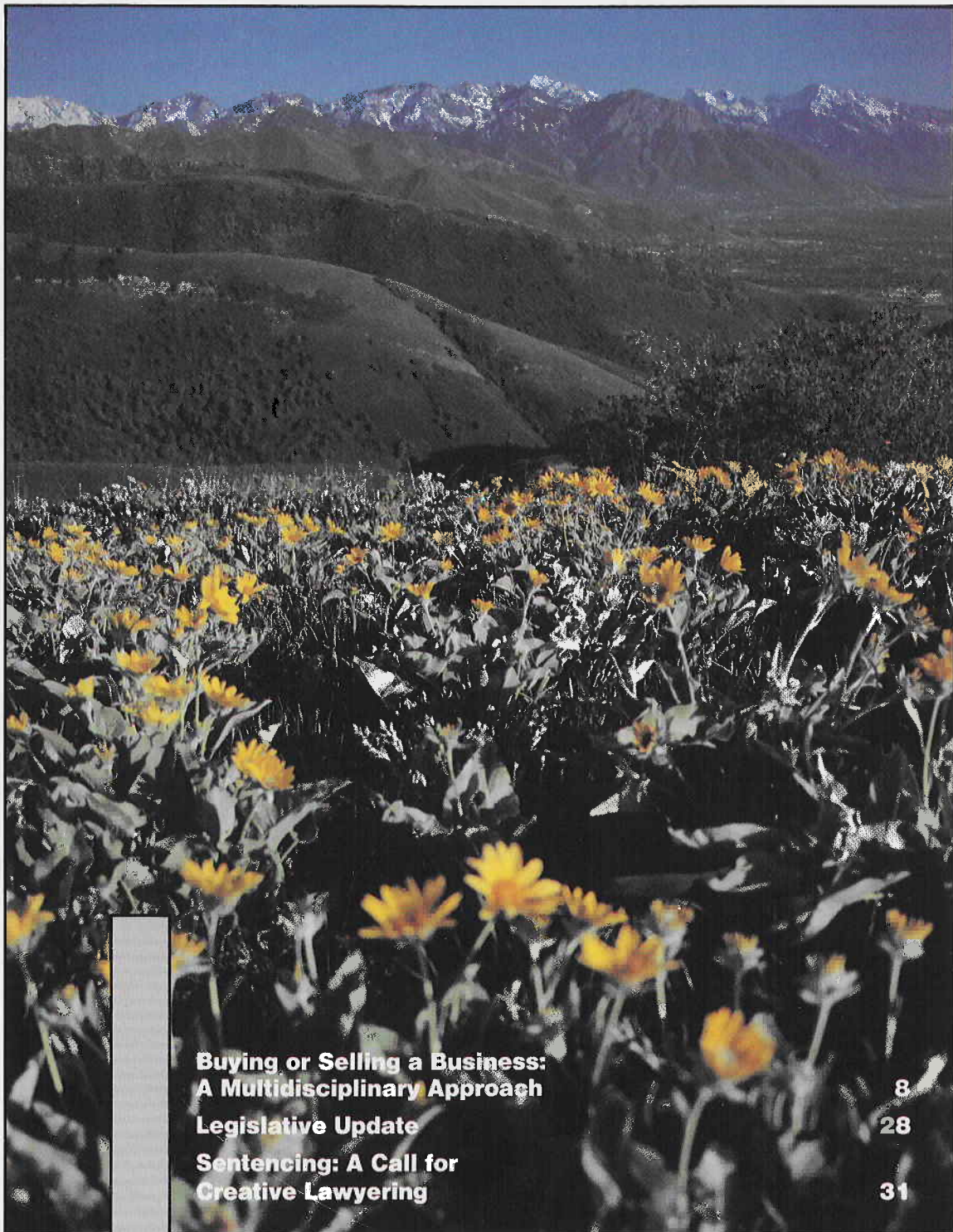


UTAH BAR JOURNAL

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COVER: Our thanks to Harry Caston of McKay, Burton & Thurman for the cover photograph: Mount Olympus and other peaks in May.

Members of the Utah Bar who are interested in having their color slides published on the cover of the *Utah Bar Journal* should contact Randall L. Romrell, Associate General Counsel, Huntsman Chemical Corporation, Salt Lake City, UT 84111, 532-5200.

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Editor:

A YOUNG LAWYER'S RESPONSE TO JACKSON HOWARD'S "BEING A LAWYER IS NOT FOR EVERYONE"

Jackson Howard apparently believes that a "lawyer" is an issue-resolver who uses science, history and philosophy to be a "true advocate." His "lawyer" is not a rule-interpreting litigator, a data-overloaded technician, a simple practitioner or a "legal engineer."

Jackson laments the fact that "far too many graduates of law school are not qualified to be lawyers." He's right. But graduates of law school are not truly *qualified* to be much of anything. They are prepared, however, to be taught to become lawyers, if only someone would teach them. However, law firms no longer teach "lawyering" and the system simply does not allow it.

Jackson and his contemporaries may be "lawyers," but the associates in their firms are not. These associates are rule-interpreting litigators and legal technicians; the "lawyers" in the firms need them desperately. The system that these senior "lawyers" have allowed to develop over the last 25 years needs these worker-drones in order to operate and be profitable.

Graduates entering the profession hoping to become a "lawyer" quickly see their hopes choked by overwhelming interrogatories, rule-oriented maneuvering and technicalities—all orchestrated by the senior partners in their own firm or by the opposite side of the dispute. These associates are taught and trained by their firms or by the system to become legal engineers. Problem-solving takes a back seat (if it is lucky enough to ride) to winning at any cost and learning the technical skills to outmaneuver the opposition in a war of attrition.

If Jackson and his contemporaries lament the loss of true lawyering in the younger generation, and if they really seek the source of that loss, they must look in a mirror. There they will find part of the answer staring back at them. The profession has changed, and most of those changes occurred while they were on watch.

I am leaving the practice because I cannot survive as a technician. I find no satisfaction in being a legal engineer. I wanted to be a "lawyer," but there was little opportunity to become one when I was an associate in a large firm, and I have recently learned that fierce competition and business demands on the sole practitioner and small firm simply do not allow an attorney the luxury.

So, Jackson was right. Being a lawyer is not for everyone. Unfortunately, being a "lawyer" may no longer be possible for anyone. There may be certain isolated elements of the old lawyering that can be preserved. As for me, however, and possibly for others, I do not have the stamina, patience or discipline to wait 15 or 20 years to become a "lawyer"; nor do I have any real hope that I can actually beat the system to become one.

Christopher C. Fuller

Editor:

Shouldn't operations of a quasi-government agency like the Utah State Bar be subject to public scrutiny. Shouldn't Bar Commission meetings be open? Shouldn't Bar records be routinely available to members of the Bar?

More than a year ago, a request submitted to the Utah Bar Commission asked that the Bar adopt and be governed by the same standards as government agencies under Utah's Open Meetings Act, Public Writing Act and Information Practices Act. The Commission has declined to act on that request.

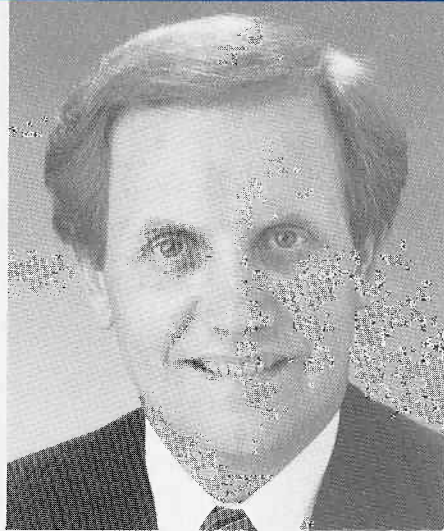
In the meantime, the Commission has become more secretive. Commission meetings are punctuated with more secret "executive sessions," held off the record and out of public view. Getting access to Bar records has been more difficult. The Bar continues to fight public revelation of the salaries of employees.

The demise of law as a self-regulating profession in Utah will occur not because of lawyers in general; that end will come because of the actions and attitudes of Utah Bar Commissioners and staff. That ignoble end appears inevitable unless change occurs soon.

Brian M. Barnard
Attorney at Law



"If we hand deliver your missing newsletter, refund your dues and shoot the Executive Director, will that be satisfactory?"



Benefits of the Annual Meeting

By Hans Q. Chamberlain

In approximately 1974 or 1975 (long before I became very active in the Bar Association), mostly out of curiosity and the need to get away from the office grind with my family, my wife and I decided to pile our children in our yellow and white Suburban (that the neighborhood children commonly referred to as the "school bus"—referred to by me as my "BMW—Big Mormon Wagon"), and traveled from Cedar City to Sun Valley for our first Annual Meeting. Frankly, we did not know what to expect, knew very little about Sun Valley and the surrounding area, so in that sense, it was somewhat of an adventure for us.

Much to our surprise, everything went well, our lodging was more than satisfactory, and the CLE Program very worthwhile. Our children fell in love with Sun Valley and now look forward to each Annual Meeting as a new adventure.

At my first Annual Meeting, two or three of the older members put their arm around me, welcomed me to this annual affair, and I think the President back then even went out of his way to make me feel welcome, which I sincerely appreciated.

I am sure you realize by now that I became a believer in regular attendance at Annual Meetings of the Bar, and simply have no regrets from my fairly regular attendance at the Annual Meeting over the past 15 years. I sincerely believe that the CLE events I attended at each Annual Meeting have made me a better lawyer and, hopefully, a better person. I know my wife and children better understand what lawyering is all about by reason of their attendance

and participation at the Annual Meetings that we have always attended as a family.

Because the Annual Meeting this year is being held at Beaver Creek, Colorado, I see this as a chance for a new adventure, improving my skills as a lawyer, socializing with people I like and respect, and a chance to be with my family. I have never been to Beaver Creek, Colorado, but its alpine village setting, its reasonable room rates, a Robert Trent Jones Golf Course and summer sun sound rather enticing as I wind down my year.

By now, you will have received information on the Annual Meeting, and I simply want to encourage you to attend this annual event from June 27, 1990, through July 1, 1990. The Annual Meeting Committee, chaired by Carolyn Nichols, has gone to a great deal of work in planning this event, and CLE events have been scheduled to allow as much free time for relaxation as possible. I have very much appreciated Carolyn and her committee's efforts in undertaking this project. Every time we decide to hold our Annual Meeting at a different place, a substantial amount of effort is required, and I want to personally thank Carolyn and her committee members for going the extra mile.

By attending, you can obtain 13 hours of MCLE credit while enjoying the beautiful Colorado Rockies. You will be able to hear from speakers including New York City Comptroller and former U.S. Representative Elizabeth Holtzman, the Hon. Robert R. Merhige Jr., U.S. District Judge, Eastern

District of Virginia, and the Hon. Jim R. Carrigan, U.S. District Judge, Colorado.

When the Bar Commission selected Beaver Creek, we intentionally tried to select a site that was within driving distance for most Bar members to minimize expense and provide an opportunity for a family outing. From almost any point in Utah, you can drive to Beaver Creek in one day, and as I understand it, the drive is really quite beautiful.

Many lawyers ask why we hold our Annual Meetings and most of our Mid-Year Meetings out of the Wasatch Front area. The answer is simple. Lawyers don't attend them if they are within an hour's driving distance from their office. For example, our Mid-Year Meeting held in Salt Lake this past January drew approximately one-half of the number that attended the Mid-Year Meeting a year ago in St. George. The last time we held an Annual Meeting near Salt Lake in Park City, we had less than 100 lawyers sign up, about 50 percent of those attended the events, and the Bar lost money. When we held the Annual Meeting in San Diego a couple of years ago, we drew the largest number in the history of the Bar, even larger than the number in attendance at the Sun Valley meeting last summer.

If you haven't taken time to read the brochure on the Annual Meeting, please take time to do so. More importantly, take it home, review it with your spouse and family, and make a commitment early on to visit the Rockies this summer.

I hope to see you there.

