, "In all history few men who possessed unassailable power have used that power so gently and self-effacingly for what their best instincts told them was the welfare of their neighbors and all mankind" (James Thomas Flexner, *Washington: The Indispensable Man* [Boston: Little, Brown and Company, 1974], xvi)

Yes, "almost all men" abuse authority and power, but Washington was not among them (see D&C 121:39)

But Washington did not come to the American presidency fully formed. Instead, as a younger officer Washington learned from the reproof inherent in his earlier mistakes Of his capacity for introspection, Flexner said:

As his character and his world view expanded, more meanings became clear to him He accurately defined his failures and worked out the reasons why he had failed The results of this protracted self-education were to prove of the greatest importance to the creation of the United States [Washington, 38]

However, brothers and sisters, self-improvement requires integrity in order for one to benefit from introspection

Inherent in integrity is the blessing of being more settled, which makes integrity conducive to generosity Generosity in politics, for instance, is so rare, and we are bound to notice it

As you know, Churchill had steadily and vigorously attacked Neville Chamberlain's failed policies of appeasement He once said Chamberlain looked at foreign affairs "through the wrong end of a municipal drain pipe" (William Raymond Manchester, *The Last Lion, Winston Spencer Churchill: Visions of Glory, 1874-1932*, 1st ed.

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[Boston: Little, Brown, 1983], 786) Nevertheless, at the time of Chamberlain's death, Churchill and Parliament generously observed:

History with its flickering lamps stumbles along the trail of the past, trying to reconstruct its scenes, to revive its echoes, and kindle with pale gleams the passion of former days The only guide to a man is his conscience; the only shield to his memory is the rectitude and sincerity of his actions. It is very imprudent to walk through life without this shield, because we are so often mocked by the failure of our hopes and the upsetting of our calculations; but with this shield, however the fates may play, we march always in the ranks of honor. [Robert Rhodes James, ed , *Churchill Speaks: Winston S Churchill in Peace and War: Collected Speeches, 1897-1963* (New York: Chelsea House, 1980), 734]

Life gives us so many clinical experiences to help us, but it takes introspection and integrity working together to break down the compartmentalization

Integrity also insists that we draw upon our instructive memories, including past mistakes Churchill chose these words as the motto for his last volume of his World War II history: "How the Great Democracies Triumphed, and so Were able to Resume the Follies Which Had so Nearly Cost Them Their [Lives]" (Winston S Churchill, "Triumph and Tragedy," in *The Second World War*, vol. 6 [Boston: Houghton Mifflin Company, 1953], ix).

Without integrity, memory is diminished!

Integrity can help us as it combines with meekness to keep us from the excesses of ego You and I can so easily be victimized by role suction, that powerful, almost silent process by means of which we can become so entrapped in a particular role that we reflect its accompanying viewpoints automatically, not reflectively Hence the saying you and I all know, "Where we stand depends on where we sit " Granted, where we sit can bring wider perspectives, but it can also induce a refusal to reflect or to face the results of reflection.

In World War I, General Douglas Haig (along with other generals and their political leaders) got "locked" in the awful and inconclusive trench warfare. One historian described Haig as, "inflexible, intolerant . the perfect commander for an enterprise committed to endless abortive assaulting" (Paul Fussell, *The Great War and Modern Memory* [London: Oxford Press, 1975], 12)

Just how disastrous was the "abortive assaulting"? One morning, waves of British soldiers climbed out of their trenches and began to walk

forward "Out of 110,000 who attacked, 60,000 were killed or wounded on this one day. Over 20,000 lay between the lines, and it was days before the wounded in No Man's Land stopped crying out" (Paul Fussell, *The Great War and Modern Memory* [London: Oxford Press, 1975], 13)

Unlike Washington, who learned from his errors, Haig's "diary contains no admission of his errors, no recognition of his fallibility"

Without integrity, it is so easy to "gratify our pride," or "our vain ambition" and even to "cover our sins" (D&C 121:37). In fact, this pattern is a *leitmotif*, recurring again and again in human affairs!

For instance, Prime Minister Stanley Baldwin flinched from the facts just preceding World War II because of worry over being re-elected. He later confessed as prime minister, a "confession" which stunned many in Parliament:

Supposing I had gone to the country and said that Germany was rearming and that we must rearm, does anyone think that this pacific democracy would have rallied to that cry at that moment? I can think of nothing that would have made the loss of the [general] election from my point of view more certain [Roy Jenkins, *Baldwin* (London: Collins, 1987), 27]

A very damaging, startling admission

President John F. Kennedy fretted over the growing U.S. buildup in Vietnam, but as in this reported episode, he shared Baldwin's reluctance:

The President said, he knew what the influential Senator wanted to hear, that he [Kennedy] was beginning to agree about a complete military withdrawal. "But I can't do it until 1965—until after I'm re-elected." To do it before could cause "a wild outcry" against him. [Barbara W. Tuchman, *The March of Folly: From Troy to Vietnam*, 1st ed. (New York: Alfred A. Knopf, 1984), 303]

With those episodes from history as a backdrop, what of you and me? What of our individual samples of humanity—those lying within our circles of influence—whom God has given to us to love and to serve with integrity?

Our circles of influence vary in size, but size is less important than the quality and integrity of what we do within those circles. J. R. R. Tolkien wrote wisely,

It is not our part to master all the tides of the world, but to do what is in us for the succor of those years wherein we are set, uprooting the evil in the fields that we know, so that those who live after may have clean earth to till. What weather they shall have is not ours to rule. [Gandolf in *The Return of the King* (New York: Ballantine Books, 1965), 190]

Without integrity, brothers and sisters, there are so many ways in which you and I can fail to "succor" and to uproot the evil in the years and the situations wherein we are set

You and I have been asked to put off the natural man and the natural woman. In your profession, as in every other, there are so many inducements to keep the natural man and woman comfortably intact—if only to do battle with other natural men and natural women! No wonder becoming the men and women of Christ is the great and persistent challenge (see Mosiah 3:19)!

If we are spiritually improving, whenever another individual encounters us—"at all times and in all things, and in all places"—he or she will experience a spiritual wholeness and a constancy—not perfection, but serious discipleship (Mosiah 18:9).

Occasionally, by worldly standards spiritual wholeness will prove costly. Disciples' rewards are often not only deferred, they are often quite different. Our retainers will come in the coin of a different realm. At times, therefore, we really do give up certain things of the world in order to maintain integrity.

"Do what is right; let the consequence follow" contains homely but splendid advice. Happily, faithful members of the Church have been promised the gift of the Holy Ghost, who will show us "what is right" in all things and in all situations (see 2 Nephi 32:35).

Living in such a way that we can be shown what to do is a demanding challenge, and it takes integrity.

Erastus Snow warned of the barriers that we interpose to God's spirit when we seek to gratify our own wills instead of his. What are these barriers, brothers and sisters, except more compartmentalization?

One verse of scripture gives an immensely significant insight into Jesus' integrity. It tells us that he suffered "temptations of every kind" but "gave no heed unto them" (Alma 7:11; D&C 20:22). With his keen intellect and unusual sensitivity, he would surely have noticed each and all of the temptations. Yet he "gave no heed" unto them. It is giving heed unto temptations that gets us in trouble! My mission president used to say we may not be able to stop all evil thoughts from coming into our minds, but we don't have to offer them chairs and tell them to sit down.

Many of us may not have any major problems with integrity, but we have lots of small gaps in our integrity. One may not lie, but a nuance of an expression, otherwise accurate, nevertheless inflects to convey advantage. We may not personally engage in bashing others, but we do engage sometimes in conversational cloak-holding by failing to speak up.

If integrity were more operative, its emancipating effects on the human scene would be enormous. It would free us to focus our energy, time, and talents on the real issues rather than on game playing or maneuvering. Moreover, with higher levels of shared trust, there would be greater shared perceptivity as to problems and solutions.

As in all things, the ultimate example is Jesus. I never tire of bearing witness of him—not alone that he lived and lives, but also how he lived! Even in what might be described as small episodes, he gives us such large lessons. He was a fully integrated, righteous individual, fully congruent in character.



Some small episodes as I close: Previous to the events immediately preceding the crucifixion, Pilate and Herod had been "at enmity." Yet, at a point of crisis, they "made friends together" (Luke 23:12). Opportunities existed for Jesus to take advantage of this temporary alliance had he been willing to "shrink" from going through with the Atonement (see D&C. 19:18, 19). Pilate found no fault with Jesus; Pilate was reachable. So was Herod, who had been desirous "to see [Jesus] of a long season" and "hoped to have seen some miracle done by him" (Luke 23:8-9). Though standing before Herod and fully aware of the ruler's expectations and the opportunity to please him, Jesus, nevertheless, "answered him nothing" (Luke 23:9, see also Mosiah 14:7).

Jesus' integrity was not for sale. There would be no demonstration to purchase amelioration. Jesus maintained his integrity even in the midst of an opportunity a lesser individual would have gladly seized.

Earlier, when his enemies came for Jesus—the Light of the World—in Gethsemane, they ironically came with

lanterns and torches (see John 18:3). Amid that and so many other ironies, Jesus kept his poise. He endured so much irony, and irony is the crust on the bread of adversity. Irony, in my opinion, tests integrity more than almost anything else, and Jesus endured it.

Drenched in deep suffering at the time of his arrest, Jesus might have let himself become so swollen with understandable self-concern—he's working out the Atonement for the human family—that there would have been no capacity to think of others at all. Instead, empathic Jesus restored the severed ear of a hostile guard (see Luke 22:50-51). His way was not the way of the sword (see Matthew 26:52).

On the cross Jesus spoke only several recorded sentences. One was to assure that his mother, Mary, would be cared for by the Apostle John. Another reassured a pleading thief by Jesus' side. While Jesus was literally saving the world, he still nurtured proximate individuals. He was and is the Perfect Shepherd, full of integrity and full of empathy! When you and I suffer, sometimes we pass it along, don't we?

Jesus always individualized remarkably. The Nephite Twelve, for instance, were interviewed by him "one by one" (3 Nephi 28:1). Clearly, he knew beforehand what their individual desires were, yet he still gave each individual an audience. Contrast how able-and-idealistic Woodrow Wilson tried to get his league of nations approved. As his biographer said:

[Wilson] *did not consult with the Senators and Representatives. When he wanted to tell them something, he sent for them. There was little give and take when they appeared. He explained what was desired, and dismissed the callers. When men offered information he already possessed, he cut them off by saying, "I know that."* [Gene Smith, *When the Cheering Stopped* (New York: William Morrow and Company, 1964), 30]

Universal Jesus is so personal! Jesus honored the integrity of each moment instead of worrying about audience size. He was especially disclosing to a believing and solitary woman of Samaria:

The woman saith unto him, I know that Messiah cometh, which is called Christ: when he is come, he will tell us all things.

Jesus saith unto her, I that speak unto thee am he [John 4:25–26]

It was the same audience size with an imprisoned Paul: "And the night following the Lord stood by him, and said, Be of good cheer, Paul: for as thou hast testified of me in Jerusalem, so must thou bear witness also at Rome" (Acts 23:11).

Jesus' sensitivity and integrity combined so beautifully. To the mother of James and John, who wrongly craved status for her sons in the world to come, Jesus gave mild reproof, "Ye know not what you ask," further indicating the Father had already made that determination (Matthew 20:22). Jesus never shrank from giving counsel, but he always took into account the receiving capacity of the hearers. It takes caring to customize and perceptivity to know how. One could care but not know how. Or one could see what needs doing but not care sufficiently to do it. Integrity mobilizes all the other virtues!

Jailed John the Baptist sent followers, doubtless concerned with John's situation, to inquire of Jesus about his Messiahship. "Do we look for another?" they said (Matthew 11:3). Jesus praised, not scolded John, indicating that no greater prophet had been born of woman (see Matthew 11:11). To the inquiring delegation, he said go and tell John that the blind see, the lame walk (see Matthew 11:4, 5). What is your phrase? *Res ipsa loquitur*?

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—J. R. R. TOLKIEN

Of the once confident Peter who had faltered briefly, Jesus later pointedly and reprovably asked him three times, "Lovest thou me?" (John 21:15–17)—evoking, as you know, Peter's heart wrenching responses. This was apparently a necessary spiritual cleansing. It seems to me, brothers and sisters, that post-doctoral disciples often have the toughest curriculum.

Jesus was so perfect in his integrity that he never sought to prosper or to conquer, in the words of the Book of Mormon, "according to his genius" (Alma 30:17). Yet he was the brightest intellect ever to grace this planet!

How many mortals have done precisely opposite while wanting recognition for their dominance! Contrast meek Jesus and his integrity with the poet Shelley's lines about one mortal ruler celebrated by a statue:

*Two vast and trunkless legs of stone
Stand in the desert. Near them, on the sand,
Half sunk, a shattered visage lies,*

*And on the pedestal these words appear:
"My name is Ozymandias, king of kings;
Look on my works, ye Mighty, and despair!"
Nothing beside remains. Round the decay
Of that colossal wreck, boundless and bare
The lone and level sands stretch far away*
[Percy Bysshe Shelley, "Ozymandias," 1817]

The key may be seen in what concerned Jesus in the depths of his agony in the Atonement. What concerned him? "That [he] might not shrink" (D&C 19:18)! Mercifully for all of us, he did not pull back. He did not shrink but, instead, completed, with full integrity, his "preparations unto the children of men" (D&C 19:19).

No wonder Paul declared, "in [Christ] all things hold together" (Col. 1:17, RSV). He certainly held together during that awful Atonement! He not only had the integrity to do the Father's will, but, just as he had premortally promised, he gave all the glory to the Father!

As I conclude, the words of Jacob come to mind: "O be wise, what can I say more" (Jacob 6:12)?

May you and I develop sufficient additional integrity so that we can receive the blessing Wilford Woodruff promised and obtain "the evidence within," so that, though imperfect, we can be "accepted" and "have the confidence of God." And then, on one later day, shall our "confidence wax strong in the presence of God" (D&C 121:45).

God bless you and yours, in the name of Jesus Christ. Amen.



Illustration by Ann Weaver

G R O W I N G U P

P R E S I D E N T *Elaine L. Jack*

TOMORROW IS MY BIRTHDAY A BIG ONE YET I INCLUDE MYSELF TONIGHT AS I ISSUE A CLARION CALL FOR US TO GROW UP. I AM NOT SPEAKING IN TERMS OF OUR SIZE OR OUR AGE; I AM SPEAKING IN TERMS OF OUR SOULS. THE ADVERSARY IN THESE LAST DAYS IS SEEKING WITH FERVOR TO CALL US HIS OWN. WE MUST BALANCE HIS ATTACKS, OFTEN SUBTLE AND SOFT SPOKEN, BY OUR INCREASED SPIRITUALITY. IT IS NOT ENOUGH TO MERELY BELIEVE. WE

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MARCH 21, 1993

must be passionate in our belief and in our commitment to Jesus Christ and his gospel plan. We must know—unequivocally—that he is with us always, and that he will guide and direct us as we work toward our own salvation. • The Lord loves an honest heart and a contrite spirit. He loves those who are meek and humble, those who rejoice not in the victories of the world, but in the victories over the world. He loves those moments when we choose to stand for the right, when we sacrifice a good time for a great moment in his service. To do so requires spiritual maturity. • Put simply, spiritual maturity is

understanding that life is a process to help us become like God. Being well grounded in the gospel helps us place one foot clearly in front of the other, on a path less popular to the masses but well traveled by the followers of the Savior.

In the Doctrine and Covenants the Lord has stated plainly, "I say unto you that all things unto me are spiritual, . . . for my commandments are spiritual." (D&C 29:34–35). Though we know that to be true, we tend to compartmentalize our lives. We have our Church work, our families, our social life, our professions, and our possessions. To become spiritually mature means to merge all these into one whole, to expect that in this life we will live by the standards the Lord has set for us—for the eternities. To be spiritually mature is to be comfortable with such a singular purpose.

Spiritual maturity embraces knowledge and learning. Elder G. Homer Durham, a former university president and member of the First Quorum of the Seventy said,

The responsibility to learn has greater significance for woman today than ever before.

Woman has not only to learn, but also to use wisely that which she learns. The world of knowledge is before her. She must enter it and proceed to the limits of her capacity. She begins by knowing that she is a child of God and recognizing what that portends. ["Woman's Responsibility to Learn," in *Woman* (Salt Lake City: Deseret Book Company, 1979), 32–33.]

Spiritual maturity also suggests application, devotion, clarity of thought, joy, peace, and love. It means accepting who we are and where we are. Since I have been called to this position in the Church, I have prayed for the capacity to form relationships, in particular, meaningful spiritual bonds with women. I have tried to understand their experiences, to feel the height and depth of their difficulties. The Lord has answered my prayers. I do feel warmth and concern and love for all of his children. I

feel love for all of you sitting in this room with me tonight. Believe me when I say that.

As I have talked with women and men in countries, diverse in their languages and cultural traditions, I find that though circumstances may vary, basic challenges are the same. I have listened to a single mother with a menial job who prays fervently that her child support will arrive every month in the mail. I have been chastised by a woman physician, a captain in the Navy, who wants to be heard and understood. I have watched a woman

hard labor, and humble circumstance who would respond to the counsel, "Follow me, and do the things which ye have seen me do" (2 Nephi 31:12). He recognized the spiritual strength of these men.

And Jesus, walking by the sea of Galilee, saw two brethren, Simon called Peter, and Andrew his brother, casting a net into the sea: for they were fishers.

And he saith unto them, Follow me, and I will make you fishers of men.

And they straightway left their nets, and followed him. [Matthew 4:18–20]

IT IS NOT ENOUGH

TO MERELY BELIEVE. WE MUST BE PASSIONATE IN OUR BELIEF AND
IN OUR COMMITMENT TO JESUS CHRIST AND HIS GOSPEL PLAN.

entrepreneur in Indonesia who operates a guest house not to pay the rent but to provide jobs for her LDS sisters. I have heard repeatedly from women who struggle with managing a home and family, largely alone, because their husbands balance both demanding professions and church callings. I have had long conversations with university professors who have learned to steady their devotion to academics with spiritual resolve. What I see is that no matter the setting or situation, these saints are looking at their lives with spiritual eyes. They have developed the spiritual maturity necessary to feel secure in the decisions that are theirs. They know what it means to be a son or daughter of a loving Heavenly Father.

The scriptures have many examples of those who have understood the charge, "Seek ye first the kingdom of God and his righteousness" (Matthew 6:33). Indeed the admonition, "By their works ye shall know them" (Moroni 7:5) speaks of the opportunity to make a difference rather than simply to make a name or a place.

When the Savior picked his disciples, he chose those seasoned by experience,

Contrast their actions with the young man described in Matthew who approached the Good Master asking, "What good thing shall I do, that I may have eternal life?" The Lord reiterated his commandments concluding, "Thou shalt love thy neighbor as thyself."

The young man saith unto him, all these things have I kept from my youth up; what lack I yet? Jesus said unto him, If thou wilt be perfect, go and sell that thou hast, and give to the poor, and come and follow me.

But when the young man heard that saying, he went away sorrowful; for he had great possessions. [Matthew 19:16–22]

Where are we spiritually? Have we lost sight of our purpose because of our worldly treasures? Would we respond with the conviction of Peter—as did Sariah and Lehi when they fled Jerusalem—as did the saints when they abandoned Nauvoo and their newly built temple? Few of us are asked to drop everything and come now. But being spiritually prepared means being on call when the Lord says "follow me."

It isn't always easy. We must learn to include the Lord in our decisions and listen to his counsel as we steer our course. I know of a young woman, when about the age of many of you, who was graduating from college and preparing to go to graduate school. Just days before her departure to the East, she was sitting on the couch in her home reading a news magazine that had a prominent feminist splashed on the front cover. This is what she describes:

I was captivated by the picture on the front. This female leader looked bright and enthused about her life and her opportunities. I wanted to be just like her. I wanted to do those things she had done. I, too, wanted to make such a difference. I wanted to be on the front cover of Newsweek magazine.

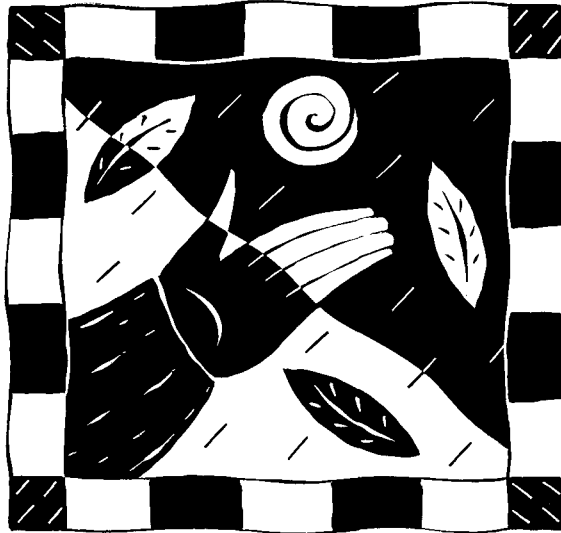
As I mused about that future course a voice spoke clearly in my mind. I was a good member of the Church who had been taught well and raised to have a testimony. I was bright, independent, almost driven. I was used to making my decisions with the intelligence and savvy the Lord had given me, and I'd been successful.

So this voice was not a typical experience. It said, "That's how Satan gets to people like you; he leads them away from the work of the Lord." I was startled. That certainly was not the direction I had been pursuing in my mind. I was thinking about becoming somebody. As I continued to read of this woman's reach, the voice came again, "That's how Satan gets to people like you; he leads them away from the work of the Lord." Uncomfortable with what was happening, I left the room and tried another setting for my reading. The message came again.

My friend knew the Lord was talking to her. She'd never had such direct counsel. What do you think she did? No, she did not leap up, embrace a new way of life and start to can peach-

es. She stayed on her course. But there were changes.

She learned much that fall. Yes, she became well schooled in her discipline, but the much more dramatic growth occurred in spiritual dimensions. Her original goals for fame and the spotlight faded quickly as she saw opportunities to use her abilities, interests, and



talents in the Lord's service. She had heard, "Follow me," and she could not deny it. The challenge for her was to determine just how she could best serve the Lord with what she knew how to do so well.

Her contributions today are not focused on worldly causes. She's never been on the cover of *Newsweek*; in fact, her name doesn't always appear on the books and chapters she writes or compiles. But she has come to understand that spiritual maturity is not so much what you do—but how you do it and for whom.

Another critical factor in our spiritual maturity is the way we treat each other. Jesus taught his disciples, "Suffer the little children to come unto me" (Mark 10:14) and "He that is without sin . . . let him first cast a

stone" (John 8:7). Look at how you deal with others—particularly in this highly competitive environment. Is respect for one another paramount in your relationships? Do you value those friends who stand by you or only those who can take you someplace? Have you caused pain to another or received a high score that was not earned, but borrowed? Do you lack respect for the personal goals, direction and pursuits of others? What can you learn from the Nephites and Lamanites who took such detours?

Today at this law school you share opportunities to learn and grow. Your experiences are so valuable. In you is a balance that will not be found in many graduates at other campuses. You are students who know God's will and appreciate that blessings come from living close to the Lord and touching others with your goodness. By your example, with your eyes single to the glory of God, you will teach and reach others. This will be a most significant contribution. I promise you.

Because of your training at this great institution, you have much to offer. Jack Welsh, president of General Electric, described such opportunities when he said, "We need to make jobs big enough for the human spirit and still be winners in the marketplace." I'd like to turn that around to say "We need to create human spirits big enough for the job." As members of The Church of Jesus Christ of Latter-day Saints, we are in the "business of saving souls," our own and others'.

Your spiritual and professional strengths will be most valuable when applied to saving souls. Start now to embrace the best in everyone. Start with each other. This is work for us all—men and women—if we are to fight for righteousness in a world captivated by pleasure and pride. In Mosiah we read, "Ye shall not esteem one flesh

above another, or one man shall not think himself above another" (Mosiah 23:7). President George Albert Smith used to say it this way: "We are all our Father's children" (inscribed on his gravestone, Salt Lake City Cemetery). What we have in common are those things that matter most.

When we are spiritually mature we put the Lord first. For example, by reading the scriptures every day we keep our lives centered on his commandments, not the strident voices demanding their reform. President Benson has told us to read the scriptures with particular focus on the Book of Mormon. He has said,

I bless you with increased understanding of the Book of Mormon. I promise you that from this moment forward, if we will daily sup from its pages and abide by its precepts, God will pour out upon each child of Zion and the Church a blessing hitherto unknown. ["A Sacred Responsibility," *Ensign* (May 1986): 78]

The scriptures are full of inspiration and truth that can be an anchor to our lives no matter the situation. While we often look to the scriptures to receive comfort, to help us resolve problems or to point the way to repentance, we should use the scriptures as a guide to gladness as well. It is stated so well in the Old Testament: "I will rejoice in the Lord, I will joy in the God of my salvation" (Habakkuk 3:18). Did you know there are 387 references in the standard works to rejoicing and another 363 references to joy? Doesn't that say something about being jubilant? This is a joyous gospel!

The Lord can speak to us in the scriptures. He also speaks with a still, small voice, and if we listen we will hear. Notice how we have to *do* something. Spiritual maturity has nothing to do with age and everything to do with experience. Our spiritual development cannot be set aside for a time down the road when our professions are in place, our jobs are secure, our finances are adequate, and our children are raised. We must address the world each day for what we can learn, understand, contribute, and restore. Our goal is clearly

stated in Philippians: "forgetting those things which are behind, and reaching forth unto those things which are before, I press toward the mark for the prize of the high calling of God in Christ Jesus" (Philippians 3:13-14).

Let me share a story of a friend who learned to press forward with full faith in Christ. He's a lawyer with four children who after 20 years of practice left his position as a partner in a large firm. He was weary of the bickering, the angry outbursts among his associates, and the questionable practices that profited the firm's bottom line but compromised his integrity.

He and a friend, a busy bishop, set up a partnership. It was a tough transition to leave a firm of multiple clients and set up shop hoping clients would come. He had made the break for the right reasons, putting his spiritual concerns first, but the heavens did not open. No one came for his services; he struggled. He implemented all the client generation techniques he knew. Many of us would have started to second-guess the decision. Not my friend. He read the scriptures with intensity every day until he felt the spirit strongly. He served sincerely in his Church callings. He made covenants with the Lord. He turned to the only resource he had left. He asked his Father in Heaven to help. But he didn't ask alone. He brought his family together and asked his children to pray that work would come.

And then he went to work. At night his children would question, "Dad, did we pray anybody in today?" Indeed the pleas to the Lord were successful, and he soon had more clients than he needed. They still pray in that family for work—and the work keeps coming.

President Ezra Taft Benson has spoken decisively about being yoked to God:

Men and women who turn their lives over to God will find out that he can make a lot more out of their lives than they can. He will deepen their joys, expand their vision, quicken their minds, strengthen

their muscles, lift their spirits, multiply their blessings, increase their opportunities, comfort their souls, raise up friends and pour out peace. ["Jesus Christ—Gifts and Expectations," in *Speeches of the Year, 1974* (Provo: Brigham Young University Press, 1975), 310]

That's not unrealistic. If we turn our lives over to God it doesn't mean that he will make our decisions or solve our problems. It means he will be with us. Elder Bruce R. McConkie describes such spirituality as "that state of holiness, purity and relative perfection which enables men to enjoy the near-constant companionship of the Lord's spirit" (*Mormon Doctrine*, 2nd ed. [Salt Lake City: Bookcraft, 1966], 760). Frequent promptings and personal revelation through the Holy Ghost are part of that refining process.

Being polished by the Lord calls for sacrifice and courage. The process comes with trials and temptations that are often unrelenting and so enticing. We must recognize problems for what they are and surmount them. In the process we become strong and effective. Spencer W. Kimball, speaking to the saints in 1943 when he was called to be a General Authority, spoke of such conflict. He described the self-doubt he felt as he stepped forward to serve the Lord: "You can't do the work. You are not worthy. You have not the ability"—and then he described that still small voice speaking softly to his soul, "You must do the work assigned—you must make yourself able, worthy, and qualified. . . . And the battle raged on" (in *Conference Report*, October 1943, 16).

Do you feel like that sometimes? On some days do you feel like "master the tempest is raging"? I do. How I plead that I will respond to that spiritual voice that reminds us that in all we do, we must make ourselves "able, worthy, and qualified." We must earn our maturity by effort.

Those who are waiting out their time on earth by merely being busy are missing the measure of their creation—to have joy—to be filled with light and love and to rejoice—all our days. For there is much in this world

to celebrate: We are living. We have the truth. We have been born in these days of the restored gospel. We have the right to choose. The Lord speaks to us and to our leaders. His spirit brings peace to our souls. These blessings are most significant.

Rejoicing in the goodness of the Lord is a mark of the spiritually mature. Our rejoicing reflects our gratitude for all that the Lord has given

not just for the easy things, not just for the good things. We must give thanks for all things.

Our motto in Relief Society is "Charity Never Faileth." We believe in that statement. We live by it. It doesn't mean charity almost always never faileth. It means charity *never* faileth. It is a motto for everyone. To me charity is like the keystone of an arch. It holds everything else in the gospel in place.

Growing up requires that we recognize that this life is the time to prepare to meet God. This world isn't supposed to be perfect. Our Father has given us talents and trials here that we might learn and grow, and along the way help others to find such direction. To be spiritually mature we have to labor all our days. The Lord provides us with the tools: the scriptures, the commandments, latter-day revelation,

BEING WELL GROUNDED

IN THE GOSPEL HELPS US PLACE ONE FOOT CLEARLY IN FRONT OF THE OTHER, ON A PATH

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us. When we are truly grateful, we see the Lord's hand all around us; he is everywhere. In a recent visit to the Philippines, I was touched by the circumstances of the professional women who are well trained but caught in the morass of extremely high unemployment. A 33-year-old returned missionary sister had her medical degree but no means with which to set up a clinic. So she was applying for further training at a local hospital. Waiting for the appointment to come through, she was gratefully treating the members of her ward who couldn't afford doctors' fees. She had made herself able, worthy, and qualified and the Lord was blessing others through her skill. They had cause to be grateful for her; she had cause to be grateful for them. We are all in this together.

Another mother expressed great thanks that her two daughters were completing their training as midwives. She told me proudly that one had earned the highest marks in the whole country. It would take three years to pay off the debt, two more daughters were ready to be educated, and the roof was leaking. Life was hard. Yet these women understand 1 Thessalonians: "Rejoice evermore. Pray without ceasing. In everything give thanks" (1 Thessalonians 5:16-18). We must give thanks not just for the splendid things,

The prophet Mormon defines charity as "the pure love of Christ" (Moroni 7:47). Love is essential to spiritual maturity. We hear so much lately of the changes taking place around the world. I think the transformations are not so much what is happening in the headlines but what is happening in hearts and homes. People are hungry for meaning and purpose and love. The Lord said, "As I have loved you, love one another" (John 13:34). To love so sincerely is the solution to so many woes, so many heavy hearts.

Charity is my business. I am not here to direct, to make decisions for you, or to pass judgment. I am here to support your righteous desires and encourage you to press forward with a steadfastness in Christ.

I spoke to a bishop on the East Coast last week who was dealing with a thorny problem involving a woman in his ward. Without disclosing the details he recounted to me his comments to her. "I can't make that decision for you. But I will support you in your decision because I trust you and respect your ability to make that decision righteously." This was a disciple of the Lord reaching out to another and exercising pure love. Charity never faileth. I know that.

Join me tonight in praising the most high God, whose work this is

prophets, the Holy Ghost, and other people, like family, friends, fellow students, and neighbors.

Do you remember people asking when you were small, "What do you want to be when you grow up?" Well, here we are, kind of grown up. I think we know what we want to be—followers of Jesus Christ. Each of us, in our own arena, from a guest house in Indonesia to the Law School at BYU, can choose to follow Jesus Christ. Such spiritual maturity means developing an attitude that directs the way we see things, dictates the order in which we do things, and focuses our attention on things that really matter.

The power to sustain this level of devotion to the Father and his principles is within our reach. To bring souls unto Christ, ours in particular, is the essence of God's plan. We must love what he loves, value what he teaches, and labor where he needs us. Let me leave you with the finest example of such spiritual maturity. It was Jesus Christ who in his last hours went to God in mighty prayer, saying, "O my Father, if it be possible, let this cup pass from me; nevertheless not as I will, but as thou wilt" (Matthew 26:39).

May we all respond to the call to grow up. May we seek to do the will of our Father in Heaven, I pray, in the name of Jesus Christ. Amen.

S A T I S F A C T I O N

I N T H E

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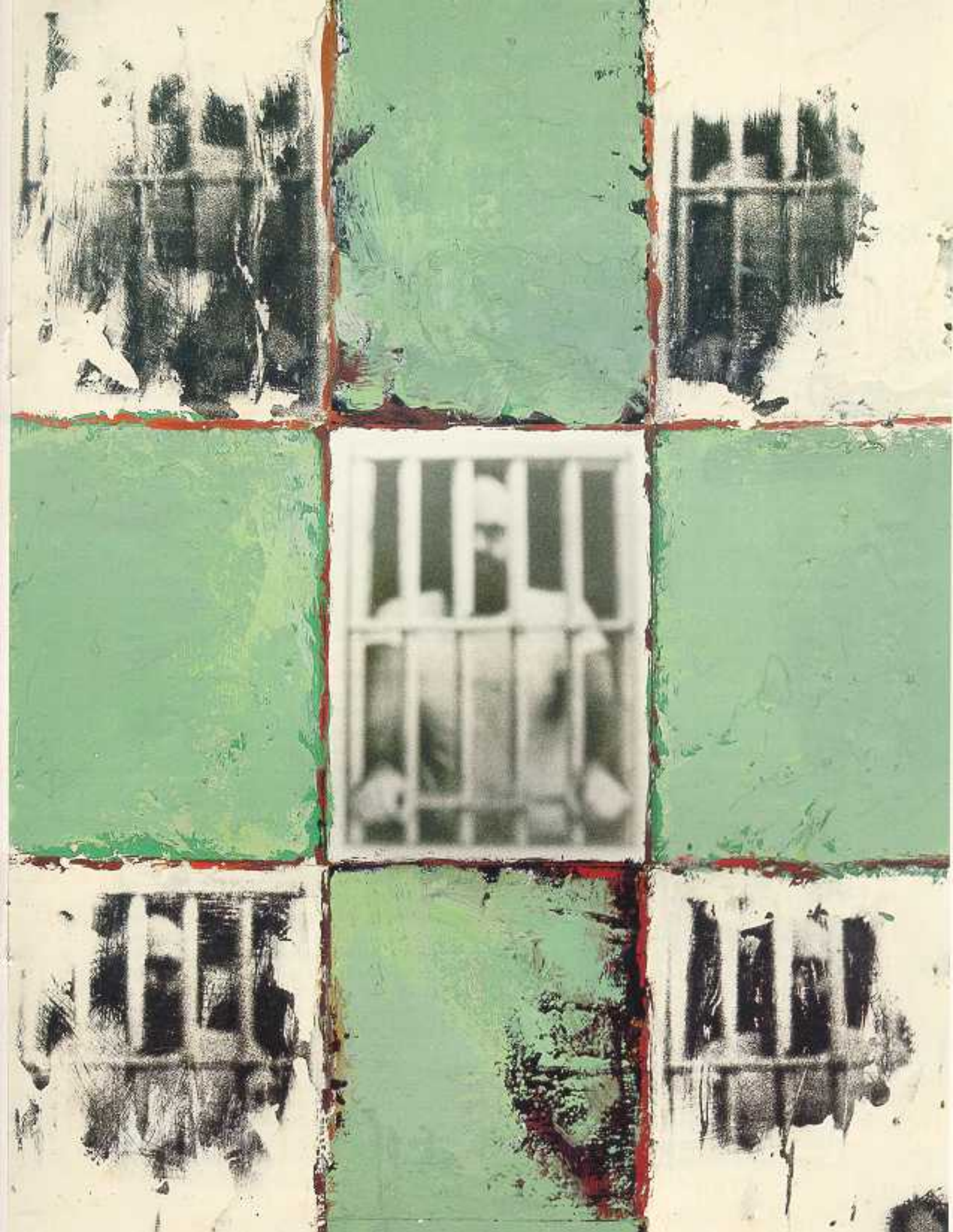
This address was given at the Law School Awards Assembly, March 25, 1993

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TONIGHT I WOULD LIKE TO DISCUSS TWO DISTURBING DEVELOPMENTS IN THE LEGAL PROFESSION—DEVELOPMENTS I BELIEVE TO BE RELATED THEY HAVE BEEN MUCH DISCUSSED DURING RECENT YEARS, BUT FEW PEOPLE SEEM TO SEE ANY CONNECTION BETWEEN THEM

D A V I D   G   C A M P B E L L

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The first development is the ever-increasing emphasis on the commercial and economic side of law practice and a corresponding decrease in lawyer public service. One need only pick up a copy of any modern legal magazine to see the commercial emphasis. It is trumpeted in articles and surveys that measure professional success almost exclusively in terms of income and status.

The decrease in public service is more difficult to detect, but nonetheless real. It was highlighted in February when the ABA House of Delegates found it necessary to pass an amendment to the Model Rules of Professional Responsibility. The amendment states that lawyers should render at least 50 hours of pro bono legal services each year (see *Fifty Hours for Pro Bono*, ABA Journal, Apr. 1993, 32). Forty hours should be spent providing legal services to the poor, with another ten devoted to improving the law, the legal system, or the legal profession. The remarkable aspect of this amendment is not that it occurred, but that it was deemed necessary by the leaders of our profession. Delegates from around the nation concluded that modern lawyers need an ethical imperative if they are to spend the equivalent of one hour per week providing legal assistance to the poor. Equally concerning is the fact that significant lawyers and groups of lawyers opposed the new rule. They apparently thought it improper or ill-advised to require lawyers to provide pro bono services to the poor.

The second development—one that probably should not be mentioned during an awards ceremony for third-year law students—is the widely documented dissatisfaction modern lawyers feel with their profession. A 1990 survey by the *National Law Journal*, for example, found that only 31 percent of all lawyers were “very satisfied” with their professional lives (*National Law Journal*, May 28, 1990, S2). Nearly two-thirds complained that law has become less of a profession and more of a business. More than half view other lawyers as obnoxious. Seventy percent dislike the long hours and tension of practicing law.

I believe there is a relationship between the increasing unhappiness of lawyers on one hand and our profession’s modern emphasis on economics, with its corresponding de-emphasis on public service, on the other hand. I see this connection largely because of several experiences our firm has had in pro bono practice and the effect those experiences have had on my own happiness as a lawyer.

Twelve years ago our firm agreed to undertake the pro

bono representation of John Henry Knapp, a well-known inmate on Arizona’s death row. Knapp had been convicted seven years earlier of deliberately setting a fire that had killed his two daughters in the bedroom of their home. As you can imagine, a crime so repulsive had received widespread publicity in Arizona. By the time our firm was approached about the case, Knapp had exhausted his appeals and lost several peti-

tions for post-conviction relief. Several times the Arizona Supreme Court had issued warrants for his execution, only to have them stayed by yet another judicial challenge. Worst of all, Knapp had confessed to committing the crime, making his plight all the less sympathetic.

Knapp had been charged and convicted largely because of a state arson investigator’s conclusion that the Knapp fire was not accidental—that it had been started with a combustible liquid. Suspicions that initially arose from the rapid growth, intense heat, and

unusual burn patterns of the fire were confirmed, at least in the investigator’s mind, when he found an empty can of Coleman fuel in the front hall closet of the Knapp home.

Having concluded the fire was caused by arson, Arizona officials turned their suspicions to the only two adults in the house at the time of the fire—John Knapp and his wife, Linda. Several nights after the fire, under close and vigorous interrogation at the police station, John Knapp confessed that he had started the fire deliberately. John recanted the confession almost immediately, but the confession was enough to convict him of first-degree murder and secure for him the sentence of death—a result applauded by outraged citizens of Arizona.

When our firm entered the case seven years later, there was little hope for John Knapp, and few people who cared to help him. Initially we agreed to look at the case simply as a favor to an overworked and thoroughly frustrated criminal defense lawyer who believed John Knapp to be an innocent man but who had exhausted all of his time and energy for the case. Lawyers in our firm who looked closely into the facts and met John Knapp soon also concluded that he was an innocent man. Time does not permit me to recount all of the efforts undertaken during the next eleven years, but let me mention a few of the high points.

At John Knapp’s murder trial, the defense had argued that the Knapp girls set the fire themselves. John was unemployed at the time of the fire, the heat in the house had been turned off by the electric company, and John and his

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wife had resorted to Coleman lanterns and stoves for lighting, heating, and cooking. The girls had been seen playing with matches more than once. The defense theorized that the girls awoke on the cold morning of the fire and started playing with matches in their cluttered bedroom, inadvertently setting the fire that caused their deaths.

The prosecution debunked this theory, arguing that an accidental fire would have burned slowly, leaving the girls and their parents ample time to detect the fire and either extinguish it or escape from the house. Prosecution experts testified that the rapid and intense heat of the fire simply was inconsistent with the progression of a slow-burning accidental fire. It had to have been aided by some form of combustible liquid such as Coleman fuel.

By the time we became involved in the case seven years later, fire science had made great strides, particularly with respect to a phenomenon known as flashover. Flashover occurs when a fire in a confined area causes heated gases to collect at the ceiling level. The gases quickly become superheated, reflecting intense heat back down on objects in the room. This reflected heat causes the room literally to burst into flames, and the confined space quickly becomes a raging inferno. Tests at Harvard University had shown that even a small fire, through flashover, can quickly cause an entire room to burst into flames. The flashover phenomenon was not generally understood when John Knapp was tried for the murder of his daughters in 1974.

Our firm ultimately hired several fire experts from around the country to examine the evidence from the Knapp fire. These experts concluded that all of the indicators relied on by the Arizona arson expert were consistent with an accidental flashover fire. Our defense team even built a replica of the small bedroom, down to the placement of furniture and other objects in the room, and ignited a small amount of paper to show how quickly a flashover fire could spread. Within minutes the small room became the raging inferno that the arson experts had testified could only have been caused by a combustible liquid.

In 1987, after six years of attempting to obtain a hearing on post-conviction relief, we were permitted to place this flashover evidence before an Arizona superior court judge. After reviewing the evidence, the judge found that it "would probably change the [guilty] verdict," and granted John Knapp a new trial.

At Knapp's original trial prosecutors had placed in evidence the Coleman fuel can found in the closet of the Knapp's home after the fire. They referred to it as "the death can." The prosecutors told defense counsel and the court that they had tested the can for fingerprints but that all prints on the can were smudged. While preparing for the new trial years later, we insisted upon the disclosure of all

information in the state's files. To our surprise, we learned that the fingerprints on the Coleman fuel can were not smudged as the prosecutors had asserted during the first trial. Eleven clearly identifiable prints had been found on the can before the first trial, and none of them belonged to John Knapp. All of them belonged to Linda Knapp—John's wife. This evidence suggested that John Knapp had not used the can to start the fire and then returned it to the hall closet, as the prosecution claimed. Linda Knapp apparently had

been the last person to touch the can, and she told investigators she had placed the empty can in the closet several days before the fire occurred.

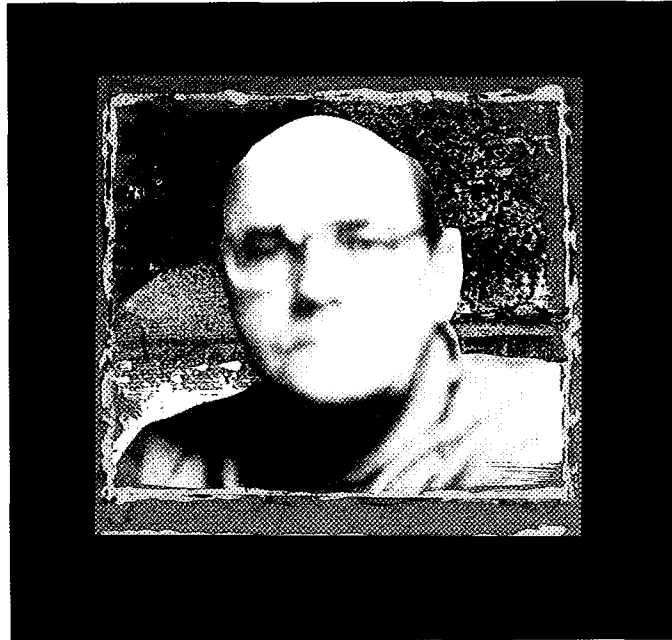
But we still were faced with the very troubling fact that John Knapp had confessed to committing the crime. We learned several significant facts about the confession.

On the night of the confession John Knapp was suffering from a severe migraine headache—a recurring condition for which he had been receiving medical care. The detectives who questioned Knapp later testified that his pain was so severe during the interrogation that he literally was pulling hair from his head. The confession, given in a nine-foot-by-nine-foot room under close questioning by two investigators, and while John Knapp was suffering a migraine headache, was at least suspect.

John Knapp recanted his confession almost immediately, saying that he had confessed to protect his wife. Knapp later claimed that he told his wife, in a phone conversation from jail the day after the confession, that he had confessed to protect her because the police had told him the fire was set deliberately and he did not want her to be charged with the crime. At trial the prosecution rebutted this explanation by noting that Knapp had spoken with his father-in-law shortly after the confession but had not stated to him that the confession was false.

Seventeen years later, as we were approaching Knapp's newly won retrial, the prosecutors finally revealed that the telephone conversation Knapp had claimed to have with his wife in 1974 had in fact been tape-recorded by the State and

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never disclosed to defense counsel. We obtained a copy of the tape. As lawyers from our firm listened to the recording for the first time, they heard the voice of a tearful John Knapp, 17 years younger, telling his wife that he did not set the fire that took the lives of his children and that he had confessed because he feared she would be charged with the crime if he did not take responsibility for the fire. The tape, of course, strongly corroborated Knapp's explanation of the confession.

There is much more I could tell you about this case. John Knapp is now a free man, living in Pennsylvania and working at a full-time job. In more than two years of freedom, as in the years before the fire, John Knapp has had no difficulty with the law. After spending 13 years on death row—at one point coming within 36 hours of execution—John Knapp has become a contributing and responsible member of society.

There is a remarkable corollary to this story. Shortly after John Knapp was released from prison, our firm received a

letter from a young man named Ray Girdler, who was serving two consecutive life sentences for the arson deaths of his wife and child in a mobile home fire near Prescott, Arizona. Girdler wrote, "I too am innocent," and asked our firm to help him. We chuckled about the new specialty we apparently were developing and responded with a polite letter declining to become involved.

In short, Ray Girdler persisted, and we eventually agreed to look at his case. What we found was astonishing. Ray Girdler had been convicted of the arson deaths of his wife and daughter on the testimony of the same investigator who testified at John Knapp's murder trial. Lawyers from our firm quickly determined that the arson conclusions in the Girdler fire were even more doubtful than those in the Knapp fire. And in the Girdler case there was no confession, no motive, no Coleman fuel can—only the testimony of an arson investigator who concluded that the fire had not been accidental.

After an extended evidentiary hearing, the Yavapai County judge who had sentenced Ray Girdler to two con-

secutive life sentences ordered that a new trial be held. We then convinced the court to hire an outside expert to examine the evidence of arson. The expert quickly concluded that the Girdler fire had been entirely accidental. He found the Arizona investigator's conclusions of arson to be professionally negligent and morally unforgivable, and recommended in the strongest terms that the charges against Ray Girdler be dropped. The prosecutor agreed.

Ray Girdler, like John Knapp, is now a free man. After spending eight years in prison under consecutive life sentences, Ray now lives in Phoenix, where he is resuming his college studies and recently was promoted to manager of a retail store.

I suspect you would not be surprised if I told you that our firm's defense of John Knapp and Ray Girdler have been among the most satisfying aspects of my law practice. And I did not work on either case. They were handled by other lawyers in our firm. As a partner in the firm I helped to finance the effort, and even that meager contribution has been very rewarding.

I am not here tonight to urge you to take up the cause of death-row inmates. I recount the Knapp and Girdler cases as examples. I have found similar satisfaction from other, less dramatic pro bono projects, such as helping a poor mother of three to fend off an unscrupulous debt collector, assisting another woman in retaining her trailer home, and helping the Arizona state bar in closing down some lawyers who were engaging in patently misleading advertising. What little pro bono work I have done has been enormously rewarding—more so than any other aspect of my litigation practice.

That is why I believe there is a connection between the two developments I described at the beginning of my remarks. It is not a coincidence that dissatisfaction with the profession is reaching its peak at a time when lawyers must, by ethical requirement, be forced to spend even one hour per week helping those in need. Lawyers who lament to the *National Law Journal* that law is becoming more a business than a profession ought to remember these words of Roscoe Pound:

Historically, there are three ideas involved in a profession: organization, learning, and a spirit of public service. These are essential. The remaining idea, that of earning a livelihood, is incidental. [What Is a Profession? 19 Notre Dame Law. 203, 204 (1944)]

These words seem out of place, even antiquated, to our modern legal profession—a profession that focuses more attention on earning money than on public service. But remember, that is the same modern profession that lawyers now find quite unsatisfying.

You law students might not recognize it, but as a lawyer you will have marvelous powers. You can open locked doors, break down walls, find solutions to impossible problems. The plights of John Knapp and Ray Girdler illustrate that there are people in our society who find themselves helpless before the law. Without the assistance of a lawyer, these people often are incapable of helping themselves. In today's world of legal complexities, even a simple landlord-tenant problem can become an insurmountable barrier to one untrained in the law. Honest people of modest means often find themselves at tremendous disadvantage in their personal, family, and business dealings when they lack

legal counsel. Those of us who have a monopoly on legal services must provide the assistance if it is to be provided at all.

Thus, whether you're heading for private practice, government service, or an in-house position in business, I believe you will find your greatest professional fulfillment in doing for others what they cannot do for themselves. Charles Dickens once wrote that "any Christian spirit working kindly in its little sphere . . . will find its mortal life too short for its vast means of usefulness" (Dickens, *A Christmas Carol*, 51 (Washington Square Press, 1963)). That truth applies as fully to the practice of law as it did to Scrooge's counting house.

It is my hope that you will undertake your life in the law as Woodrow Wilson counseled, "with a view to the amelioration of every undesirable condition that the law can reach, the removal of every obstacle to progress and fair dealing that the law can remove, the lightening of every burden the law can lift, and the righting of every wrong the law can rectify" (Wilson, *The Lawyer and the Community*, 35 A.B.A.R. 419, 435 [1910]). If that is too tall an order, then I challenge you to accept the ABA's goal of devoting 50 hours per year to helping others with your legal skills. Such devotion will find for you much happiness in the law.

David G. Campbell is a partner in the Phoenix, Arizona, firm of Meyer, Hendricks, Victor, Osborn, & Maladon. He taught as a visiting associate law professor during fall 1990.

P O R T R A I T S

Photography by John Snyder

HEIDI K. HUBBARD

'MIATAING' FROM EAST TO WEST

Professor Heidi K. Hubbard says she has had "the best of both worlds." After a year "out West" as a J. Reuben Clark Law School visiting professor, Hubbard is now returning to practice with litigation firm Williams & Connolly in Washington, D.C.

Though here only one year, Hubbard, accustomed to the intensity of trial law, took up her responsibilities at the Law School without breaking pace. Besides teaching torts to first-year students and criminal trial practice to second- and third-year students, she also worked on the Admissions and Awards committees and served as an advisor to the trial advocacy program. In all her involvement, Hubbard found herself continually impressed by the high quality of students the Law School attracts. Though she loved teaching them, she says she would be reluctant to meet them in court.

One of Professor Hubbard's primary concerns this year was encouraging her students to look at career opportunities that, although not necessarily high paying or mainstream, might be very rewarding. She stresses that "there are so many people who need help, and there are a lot of opportunities—in whatever areas of interest the law students have—to give that help."

And she speaks from experience. Heidi Hubbard devotes much of her practice to a group that has few advocates—the criminally accused. Coming out of Stanford Law School

in 1986, Hubbard had the same concern that many law students express: How can you conscientiously defend someone who has been accused of a crime? Since then she has discovered that it is the criminally accused "perhaps more than anybody else in the legal system" that need an advocate, and a substantial portion of her litigation work is now devoted to white-collar criminal defense.

Heidi says she started to care about helping the criminally accused when she began to see how criminal prosecution isolates individuals. They are perhaps the only people without an advocate—"there's nobody lobbying Congress on their behalf; there's nobody saying nice things about them in the newspaper; there's nobody on their side. Even if they are acquitted, or if charges are dropped, they may go through months or even years of reports in the newspaper about the accusations. They may lose their jobs. People may refuse to associate with them. Their lives may be changed forever."

Continuing her efforts, Heidi is currently researching Fifth Amendment rights against self-incrimination during sentencing. Under the new federal sentencing guidelines, a criminal defendant who has been found guilty of a crime can choose to receive a more lenient sentence by "accepting responsibility." "Accepting responsibility" is an umbrella phrase that often involves admission of guilt. Hubbard is concerned that this could hurt appeals the defendant might have pending or give rise to prosecution for other crimes. "There is a lot at stake for the criminal defendant. When you are representing somebody who knows that his liberty is at stake, there is an urgency about the case that just does not let you do anything but give it all you have."

For Hubbard, going to court is exhilarating. Her only frustration teaching students criminal trial practice was that it made her want to be in court again, examining witnesses and giving opening statements. "There is a 'high' that comes from being in court that I have not found duplicated in any other area of my life." However, Heidi is quick to add that it is not nearly as glamorous as shows like "L.A. Law." "If you are going to give a great opening statement, you will probably spend the whole night thinking, working, and worrying. So you will not feel very glamorous the next morning."

Heidi's peers might think she's a workaholic. She can often be found in her office late at night. While in Washington, D.C., she also served as Relief Society president. A colleague there points out that it is a mark of her kind and compassionate nature that, with as little free time as she has, she gives much of it away to people in her congregation.

Although she works hard, Professor Hubbard also has a fun-loving side. In her few moments of rest and relaxation she might

be found "Miataing"—putting the top down on her little red Mazda Miata for a sunny drive. A self-declared opera fanatic, she enjoys doing theater and opera weekends—two plays and an opera in the course of two days. She also loves the outdoors and has relished Utah's beauty this last year while hiking, running, and skiing.

Professor Hubbard says it was a difficult decision to go back to practice after teaching. In her practice she deals with sophisticated tort litigation like securities fraud or medical malpractice and found getting back to basics and the fundamentals of the law refreshing. She has also enjoyed the chance to research any areas that interest her—an opportunity the demands of practice seldom allow.

Heidi has had a wonderful year in the classroom. For her, there is a real excitement that comes from teaching—different from that of going to court. Though she wants to teach again in the future, for now she feels a pull toward the fast-paced litigation lifestyle, "which probably means I need psychiatric treatment," she laughs.

*Heidi K. Hubbard
"Miataing" in her
Mazda Miata*



LYNN D. WARDLE

CONSCIENCE CALLS

In a way, Professor Lynn D. Wardle is like many other legal professionals, delicately trying to balance the scales of justice and mercy with decisions that are both legally sophisticated and humane. On the other hand, Lynn faces the even tougher challenge of a predisposition for legal "hot spots," including fami-

and the law, one group whose legal rights are often ignored. The seminar will focus on the sophisticated legal issues that factor into cases involving children, but will also discuss the fairness of certain laws and changes Professor Wardle feels must be made. Many of these changes stem from a paper he presented in 1991 at the Sixth World Conference of the International Society on Family Law (ISFL), entitled "The Evolving Rights and Duties of Stepparents: Making New Rules for New Families," published this summer in *Parenthood in Modern Society*.



Lynn D. Wardle with his wife, Marian, and sons David and Jonathan

ly law, biomedical ethics in law, and abortion law. How does Professor Wardle manage to walk the fine line between sophistication and sensitivity? For starters, he makes his best law-trained decision. Then he leaves the rest up to his conscience.

For example, this year Professor Wardle will teach an advanced seminar on children

The article centers on the recent explosion in the number of stepfamilies in the United States. According to Professor Wardle, sometime this decade stepfamilies will become the primary American family form, since the number of non-first-time marriages in the U.S. is steadily rising. Lynn argues that this rise demands some changes in family law

since currently the law treats stepparents and biological parents very differently. For instance, if a second wife raises the children of her husband's first marriage, even after 15 years if her husband dies or they divorce she cannot gain custody of them in some states. "The presumption," says Professor Wardle, "is that she is a stranger to the relationship, though for 15 years she's been there." Stepparents are also treated differently than biological parents. For example, a stepfather's duty to support his wife's children ends with his divorce from their mother.

Professor Wardle stays involved with the practical dimensions of family law through his pro bono work, representing or consulting in dozens of divorce, custody, paternity, child support, and adoption cases free of charge, or supervising student work in the same areas.

In addition, Professor Wardle is a member of the American Law Institute consultative group drafting proposed guidelines on how American family law should develop. To his and others' frustration, Professor Wardle reports the group's work has been detrimentally influenced by gay-rights activists and others with narrow or partisan political agendas. Among the suggestions the group has encountered are motions for homosexual partners of parents (but not heterosexual partners, stepparents, grandparents, or foster parents) to also be considered "parents." Others have lobbied for spouses to receive up to half of their partner's future income in the event of a divorce, regardless of their need, sacrifice, or contribution.

Biomedical ethics in law is another sensitive but pressing issue for Professor Wardle. In June he had an article published in the *Journal of Legal Medicine* reviewing all American conscience clause statutes. These laws protect the right of health-care providers to refuse to participate in medical procedures to which they have a moral or religious objection. The debate over conscience clauses began after *Roe vs. Wade* held that all states had to allow abortion on demand. Since then, 44 states have passed conscience clauses.

While conscience clauses seem like a great idea, Professor Wardle finds that most of the statutes are poorly drafted and provide little protection. For example, most conscience clauses identify only one procedure (usually abortion), saying that the health-care provider has the right to refuse to perform that operation, but none other. The statutes don't apply to other controversial procedures such as

euthanasia, removal of feeding tubes, sterilization, or dispensing "morning after" pills—which, according to the particular judge's point of view, may or may not be abortion. Similarly, most conscience clauses protect only a limited class of health-care providers, often omitting some of the most vulnerable personnel like medical students and providing even less protection for institutions. Lynn's article reviews conscience clause statutes and case law and makes recommendations for positive change, claiming that the time for revision is now. "The Clinton administration is trying to substantially increase federal involvement in health care. When conscience clauses are already so inadequate, a new program could lead to greater pressures for coercion, discrimination, firing, threatening, and harassment. Something needs to be done."

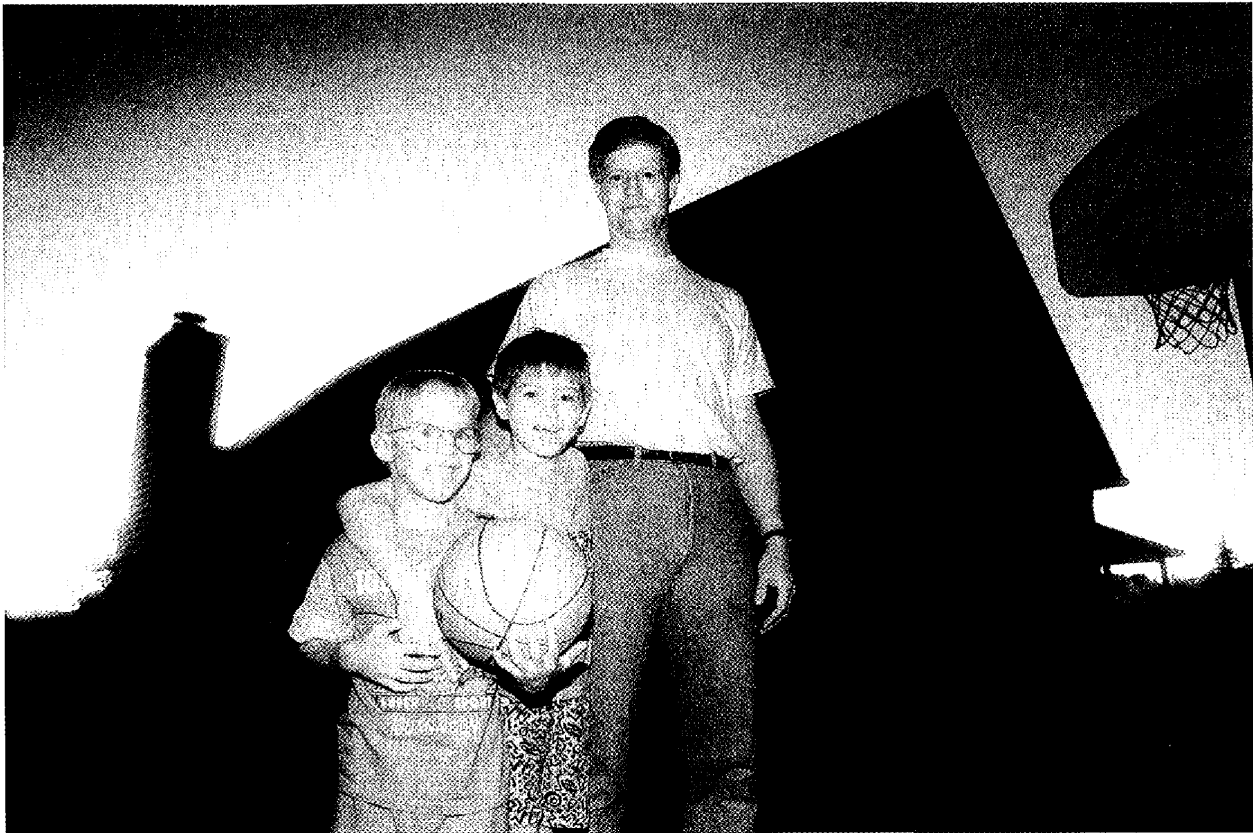
Probably the most controversial topic in Professor Wardle's work is abortion. As a member of the Americans United for Life Board of Directors, Lynn provides pro bono advice to abortion-case lawyers and discusses abortion-law policy questions. Recently he informally counseled Utah State lawyers about the 24-hour waiting period of the informed consent law that pro-choice organizations and abortion clinics have challenged. Lynn feels the concerns about the new law are mostly mercenary. "When a similar law was passed in Mississippi, the number of abortions dropped by 50 percent. That cuts into business."

Besides doing extensive pro bono work in abortion law and family law, Professor Wardle finds time to serve many others. In his ward he works with the Young Men and Scouts. Last summer he taught a basic jurisdiction class for the CLEO program at the University of Wyoming. The program helps students whose predictors of law school success are not very high but who are attractive for some other reason. Typically, says Wardle, these students "have something in their background that makes them appealing but don't have the grades or LSAT scores that the other applicants have. For instance, the student's parents may have immigrated from Siberia when he was 14. Or the student might have been a single mother at age 16, raised a family, been a great community leader, and now want to go to law school. Or she might be a black student who wants to come to BYU, where there aren't many blacks. These are people you want to provide opportunities for." Besides helping students, Lynn's experience last summer apparently helped him sharpen his teaching

skills: last year he was voted Professor of the Year by the Law School's Minority Law Students Association

Professor Wardle's favorite teaching experience, however, in past years has been his seminar on the origins of the Constitution "I think it's the most exhilarating course I teach at the Law School," says Lynn "The students get into some of the most enriching literature

and an art history instructor at BYU, have two sons who are "growing up too quickly" The oldest will be a BYU freshman this fall Lynn enjoys being physically active, participating in jogging, racquetball, tennis, baseball, or golf at least three or four times a week to help him "sweat off the frustrations of [his] job" A modest confession from one who bears a burden of conscience calls



Kevin J. Worthen and sons Collin and Aaron

in law and gain great enthusiasm for the subject It's fun to see students ignite and come to life, especially after they've gotten a little bit worn out and cynical in a couple of years of law school It gives them hope, because when they read in the newspapers and casebooks about how everything goes wrong with the law, how it can be misused, they need to see that there are people who faced enormous odds and tremendous obstacles but overcame them to do something magnificent "

Lynn and Marian, Lynn's wife of 20 years

KEVIN J. WORTHEN

ONE OF THE GANG

Echoing Aristotle, Professor Kevin J. Worthen believes that "man is by nature a political animal," instinctively wanting to belong to a group Professor Worthen claims no exception to this human tendency For him, "being with the gang" means a range of

activities, from attending a University Faculty Athletics Committee meeting, to teaching a class on Indian law, to playing a pickup game with his six-year-old basketball enthusiast son. He has a knack for making others feel like part of the group, too, using his enthusiasm and people skills to foster a variety of projects.

Kevin's recent writings confront problems groups face today. "In America we've come to rely to a great extent on individual rights," he says, "thinking that society ought to be organized so individuals have maximum freedom. I think we've overlooked that individuals really need groups to teach them the way to use freedom—to teach that if you have freedom you must be responsible for it and use it in a certain way. In order to be effective in teaching these things, groups have to have protection from outside interference." Professor Worthen continues, "But as a society we are either ignoring or attacking them. Sooner or later group disintegration will cause individual freedom not to work either, because individual freedom requires inner restraint."

Many oppose more group power out of fear of abusive groups like the Nazis and the Ku Klux Klan. While Kevin agrees that abuse of power needs to be controlled, some groups legitimately need more governing authority to accomplish their useful purposes. He cites the example of an inner-city school that may want to segregate boys and girls to provide a better environment for teaching children without much home structure about what it means to belong to a positive association.

Small cities, which account for 75 percent of cities within the United States, also act as value-teaching groups and require more freedom to govern than do larger communities with more diverse populations, claims Professor Worthen. He explains, "People move into areas where they have similar values. Even in cities like New York, Chicago, and San Francisco, there are suburbs with particular characteristics. To allow a suburb to say it's not going to have X-rated movie theatres doesn't bother me much, because it can decide that's the kind of community it's going to be in order to teach values." Indian tribes, which act as small communities, are in even more need of group rights, claims Kevin. "We want Native Americans to be part of mainstream society and have individual rights, so we say 'let's break up the tribe.' In reality, though, it's the tribe that gives meaning to what it is to be Native American.

Without a cohesive tribe, being a 'Navajo' or 'Hopi' or 'Cherokee' doesn't mean much."

Professor Worthen proposes that the law allow some groups more governing authority after evaluating the different capabilities of and dangers posed by each particular group, instead of ruling on each case with the same hard-and-fast rule. Kevin's recent *North Carolina Law Review* article, "One Small Step for Courts, One Giant Leap for Group Rights: Accommodating the Associational Role of 'Intimate' Government Entities," shows how such a functional approach is consistent with existing constitutional law and illustrates how it could be used to enable inner-city school districts and rural Indian tribes to better solve their problems.

Research is not the only area where Professor Worthen works in behalf of groups, however; he's also quite at home with students. His contagious enthusiasm makes him the natural choice for judicial clerkship coordinator, where he generates enthusiasm for clerkships and helps students through the application processes. "You're going to be a fisher all your life," he tells them. "Here's your chance to see what the fish like." Professor Worthen explains, "Lawyers are going to be appearing before judges all their lives. When they clerk for a year they take part in an invaluable mentoring process. Judges will say, 'that argument was really good and here's why,' or, 'that attorney was really bad and here's why.' Students can't get that kind of insight anywhere else."

In the future Professor Worthen wants to become more involved with another group: Latin Americans. His future plans include taking a sabbatical to a South American university sometime in the next few years and taking a more active role in the Law School's Volunteer Immigration Program. As one of only two Spanish-speaking faculty members, Kevin feels a desire to represent Latin rights more effectively.

When not promoting other group causes, Kevin enjoys spending time with his wife, Peggy, and their own small gang, children Collin (eight), Aaron (six), and Kaylee (one). Probably Kevin's most demanding affiliation, this band frequently requires him to jockey his time between basketball, yardwork, soccer practice, family fishing, piano lessons, and "who knows what else?" And though Kevin seems to enjoy his long list of associations, it's little wonder that flexibility, he claims, is the nice thing about his job.

**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."

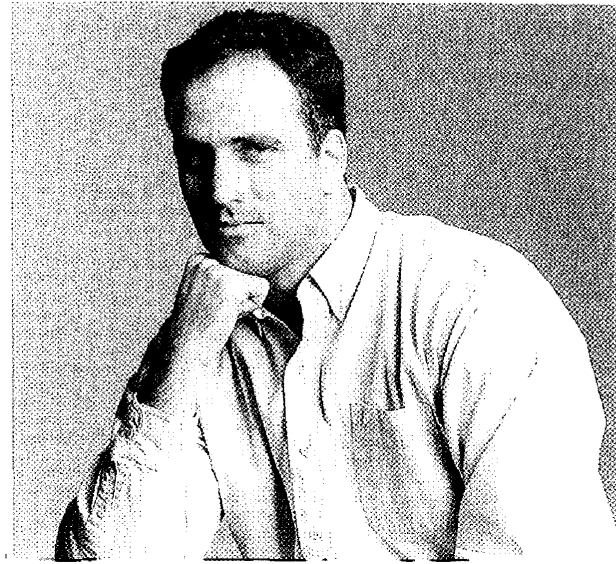
THE VISIONARIES: BYU'S TWENTIETH LAW SCHOOL CLASS SEEKS EXCELLENCE, SERVICE

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

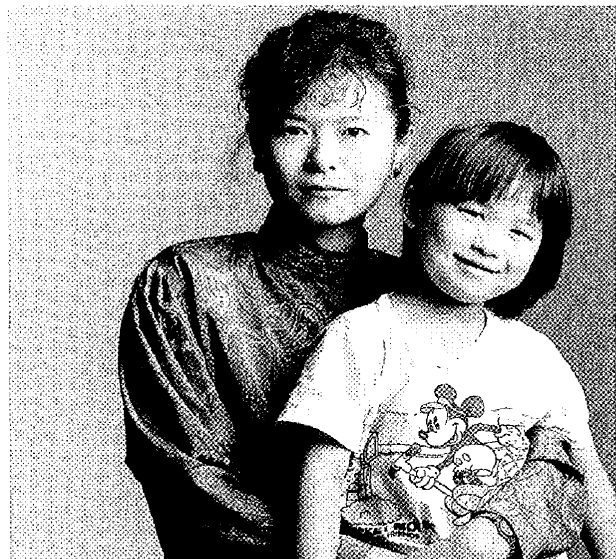
When Dawn Li-Ming Han boarded the plane for America, her father reminded her sternly, "Remember, you are to study in the United States so you will be of greater use to society. Ten years later, Dawn now breathes with a sigh of relief and anticipation, "I am finally at the point where

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."

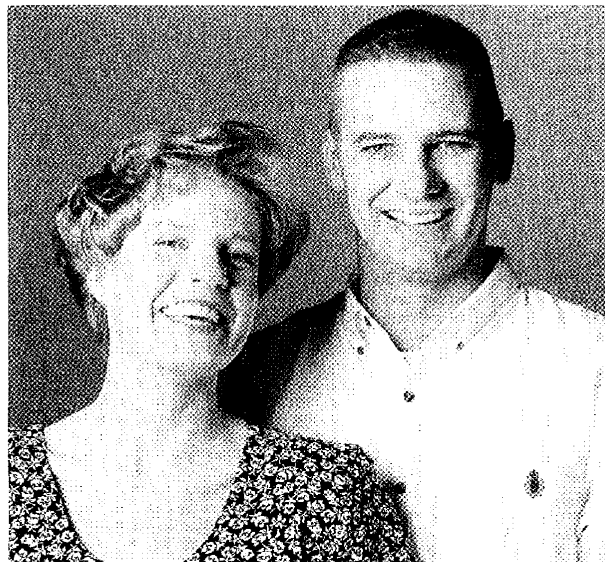
Amy was born in Thailand, has lived in Jamaica, and has traveled throughout Europe, Asia, and across the United States with her family. A recent BYU graduate in English, she spent a semester studying in London and traveling throughout the United Kingdom and Europe. Throughout her varied world experiences, 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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