Dan Adamson Elected Governor of UIA

By Ray Robinson

The Governor
Dan's involvement with the Utah Inter-collegiate Assembly began a few years ago when he was a paid intern for former state senate minority leader Dixie Leavitt. The University of Utah student body president picked Dan to be a senator to the UIA from the "U" because of this political involvement. The following year he was elected Senate President. There followed two years of senatorship, ending last November when he was elected governor of the UIA. Dan is not the first to so represent the law school. Steve Madson, also of the second year class, was UIA governor. With two of the five governors in the UIA's short but distinguished history coming from our number, it appears JRCIS is well represented. (It might be noted that Dan was running against Frank Matheson, cousin to and staff member of Governor Scott Matheson. With Monroe McKay's judicial appointment that leaves the score JRCIS 2, the Governor 0.)

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The UIA was created about six years ago by the Council of Student Body Presidents in the state of Utah, and is funded by the schools it represents. The Assembly provides the students of the state with a way to make their will known to the state legislature. Since legislators for the UIA are chosen representatively, i.e., one senator or representative for every so many students, every student of higher education in the state is, at least in theory, represented to the state legislature.

Mock Legislature
The UIA serves two purposes. First, it gives the student representatives the opportunity to see politics in action, to live for six days with the same procedures, time constraints and pressures as the state legislators. Secondly, it gives the students the chance to represent themselves to the legislature. This occurs each November when the UIA meets in mock legislature to pass internal legislation (UIA bills) and resolutions. The successful resolutions are published and given to each member of the Utah state legislature. The five resolutions which are considered the most significant are placed at the front of the finished UIA booklet in the hopes that particular attention will be paid to them by state legislators.

The voice of the 80,000 students of higher education in the state appears to be loud enough to be heard on occasion. For example, last year the UIA was instrumental in placing a student on the state board of regents—something the Utah students had wanted for 10 years. This year, since Utah has been generous in passing joint resolutions commending the UIA, the UIA hopes to receive an appropriation to help defray the costs of the educational experience the UIA furnishes its members.

Apostasy or Just a Surprise?
It is interesting to note that this year's UIA assembly had an apology in it. A liberal young lady (Ms. J.) from BYU suggested legislation that was not in keeping with the standards set by the BYU administration. "It was not that all of my ideas were bad, some of them were probably of some merit; they just did not keep with the BYU stagnation," commented Dan. Sponsors for the bill were found from other schools since the BYU delegation did not want BYU behind the proposed legislation. Somehow it got back to the Daily Universe what this student had proposed and that BYU was clandestinely sponsoring this legislation through the UIA. The news proved upsetting for one of the coordinators of student government (an administrative employee). The BYU delegate chairman was sent from Salt Lake to Provo to explain what had happened, and by this time UIA had picked up the news. After the tense crisis, however, the delegate chairman's explanation satisfied the concerned parties and the potential cutting off of funds for future years was averted.

Representation with a Capital R
It appears that the UIA does indeed represent the state's students. From the liberal "U of U" to the almost-as-conservative-as-BYU Snow College, all types of ideas and propositions are patiently heard. Generally, of course, the tenor of the delegates is the tenor of the school they represent. Nevertheless, on matters of concern to all students the UIA pulls together to make its voice heard in the capital's halls. The UIA spent long hours last year drumming up support for the Utah Landlord Tenant Bill, which was passed by the House. Politics being what politics are, and not all ears in the Senate being turned to listen to the students in the state, the bill never became law. Currently the UIA is encouraging the state to base its tuition increases not on inflation, but on the ability of students to pay. The student body president of the "U" recently conducted a poll in which it was found that the students hang their decision to attend school on their ability to pay for it. Dan in a second year student from Jerome, Idaho. He hopes to one day return and practice law there.

Moot Court Competition:
February 6 Big Day

It was a tough competition right down to the final wire, but where it was all over six of the Board of Advocates were selected for the National Moot Court Competition. Jeff Dahl, Myrna Smith, Clark Richter, and Jim Lund are the oral advocates, with Dennis Richardson and Kevin Moe on brief. Perhaps the Team's greatest honor will take place February 6 when Associate Justice of the United States Byron White and eight federal circuit court judges and legal scholars join together in the Moot Court Room to hear their arguments. An annual tradition, the JRCIS Moot Court Competition has been endowed with many prestigious visiting lawyers, including the late Associate Justice Tom Clark. With Justice White's visit, JRCIS will have received three visits in the last three years by Supreme Court Justices, the first having been from Chief Justice of the United States Warren E. Burger. In addition to Supreme Court Justices, federal circuit court judges from all over the United States and nearby state supreme court justices have honored the Moot Court Competition.

This year's moot court problem involves a labor dispute between unionized lawyer-associates and the partner-employers. The moot court competition will emphasize unfair labor practice, NLRB jurisdiction, and ethical considerations issues.

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Don’t Know Much About Property
by Rusty Mahan

Don’t know much about property; Don’t know much about land finance; Don’t know much about civil law in France; Don’t know the Rule in Shelley’s Case; Wonder what I’m doing in this place! But I won’t tell my Mom and Dad How in school that I was so bad. What a bite in the wallet this would be! Don’t know much about the Middle Ages; With future interests I just turn the pages; Don’t know much about the IRS. On the test I think I’ll have to guess! But I want to pass the bar exam. So I better sit down and cram. Or what a terrible world this will be.

Burgerisms

Never before has the American Bar been led by such an outspoken, and down-to-earth Chief Justice. Chief Justice Warren E. Burger spends most of his free time advocating court reform and an upgrading of the judiciary system by finding better, more efficient and less costly ways to solve minor disputes. He is admirably aware of the appellate courts inability to solve all the recurring and significant problems of Americans, and therefore places a more "discretionary" role upon lawyers than has been shoudered in the past. “Their place in the resolution of minor disputes is more likely as fact-finders and decision-makers than as advocates.”

The American Bar Journal, July 1977, carried several “Burgerisms” which accurately reflect his characteristic approach to current problems:

“On certain legal needs—We do not need to call on psychiatrists or clinical psychologists to tell us that a sense of injustice rankles and festers the human breast, and the dollar value of the conflict is not always the measure of tension and irritation produced.”

“The role of the legal system—The notion that ordinary people want black-robed judges, well-dressed lawyers, and fine-painted courtrooms as the setting in which to resolve their disputes is not correct. People with problems, like people with pains, want relief, and they want it as quickly and inexpensively as possible. The role of law, in terms of formal litigation, with its full panoply of time-consuming and expensive procedural niceties, can be overcome.”

Coming Events Sponsored by SBA

The dates for several Special Events which will be sponsored by the Student Bar Association have now been set and appear below. It is hoped that this advance notice will allow all students and faculty members to attend.

1. Freside
   Date and speaker have not yet been set but it will be on a Sunday evening in February, at the Law School Chapel

2. Constitutional Law Seminar
   February 15 at 8:00 p.m. in the Law School Chapel

3. Home Buying Seminar
   March 8 at 7:00 p.m. in the Law School Chapel. (Jointly sponsored by SBA and Law Partners)

4. SBA Elections
   Monday, March 20—Primary
   Wednesday, March 22—Final

5. End of the Year Banquet
   Friday, March 24, 7:00 p.m. in Provo (Stake Center across the street from Desret Towers)

The Constitutional Law Seminar will be a discussion and question and answer session with Dean Lee concerning the unique perspectives which members of the LDS Church may have toward the constitution. All students and faculty are encouraged to attend. Spouses or dates are also welcome.

The End of the Year Banquet is being held here in Provo with the intention of increasing attendance and minimizing costs. We anticipate a cost of about $2.00 per person with the rest being subsidized by SBA funds. Further details will be announced later.

Also, you may note our Thursday Forums for the next four weeks:

February 2
   9 Hal Vasic
   February 23
   10 Francis R. Kirklan
   March 2
   9 Ezra T. Clark

In House counsel for BYU
D.C. Circuit Court of Appeals
Partner in San Francisco Law Firm of Pillsbury, Madison, & Soto
Law Office Manager

Law Partners Plan Semester Events

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<th>FEBRUARY</th>
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<td>Wednesday 11:30-1:00 p.m.</td>
<td>Bake sale</td>
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<td>Monday 10:00-11:15 a.m.</td>
<td>Legal Ed: &quot;Tax Tips for Law Students&quot; by Mr. Dwight U.</td>
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<td>Wednesday 7:30 p.m.</td>
<td>Program Meeting: Mrs. Georgia Petersen, delegate to the Houston IYWY.</td>
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<td>Legal Ed: &quot;Legal Problems in the Educational System&quot; by Mr. Gordon Gee</td>
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<td>Wednesday 7:30 p.m.</td>
<td>Program Meeting: &quot;How to Buy a House&quot; by Mr. Dale Whitman. Held in conjunction with DRA.</td>
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<td>Monday 12-00-5:30 p.m.*</td>
<td>Closing luncheon for the year to be held in the ELWC Skyroom. New officers assume responsibilitities officially. Entertainment provided.</td>
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*Note: Because the first day of General Conference falls on April 1, the luncheon will be kept short to accommodate those who wish to hear the afternoon session.

The Burgering Bushmans

Rex and Shelly Bushman started out the year by celebrating an occasion they’ve known was inevitable for quite some time—the birth of their first child, Emilie Kay, on Tuesday January 30. With this joyful event, Rex and Shelly became the first couple to ever have a child during the student employment period. (Prof. Wood and Wood, it should be added, became the first teaching team at JRC&Ls to have a child born during their tenure here, whereas their own was born last semester—shall no records be left to stand?) Shelly isn’t the first law student to have a baby while enrolled at JRC&L. She is, however, the first year and the only one so far (perhaps forever?) in the second year class. Rex will graduate this year, and in spite of Shelly’s taking a well deserved vacation during Winter Semester, she will graduate with him and many of the law students by attending the 1978 Summer session. Rex and Shelly are already making plans for their little girl’s future in their law firm. They’ve gone silly with glee, calling Emilie such things as “beautiful”, “a child prodigy”, “a sweet lassie”, etc. CM congratulates the Bushmans and wishes them all good luck in the future law firm of Bushman, Bushman, Bushman, Bushman, etc. & ad infinitum.
Have you ever thought about state government work?

Dear Lane:

Just a word to let you know how much The Clerk Memorandum has improved in the last year. I’ve been very grateful for it, and am grateful for the informative and interesting articles that give me ideas on how you and your staff to continue. As a result of my own work experience since graduation, I had consulted with the Attorney General’s office the summer before gradua-
tion. My experience there was tre-
mendous and I had been surprised at the varied and complex legal issues dealt with by those in the Education division. I was certain that the many other divisions in an AG’s office would also be varied and challenging. My experience in Wash-
ington has been my strongest desire to work in the public legal sector.

The opening in Boise occurred at the perfect time. I had already looked casu-
ally in Idaho for a job. When the op-
portunity came at such a time, I didn’t take it without much hesitation. It has been a perfect place to start a legal ca-
reer. My eventual goal is politics and I fee
l that this experience will also lead to increased interest in politics as well. My job requires frequent traveling in Idaho and all parts of the state. I’m in contact with members of the bar and common citizens throughout the state, working in a variety of administrative hearings before the Indus-
trial Board.

As one who never expected to appear before a Judge, I have been surprised at the amount of confidence involved. The three of us in the Employment Security area now have about an average of 20 cases before our State Supreme Court per year. We have on appeal there as the new term starts. We have over 200 hearings a month, and I am in contact with members of the bar and common citizens throughout the state in an around the job involving the interpretation and tax collection matters. Trial work is less ex-
tensive, but still of concern in that we are increasing collection efforts in fraud and benefit overpayment cases.

We are concerned about several appeals in the Federal courts including Dis-
ability Insurance. We are excited about the pos-
sibility of cert being granted in the Mar-
lene Smith 76th case, and we have un-
cert cases filed after Smith have already been denied. We think that significant equal protection issues could be at issue. In over 4 of the 20 cases before the Dis-
ability Insurance, public service and the advancement of humanitarian goals instead of just procuring a diploma and finding a job be could be of help to the student. I am sure that I am not the only one who has been interested in coming here. Thanks again and Best Wishes.

Very truly yours,

Roger R. Madson

Law School Info

In New Mexico, an Assistant District Attorney will start at a salary somewhat around $40,000 a year. This is about the same salary the larger law firms pay a new associate. It is my experience that the smaller private law firms start associates at about $10,000 to $15,000 a year. Everyone recog-
nized that if you want to make big money in the private law profession, it is not the place to get rich, but it is one of the better training positions that a trial attorney can start with. In Idaho, unless you are an Assistant District Attorney, I will probably receive more trial experience than a new associate with a law firm could receive in ten (10) years.

Compared to time that I spent in private practice, law is more rewarding and satisfying. If an indi-
vidual enjoys working in the courtroom and with law enforcement officers, then prosecution is the place for him. I would highly recommend the job as a life long profession or for a young at-
torney that wishes to be a trial attorney in the civil area of law at a later point in his profession.

I might also add that if we are able to obtain the current job in Idaho, our district will probably be hiring two new assistant district attorneys in July, 1979. Any students interested in ap-
plying for the job should send their re-
turns to Mr. Di. 110 Northwest Energy Building, Farmington, New Mexico 87401.

Val R. Jolley
Assistant District Attorney
Farmington, New Mexico

and Tidbits

If you were planning on taking Ne-
gotiations next year hoping to escape the pressures of the grading system, change your plans. Negotiations is now a graded class along with all other law school classes (instead of its traditional pass/fail). Prof. Anjo pointed out that by raising grades, which students must consider at stake during their negotiating, will more clearly simulate the real legal world where clients and legal fees are always at stake. There are no grades to adjust the 
switch to a grading system that he has been quoted as saying, "It is the only reason I can’t sleep at night is due to excitement."

Tom Erickson, Larry Yazzie, and Les Reynolds are the only American In-
ian Law students at RCLS. Last year there were five. Nationally there were 120 Indian Law students in the 160 ABA approved law schools. While RCLS is way ahead statistically regarding Native American enrollment, more effective re-
cruitment is not merely desirable—it is necessary in light of the fact that the first year class has no American Indian students and two of the currently-enrolled three are third year students. This is an area in which RCLS can effectively contribute to the Indian nations, if the opportunity doesn’t come along. There have only been some 100 American Indians ever to pass the bar exam.

The lower echelons of Food Service have (Continued on top next page)
Two Words: A Comment on Legal Education

by Casey Christensen

I have two words to say: heuristic, eristic. These two words are not part of the language of the law. They should be.

I once employed the pair to lament a condition of law school education. My interlocutor was Allen Smith, an educated man who turned down an offer to teach here. "What was that first one?" he said. Before we parted he wrote down heuristic, so he could look it up.

I also used eristic in a first-year writing assignment. (It's not the only word I know, but it has become, since I entered law school, one of my favorite ones.) The student evaluator underlined it in red, to indicate that it was not a judicious choice. He would not look it up, and did not understand what I meant by it.

Heuristic means "tending to discover." The eristic method of education encourages the student to find out for himself. A search for what is right is immediate.

The state of mind engendered by modern study and practice of law is eristic, or "aiming at victory rather than truth." Encounters with the eristic attitude in law school began at orientation. The emphasis was on how to succeed in succeeding in law school. There may be nothing wrong with succeeding in law school. But there is something cynical in an approach to the law which details how to beat the system in order to succeed. There is, for example, genius in Mr. William's formula for writing successful exam answers, memoranda, and briefs. But the genius is cynical. The method involves conscious manipulation of teachers, partners, and judges. As Mr. Smith directed, we learn how to "make them salivate." Pavlov fashion, is not a system decanted where such knee-jerk success is possible? Is not an attitude of prevailing in such a system by manipulation of others pertinent to the soul?

You may reply that it is the duty of the judge (or teacher) to be heuristic; but lawyers, as advocates, must be eristic. I do not entirely agree. Judges are lawyers. They think or react like lawyers. In the present system they may learn that success, their own success, is a goal. Not justice. Let me say that word again: justice. Justice, not success, should be the judges' objective. The analogous objective for students and practitioners of the law should be "do what is right." That is not always the same as what will immediately succeed.

The ethical standard of what is right cannot be often heard "it can be argued..." That is a dangerously eristic precept. The "it can be argued" standard is a money standard. Anything can be argued.

The CRICKET MEMORANDUM is published by the Students for the Moral Education of law students, an organization of Brigham Young University. The views expressed herein are those of the student members and do not necessarily reflect the attitudes and viewpoints of the editor or the sponsors. The CRICKET MEMORANDUM is distributed by members of the Student Bar Association and the Law Student Council.

Thaddeus Dallin

"Dallin, confiscate that camera!!"