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### Tribute to the Honorable Rex E. Lee Solicitor General of the United States 1981-85

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loved to tell a joke, and quite often, during the times he was in Washington and while he was president of the university, Rex would telephone me for the sole purpose of sharing a joke someone had just passed on to him.

After Rex was twice stricken with cancer and later with peripheral neuropathy, his physical strength and abilities were dramatically reduced. He was in constant pain and had difficulty walking, holding a pen, or eating. Consistent with his tremendous optimism and remarkable grace, however, when asked how he coped with his imposed limitations, his response was: "I stay focused on the abundant things I can still do and the generous blessings which I enjoy." He further quipped, "I'll have you know there are five illnesses I don't have."

Rex E. Lee left his mark wherever he went. The law school at Brigham Young University benefitted immensely from his extraordinary leadership. Hundreds of our students' lives were touched in profound ways by the way he treated and taught them and by the superb example he set. When Rex spoke of being grateful for the abundant things he could still do in spite of the consequences of his serious illnesses, he was not speaking of the abundant gifts he possessed and which he employed with a fervent commitment to the law school. But those gifts were abundant. Rex's enthusiasm, brilliance, energy, and personal touch have left an imprint on us all.

DALLIN H. OAKS\*

This is a personal tribute from a long-time friend. Others will detail the remarkable professional accomplishments of one who must surely be ranked among the top appellate advocates of our time. I will speak on a more personal level.

I first met Rex E. Lee when he was student body president at Brigham Young University and I was a recent graduate of the

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University of Chicago Law School, practicing law in that city. I helped persuade him to go to Chicago.

Three years later, Rex and I faced one another in a classroom at Chicago, where I was a struggling new teacher trying to keep ahead of the brightest minds in a law class where Rex was number one. In the law school, I had the privilege of seeing Rex's wonderful mind at work on the complexities of the law, and in the Chicago South Stake of The Church of Jesus Christ of Latter-day Saints I had the privilege of seeing the faith and devotion of Rex and Janet Lee at work in the service of the Lord. Rex was an engaging speaker with a friendly manner, a ready smile, and a booming voice. Though personally modest, his talents and his manner prevented him from going unnoticed.

It was only eight years after Rex's graduation from law school that I spoke to him about leaving his law practice to become the founding dean of the J. Reuben Clark Law School at Brigham Young University, where I was the newly appointed president. Although his only previous law teaching experience was some part-time teaching at the University of Arizona, he was our choice to chart the course and assemble the faculty and students for an important new addition to legal education. We discussed what it would mean for a thirty-six year old lawyer to abandon his bright future in Arizona law and politics. I remember assuring him, with the strong impression of the Spirit, that service at BYU would open far more doors than it would close. Neither of us could have foreseen what that meant, but it proved to be so.

Rex Lee's extraordinary intelligence, infectious energy, and charismatic optimism made him a popular and effective founding dean. The same brilliance and competitive spirit that made him successful in the courtroom made him a stimulating teacher. He loved his students, and they loved him in return. He served his students with clarity and wisdom, and he held them to high standards. They responded with what every teacher desires: They magnified their talents in worthy endeavors.

Rex Lee's life was in balance. His mind did not overmatch his heart. His exceptional talents for reasoning did not overshadow his simple but powerful faith in God. He had the education to be learned and the faith to be wise, and he was both of these.

In the death of Rex E. Lee, the legal profession lost—and will now enshrine—a great role model. He was ever willing to subordinate his financial and other self-interest when it was necessary to serve the more important needs of his family, his Church, his school, his university, his profession, and his country. That is—or ought to be—the hallmark of a leader in a profession founded and justified to serve the public interest ahead of private advantage.

Rex E. Lee was unforgettable. In his legal practice, in the government community, in legal education, and in community and religious leadership, his influence was and remains a powerful incentive for professionalism, responsibility, and personal goodness. I count my association with Rex E. Lee as one of the most satisfying of my life. I honor his memory and commend his example to all.

RODNEY K. SMITH\*

#### I. INTRODUCTION

The memory of my first class session in law school has stayed with me; I can still picture our first instructor confidently striding to the lectern. Instruction at the newly formed J. Reuben Clark Law School at Brigham Young University began uniquely. As an introduction to the law, we focused on a series of equal protection cases. In that process, we began to sense the manner in which the law develops and the enigmatic majesty of constitutional law. We were taught by a single instructor during that first week: Dean Rex E. Lee.

Dean Lee exuded a faith in the profession and the Constitution. We finished that first week of law school with a strengthened appreciation for our legal system. Because he

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