



2001

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

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### Recommended Citation

H. Reese Hansen, *Tribute to the Honorable Rex E. Lee Solicitor General of the United States 1981-85*, 3 J. APP. PRAC. & PROCESS 573 (2001).

Available at: <https://lawrepository.ualr.edu/appellatepracticeprocess/vol3/iss2/13>

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## H. REESE HANSEN\*

I first met Rex in 1972 when I was a thirty-year-old third-year law student at the University of Utah Law School. Rex was the thirty-six-year-old dean of the newly announced, but not yet opened, law school at Brigham Young University. He was in Salt Lake City getting advice from Dean Sam Thurman, a highly respected legal educator and seasoned law school dean at the University of Utah. Dean Thurman invited some students to meet Rex, and I was one of them. Our meeting was little more than a greeting. Little did I realize that this young lawyer/dean from Arizona would become a principal player in my life. Indeed, because of him, my professional life would become nothing like I had envisioned it would be at the time I decided to go to law school.

The establishment of a new law school, especially one that would have a uniquely strong affiliation with the sponsoring church of its university, called for a person of unique qualifications to serve as its founding dean. The new dean would have the challenge of hiring a faculty, acquiring a library, designing and overseeing the building of a physical facility to house the law school, recruiting students, establishing academic credibility and obtaining accreditation, and raising substantial sums of money to begin building an endowment. Any one of these tasks alone was daunting. All of them together were truly Herculean.

For such an undertaking it seemed obvious that the new dean would need to have impressive experience in legal education. How else could you get anyone in legal education and in the legal profession to take the new law school seriously? Instead, the Board of Trustees selected a young lawyer from a Phoenix, Arizona law firm to be the founding dean. Rex Lee was only thirty-six years old when he was appointed dean of the new law school in Provo. He had practiced law barely eight years. His total experience in legal education was that he had been a

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law student for three years and an evening lecturer at Arizona State University Law School for four years.

By the fall of 1973, when the first class began its study in temporary quarters, the new law school clearly carried the mark of its remarkable dean. An impressive library collection had been acquired. The initial faculty included experienced and nationally prominent professors and experienced practitioners, and the entering class had academic credentials equal to those in the top thirty law schools in the country. In the first year, provisional ABA accreditation was obtained, more faculty were hired, a new building was substantially finished, and Rex left the law school to return to Washington and become Assistant Attorney General of the United States.

Rex Lee was a charismatic and energetic leader of the law school. A personal characteristic that was important in his unusual success was his ability to make every person he met feel immediately that he or she had been brought into the inner circle of Rex's closest personal friends. That characteristic, I believe, made an enormous difference in bringing the initial faculty to the law school. Among others, Ed Kimball from the University of Wisconsin Law School and Carl Hawkins from the University of Michigan Law School, both seasoned legal educators, agreed to join the initial law school faculty in May of 1972. It is reliably reported that as Rex worked to attract a faculty to the new law school, prospective faculty regularly asked him who had committed to join the endeavor. Rex's response was, "Well, if you agree to come, there will be you and me."

A count of the students in the first two BYU law school classes who attribute their choice of law schools to a personal contact with Rex would include virtually everyone. It is always a delight to hear one after another of them recount how Rex had said just the thing they needed to hear that ultimately convinced them to join him at the law school. He had a way of making everyone feel that they were an indispensable part of the building of an important new law school. Rex's management style was marked by his willingness—even eagerness—to involve everyone in everything. He was unabashedly open and candid. He was not reluctant to hear counterarguments or points of view, and he valued ideas and input from all sides of an argument. That is not to say that he did not have his own mind

on matters, and he would speak his mind, though always carefully and respectfully. Rex trusted his faculty and they trusted him. His self-confidence attracted others to him as much as his personal warmth.

While Rex was in Washington serving as Assistant Attorney General, he took up jogging. When he returned to the law school and became dean for the second time, it was not long until he had at least half the faculty regularly jogging. Running marathons became an important part of his life, and therefore also important to many of the faculty. Rex's running partners included people from across campus, throughout the city, and beyond. Among them were professors, physicians, University employees, and students from many departments. Their skill level ran from Olympic athlete to first-time jogger. Anyone was a welcome partner, and the more the better. Rex instigated annual competitions between the law school and the Chemistry department because one of his partners was a chemistry professor. Each year a great time was enjoyed by the competing sides negotiating over what scoring system would be used; each side wrangling for points to be awarded based on their perceived best advantage for the given year. Later Rex would challenge law students to a five-mile run and would good-naturedly paint a target on the back of his T-shirt so all the students would know that he intended for them to be behind him in the race—which they were.

Rex returned to Washington when he was appointed by President Reagan to serve as Solicitor General of the United States. When Rex returned to the law school the second time, he took the least desirable faculty office in the building. He was not given to false modesty and was really never concerned about the physical nature of his surroundings. Whatever office was available with whatever furniture it had would suit him just fine. As long as he had a desk, a chair, and a phone he was satisfied. He was on the law faculty and conducting a part-time Supreme Court law practice when he was asked to be President of Brigham Young University. He requested permission to try cases before the Supreme Court in his spare time while he was president of the university. He posited, "If I were a concert violinist, would you expect me to give up the violin?" Even with the demanding schedule, Rex stayed in touch with people. He

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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