

Fall 2001

## Clark Memorandum: Fall 2001

J. Reuben Clark Law Society

J. Reuben Clark Law School

Follow this and additional works at: <https://digitalcommons.law.byu.edu/clarkmemorandum>

 Part of the [Christianity Commons](#), [Legal Ethics and Professional Responsibility Commons](#), [Legal Profession Commons](#), and the [Religion Law Commons](#)

---

### Recommended Citation

J. Reuben Clark Law Society and J. Reuben Clark Law School, "Clark Memorandum: Fall 2001" (2001). *The Clark Memorandum*. 30.  
<https://digitalcommons.law.byu.edu/clarkmemorandum/30>

This Article is brought to you for free and open access by the Law School Archives at BYU Law Digital Commons. It has been accepted for inclusion in The Clark Memorandum by an authorized administrator of BYU Law Digital Commons. For more information, please contact [hunterlawlibrary@byu.edu](mailto:hunterlawlibrary@byu.edu).

# CM

**Clark Memorandum**

J. Reuben Clark  
Law School  
Brigham Young  
University  
Fall | 2001



Cover Illustration:

*Luba Lukova*

# contents

## 2

The Doctrine of  
Religious Freedom

*W. Cole Durham, Jr.*



## 24

Civic Virtue

*Seth P. Waxman*



## 14

Practicing Law  
with the Attributes  
of Jesus Christ

*Elder Earl C. Tingey*



H. Reese Hansen, *Dean*  
Jane Wise, *Editor*  
Joyce Janetski, *Associate Editor*  
David Eliason, *Art Director*  
Bradley Slade, *Photographer*

The *Clark Memorandum* is published by the J. Reuben Clark Law Society and the J. Reuben Clark Law School, Brigham Young University. © Copyright 2001 by Brigham Young University. All rights reserved.

The mission of the J. Reuben Clark Law Society is to promote high moral and professional standards in the legal profession and service to society. In fulfilling its mission, the Law Society is guided by the philosophy, personal example, and values of its namesake, J. Reuben Clark, Jr. Those values include (1) public service, (2) loyalty to the rule of law as exemplified by the United States Constitution, and (3) appreciation for the religious dimension in society and in a lawyer's personal life.

## 28

**Portraits**

Doing the Law School  
Shuffle, or Filling Scott

Cameron's Shoes

*Lovisa Lyman*

Six Law Alumni

Called as Mission

Presidents



## 32

**Memoranda**

Law School Winners

New General Authority

State Bar Presidents

Presidential Nomination

Arizona Appellate Judge

JRCLS Online



I would be remiss on this occasion  
if I did not express gratitude for the  
opportunities I have had during  
one of the great transformative epochs  
in human history—the decade after  
the collapse of communism—to visit  
almost every post-communist country  
and to work with leaders in their home-  
lands on implementing the ideals of reli-  
gious freedom. I am grateful beyond  
measure for blessings that have been given  
and keys that have been exercised to  
allow me to participate in the high adven-  
ture of opening the doors of nations.

W. COLE DURHAM, JR.

# DOCTRINE *the* of

# RELIGIOUS FREEDOM

Several years ago a close friend and Church  
leader gave me a blessing promising that  
I would be able to invoke the witness of the  
Holy Ghost when I spoke with others  
about religious freedom. In fulfillment of  
that blessing, I have seen the influence of  
the Spirit change the hearts and minds  
and, indeed, the entire outlook of many of  
the governmental leaders with whom I  
have met, the “gatekeepers” who stand at  
the doors of nations. I pray that the  
Spirit will be with me again today as I  
have the chance to bear witness of this  
great principle among my own people.

ILLUSTRATIONS BY LUBA LUKOVA



### **The Doctrine of Religious Freedom**

The title of my address—"The Doctrine of Religious Freedom"—is intended to remind us that religious freedom is not merely an important constitutional and human right.<sup>1</sup> There can be no doubt that it is a "first" freedom.<sup>2</sup> But for us it is even more: it is a matter of doctrine. Our 11th article of faith reads:

*We claim the privilege of worshiping Almighty God according to the dictates of our own conscience, and allow all men the same privilege, let them worship how, where, or what they may.*

Moreover, this is not merely doctrinal for us—it is a core doctrine. Yet, as I will

explain, it is a paradoxical doctrine. And it is a doctrine of prophecy.

### **Religious Freedom Is a Core Doctrine**

That religious freedom is a core doctrine has been reemphasized to my mind by the following remarkable statement from Elder Bruce R. McConkie:

*Freedom of worship is one of the basic doctrines of the gospel. Indeed, in one manner of speaking it is the most basic of all doctrines, even taking precedence over the nature and kind of being that God is, or the atoning sacrifice of the Son of God, or the vesting of priesthood and keys and saving power in the one true church. By this we*

---

W. Cole Durham, Jr., is a professor at the J. Reuben Clark Law School. This devotional address was given on April 3, 2001, in the BYU Marriott Center.



*mean that if there were no freedom of worship, there would be no God, no redemption, and no salvation in the kingdom of God.*<sup>3</sup>

Note two things about this statement. First, Elder McConkie does not say this is the most *important* doctrine. He said that “it is the most basic of all doctrines.” It is the most basic because none of the other doctrines could become operative or have any meaning or authenticity if we did not have the option to choose them freely. The exercise of this right is in fact an attribute of divinity.<sup>4</sup> The atoning sacrifice of Christ would be meaningless if we could not avail ourselves of its power to save and exalt through freely chosen acts of faith, repentance, and covenanting. Part of the reason the Messiah is “the Lamb slain from the foundation of the world”<sup>5</sup> is that at the key moment in the premortal existence, He recommended the Father’s plan of freedom, knowing its cost. He knew the price that He personally would pay to atone for all our abuses of freedom. He also knew that despite His payment of that price, countless numbers of His beloved brothers and sisters—individuals He loves with a depth and intensity that passes our understanding—would be lost forever because of their own decision “to choose captivity and death.”<sup>6</sup>

This brings me to the second point about Elder McConkie’s statement. Note that he did not say that it made no difference *how* we exercise this freedom; to the contrary, everything depends on learning to follow the divine pattern set by the Master of worship in every thought and deed and with all our “heart, . . . might, mind, and strength.”<sup>7</sup>

### **The Paradox of Religious Freedom**

Paradoxically, following the pattern set by the Master includes learning to respect the beliefs and choices made by others, even while standing firm in witnessing and teaching doctrinal truths. Indeed, following the pattern means standing for the rights and freedoms of others, even at the cost of our own lives—and surely also even at the lesser cost of inconvenience or discomfort.

This paradoxical nature of the doctrine of religious freedom needs to be empha-

sized and understood more deeply. Most of our doctrines are teachings that we affirm and agree to follow. In contrast, although religious freedom is basic and foundational for the system of gospel truth, it demands that we respect the views of those who adhere to other systems of belief. What is paradoxical is that our belief in religious freedom obligates us to tolerate and respect beliefs with which we disagree—though it does not require us to accept, endorse, or support them.

Part of the paradox is explained by the fact, attested by all the modern prophets, that the gospel embraces all truth.<sup>8</sup> But more is involved in the doctrine of religious freedom than an admonition to accept truth wherever we find it.<sup>9</sup> It is a recognition of the realities of human dignity and conscience and of the obligation to respect agency at the precious core of the human spirit. This doctrine has had great practical meaning for our leaders.<sup>10</sup> Just a year before his martyrdom, Joseph Smith declared:

*The Saints can testify whether I am willing to lay down my life for my brethren. If it has been demonstrated that I have been willing to die for a “Mormon[.],” I am bold to declare before Heaven that I am just as ready to die in defending the rights of a Presbyterian, a Baptist, or a good man of any other denomination; for the same principle which would trample upon the rights of the Latter-day Saints would trample upon the rights of the Roman Catholics, or of any other denomination who may be unpopular and too weak to defend themselves.*

*It is a love of liberty which inspires my soul—civil and religious liberty to the whole of the human race.*<sup>11</sup>

Forgetting the paradox of religious freedom has been a cause of incalculable suffering during human history. Too often, groups who have pleaded for tolerance while they were a persecuted minority have turned into persecutors as soon as they acquired political power. Joseph Smith was very conscious of this tragic tendency toward unrighteous dominion and repudiated it.<sup>12</sup> We as members of The Church of Jesus Christ of Latter-day

Saints should not be guilty of insensitivity in this area. Having so often suffered from religious intolerance in the past, we should go the extra mile in assuring that others are not exposed to similar pain.<sup>13</sup> What those who forget this paradox do not understand is that the mere possession of truth does not carry with it a right to impose that truth on others. God possesses all truth, yet He has left us our freedom.

In the end, the paradox of religious freedom is linked to many of the deepest truths of the gospel, which share a similar paradoxical structure. “Whosoever will lose his life for my sake shall find it.”<sup>14</sup> “I, the Lord, will forgive whom I will forgive, but of you it is required to forgive all men.”<sup>15</sup> What ultimately lies behind this paradox is the second great commandment: “Thou shalt love thy neighbour as thyself.”<sup>16</sup> Love lies at the heart of the paradox and at the core of religious freedom.

*Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you;*

*That ye may be the children of your Father which is in heaven: for he maketh his sun to rise on the evil and on the good, and sendeth rain on the just and on the unjust.*<sup>17</sup>

Stated differently, what makes the doctrine of religious freedom paradoxical is that the right to enjoy religious freedom for ourselves carries with it a reciprocal obligation to respect the religious freedom of others. In the words of the Golden Rule, Do unto others as you would have them do unto you.<sup>18</sup> Or as the Lord said at the Last Supper, “As I have loved you, . . . love one another.”<sup>19</sup>

### **Religious Freedom and Prophecy**

Religious freedom is not only a matter of doctrine; it is a focus of prophecy. You are all familiar with the great description of the last days found in Isaiah 2:

*And it shall come to pass in the last days, that the mountain of the Lord's house shall be established in the top of the mountains, and shall be exalted above the hills; and all nations shall flow unto it.*

*And many people shall go and say, Come ye, and let us go up to the mountain of the Lord, to the house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths: for out of Zion shall go forth the law, and the word of the Lord from Jerusalem. . . .*

*O house of Jacob, come ye, and let us walk in the light of the Lord.<sup>20</sup>*

For me, Isaiah's great vision of the last days has taken on greater meaning ever since I read a commentary on this passage by President Harold B. Lee,<sup>21</sup> in which he pointed to an interpretation of the phrase "out of Zion shall go forth the law" that is found in the dedicatory prayer of the Idaho Falls Temple. The relevant portion of that prayer reads as follows:

*We pray that kings and rulers and the peoples of all nations under heaven may be persuaded of the blessings enjoyed by the people of this land [the United States] by reason of their freedom under thy guidance and be constrained to adopt similar governmental systems, thus to fulfil the ancient prophecy of Isaiah that "out of Zion shall go forth the law and the word of the Lord from Jerusalem."<sup>22</sup>*

The Idaho Falls Temple was dedicated on September 23, 1945, immediately following the end of World War II. With that in mind, it is worth reflecting on developments that have occurred since 1945 that bear on the fulfillment of this prophecy.

First, virtually all currently enforceable international human rights treaties have been adopted since 1945. Moreover, the entire approach to international human rights law has changed. It is now taken for

granted that it is legitimate for one sovereign nation to be concerned about the human rights practices of other nations.<sup>23</sup>

At the national level, with only a handful of exceptions, all the countries on earth have adopted their current constitutions since 1945.<sup>24</sup> In short, we are witnessing a remarkable historical process in the field of international law and comparative constitutional law that is the subject of prophecy. This to my mind is one of the many ways that we see the tracings of the Spirit of Christ in history.

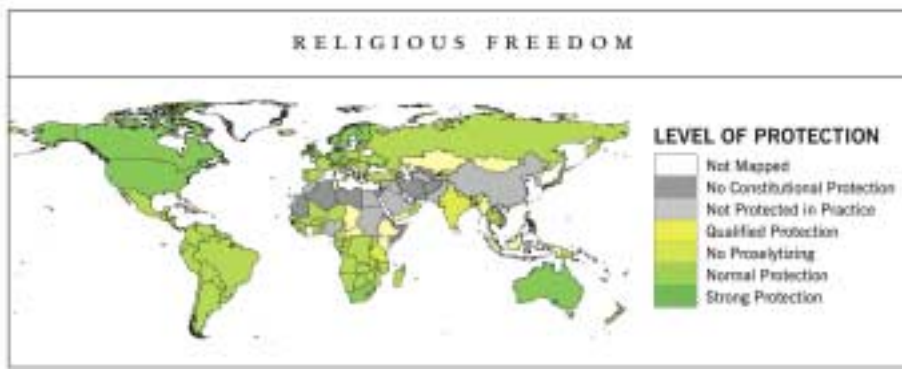
### **The Significance of Religious Freedom for Church Growth**

Let me now give you a graphic sense for the implications that global religious freedom has for the growth of The Church of Jesus Christ of Latter-day Saints. Look first at a map of the globe that attempts to plot the status of religious freedom around the world [Map 1]. The information in this map is based primarily on the latest annual report on religious freedom provided by the U.S. State Department.<sup>25</sup> The countries shown in gray are countries that have either no constitutional protection of religious freedom or that do not respect this ideal in practice. Some states protect religious freedom to some extent but have significant qualifications that make it difficult to found a new religious community in the country. Restrictions on proselyting are particularly problematic. As the map shows, most of the world now has normal-to-strong protection of religious freedom. No country has a perfect record, but the situation is markedly better than it was even 10 years ago.

Now look at the map showing the presence of the Church of Jesus Christ worldwide [Map 2]. Darker gray shows the countries where the Church has not yet achieved formal recognition. As you can see, this band of the world includes China and most Islamic nations. Not surprisingly, since the Church always follows the policy of going "in the front door" and entering a country only when it is legal for it to do so,<sup>26</sup> there is a high correlation between low religious freedom and lack of formal presence of the Church of Jesus Christ.

WE ARE WITNESS-  
ING A REMARKABLE  
HISTORICAL PROCESS  
IN THE FIELD OF  
INTERNATIONAL LAW  
AND COMPARATIVE  
CONSTITUTIONAL  
LAW THAT IS THE SUB-  
JECT OF PROPHECY.

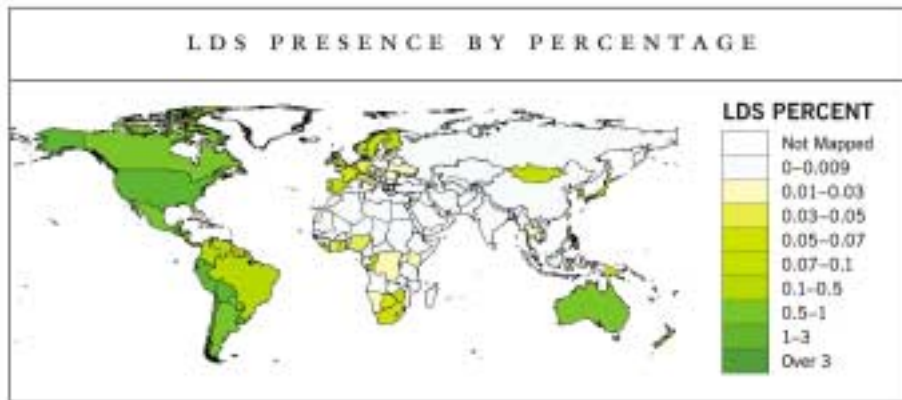




Map 1



Map 2



Map 3

The third map shows that religious freedom also has considerable significance for general patterns of Church growth [Map 3]. One of the things that is striking from the map is that concentrations are higher in what the scriptures refer to as the “promised land” of the Americas and certain “islands of the sea.” Second, one is beginning to see the impact of growth in parts of Africa and the former socialist bloc, where we

lacked significant presence until recently. Finally, what the map shows is that Church population remains very thin virtually everywhere. Aside from the United Kingdom, Portugal, and South Korea, there are no countries in these three vast continents of Europe, Africa, or Asia that have as much as one Latter-day Saint per 1,000 in its population. Even in the Americas population exceeds 3 percent only in Chile. Utah remains the

only place where the Church is in the majority. The point is that we remain a tiny minority virtually everywhere—so religious freedom protections continue to be of tremendous significance to the Church and its members.

### Global Challenges to Implementing Religious Freedom

With this background, let me turn now to some of the global challenges to implementing religious freedom. We live in a world that is peopled with an odd mixture of Sherems<sup>27</sup> and Korihors.<sup>28</sup> Sherem, as you remember, is the Book of Mormon figure who criticized prophets and revelations concerning Christ on the basis of fundamentalist or supposedly “orthodox” interpretations of religious texts. At the other pole stands Korihor, the secular anti-Christ who prefigured in his thought the great masters of suspicion of the 19th and 20th centuries—Darwin, Marx, Nietzsche, and Freud.

Both secularism and fundamentalism or orthodoxy in other traditions can pose profound problems for religious freedom. Further problems emanate from nationalism, ethnicity, and efforts to exploit these for the retention of political power. The recent arrest of Slobodan Milosevic reminds us of the terrible ways a power-hungry leader can use these forces, often manipulating religion in the process to cause terrible devastation.<sup>29</sup> Finally, fears associated with stereotypical images of “dangerous sects”—often fanned by virulent anticult forces<sup>30</sup>—are leading to infringements of religious freedom both in areas of Western Europe and in many other parts of the world.

The Church has outgrown the “dangerous sect” label, but just barely, and we are constantly at risk that overbroad reactions to supposedly “dangerous” religions will create problems for us as well. Even if this were not the case, however, our own experience with religious persecution should encourage us to stand firm for the rights of the currently less fortunate groups.

Time is limited, but let me give a few concrete examples of how religious freedom is protected in practice.

### Technical Legal Assistance

A year ago in January I stopped for three days in Romania because I had a few extra days between two other conferences in Europe. I was aware that very problematic legislation was pending that, among other things, would have made it virtually impossible for the Church of Jesus Christ and many other religious groups to find places of worship in that country. On the first day of my visit I stopped in to see the head of religious affairs, who I had met at a conference a few months earlier. By coincidence, or something more, I was in his office when he received a call indicating that the ruling coalition in Romania would consider whether to withdraw the proposed law from Parliament three days later. Armed with that alert, it was possible to help mobilize response from many groups and government leaders both within and outside of Romania, with the result that the legislation was withdrawn. With a kind of clarity that is seldom so clear-cut, I knew that my three days in Romania had been blessed, and blessed with success.

More typical of efforts working on legislation has been the experience of the past few weeks working in Kazakhstan and Kyrgyzstan through the Organization for Security and Cooperation in Europe (OSCE). Through this international organization I have been privileged to help provide technical advice to these central Asian republics as they grapple with the difficult problem of dealing with Muslim extremists coming into their countries from other parts of the Islamic world. Their initial reaction has been to clamp down on any transborder activity, restrict missionary work, and make it more difficult for religious groups to be registered so that they can operate legally in the country. OSCE efforts will help contribute to

better laws for these countries and may help set patterns that can be utilized elsewhere in the Muslim world.

### The Influence of Academic Conferences and Consultations

Academic conferences provide an important setting for contributing to religious freedom. Let me describe a few incidents that have grown out of this type of activity. Each fall for the past several years we have held an international conference at BYU dealing with religious freedom. The minister of justice from Peru attended one of these two or three years ago. At the time the Church had just learned that it had exhausted missionary quotas for the year in Peru. A Church official working with visas mentioned this to the minister of justice during a break at the conference. He was quite surprised that such a quota existed at all and indicated he would check into the matter when he returned home. Within a few weeks there were no more missionary quotas in Peru.

The people who come to BYU for our annual conference are often deeply moved by what they experience here. One of my favorite statements comes from another friend who is currently the head of religious affairs in Albania. He had the opportunity last fall, the day before our academic conference started, to attend the Sunday morning session of general conference in the new Conference Center. Some of you who stood in lines to get into conference this past weekend can appreciate what he saw. This is what he said about the experience:

*I have been in [my position as head of religious affairs] for a year, and I have seen a lot. But now I am totally convinced that religion should be an essential part of people's lives. In my country, people line up for bread; today I saw thousands of your people standing in line . . . to worship.*

This kind of impression changes perspectives on the importance of religious freedom. I returned a month ago from a conference that same man had organized in Albania, aimed at pointing the way toward a good law on religious associations that can bless the lives of people in

that poor and struggling country for years to come. These stories indicate only a few of the many approaches that can help promote religious freedom.

### Implications

In the end, what ultimately carries the day is that religious freedom is a true principle. It is a principle of justice. The just and honorable people of this earth recognize its validity. A nation that fails to respect it cannot claim to be just. We must do all in our power to make it a common heritage of all mankind. As the maps suggest, the gospel flourishes best under conditions of liberty. God Himself respects this principle. Were it otherwise, He would not be just. His kingdom must be freely chosen. It will not be imposed on anyone anymore than worship in the temple is imposed on nonbelievers. The celestial kingdom is, among other things, a type of worship that will be imposed only on those who have chosen it. But choosing the Lord's kingdom has implications; you cannot arrive in Zion without having chosen to get there. You cannot ascend the mountain of the Lord's house without leaving other things behind. Part of the paradox of freedom is that the Lord allows people not to return to Him. Allowing freedom reflects the nature of a just God, but it cannot compromise divine truth. Just as mercy cannot rob justice, so justice cannot rob truth.

With this in mind, let me conclude by saying a few things about what the doctrine of religious freedom should mean for each of us. I am convinced that many in your generation will have opportunities to make important contributions to the cause of religious freedom. Hannah Smith, a law student, and Elizabeth Clark, the associate director of the BYU International Center for Law and Religion Studies, each played crucial roles in a recent visit to France to help oppose problematic anticult legislation there. Hannah's husband, John, also a law student, is helping to organize a conference on religious freedom in Ukraine. Others could be mentioned. In time there will be more and more such individuals with knowledge, experience, expertise, and contacts who will be able to help monitor

religious freedom developments worldwide and provide assistance and positive contributions when called upon to do so.

Another young Latter-day Saint lawyer played a crucial role last year in helping to set up a conference on religious freedom with the constitutional court of Azerbaijan. His work had taken him to Azerbaijan at the time. He recognized the opportunity and checked with appropriate authorities. A way was found to organize the conference. I want to underscore the fact that this brother checked with appropriate authorities. Matters of religious freedom often raise a variety of sensitive issues, and it is important before working on these matters to follow the guidance of those holding the keys for the work. There are a number of unfortunate incidents in Church history where well-intended Church members exerted “zeal without knowledge,” and set Church progress back by years.

The story of the founding of the Church in Kazakhstan suggests another role that some adventurous Church families will play. About three years ago a major law firm approached the Law School looking for a business lawyer willing to go to its office in Almaty, Kazakhstan. One of our graduates who had been in practice for several years responded. He and his family have now been in Kazakhstan about three years. Two other expatriate families have moved in. As recently reported in the *Church News*,<sup>9</sup> the Church is now organized in Kazakhstan. These founding families are praying for someone to come with greater fluency in Russian, or with other gifts, so that they can teach and train new Church members more effectively.

During conference over the past weekend, you heard several talks about the need for couples. Let me tell you a secret. You don't have to wait until you are 65. I have been convinced as long as I have been teaching at the Law School that one of the great waves of missionary work we will see in our lifetime is that performed by families who, like Ammon, decide to go out to the frontiers of the kingdom, dedicated to serving those they find there and hoping to build the kingdom in these locations. This activity will not be for everyone, and there is much to be

done on the home front.<sup>32</sup> But some of you will feel this call and will see unparalleled growth in the Church as a result of your faithfulness and witness.

Consider one other example that suggests another kind of role we all can play. I have a nonmember friend who has played a very important role in a country sensitive enough that I will not name it. He tells me that over the past few years, through a chain of coincidences, he has found himself being befriended by Church members at almost every turn. When he first came to the U.S., the librarian at his university was a Latter-day Saint who helped him immeasurably. Later he studied at another university, where he met additional Latter-day Saints. I heard of him through yet another organization and invited him to our BYU conference. He has subsequently met some Church members in his own country. He was ultimately retained to help secure legal recognition for the Church. In connection with rendering this service, he was asked what he would charge. The lawyer who asked him told me that at the time he was silent for several minutes. Then he said, “I really don't know what to do. I have been benefited so much by friends in your Church that I don't know whether I should charge at all.” In the end he was persuaded to take some compensation, but I'm sure it was much less than his help was worth.

This leads me to a final set of comments about how we should implement the doctrine of religious freedom in our lives. Most of you will not in fact be engaged in legal defense of religious freedom in various parts of the world. For you, what will be most important is the paradoxical part of this doctrine—not the part that underlies all our doctrine and protects our rights to worship but the reciprocal

ONE OF THE GREAT WAVES  
OF MISSIONARY WORK WE  
WILL SEE IN OUR LIFE-  
TIME IS THAT PERFORMED  
BY FAMILIES WHO, LIKE  
AMMON, DECIDE TO GO  
OUT TO THE FRONTIERS  
OF THE KINGDOM, DEDI-  
CATED TO SERVING THOSE  
THEY FIND THERE.

THE BYU INTERNATIONAL  
CENTER FOR LAW AND  
RELIGION STUDIES

W. Cole Durham, Jr., serves as director of the BYU International Center for Law and Religion Studies, which was founded in spring 2000 to institutionalize Professor Durham's work in promoting freedom of religion and belief throughout the world. The center, currently comprising Professor Durham, associate director Elizabeth Clark, and a full-time secretary, has already been active on the world scene. Since the center was created, it has cosponsored numerous conferences on religious freedom issues with government and academic leaders in countries such as Albania, Russia, France, Ukraine, Azerbaijan, Bulgaria, Australia, and Lithuania.

The center also hosts an annual major international conference on law and religion issues at BYU. Last year this conference brought together 60–70 scholars and government experts on religion policy from more than 38 countries. In addition to sponsoring scholarly conferences and publications, the center also provides technical assistance on emerging laws affecting religion at home and abroad in an attempt to help avert potential legislative encroachments on religious freedom. Another major initiative of the center is an online global database of laws on religion, which it created on behalf of the Organization for Security and Cooperation in Europe's Advisory Panel of Experts on Freedom of Religion or Belief (OSCE) and a consortium of law schools and academic centers. Through its varied activities, the center is creating an extensive global network of scholars, experts, and officials dealing with religious freedom issues.

part in which you show tolerance and respect and love for others.

A few years ago, precisely as much of my work in Eastern Europe was heating up, I became involved in an effort to revise provisions of the Utah Constitution dealing with religious freedom.<sup>33</sup> During the political process I had numerous opportunities to speak around the state. Two things concerned me. First was the number of Church members who felt it was part of their duty as Church members to impose their views on other members of our community. Too many of them, it seemed to me, had forgotten the vital lesson at the core of the paradox of the doctrine of religious freedom: the mere possession of truth does not carry with it a right to impose that truth on others. Second, I heard countless nonmember parents talking about pain their children had suffered because of either intentional or more often unintentional exclusion of their children in our communities.

I believe that President Hinckley has also sensed their concerns. I don't know if you have paid attention to this, but in virtually every conference for the past few years he has emphasized the importance of being tolerant, of being civil, and of being good neighbors. I cannot repeat his numerous statements on this theme.<sup>34</sup> I can only say that he has been an exemplary advocate of religious freedom. I was immeasurably proud when he greeted the arrival of the Southern Baptist Convention and its plans to "evangelize the Mormons" with counsel that we should be as courteous to them as we would hope others would be to our missionaries.<sup>35</sup> Again and again he has reminded us of our obligation to be true to the hard side of religious freedom: respecting the beliefs of others.

Let me conclude with a statement that some of you here may have heard President Hinckley give at his devotional on November 4, 1997. In that address he stated:

*I hope that [Brigham Young University] will give to you a great sense of tolerance and respect for others not of your faith. The true gospel of Jesus Christ never led to bigotry. It never led to self-righteousness. It never led to arrogance. The true gospel of Jesus Christ leads*

to brotherhood, to friendship, to appreciation of others, to respect and kindness and love.<sup>36</sup>

After teaching this principle he told a remarkable story. He had been visited the week before by Shimon Peres, a former prime minister of Israel and one of the elder statesmen of the world. Mr. Peres told him the following story about a Jewish rabbi, which appropriately enough had been told to the prime minister by a Muslim. President Hinckley recounted the story as follows:

*A Jewish rabbi . . . was conversing with two of his friends. The rabbi asked one of the men, "How do you know when the night is over and the day has begun?"*

*His friend replied, "When you look into the distance and can distinguish a sheep from a goat, then you know the night is over and the day has begun."*

*The second was asked the same question. He replied, "When you look into the distance and can distinguish an olive tree from a fig tree, that is how you know."*

*They then asked the rabbi how he could tell when the night is over and the day has begun. He thought for a time and then said, "When you look into the distance and see the face of a woman and you can say, 'She is my sister.' And when you look into the distance and see the face of a man and can say, 'He is my brother.' Then you will know the light has come."<sup>37</sup>*

I am reminded of the first line of a hymn by my great-grandfather, Thomas Durham: "Stars of morning, shout for joy; Sing redemption's mystery."<sup>38</sup>

The morning is coming. You are the stars of morning. We are the stars of morning. We are witnessing the Church coming "forth out of obscurity and out of darkness."<sup>39</sup> Part of "redemption's mystery" is our paradoxical—and yet ultimately not paradoxical—obligation to respect and love and protect the rights of others not of our faith.

May we sing this mystery well. May we be true children of our Father in Heaven, never forgetting—and never forgetting to live—the song learned in Primary: "As I have loved you, Love one another."<sup>40</sup> In the name of Jesus Christ, amen.

#### NOTES

**1** Religious liberty is protected by a vast array of constitutions, treaties, and other international human rights instruments. See, e.g., U.S. Constitution, amendment 1; *Universal Declaration of Human Rights*, adopted and proclaimed by U.N. General Assembly Resolution 217A (III) (1948), art. 18; *International Covenant on Civil and Political Rights*, adopted and opened for signature by U.N. General Assembly Resolution 2200A (XXI) (1966), art. 18.

**2** See Franklin Delano Roosevelt, "The Four Freedoms," address to 77th Congress, 6 January 1941; available online at <<http://www.libertynet.org/~edcivic/fdr.html>>.

**3** Bruce R. McConkie, *A New Witness for the Articles of Faith* (Salt Lake City: Deseret Book, 1985), 655; emphasis added.

**4** The members of the Godhead Themselves worship each other freely as a natural, yet free response to the glory of Their beings. For example, the Father can be seen as worshipping the Son—not a worship of subordination, but surely worship in the sense of love and respect—when He declared, "This is my beloved Son." See 2 Peter 1:17: "For he received from God the Father honour and glory, when there came such a voice to him from the excellent glory, This is my beloved Son, in whom I am well pleased." The members of the Godhead bear witness of each other. See 3 Nephi 11:32: "I bear record of the Father, and the Father beareth record of me, and the Holy Ghost beareth record of the Father and me."

If C. S. Lewis is correct in pointing out that praise is a natural and willing response to "the worthiest object of all," then it is reasonable to assume that an attitude of worship and praise characterizes the reciprocal relations of members of the Godhead (*Reflections on the Psalms* [New York: Harcourt, Brace and World, 1958], 96). As Lewis says, "All enjoyment spontaneously overflows into praise. . . . I think we delight to praise what we enjoy because the praise not merely expresses but completes the enjoyment; it is its appointed consummation" (*Reflections*, 94, 95; see also entire chapter, "A Word About Praising," 90–98).

**5** Revelation 13:8.

THE MERE POSSESSION  
OF TRUTH DOES NOT  
CARRY WITH IT A  
RIGHT TO IMPOSE THAT  
TRUTH ON OTHERS.



6 2 Nephi 2:27.

7 D&C 59:5.

8 There are countless statements supporting this proposition. Only a few of the more notable ones are listed here. Joseph Smith wrote:

*The first and fundamental principle of our holy religion is, that we believe that we have a right to embrace all, and every item of truth, without limitation or without being circumscribed or prohibited by the creeds or superstitious notions of men.* [Letter to Isaac Galland, written from Liberty Jail, 22 March 1839, in Dean C. Jessee, comp. and ed., *The Personal Writings of Joseph Smith* (Salt Lake City: Deseret Book, 1984), 420]

Brigham Young taught:

*“Mormonism,” so-called, embraces every principle pertaining to life and salvation, for time and eternity. No matter who has it. If the infidel has got truth it belongs to “Mormonism.” The truth and sound doctrine possessed by the sectarian world, and they have a great deal, all belong to this church. . . . There is no truth but what belongs to the gospel.* [JD 11:375]

*I want to say to my friends that we believe in all good. If you can find a truth in heaven, earth or hell, it belongs to our doctrine. We believe it; it is ours; we claim it.* [JD 13:335]

Further, he stated:

*For me, the plan of salvation must. . . circumscribe the knowledge that is upon the face of the earth, or it is not from God. Such a plan incorporates every system of true doctrine on the earth, whether it be ecclesiastical, moral, philosophical, or civil: it incorporates all good laws that have been made from the days of Adam until now; it swallows up the laws of nations, for it exceeds them all in knowledge and purity; it circumscribes the doctrines of the day, and takes from the right and the left, and brings all truth together in one system, and leaves the chaff to be scattered hither and thither.* [JD 7:148]

A wonderful passage from John Taylor is worth quoting at length:

*We wish to comprehend and embrace all truth and seek for and obtain everything that is calculated to exalt, ennoble and dignify the human family; and wherever we find truth, no matter where, or from what source it may come, it becomes part and parcel of our religious creed, if you please, or our political creed, or our moral creed, or our philosophy, as the case may be, or whatever you may please to term it.*

**We are open for the reception of all truth, of whatever nature it may be, and are desirous to obtain and possess it, to search after it as we would for hidden treasures; and to use all the knowledge God gives to us to possess ourselves of all the intelligence that he has given to others; and to ask at his hands to reveal unto us his will, in regard to things that are the best calculated to promote the happiness and well-being of human society. If there are any good principles, any moral philosophy that we have not yet attained to we are desirous to learn them. If there is anything in the scientific world that we do not yet comprehend we desire to become acquainted with it. If there is any branch of philosophy calculated to promote the well-being of humanity, that we have not**

*yet grasped, we wish to possess ourselves of it. If there is anything pertaining to the rule and government of nations, or politics. . . that we are not acquainted with, we desire to possess it. If there are any religious ideas, any theological truths, any principles pertaining to God, that we have not learned, we ask mankind, and we pray God, our heavenly Father, to enlighten our minds that we may comprehend, realize, embrace and live up to them as part of our religious faith. Thus our ideas and thoughts would extend as far as the wide world spreads, embracing everything pertaining to light, life, or existence pertaining to this world or the world that is to come.* [John Taylor, JD 14:337; emphasis added]

Wilford Woodruff stated, “If any man has got a truth that we have not got, let us have it. Truth is what we are after. . . . If we have not the truth, that is what we are after, we want it” (JD 17:194).

Joseph F. Smith proclaimed:  
*We believe in all truth, no matter to what subject it may refer. No sect or religious denomination in the world possesses a single principle of truth that we do not accept or that we will reject. We are willing to receive all truth, from whatever source it may come; for truth will stand, truth will endure.* [GD, 1]

Coming down to the present, President Howard W. Hunter stated:

*As members of the Church of Jesus Christ, we seek to bring all truth together. We seek to enlarge the circle of love and understanding among all the people of the earth. Thus we strive to establish peace and happiness, not only within Christianity but among all mankind.* [“The Gospel—A Global Faith,” *Ensign*, November 1991, 18]

Note the interesting linkage here between the notion of embracing all truth and enlarging the circle of love and understanding.

Finally, President Gordon B. Hinckley has restated the theme as follows:

*I love to learn. I relish any opportunity to acquire knowledge. Indeed, I believe in and have vigorously supported, throughout my life, the pursuit of education—for myself and for others. . . .*

*The learning process is endless. We must read, we must observe, we must assimilate, and we must ponder that to which we expose our minds. I believe in the evolution of the mind, the heart, and the soul of humanity. I believe in improvement. I believe in growth. . . .*

*. . . It therefore behooves us, and is our charge, to grow constantly toward eternity in what must be a ceaseless quest for truth. And as we search for truth, let us look for the good, the beautiful, and the positive.* [Standing for Something (New York: Times Books, 2000), 59, 62, 64]

9 Clearly that is part of our obligation, but it is not all. The light of Christ “lighteth every man that cometh into the world” (John 1:9; D&C 93:2), and we should be responsive to that light wherever it shines. In seeking wisdom “out of the best books” (D&C 88:118), my experience has been that although others may not have the fullness of

the gospel with the authority and keys that have come with the Restoration, they often understand those portions that they have been given in greater depth. We can benefit immensely from their knowledge. For example, a modern physicist may not understand the fullness of the gospel, but as to the truths of the fundamental structure of matter, he no doubt knows more than most of us, and to the extent his knowledge corresponds to reality, he has knowledge of truths that are embraced by our religion. The same is true in other domains of knowledge. In this regard it is worth remembering Brigham Young’s statement:

*Our religion measures, weighs, and circumscribes all the wisdom in the world—all that God has ever revealed to man. God has revealed all the truth that is now in the possession of the world, whether it be scientific or religious.* [JD 8:162]

10 When Nauvoo was founded, the Prophet Joseph Smith stated that he designed its charter “for the salvation of the Church, and on principles so broad, that every honest man might dwell secure under its protective influence without distinction of sect or party” (HC 4:249; emphasis added). In this same spirit, the city council of Nauvoo passed one of the early “anti-hate crime” ordinances in American history. Section 1 of the ordinance reads as follows:

*Be it ordained by the City Council of the City of Nauvoo, that the Catholics, Presbyterians, Methodists, Baptists, Latter-day Saints, Quakers, Episcopalians, Universalists, Unitarians, Mohammedans, and all other religious sects and denominations whatever, shall have free toleration, and equal privileges, in this city; and should any person be guilty of ridiculing, and abusing or otherwise depreciating another in consequence of his religion, or of disturbing or interrupting any religious meeting within the limits of this city, he shall, on conviction thereof before the Mayor or Municipal Court, be considered a disturber of the public peace, and fined in any sum not exceeding five hundred dollars, or imprisoned not exceeding six months, or both, at the discretion of said Mayor or Court.* [HC 4:306]

Significantly, Brigham Young clearly taught that even during the Millennium there will be just and honorable people of other faiths who will be protected in their rights to freedom of religion (see JD 2:309).

11 HC 5:498.

12 See D&C 121:37. For an example of Joseph Smith’s critical view of the tendency of the persecuted to assume the role of oppressors, see his comments on intolerance in Massachusetts (HC 2:464–65).

13 For an excellent discussion of this principle, see John K. Carmack, *Tolerance: Principles, Practices, Obstacles, Limits* (Salt Lake City: Bookcraft, 1993).

14 Matthew 16:25; see also 10:39; Mark 8:35; Luke 9:24; 17:33.

15 D&C 64:10.

16 Matthew 22:39.

17 Matthew 5:44–45.

**18** See Matthew 7:12: "Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets." A version of this great teaching of the Master is found in virtually every major religious tradition. See, e.g., *The Analects of Confucius* 15:23 ("What you do not want done to yourself, do not do to others"—Confucianism); *Mahabharata* 5:1517 ("This is the sum of duty: do naught unto others which would cause you pain if done to you"—Hinduism); Talmud, Shabbat 31a ("What is hateful to you, do not do to your fellow man"—Judaism); *Udanavarga* 5:18 ("Hurt not others in ways that you yourself would find hurtful"—Buddhism); *Dadistan-i Dinik* 94:5 ("That nature only is good when it shall not do unto another whatever is not good for its own self"—Zoroastrianism); *Forty Hadith of an-Nawawi* 13 ("Not one of you is a believer until he loves for his brother what he loves for himself"—Islamism); *Tablets of Bahá'u'lláh* 71:26 ("Blessed is he who preferreth his brother before himself"—Bahaism); *Sutraritanga* 1.11.33 ("A man should wander about treating all creatures as he himself would be treated"—Jainism); Guru Arjan Dev 259, *Guru Granth Sahib* ("Don't create enmity with anyone as God is within everyone"—Sikhism).

**19** John 13:34.

**20** Isaiah 2:2–5; emphasis added.

**21** Harold B. Lee, "The Way to Eternal Life," *Ensign*, November 1971, 15; quoted in Jay M. Todd, "A Standard of Freedom for This Dispensation," *Ensign*, September 1987, 16.

**22** George Albert Smith, "Dedicatory Prayer for the Idaho Falls Temple," *Improvement Era*, October 1945, 564; quoted by Harold B. Lee in Todd, "A Standard," 16; emphasis added.

**23** See Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals* (Oxford: Clarendon Press, 1996), 148–65. Moreover, a number of regional international treaties have been adopted. Most notable of these is the European Convention for the Protection of Human Rights and Fundamental Freedoms. The European Court of Human Rights, which monitors compliance with this convention, is now the most significant constitutional court in the world. It has approximately 800,000,000 people within its jurisdiction, including all the former socialist bloc countries with the exception of those in Central Asia, and its pronouncements on human rights issues are now given effect throughout this vast region. See P. van Dijk and G. J. H. van Hoof, *Theory and Practice of the European Convention on Human Rights*, 3rd ed. (The Hague: Kluwer Law, 1998), 1–2, 31–36; see also <[http://press.coe.int/press2/press.asp?B=30,0,0,0,0&M=http://press.coe.int/cp/2001/226a\(2001\).htm](http://press.coe.int/press2/press.asp?B=30,0,0,0,0&M=http://press.coe.int/cp/2001/226a(2001).htm)> (Council of Europe press release). For a brief overview of the current status of the court, see <[http://www.echr.coe.int/BilingualDocuments/infodoc.stats\(2001\).bil.htm](http://www.echr.coe.int/BilingualDocuments/infodoc.stats(2001).bil.htm)>.

**24** To the best of my knowledge, the only exceptions are the following 10 countries, which adopted their constitutions prior to World War II: the United States in 1788, Norway in 1814, Liberia in 1847, Luxembourg in 1868, Switzerland in 1874, Tonga in 1875, Australia in 1901, Liechtenstein in 1921, Lebanon in 1926, and Ireland in 1937. The only other exceptions are the United Kingdom, Bhutan, Israel, and Libya, which do not have written constitutions.

**25** U.S. State Department, *2000 Annual Report on International Religious Freedom* (5 September 2000) (available online at <[http://www.state.gov/www/global/human\\_rights/irf/irf\\_rpt/irf\\_index.html](http://www.state.gov/www/global/human_rights/irf/irf_rpt/irf_index.html)>). The differentiation between "normal" and "strong" protection is subjective, based on personal perceptions and interactions with comparative constitutional law experts.

**26** "Wherever we go, we go in the front door. Our representatives honor the laws of the nations to which they go and teach the people to be good citizens" ("President Hinckley Addresses World Affairs Council," *Ensign*, August 1999, 75). Similar statements have been regularly made by other Church leaders as well. See, e.g., Spencer W. Kimball, quoted in Martin B. Hickman, *David Matthew Kennedy: Banker, Statesman, Churchman* (Salt Lake City: Deseret Book, 1987), 342; also see Dallin H. Oaks and Lance B. Wickman, "The Missionary Work of The Church of Jesus Christ of Latter-day Saints," in John Witte, Jr., and Richard C. Martin, eds., *Sharing the Book: Religious Perspectives on the Rights and Wrongs of Proselytism* (Maryknoll, New York: Orbis Books, 1999), 270.

**27** Jacob 7.

**28** Alma 30.

**29** See "Siege Ends as Milosevic Surrenders," *Deseret News*, 1 April 2001, A1.

**30** W. Cole Durham, Jr., "The United States' Experience with New Religious Movements," *European Journal for Church and State Research* (1998), 5:215; see also <<http://www.cesnur.org>>.

**31** "Kazakhstan Recognizes Church," *Church News*, 17 February 2001, 5.

**32** See Bruce D. Porter, "Building the Kingdom" *Ensign*, May 2001, 80–81. Elder Porter provided a vital reminder that *sometimes, perhaps, we may be inclined to see the building of the kingdom as something that takes place beyond the horizon, far away from our own branch or ward. In truth, the Church advances both by outward expansion and by inward refinement. . . .*

*We do not have to be called to serve far from home, nor do we have to hold a prominent place in the Church or in the world to build up the Lord's kingdom.* [Porter, "Building the Kingdom," 80]

**33** Because of what I regard as one of the great decisions in the history of our state supreme court, *Society of Separationists v. Whitehead*, it ultimately became

unnecessary to pursue the constitutional amendment in question (870 P.2d 916 [Utah 1993]).

**34** See, e.g., Gordon B. Hinckley, "A Time of New Beginnings," *Ensign*, May 2000, 87–88; "The Work Moves Forward," *Ensign*, May 1999, 4–5; and "We Bear Witness of Him," *Ensign*, May 1998, 4–6. One statement that seemed particularly impressive to me is the following:

*In many communities where our people are in the majority, accusations are heard that we are intolerant, that we display an attitude of self-righteousness, and that we are uncooperative in advancing causes which are for the common good. . . . It has been reported that some parents, out of a desire to protect their children, have told them that they should not associate in school with those not of their faith.*

*It seems anomalous that some would keep their sons and daughters from so doing while they are in the elementary schools, and yet make great sacrifice when they grow older to send them into the mission field.*

*Let us not forget that we believe in being benevolent and in doing good to all men. I am convinced that we can teach our children effectively enough that we need not fear that they will lose their faith while being friendly and considerate with those who do not subscribe to the doctrine of this Church. Let us reach out to those in our community who are not of our faith. Let us be good neighbors, kind and generous and gracious. Let us be involved in good community causes. There may be situations, there will be situations, where, with serious moral issues involved, we cannot bend on matters of principle. But in such instances we can politely disagree without being disagreeable. We can acknowledge the sincerity of those whose positions we cannot accept. We can speak of principles rather than personalities. In those causes which enhance the environment of the community, and which are designed for the blessing of all of its citizens, let us step forward and be helpful. An attitude of self-righteousness is unbecoming a Latter-day Saint. [TGBH, 661–62]*

**35** See, e.g., "We Are a Biblical Church, Atlanta Members Told," *Church News*, 23 May 1998, 5, quoting President Gordon B. Hinckley as saying:

*I don't know how many will be there [at the Southern Baptist Convention]. I have heard everything from 12,000 to 18,000. I hope there are 20,000 of them. I hope they have a wonderful time. I hope that our people are hospitable toward them and will reach out the hand of fellowship and show love for them.*

**36** Gordon B. Hinckley, "The BYU Experience," *BYU 1997–98 Speeches* (Provo: BYU, 1998), 63.

**37** Hinckley, "BYU Experience," 64.

**38** "Stars of Morning, Shout for Joy," *Hymns*, 1948, no. 164.

**39** D&C 1:30.

**40** "Love One Another," *Hymns*, 1985, no. 308. I am indebted to Elder Bruce D. Porter for highlighting this image to beautifully teach this concept in his recent general conference address. See Porter, "Building the Kingdom," 80.

My dear brothers and sisters, Sister Tingey and I are honored to be with you this evening at your J. Reuben Clark Law School fireside. I warmly acknowledge you students of this remarkable law school, your husbands and wives, and all friends and faculty members. Before I begin my presentation, I would like to share with you in an informal and personal way some of my feelings and counsel regarding your education and what lies ahead after law school.

- I have long been familiar with the challenges of college-age youth. I received my juris doctorate degree from the University of Utah and later a master of cor-

# PRACTICING LAW WITH THE ATTRIBUTES OF JESUS CHRIST

ELDER EARL C. TINGEY

*The following speech was presented at the J. Reuben Clark Law School on January 21, 2001.*

*Photography by Bradley Slade*

porate law degree at New York University Law School in New York City. My university schooling spanned almost nine years. During that time Sister Tingey and I met, courted, married, and had three of our four children. Before I concluded my education, I was serving as bishop of the Manhattan Ward in New York City, with a membership of 1,100, studying for the bar exam in the state of New York, and working for a large law firm on Wall Street. During that period I was bishop for seven years and knew hundreds of undergraduate and graduate students in the New York City area. That was 35 years ago. Looking back, there



are many lessons learned, some of which may be of help to you.

First, it is important to receive your legal schooling in a well-known, highly respected law school. I commend you for being accepted into the J. Reuben Clark Law School at Brigham Young University. It is among the finest law schools in the country. Wherever you go, lawyers will be familiar with its faculty, outstanding graduates, and reputation.

Second, do your very best to excel in your grades in law school. Your best opportunities for employment will assume excellent grades in law school.

Third, learn the law. Remember, you still have a bar examination to take before you can practice. Keep your class notes. Frequently review them, and establish a comprehensive understanding of the law as you grow and mature in your knowledge of it. I successfully passed the New York Bar exam five years after I had graduated from law school and passed the Utah Bar. You must be able to retain your knowledge of the law.

Fourth, be flexible about where you will live as you accept employment. There is a big, wonderful world out there with many opportunities, if you will accept them. Do not hesitate to move outside this area when opportunities arise. I have always counseled graduates to be willing to live in faraway places if that is where you can best be employed. Open your minds and allow the Lord to lead you where you can best live, rear your family, and serve in the Church.

Fifth, resolve to be active in the Church—not only while you are in law school but also while you are practicing your profession. I have observed that students and later practicing attorneys who balance their education, active Church participation, and family responsibilities experience success that carries into future generations. In retrospect, I can name many successful lawyers who as young Latter-day Saint students in New York were willing to be home teachers and accept assignments in their ward while they were going to school or beginning their law careers.

I can also recall other motivated students who decided to set aside their active

Church participation while they pursued their education or commenced their employment. In almost every case I have seen the seeds of disengagement from the Church, which they sowed in their college years, ripen into unhappiness that has affected their lives and the lives of their posterity. I have seen divorce, inactivity in the Church, apostasy, and failure in life result from bad decisions made during college and early employment.

Almost anywhere you may go for employment you will find the Church. In most cases, you will find wards, stakes, and temples. Your talents and testimony are needed wherever you determine to live. Be willing to accept the wonderful opportunities that lie ahead of you and realize the good that you will do, not only for your family but also for your friends and associates in the Church and others who may not yet know of the Church.

I have entitled my presentation “Practicing Law with the Attributes of Jesus Christ.” The term *practicing law* should be interpreted broadly enough to include all types of employment that may result from your legal education. The most common and strictest interpretation is the actual practice of law—in a small or large firm, in a small or large city, near or far. It may also include all types of employment with local, state, or federal government as well as association with agencies and departments of government that rely heavily on those with a legal education.

I also include in the definition those who may teach or serve in the judiciary areas of the law and those who elect to pursue a business career, using their legal education as a foundation. The fortunate thing about a law school education is that it prepares you for many types of employment. Do not compare what employment you may elect to follow with your fellow graduates. Whatever employment you pursue successfully is right for you, whereas a different type of experience might be best for another person.

Assuming all of these opportunities for employment, I suggest that you determine to practice law with the attributes of Jesus Christ. I would like to suggest 10 attributes of Jesus Christ for practicing attorneys.

### One of the Savior’s best known attributes was His knowledge of the law and the scriptures.

Following His baptism Jesus fasted 40 days and nights. At the conclusion of this fast, He was tempted by Satan to command that stones be turned to bread to satisfy His hunger. Christ responded by quoting Deuteronomy, chapter 8, verse 3: “It is written, Man shall not live by bread alone, but by every word that proceedeth out of the mouth of God” (Matthew 4:4).

Satan continued his temptation by offering Christ all the kingdoms of the world if He would fall down and worship him. The Lord retorted by quoting Exodus, chapter 20, verse 3, and Deuteronomy, chapter 6, verse 13, which essentially say, “Get thee hence, Satan: for it is written, Thou shalt worship the Lord thy God, and him only shalt thou serve” (Matthew 4:10).

On another occasion the Pharisees asked Jesus for a sign. Christ “answered and said unto them, An evil and adulterous generation seeketh after a sign; and there shall no sign be given to it, but the sign of the prophet Jonas” (Matthew 12:39). Of course He was referring to the Old Testament story of the three days Jonah spent in the belly of the whale, symbolizing the three days Christ would spend in the tomb prior to His resurrection.

On many other occasions Christ responded to the accusations and statements of the scribes and Pharisees by quoting the law, which for Him was the Old Testament scriptures. Jesus Christ knew the scriptures. After all, He was the God of the Old Testament. But He was also able to draw on the law, as the scribes and the Pharisees understood it, to the confounding of His detractors.

One of the purposes of law school is to teach you the law. An attorney cannot be excused for not knowing the law. An attorney should know the law. That is basic and fundamental to all learning and successful practice. Jesus Christ best confirmed this point when He said, “Search the scriptures; for in them ye think ye have eternal life: and they are they which testify of me” (John 5:39).



**A second attribute of Jesus Christ is that He taught with simplicity.**

One of the great challenges attorneys have is to teach with simplicity. The study of law requires a student to search and seek out facts and knowledge that may not be apparent to others. As a result, an attorney is equipped to teach, write, speak, or testify in great detail on a subject. However, the attorney may display this knowledge in a manner that is difficult for the layman to understand. It takes considerable effort for an attorney to speak in simple terms. In most cases, writing and speaking come fluently; but to reduce the amount and complexity of such expression requires great discipline. I think lawyers should strive to teach and practice simplicity.

Christ's very life and his example to His apostles and others was one of great simplicity. As He commissioned the Twelve and sent them forth two by two,

*[He] commanded them that they should take nothing for their journey, save a staff only; no scrip, no bread, no money in their purse:*

*But be shod with sandals; and not put on two coats.*

*And he said unto them, In what place soever ye enter into an house, there abide till ye depart from that place. . . .*

*And they went out, and preached that men should repent. [Mark 6: 8-10, 12]*

They were to be simple men, uncluttered by worldly things.

Consider some of the teachings of Christ that have remained for centuries. They are great examples in simplicity.

*The Parable of the Sower*

Who can forget the simple Parable of the Sower and the four types of ground where the seeds fell: first, the way side, where the fowls came and devoured the seed; second, the stony places, where there was not much earth; third, the soil cluttered with thorns, which sprung up and choked the seed; and finally, the good

ground, which brought forth fruit, a hundredfold (Matthew 13: 3-8). This entire parable is told with 90 words. It would remain a challenge today for anyone to convey the same message with the same power and effect in less than 90 words.

*The Parable of the Ten Virgins*

In 13 short verses, covering less than half a page in the Bible, the Savior tells of five virgins who took oil in their vessel and were prepared for the bridegroom and of five virgins who had no oil and were shut out from the bridegroom. In absolute simplicity and using an illustration so easily remembered, the Savior taught the necessity of being prepared for His coming and for life (Matthew 25:1-13).

*The Parable of the Talents*

Consider the Parable of the Talents, where one is judged by his talents and not in comparison with others—so simple and yet so profound. (Matthew 25:14-30.)

*The Parable of the Sheep and the Goats*

In the same chapter of Matthew, the Savior taught that one should feed the hungry, provide drink to the thirsty, clothe the naked, and visit the sick or those in prison. When asked why we should do these things, He said, "And the King shall answer and say unto them, Verily I say unto you, Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me" (Matthew 25:40).

These are but a few of many examples of simplicity. Time will not allow a full description of more examples. However, as I briefly mention by title the following parables, note the vivid image evoked by stories told in a few words: The Parable of the Ten Lepers teaches thanks and gratitude (Luke 17:12-19). The Parable of the Lost Sheep teaches the necessity of leaving the "ninety and nine" and helping the one. This has vital application in the baptism and retention of converts today (Luke 15:3-7). In

79 words, Christ tells the memorable Parable of the Mustard Seed, which teaches us how tiny seeds of faith can grow to produce large, bounteous trees (Mark 4:30-32).

Lastly, the Parable of the Good Samaritan was given in response to a certain lawyer who tempted Christ by saying, "Master, what shall I do to inherit eternal life?" The Savior then told this beautiful parable illustrating how a priest and a Levite passed by a wounded man, but the despised Samaritan cared for him. The Savior, responding to the question as to who was the neighbor, answered, "Go, and do thou likewise" (Luke 10:25-37).

Fellow lawyers, strive to teach and explain yourself in simplicity.

**Closely associated with simplicity, Christ taught in a language that the people could understand.**

A study of the law requires a lawyer to acquire a new vocabulary, with many words of Latin extraction and words contained only in *Black's Law Dictionary*. All of this is good and necessary; however, it can be a hindrance to effective practice if one cannot explain legal concepts in simple, ordinary terms that those not versed in the law understand.

Jesus Christ spoke of simple things. He spoke of trees that had good or corrupt fruit (Luke 6:43-45). He spoke of lilies of the field, which toil not nor spin, but were more beautiful than all of Solomon in his glory (Luke 12:27-28). He spoke of seeds (Mark 4:30-32). He spoke of houses on firm foundations (Luke 6:46-49).

He spoke of lighting a candle and not putting it under a bushel (Luke 8:16). He spoke of winds and water, which obeyed the Master (Luke 8:24-25). Probably His most tender and elementary teaching was when He spoke of sheep (John 10:4, 14-18). He was the good shepherd, and He knew His sheep.

**Jesus grew, matured, and waxed strong in the law.**

Words taken from Luke tell us:

*And the child grew, and waxed strong in spirit, and was in the deserts till the day of his shewing unto Israel. [Luke 1:80]*

*And Jesus increased in wisdom and stature, and in favour with God and man. [Luke 2:52]*

As you enter law school with all of the usual fears and trepidation, and as you prepare for your first and subsequent exams, something happens. Fear and apprehension are replaced by confidence and assurance. As you enter your second and third years and begin to anticipate that a successful law career is ahead of you, you are not fully aware that a transformation is taking place. As you conclude law school and study for and take the bar exam, you experience many of the same fears you had as you began law school, especially if you fail the bar exam.

As you begin the practice of law, surrounded by experienced attorneys, you once again realize your weakness and know that only through dedicated, continued study and training will you develop and evolve into one who is fully confident in the practice of law. This evolution from beginning to end (and it really never ends) is experienced by all. The scriptures depict a similar experience, in the minds of the people, with respect to Jesus Christ.

All three of the synoptic gospels describe the impact Christ had on the people as He taught.

*And it came to pass, when Jesus had ended these sayings, the people were astonished at his doctrine. [Matthew 7:28]*

*And they were astonished at his doctrine: for he taught them as one that had authority, and not as the scribes. [Mark 1:22]*

*And they were astonished at his doctrine: for his word was with power. [Luke 4:32]*

Later in the Savior's ministry, the people commented on His ability to teach.

*Is not this the carpenter's son? is not his mother called Mary? and his brethren, James, and Joses, and Simon, and Judas?*

*And his sisters, are they not all with us? Whence then hath this man all these things? [Matthew 13: 55-56]*

*And they said, Is not this Jesus, the son of Joseph, whose father and mother we know? how is it then that he saith, I came down from heaven? [John 6:42]*

The Savior was known and perceived by the people as one who had grown in stature and knowledge and in the ability to teach. Such authority is one of the blessings that will come to you—not just because you seek it, but as you earn it. It will come as a gift. If you seek the Lord's help in your studies, you may astonish others with your knowledge of the law.









**One of Savior's great attributes was that of a peacemaker. He was kind, compassionate, and the ultimate mediator.**

One of the more recognized roles of an attorney is that of a mediator, one who can find solutions to problems. Later we will speak of advocacy, but for now we speak of mediation. Much expense, sorrow, and heartbreak could be avoided if people could simply sit down and resolve problems. Lawyers are in a unique position to do that, but it takes skill. It takes a keen understanding of people and issues. What can we learn from the life of Christ that would help us become more skillful in mediation? In Matthew 18 Christ taught of forgiveness.

*Then came Peter to him, and said, Lord, how oft shall my brother sin against me, and I forgive him? till seven times?*

*Jesus saith unto him, I say not unto thee, Until seven times: but, Until seventy times seven. [Matthew 18:21-22]*

He followed by teaching of a king who forgave the 10,000-talent debt of a servant. Afterward, the same servant refused to forgive the 100-pence debt of a fellow servant, and he cast him into prison. The ability to teach forgiveness is an important attribute.

Living humbly is a critical element of mediation. Christ taught of not letting the left hand know what the right hand gave as alms (Matthew 6:3). He also taught of entering into one's closet when praying, rather than praying only to impress others (Matthew 6:6). He taught that one who finds his life (referring to being self-centered) will lose it, but one who loses his life for the Lord's sake will find it (Matthew 10:39). All of these teach of humility, which is necessary to being a peacemaker.

Sensitivity toward people is essential in peacemaking. Consider Christ's handling of the woman accused of adultery when He condemned her not but invited those without sin to cast the first stone (John 8:1-11). Consider how tenderly Christ reversed a statement made by Peter to others that Christ paid tribute, yet Christ did not condemn Peter (Matthew 17:24-27).

The scriptures say that Christ was moved with compassion on the multitudes, because they fainted and were scattered as sheep without a shepherd (Matthew 9:36). He fed five thousand with five loaves and two fishes (Mark 6:36-44) and four thousand with seven loaves and a few fishes (Mark 8:2-9) because He had compassion on the people.

He forever immortalized the true spirit of giving by noticing and dignifying the poor widow who contributed two mites, her all, to the treasury (Mark 12:41-44).

Lastly, consider Christ's great sensitivity to the woman who had the issue of blood for 12 years and touched His garment as He walked amidst the crowds (Mark 5:30, 34).

*And Jesus, immediately knowing in himself that virtue had gone out of him, turned him about in the press, and said, Who touched my clothes?*

*And he said unto her, Daughter, thy faith hath made thee whole; go in peace, and be whole of thy plague. [Mark 5:30, 34]*

**Another of the Savior's attributes was that He was honest and exhibited complete integrity.**

An excellent example of this attribute is the Sermon on the Mount, recorded in Matthew, chapter 5. These teachings replace and transcend many aspects of the Law of Moses, which includes the Ten Commandments. The entire Christian ethic, which has endured throughout the past two thousand years, is based on the simple statements of the Sermon on the Mount.

*Blessed are the poor in spirit: for theirs is the kingdom of heaven.*

*Blessed are they that mourn: for they shall be comforted.*

*Blessed are the meek: for they shall inherit the earth.*

*Blessed are they which do hunger and thirst after righteousness: for they shall be filled.*

*Blessed are the merciful: for they shall obtain mercy.*

*Blessed are the pure in heart: for they shall see God.*

*Blessed are the peacemakers: for they shall be called the children of God.*

*Blessed are they which are persecuted for righteousness' sake: for theirs is the kingdom of heaven. . . .*

*Let your light so shine before men, that they may see your good works, and glorify your Father which is in heaven. [Matthew 5:3-10, 16]*

A good lawyer is one who can be trusted. His word is his bond. He performs his services on time. He returns telephone calls. He does not create artificial barriers of delay and excuse. He is completely trustworthy.

**The Savior taught and lived  
the attribute of being of service  
to His fellowmen.**

Lawyers are members of a profession, not a business. The quest to have “billable hours” can dominate you if you are not careful. Providing *pro bono* service is expected. As a profession, lawyers should serve their fellowmen. What did the Savior teach?

*Lay not up for yourselves treasures upon earth, where moth and rust doth corrupt, and where thieves break through and steal:*

*But lay up for yourselves treasures in heaven, where neither moth nor rust doth corrupt, and where thieves do not break through nor steal:*

*For where your treasure is, there will your heart be also. . . .*

*No man can serve two masters: for either he will hate the one, and love the other; or*

*else he will hold to the one, and despise the other. Ye cannot serve God and mammon. . . .*

*But seek ye first the kingdom of God, and his righteousness; and all these things shall be added unto you. [Matthew 6:19–21, 24, 33]*

When a rich young man asked Christ what he must do to inherit eternal life, Christ counseled him to keep the commandments and follow the Law of Moses. The young man acknowledged that he did all these things, and asked what he still lacked.

*Jesus said unto him, If thou wilt be perfect, go and sell that thou hast, and give to the poor, and thou shalt have treasure in heaven: and come and follow me.*

*But when the young man heard that saying, he went away sorrowful: for he had great possessions. [Matthew 19: 21–22]*

Among the greatest of all the Savior’s examples of serving His fellowmen was His washing the feet of the Twelve. He concluded by saying:

*If I then, your Lord and Master, have washed your feet; ye also ought to wash one another’s feet.*

*For I have given you an example, that ye should do as I have done to you.*

*Verily, verily, I say unto you, The servant is not greater than his lord; neither he that is sent greater than he that sent him. [John 13:14–16]*

**The “Spirit of the Law” Series**

The “Spirit of the Law” series provides a forum for thoughtful discussion of gospel issues with particular relevance for law students and lawyers. Open to all members of the J. Reuben Clark Law School community, the series consists of faculty-led discussions on the first Wednesday evening of each month, punctuated by occasional Sunday firesides (see accompanying address by Elder Earl C. Tingey of the Presidency of the Quorums of the Seventy).

Two law students, John and Hannah Smith, initiated the series in the winter 2000 semester. The idea was partly inspired by four addresses delivered by the four deans of the Law School and reprinted in the autumn 1999 *Clark Memorandum*. In essence, the series responds to Dean Carl Hawkins’ exhortation to seek the “higher path of reconciliation,” to integrate faith and profession into a life of Christian ministry.

In the comfortable chairs of the library’s Rex E. Lee Reading Room, participants typically listen to the faculty member’s opening remarks and then discuss the topic in an open, seminar format. The 16 sessions so far have discussed “Serving God with One’s Mind,” “Faith and Reason,” “The Use of Scriptures in Resolving Public Policy Issues,” “What Is Redemptive Lawyering?” “The Trial of Jesus,” “The Burning Bush or Alma’s Seed?” and “Reflections on Alma the Younger as a Jurist.”

Next year, direction of the series will pass to Susannah Thomas and the faculty advisor, Professor David Thomas. The “Spirit of the Law” Web site address is [http://www.law.byu.edu/Law\\_Library/Spirit/Spolhome.html](http://www.law.byu.edu/Law_Library/Spirit/Spolhome.html).



### Christ was the master of logic.

A good lawyer must understand logic. It is an art to develop a statement or an argument using persuasion and logic, based on a knowledge of law and truth. This is essential in every aspect of an attorney's practice. I marvel at how the Savior was able to confront His challengers with pure logic.

Consider how He challenged the con-  
tenders when He healed on the Sabbath day.

*And he entered again into the synagogue; and there was a man there which had a withered hand.*

*And they watched him, whether he would heal him on the sabbath day; that they might accuse him.*

*And he saith unto the man which had the withered hand, Stand forth.*

*And he saith unto them, Is it lawful to do good on the sabbath days, or to do evil? to save life, or to kill? But they held their peace.*

[Mark 3: 1-4]

Remember when the scribes and Pharisees challenged Him for eating with publicans and sinners.

*And when the scribes and Pharisees saw him eat with publicans and sinners, they said unto his disciples, How is it that he eateth and drinketh with publicans and sinners?*

*When Jesus heard it, he saith unto them, They that are whole have no need of the physician, but they that are sick: I came not to call the righteous, but sinners to repentance.* [Mark 2:16-17]

### Christ taught priorities. Although lawyers are bound by a code of conduct or code of responsibility, sometimes one must follow a higher, ethical duty because of a belief in Christ.

Sometimes the choice is not between good or evil, or right or wrong, but between two goods. The story of Mary and Martha in Luke, chapter 10, is a good example of how we may have to choose among two goods.

*Now it came to pass, as they went, that he entered into a certain village: and a certain woman named Martha received him into her house.*

*And she had a sister called Mary, which also sat at Jesus' feet, and heard his word.*

*But Martha was cumbered about much serving, and came to him, and said, Lord, dost thou not care that my sister hath left me to serve alone? bid her therefore that she help me.*

*And Jesus answered and said unto her, Martha, Martha, thou art careful and troubled about many things:*

*But one thing is needful: and Mary hath chosen that good part, which shall not be taken away from her.* [Luke 10:38-42]

Having balance and good judgment is a virtue. Exercise common sense. Choose the better part. Take the high road. Follow a Christ-inspired pattern of decision making.

Recall how He responded to the chief priests and elders when they challenged His authority to teach in the temple.

*And when he was come into the temple, the chief priests and the elders of the people came unto him as he was teaching, and said, By what authority doest thou these things? and who gave thee this authority?*

*And Jesus answered and said unto them, I also will ask you one thing, which if ye tell me, I in like wise will tell you by what authority I do these things.*

*The baptism of John, whence was it? from heaven, or of men? And they reasoned with themselves, saying, If we shall say, From heaven; he will say unto us, Why did ye not then believe him?*

*But if we shall say, Of men; we fear the people; for all hold John as a prophet.*

*And they answered Jesus, and said, We cannot tell. And he said unto them, Neither tell I you by what authority I do these things.* [Matthew 21:23-27]

Another example of His remarkable ability to use pure logic in confronting His opponents is described in the following verses.

*Tell us therefore, What thinkest thou? Is it lawful to give tribute unto Caesar, or not?*

*But Jesus perceived their wickedness, and said, Why tempt ye me, ye hypocrites?*

*Shew me the tribute money. And they brought unto him a penny.*

*And he saith unto them, Whose is this image and superscription?*

*They say unto him, Caesar's. Then saith he unto them, Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's.*

*When they had heard these words, they marvelled, and left him, and went their way.* [Matthew 22:17-22]

Christ was the Master and was in control of all things. He had complete self-assurance and never doubted or lacked faith.

**The final attribute of Jesus Christ is that of advocacy.**

A lawyer is an advocate, or one who supports or speaks in favor of another. A lawyer pleads a case for another. A lawyer represents a client. All of this is advocacy.

Christ was an advocate for truth. His greatest statements of advocacy were reserved for those who challenged His authority. He was an advocate of the Father's will and never retracted from that mission given Him by the Father.

*Then said they unto him, Who art thou? And Jesus saith unto them, Even the same that I said unto you from the beginning.*

*I have many things to say and to judge of you: but he that sent me is true; and I speak to the world those things which I have heard of him.*

*They understood not that he spake to them of the Father.*

*Then said Jesus unto them, When ye have lifted up the Son of man, then shall ye know that I am he, and that I do nothing of myself; but as my Father hath taught me, I speak these things.*

*And he that sent me is with me: the Father hath not left me alone; for I do always those things that please him.*

*As he spake these words, many believed on him. [John 8:25–30]*

On an earlier occasion, Christ explained His knowledge of the doctrine.

*Jesus answered them, and said, My doctrine is not mine, but his that sent me.*

*If any man will do his will, he shall know of the doctrine, whether it be of God, or whether I speak of myself. [John 7:16–17]*

That which angered the scribes and Pharisees more than anything was Christ's unyielding statements to the effect that He was doing the will of the Father.

*Art thou greater than our father Abraham, which is dead? and the prophets are dead: whom makest thou thyself?*

*Jesus answered, If I honour myself, my honour is nothing: it is my Father that honoureth me; of whom ye say, that he is your God:*

*Yet ye have not known him; but I know him: and if I should say, I know him not, I shall be a liar like unto you: but I know him, and keep his saying.*

*Your father Abraham rejoiced to see my day: and he saw it, and was glad.*

*Then said the Jews unto him, Thou art not yet fifty years old, and hast thou seen Abraham?*

*Jesus said unto them, Verily, verily, I say unto you, Before Abraham was, I am.*

*Then took they up stones to cast at him: but Jesus hid himself, and went out of the temple, going through the midst of them, and so passed by. [John 8:53–59]*

Remember, Christ is the supreme example of pure advocacy of truth. Every lawyer has that opportunity, which, when magnified, is a great source for good.

It is a marvelous blessing to know that Christ is our advocate with the Father.

*Listen to him who is the advocate with the Father, who is pleading your cause before him—*

*Saying: Father, behold the sufferings and death of him who did no sin, in whom thou wast well pleased; behold the blood of thy Son which was shed, the blood of him whom thou gavest that thyself might be glorified;*

*Wherefore, Father, spare these my brethren that believe on my name, that they may come unto me and have everlasting life. [D&C 45: 3–5]*



**In conclusion,** in every situation Christ was the Master. He excelled and successfully handled every controversy. His life is the great example of what we ought to aspire to become. He knew the law and could respond to His critics by quoting the law. He taught with great simplicity and was understood by the people. He spoke of simple things that had meaning in the lives of the people. He became known as one who had great power and authority. This resulted in many following Him, while others sought His death. He was kind, compassionate, humble, and a peacemaker. He understood people. He did not condemn them, but He helped them. He was honest and exhibited complete integrity. He taught that service to fellowmen was service to God. He chose the better part. He was a master of teaching with pure logic, and He confronted His enemies with simple statements for which they had no response. Most of all, He was an advocate of His Father, whose work He was sent on earth to do.

It is my testimony and witness, as one who has been called to bear witness, that Jesus Christ is the Son of the living God and that He possesses attributes, which if sought by all of us, will result in our achieving success, joy, and happiness in this life and in the worlds to come. You young students have a responsibility to live up to the legacy and righteous traditions of our prophets, both past and living in this dispensation, whose lives are patterned after the attributes of Jesus Christ. I pray you will do so in the name of Jesus Christ, amen.





*The following address  
was presented at the  
J. Reuben Clark Law  
School convocation on  
April 27, 2001, in  
the Provo Tabernacle.*

# CIVIC TRIBUTE

BY SETH P. WAXMAN

**Deans,** members of this distinguished faculty, and all of you triumphant graduates, thank you for inviting me to share this wonderful occasion. I feel truly fortunate to be among you and to honor in my own way the memory of Rex Lee.

Before I address the graduates, I would like to pay tribute to the unsung heroes in this tabernacle, to

the parents, grandparents, and other supporting family members of those receiving their degrees. It was only last year, when I sat bursting with pride at my eldest child's graduation from high school, that I genuinely appreciated how profoundly meaningful events like this are to all of us.

There are two things I don't remember about my own law school commencement and two things I do. What I don't remember is who the



speaker was or what he said. One of the two things I do remember is how long the commencement speaker droned on. I promise that you are not going to be subjected to that today!

I also remember how I felt on that day. In addition to feeling pride and relief, I was excited at the prospect of joining a noble profession and anxious to go out and make a difference in the world. I know you all feel much the same way, and you should. My wish for you is that a year from now—and 10, 20, 30, and 40 years from now—you still will. Many practicing lawyers lose that feeling. I want to share some thoughts with you about how I think you can keep it fresh.

In a few minutes each of you will receive a degree that will accord you tremendous privileges: broad career options, geographic mobility, and the potential to earn substantial salaries. Most important, because of your professional status, you and your families will have access to justice. If a dispute arises with a landlord, an adjacent property owner, a doctor, an employer, or your city, state, or federal government, the education you have received will enable you to ascertain what the legal options are and to navigate a complex justice system. Once you are admitted to the bar, your license will enable you to act within that justice system, to file motions, to obtain discovery, and to argue before judges and juries to get the right result. You will have the full force

of the legal system within your grasp, and you and yours will never be left without recourse in the face of injustice.

But now, think back to your first days of law school. If you were like me, it all seemed terribly bewildering. If you will be the first attorney in your family, like I was, perhaps you can recall a time when someone you loved or knew needed help and had nowhere to turn.

Now that you're an "insider," don't forget what it was like to be an "outsider," when you were unable to comprehend the legal system, much less use it. Now that you are an insider, you are empowered to help those who do not have access to justice. If you reach out to those who cannot afford your fees, you will be helping not only those clients but also your community, your nation, and yourself. You will be participating in a venerable tradition of lawyerly public service that stretches back to the earliest days of our republic.

This marvelous nation was founded on the dual principles of individual liberty and public service—what our founders called "civic virtue." As modern lawyers, we are highly attuned to the former; our Bill of Rights enshrines and protects the principles of individual liberty. But what about civic virtue? Where did that go? Our founders believed deeply that the sacred rights of the individual would not be safe unless people were also imbued with a sense of responsibility for their

communities. "Without virtue there can be no liberty," Benjamin Rush declared in a 1786 speech. Samuel Adams echoed that "men will be free no longer than while they remain virtuous."

No group in colonial times felt this responsibility more palpably than lawyers. Perhaps no lawyer ever better exemplified the twin principles of individual liberty and civic virtue than Thomas Jefferson. He envisioned—and emulated—the citizen-lawyer dedicated to serving his community and his nation.

Jefferson had plenty of company: 33 of the 56 signers of the Declaration of Independence and 34 of the 55 members of the Constitutional Convention were lawyers. In a multitude of less prominent but equally significant ways, lawyers generally were mindful of their role in protecting the public interest. They were trained and proud to be lawyers and citizens.

When lawyers attended to the public interest in their professional lives, when they viewed themselves in civic terms, they were esteemed by a public—then as today—that values those principles. Alexis de Tocqueville reported that "people in democratic states do not mistrust the members of the legal profession, because it is known that they are interested to serve the popular cause; and the people listen to them without irritation because they do not attribute to them any sinister designs."

Today, in the era of law as business, with the pressures of the bottom line, many people would smirk to hear those words. But 60 years after the founding of the republic, Abraham Lincoln—another skillful and public-spirited lawyer—often devoted time to representing people who could not pay his fees, such as widows seeking pension benefits, because he believed that he had a duty to help those who could not fend for themselves.

More than 100 years after the nation's founding, long before he became a Supreme Court justice, Louis Brandeis was one of the most prominent private attorneys of his time. Yet he committed himself to donating at least one hour of each working day to public service legal work. Even if his *pro bono* clients could afford to pay something, Brandeis never accepted fees from them, both because he viewed this work



as a lawyer's responsibility and because he recognized that accepting payment would diminish the joy he received from helping others.

What Brandeis, Lincoln, Jefferson, and so many of our predecessors understood was that in doing public service, a lawyer helps himself as much as he helps others. Translated literally, of course, *pro bono publico* means "for the good of the public." But *pro bono* work redounds at least equally to the lawyer's own good and to the good of the profession. As Will Rogers observed (and no truer words were ever uttered): "A man makes a living by what he gets. He makes a life by what he gives."

Today, many attorneys report feelings of apathy, malaise, and unhappiness. The ABA reports that the number of lawyers who were very satisfied with their jobs dropped by 20 percent in one recent seven-year period. I'll bet not many dissatisfied lawyers are committed to *pro bono* or public service activities. They complain about lacking direction in their lives, yet they fail to recognize that by cutting out public service, they sacrifice opportunities to have new experiences that might help them find that direction. They complain about lacking a sense of meaning, but they fail to realize that by stinting on public service, they sacrifice the unparalleled satisfaction of working toward their own personal idea of justice.

Other lawyers recognize the connection but fail to see the opportunities. Another ABA survey found that a perceived "inability to make a contribution to social good through the practice of law" is the aspect of practice that seems to disappoint young lawyers the most.

Many law students and young lawyers think they were born too late, that the days of groundbreaking legal movements are over. That is not true. Each of us brings something special to the table, a unique gift to give back to society. For each one of you, there is some *pro bono* work that will be deeply fulfilling, no matter how busy you are and whatever your jurisprudential interests, your political or philosophical beliefs, or your professional skills.

If you are interested in corporate law, you can help not-for-profit community groups organize and operate. If your pas-

#### SETH WAXMAN AND MIRANDA

Appointed by President Clinton as United States solicitor general in 1997, Seth Waxman served almost four years as one of the nation's top attorneys, patterning himself after Rex E. Lee, another solicitor general, who was the founding dean of the J. Reuben Clark Law School and a former president of Brigham Young University.

During his tenure Waxman argued 30 cases before the Supreme Court, including a challenge to the Miranda statute. He defined the familiar wording of the Miranda warning as being "part of the cultural and legal fact" of our country. He said, "Every man, woman, and child in this country not only knows what the Miranda warnings are, but can recite them." This argument was enough to persuade the Supreme Court to uphold Miranda.

Waxman has described traveling all over the world and being met by people who would recite the Miranda warning in a greeting to him—especially children. "People everywhere know that the United States is strong enough to tell people they have rights and then be able to enforce those rights."

sion is individual liberties, volunteer with the ACLU or the American Center for Law and Justice, or a similar organization. If you feel artists deserve more support, get involved with Volunteer Lawyers for the Arts. If you want to help law enforcement without becoming a full-time prosecutor, call your local prosecutor's office or victims' support group, and volunteer on a part-time basis. If you enjoy teaching, give a law-related class at a local school or adult education program. If you want to be a litigator but aren't getting enough experience or responsibility at your law firm, volunteer to represent indigent criminal defendants or to handle a civil case for one of the thousands of ordinary citizens who simply cannot afford legal counsel.

Or volunteer outside the field of law altogether. When I was solicitor general, one of the attorneys in my office led a Girl Scout troop. Others tutored and taught classes. Throughout her entire tenure as attorney general of the United States, Janet Reno spent one day each month in a local elementary school. As our founders knew, education is the foundation of a successful society. You can teach a child about the importance of public service through your good example.

Before I entered government service, I spent 17 rewarding years in the private practice of law. Several of my law school friends told me I was the only private attorney they knew who actually seemed to enjoy his job.

That was an exaggeration (I hope), but I never made any secret about what satisfied me. Yes, I had interesting cases and wonderful colleagues. But what made it truly worthwhile was the ability to use my skills to help people who were helpless and to promote a vision of society that I believed in. I gave away thousands of billable hours. But I was repaid a thousand times over for having done so. You will be too.

So before you get up to celebrate, while you are sitting right here, in the very last pause before your professional lives begin, resolve to emulate our founders in your careers. Understand that your professional obligations will extend far beyond your clients' interests to those of the community and the nation. Understand that the bar's tremendous power in American society brings an equally tremendous responsibility to protect the common good.

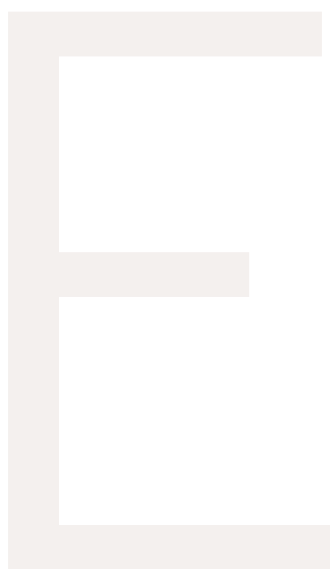
Think of your futures. Think of your lives. You are all, each one of you, at the brink of a wonderful adventure. Use the tools your teachers have given you to become great lawyers; use the values within you to become great citizens.

*Seth P. Waxman is a visiting professor of law, Georgetown University Law Center, and Visiting Fellow, Harvard University John F. Kennedy School of Government. From 1997 to 2001, he served as the 41st solicitor general of the United States.*

DOING THE LAW  
SCHOOL SHUFFLE, OR  
FILLING SCOTT  
CAMERON'S SHOES



Mary Hoagland, Kathy Pullins, and Carl Hernandez.



by Lovisa Lyman

Early this year Associate Dean Scott Cameron accepted a call as mission president of the Pennsylvania Pittsburgh Mission with service beginning July 1, 2001. (See article on pages 30–31.) “Even a complete listing of Scott’s stewardship cannot present a full picture of the scope and importance of his contributions to the general administration and mission of the Law School,” said Dean Reese Hansen when he announced Cameron’s impending three-year absence. “Scott’s responsibilities for recruitment and admission of law students, his management and development of the Law Society, his oversight and production of the *Clark Memorandum*, *Law School Bulletin*, and other external communications of the Law School, . . . and his work in assisting with our fund-raising efforts only begin the list of important areas in which he has contributed to the well-being of the Law School.”

Considering his many years of experience—Cameron served first as assistant dean in 1989 and then as associate dean since 1990—and wide range of duties, finding a replacement for Scott was not an easy task. After an extensive search, however, Dean Hansen announced May 10, 2001, that the administrative duties of Associate Deans Scott Cameron and Kathy Pullins would be combined under Associate Dean Pullins. Reporting to Pullins as assistant deans would be Mary Hoagland and Carl Hernandez.

#### **Kathy Pullins Heads Law School Relations Team**

Pullins, ’88, began employment at the Law School just two months after graduation as the first law-trained director of Career Services and Alumni Relations. In 1990 she became the assistant dean of Student and Alumni Affairs and in 1999 was made an associate dean. Under the recent redefining of

duties, Pullins now leads a new team dubbed Law School Relations. In addition to responsibility for all activities of the team, consisting of eight full-time and five part-time employees, Pullins’ specific duties include chairing the admissions committee, serving as executive director of the J. Reuben Clark Law Society, and working with the Law School Alumni Board. Moreover, she directs external relations, which includes preparing press releases and institutional oversight of all other official publications, and continues to serve as dean of students.

In order to accomplish this broad range of responsibilities, Pullins relies on the collaborative efforts of a seasoned group of professionals with specific areas of stewardship that complement one another. She designated Mary Hoagland as assistant dean over external relations with an ongoing assignment as director of Career

Services. Carl Hernandez has the specific assignment to cover those areas that fall within the student relations category.

In addition to the essential support of part-time employees, the “dream team” includes Carolyn Stewart, Dean Hansen’s administrative assistant; Nancy Hamberlin, associate university registrar; Lola Wilcock, director of Admissions; Beth Hansen, assistant director of Career Services; GaeLynn Kuchar, Law School Relations secretary; and Lisa Cope, Dean Hansen’s secretary.

Jane Wise, an adjunct in the Rex E. Lee Advocacy Program for the past four years, assists Dean Pullins with external publications. In addition to teaching legal writing, Wise now edits Law School publications including the *Clark Memorandum*, BYU Law News online, and the Law School Web page, which Wise views as “a place for prospective students, current students, and alums to get news about the Law School.” Wise, a University of Utah Law School graduate, practiced with Nielsen and Senior in Salt Lake City, served as an administrative hearing judge for Salt Lake County, maintains a private practice, and is a regularly published writer. Her work has appeared in the Spoken Word, Marketplace in Los Angeles, National Public Radio in Utah, the *Salt Lake Tribune*, and *Utah Valley Magazine*.

Pullins’ excellent interpersonal skills and long years of experience have prepared her for her present “overwhelming, humbling, exciting” role. Her philosophy of management, which leans heavily on collaboration, teamwork, and open communication, has been

honed over the years by her training as a mediator and her university service both at the Law School and as chair of the planning committee for the BYU Women’s Conference. This latter assignment, which she filled for three years, called upon all her skills to manage the work of 15 women who represented the interests of the Relief Society General Board, the BYU faculty, and the community at large. The results of their planning was a two-day event that offered programming for thousands of visitors to the campus. “My experience with Women’s Conference taught me how important it is to provide the opportunity for many capable individuals to bring their best thought and experience to an important effort. This new teamwork approach to our assignments at the Law School will be similar.”

#### **New Responsibilities for Mary Hoagland**

Mary Hoagland’s new stewardship as assistant dean of external relations adds significant duties to her continuing role as director of Career Services, which she has filled since 1994. Hoagland is now associate executive director of the Law Society, charged with chapter development and training, the Annual Leadership Training Conferences, and student chapters. She has assumed alumni relations responsibilities for class reunions and will assist LDS Foundation development officers with the annual fund drive. Hoagland will also supervise the compiling of all statistical reports and data furnished to *U.S. News & World Report* and numerous other external publications and organizations.

As director of Career Services, Hoagland leads a staff

of 10 full- and part-time employees. Her office is committed to facilitating contacts between students, faculty, alumni, the Law Society, and admitted students. She characterizes herself as a woman who has “always enjoyed the challenge of multiple tracks” and is pleased with the new dimensions of her job for which her education and experience have prepared her well. In addition to a bachelor’s degree in English, a master’s in educational technology and librarianship, and a law degree, Hoagland is ABD in BYU’s Education Leadership PhD program and hopes to graduate next April.

#### **Carl Hernandez Returns to BYU**

New Assistant Dean Carl Hernandez assumes duties in student relations including recruiting applicants and working with extracurricular organizations in addition to coordinating ADA compliance, financial aid counseling, and the Academic Success Program. He graduated from BYU in 1992 with joint JD and MPA degrees—quite an accomplishment for a young man who joined the Church at age 14 and had never heard of BYU until a missionary companion in Paraguay encouraged him to apply. Because of his experience, Hernandez is particularly sensitive to high-achieving youth of diverse ethnic and socioeconomic backgrounds who might not realize what J. Reuben Clark Law School has to offer.

Hernandez’ most recent professional contribution was serving as deputy city attorney in Bakersfield, California. In the LDS Spanish-speaking community, he assisted local ecclesiastical leaders in organizing Spanish-speaking branches. Before returning to Utah, he

served as a member of the Bakersfield California Stake Presidency.

With so many opportunities in California, the decision to come back to BYU was not an easy one for Hernandez, though he was very interested when he heard about the Law School opening. His biggest concern was being where he would best contribute to the Church. His course was confirmed when he interviewed with Elder Bruce C. Hafen, who asked Hernandez to share the most important thing he had learned in the stake presidency. Hernandez responded, “We were able to be one and to love one another.” Elder Hafen encouraged him to inculcate this same sort of love and unity into his work at the Law School. “I feel strongly that the work we do here forwards the work of the Church to bring people unto Christ,” says Hernandez. He also believes part of the Law School’s role is training community leaders and future judges and influencing local state bars.

#### **The Future of Law School Relations**

Dean Pullins sees her team’s assignment as one of continually improving relationships between the Law School and prospective students, currently enrolled students, alumni, Law Society members, and the public. She says, “With the important tasks that fall within our stewardship, the members of our Law School Relations team must keep the lines of communication open and bring our best efforts to every task. I am fortunate to work with exceptional individuals who have years of experience and are committed to the mission of the Law School.”

SIX LAW ALUMNI  
CALLED AS MISSION  
PRESIDENTS

Six graduates of the J. Reuben Clark Law School left the Missionary Training Center on June 29, 2001, to preside over missions located throughout the world. Called by the First Presidency of the Church, they are accompanied by their wives and family members as they serve voluntarily for three years.

Added to the growing list of BYU law alumni called to serve as mission presidents are John K. Baird, '78, Puerto Rico San Juan Mission; Scott W. Cameron, '76, Pennsylvania Pittsburgh Mission; Craig C. Mortensen, '77, Mexico Leon Mission; Richard C. Rife, '80, Korea Taejon Mission; Gerrit M. Steenblik, '77, Ivory Coast Abidjan Mission; and James B. Whitesides, '76, Japan Nagoya Mission.

John K. Baird, '78, was general counsel for Watermark Corporation in Salt Lake City for the two years prior to his call as president of the Puerto Rico San Juan Mission. He was partner in the law firm Corbridge Baird & Christensen, Salt Lake City, for 20 years.

After serving a mission in the Argentina North Mission, John married Nancy Hanks and completed a bachelor's degree in English from



PRESIDENT AND SISTER  
JOHN K. BAIRD



PRESIDENT AND SISTER  
SCOTT W. CAMERON

Brigham Young University prior to law school. When asked how his law career contributes to his new Church calling, he says, "More than anything else the blessing of working with my law partners has helped prepare me for my responsibilities as a mission president." President Baird and his wife are accompanied on their mission by their nine-year-old daughter, the youngest of their five children.

Scott Cameron, '76, was associate dean of the J. Reuben Clark Law School, executive director of the Law Society, and editor of the *Clark Memorandum* when he was called to preside over the Pennsylvania Pittsburgh Mission.

President Cameron and his wife, Christine, have taken their two high-school-age daughters with them to Pittsburgh. Their other children include two married daughters, a married son, and a daughter attending BYU.

Before graduating with the charter class of the BYU Law School, Scott served in the British South Mission, earned a BA in English and an MA in education at Stanford University, and taught English at Ricks College. He joined

the Salt Lake City law firm Backman Clark & Marsh, where he was a partner until 1987. Scott was serving as assistant superintendent of public instruction when he was hired as assistant dean of the Law School in 1989.

"My work at the Law School has been particularly useful in preparing me to be a mission president," says Scott. "I met daily with men and women just a few years older than missionaries. Also, while serving in a BYU stake presidency, I interviewed more than 400 prospective missionaries and assisted them in completing their missionary papers. This experience—plus my legal training in problem solving—will be helpful in my calling."

Craig Mortensen, '77, looks back on the mission he served in the Andes Mission from 1967 to 1969 as good preparation for his recent call as president of the Mexico Leon Mission. "At that time the Andes Mission included Peru, Ecuador, Colombia, and Venezuela," he recalls. President Mortensen and his wife, Laura, have a daughter at BYU—Idaho and two married sons, one of whom served in the Hamburg Germany Mission.



**PRESIDENT AND SISTER  
CRAIG C. MORTENSEN**

A CPA, Craig earned a degree in accounting at Brigham Young University and worked at Deloitte & Touche in Salt Lake City before attending law school. He started General Medical Centers, a series of freestanding primary care centers, which was sold to Humana Corporation in 1981. A year later he and BYU law classmate Michael Neider, '76, formed the law firm Mortensen & Neider. In 1985 Craig joined Matrix Funding Corporation, an equipment leasing company, as vice president and general counsel, retaining a private law practice in estate planning and federal and state income tax.

Reflecting on his legal training, Craig says, "I think the discipline needed to study for the legal profession prepares a person for Church callings, which require organizational talents and the ability to manage many situations at one time. Law school also gives you an overwhelming respect for law and individuals' rights to choose and direct their lives."

Richard Rife, '80, who was vice president and general counsel of Caldera Systems, Inc., when called as a mission president, has particularly



**PRESIDENT AND SISTER  
RICHARD C. RIFE**

strong ties with the country where he now serves. In addition to serving in the Korea Mission from 1972 to 1974, Richard notes, "Five years of my legal practice occurred in Seoul, Korea. The extra years there helped me keep up my language proficiency and help me now as I serve as president of the Korea Taejon Mission."

Richard, who earned a degree in English at BYU before receiving his law degree, worked as a foreign legal consultant at Kim & Chang, in Seoul, Korea, from 1984 to 1989. At that time he was hired by Novell, where he worked for 11 years before shifting to Caldera Systems, Inc.

The connection between legal experience and Church service has not been unnoticed by leaders of the Church: "When I was set apart by Elder L. Tom Perry," President Rife relates, "he said, 'Your professional training has prepared you well to be able to analyze situations and understand people, and this has been a good preparation for serving as mission president.'"

The three youngest of their six children are with President Rife and his wife, Janet, in Taejon, Korea. A son who just



**PRESIDENT AND SISTER  
GERRIT M. STEENBLIK**

graduated from high school, and two daughters, one of whom is married, remain in Orem, Utah.

Gerrit M. Steenblik, '77, with his wife, Judy, moved from Salt Lake City to Phoenix after he graduated from law school and joined Jennings Strouss and Salmon, where he still practiced when he was called to preside over the Ivory Coast Abidjan Mission. Before leaving for West Africa, President Steenblik reflected on the impact of his choice of professions: "My career as a lawyer has allowed me to contribute to my family, my church, and my community. These are the laboratories of life."

Gerrit didn't always see himself as a lawyer. After returning from the French Mission in 1969, he earned a bachelor's degree in the Honors Program from the University of Utah, with a major in accounting. Several years later he decided to enroll at the new law school at Brigham Young University.

The Steenblik family has two sons, who have recently served missions in northern Brazil and Brussels, and a daughter just graduated from high school.



**PRESIDENT AND SISTER  
JAMES B. WHITESIDES**

James Whitesides, '76, president of the Japan Nagoya Mission, returns to the country where he served in the Tokyo Japan Mission from October 1968 to March 1971. He and his wife, Kristine, have two children: a son at BYU, who recently returned from a mission in Sweden, and a married daughter.

A graduate with an English degree from the University of Utah and a member of the first graduating class of the BYU Law School, James left his full-time private practice of law after two years and went into business with his family in California in 1978. He remained with National Purchasing Corporation as vice president and general counsel until he was called to serve the Church in Japan.

Although he appreciates the "analytical processes learned," James sees people as the real legacy of his experience at the Law School. "The fine associations with classmates and the long-lasting impact of the early professors have been tremendously important in preparing me for work responsibilities and Church service," he says. "The Law School has produced some wonderful graduates."





**Law School Winners: Susan Chasson and Tessa Santiago**

Two prestigious awards were recently given to BYU Law School alum Susan Chasson and third-year law student Tessa Santiago.

Susan Chasson, '96, was named one of 10 nationwide recipients of the \$100,000 Robert Wood Johnson Foundation Community Health Leadership Program Award this year. Chasson helped found the Children's Justice Center in Provo, a center serving 1,200 child victims of physical and sexual abuse.

Each year the foundation awards \$1 million to 10 people to improve access to health care and social services for underserved and isolated people in their communities. Chasson was selected from among 577 nominees throughout the nation.

Tessa Santiago, '02, is the 2001 winner of the Roscoe Hogan Environmental Law Essay Contest and its \$5,000 prize.

Santiago's paper, titled "An Ounce of Preemption

Is Worth a Pound of Cure: State Preemption of Local Siting Authority as Means for Achieving Environmental Equity," identifies unconscious racism made by local decision makers as the primary cause of environmental discrimination. She proposes a state regulatory scheme to ensure that all communities within the state bear fare-share obligation of environmental burdens.

**Steven Erastus Snow Sustained as General Authority**

Elder Steven E. Snow, '77, was sustained to the First Quorum of Seventy on March 30, less than two years since his call as an Area Authority Seventy in the Utah South Area in 1999. He draws on his vast experience in the Church, which includes serving as president of the California San Fernando/Newhall Mission. Elder Snow has also served as a stake president, a bishop, and a Scoutmaster.

Nearly all his life, including the past 30 years since he and his wife, Phyllis, were married in the St. George Temple, Elder Snow has lived in a community settled by his pioneer ancestors. The Snows' four sons, like their father, have served Church missions. Elder Snow is a partner in the law firm Snow Nuffer, originally named Snow, Nuffer, Engstrom, Drake, Wade & Smart, after its six founding BYU Law School graduates.

His steady concern for the welfare of the St. George community is evident by service that includes 11 years on the Utah Board of Regents. As he has stayed close to his southern Utah roots, Elder Snow has found, "The faith with which our ancestors lived their lives seems to resound throughout the area. We knew

we were to live up to those who had gone before us."

**BYU Law Alums Head Utah State Bar**

For the first time ever, two BYU J. Reuben Clark Law School graduates are the outgoing and incoming presidents of the Utah State Bar.

David Nuffer, '78, outgoing president of the Bar, served from July 2000 through July 2001. He is a member of the law firm of Snow Nuffer in St. George, Utah, focusing his practice on real estate, municipal law, natural resources, litigation, and alternate dispute resolution.

John Adams, '81, was named president-elect of the Utah State Bar in July of 2001. His term of office will begin July of 2002. He is a shareholder at the law firm of Ray, Quinney & Nebeker and concentrates his litigation practice on general commercial matters, insurance coverage disputes, natural resources, intellectual property law, and environmental litigation.

**BYU Graduate Selected by President Bush**

Jay Scott Bybee, '80, has been nominated by President Bush to head the Justice Department's Office of Legal Counsel.

Currently a law professor at the University of Nevada, Bybee taught constitutional and administrative law at Louisiana State University from 1991 to 1998. He received a bachelor's degree from BYU in 1977 and graduated from BYU's Law School in 1980.

Before teaching, Bybee was an associate counsel to the senior President Bush and worked at the Justice Department, first in the Office of Legal Policy and later at the Civil Division. An associate at the Washington law firm of

Sidley & Associates from 1981 to 1984, Bybee also served as a clerk to Judge Donald Russell of the 4th Circuit Court of Appeals.

**First Law School Alum to Serve on a State Appellate Bench**

On June 14, 2001, Arizona Governor Jane Dee Hull appointed Daniel Allen Barker, '81, judge of the Arizona Court of Appeals, Division 1.

Since 1992 Judge Barker has served as a superior court judge in Maricopa County presiding over civil, criminal, and family law cases and also serving as *judge tempore* for the court of appeals in 2000. His civil practice in Phoenix from 1983 through 1992 focused on complex civil litigation.

Daniel Barker received his JD from the J. Reuben Clark Law School in 1981. His undergraduate degree was in economics from Stanford University, and he was a Rhodes scholar at Oxford University from 1977 to 1978.

Connecting the community with the courts has been a focus of Judge Barker. Meeting with legislative, municipal, and community leaders and through the Maricopa County Regional Services Committee and Maricopa County's "Vision 2020," he has helped promote accessibility for courts and regional courts.

Daniel Barker and his wife, Nanette, are the parents of five children.

**JRCLS Online**

The BYU Law School Online Newsletter can be accessed through the Internet at <http://lawnews.byu.edu>. To register and receive a monthly personalized e-mail newsletter of articles and events at BYU, access MyBYU at <http://mynews.byu.edu>.



**Clark Memorandum**

J. Reuben Clark Law Society

J. Reuben Clark Law School

Brigham Young University

