

The Legal Light

The J. Reuben Clark Law Society, Orange County Chapter
July, 2004 Volume IV

Progress

By Don D. Sessions
Chair of the Orange County Chapter

Our chapter continues to make great progress through some recent changes.



of Directors

After receiving input from the Board of Directors and the Board of Advisors, we have disbanded the Board of Advisors that has served our chapter for many years. We greatly appreciate their past input and loyal support of our chapter. To have them involved gave us greater credibility. We felt that emphasizing a very active Board with appropriate committees would help the chapter more quickly achieve its goals. Thank you Donna Bashaw, Joe Bentley, Bill Bollard, Bill Bunker, Doug Higham, Judge London, Craig Scott, Judge Scoville, Judge Smith, Marsh Tanner, and Judge Wilkinson.

The Board of Directors has also amended the bylaws. The number of Directors has been changed from the former twelve to anywhere from eight to twenty. The former Secretary/Treasurer position has been changed to two different positions. The term of members on the Executive Committee has changed from two years to one year.

We are also organizing a fund raising committee to support our programs.

With the enthusiastic support of our Directors and our members, we have made remarkable progress this year. We are confident that these additional changes will help us continue the trend.

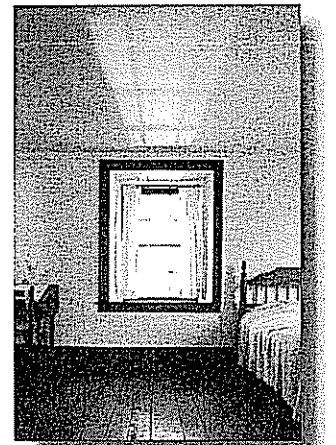
The Prophet's Attorney: Part Two

By Dyke E. Huish
Criminal Defense Attorney

Rare is the moment that a client asks you to do the exact opposite of what should be done motivated only by a desire to truly protect others. Yet on July 27, 1844, the prophet Joseph Smith instructed his attorney James W. Woods to do something that was contrary to his best interests. While witnesses were being gathered for a trial just a few days away Joseph instructed his attorney to leave him and return to the city of Nauvoo. He charged Woods with the responsibility to prepare his people for the impending tragedy he knew was coming. Without hesitation the prophet's attorney left his client, left the case, and traveled to Nauvoo.

Woods arrived in Nauvoo in the early afternoon and found Governor Thomas Ford speaking to a crowd of people, promising he would remain in Nauvoo for a few days. This was certainly meant to be an indication that he was protecting the cities beloved prophet. Yet upon completion of the speech he told Woods that he intended to leave immediately for Carthage.

The prophet was murdered in the Carthage Jail just after 5:00 that evening. Woods received word of the death at 3:00 a.m. while sleeping in a Nauvoo Hotel.



Continued on page two

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The Prophet's Attorney

Continued from page one.

The next morning Governor Ford sent a message to Woods informing him of the murder and instructed him to put the city in a condition to repel any mob attack. Woods however felt another duty was more important and pressing. He left his hotel and traveled to the homes of both Joseph and Hyrum. There was bad news to be given and Woods felt it his duty to break that news to the loved ones of the fallen.

"After I received the letter from Governor Ford I conveyed to the widows of Joseph and Hyrum the news of their husbands' death." Wood later recounted.

But his principle charge was to protect the people as instructed by his client and to prepare them for a potential attack. "I (then) put a man on an old white horse and gave him a trumpet to sound. That was the way they called their meetings. In an hour I suppose there were ten thousand Mormons in Temple Grove"

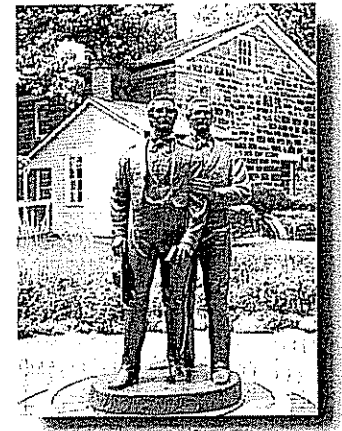
"The Temple (still under construction) rose gentle above the city on a bluff about three quarters of a mile from the river in a little grove. It was a magnificent building" explained Woods. This was the perfect backdrop for him to address the gathering crowd. He used his charm and stature to calm the sad and worried saints. He spoke freely and then obtained a "pledge that they would not leave the city." He assisted church leaders by placing 600 men as guards near the city entrances. Woods then left for Carthage to retrieve the bodies of the dead prophet and his brother.

At Carthage he found the grizzly crime scene still laid out before him. Like any good attorney he immediately secured the scene and began to gather evidence. He tracked the location of all 36 bullet holes that filled the room where the shooting took place. He recounted the last steps of the prophet next to the courtyard well. He examined the prophet's body and found that not only had he been shot but while Joseph was on the ground a member of the mob stabbed him with a bayonet and then broke it off in his body. Woods removed the personal effects from Joseph's pockets and cataloged them carefully also noting that at least one bullet had passed through his body and lodged in the works of his pocket watch.

"I then brought the bodies of Joseph and Hyrum back to Nauvoo. There was a great crowd to meet us formed in (a) line said to have been two miles long. I took the bodies to the Mansion and delivered them to family (and) friends, and they were placed in state." Woods later recounted. "(Hugh Reid and I) looked over the crowd that had assembled, spreading out in every direction almost as far as the eye could reach. There were at least twenty thousand people."

Woods then had a final task. He waited a few days and went to visit the widow Emma Smith. His purpose was to give to her the contents of her dead husbands pockets. He carefully laid them out for her and in lawyer fashion, took the following receipt:

"Received, Nauvoo, Ill. July 2, 1844 of James W. Woods, \$135.50 in gold and silver and the receipt for (a) shroud, one gold finger ring, one pen and pencil case, one pen knife and case, one pair of tweezers, one silk and one leather purse, one small pocket wallet containing a note on John P. Green for \$50, and the receipt of Heber C. Kimball for a note of hand on Ellen M. Saunders for one thousand dollars, as the property of Joseph Smith. Signed Emma Smith."



**James W. Woods
Attorney for the Prophet
of God**

The city and the church had been changed with the death of their prophet. Woods, who was not a member of the church, closed his file and moved on to his next case.

Woods acted the lawyer throughout the entire tragedy. While other church leaders played pivotal roles in the Carthage play, it was Woods who was a singular person with a singular charge – to be the legal counsel to the Prophet of God.

In the last years of his life Woods remembered his fallen client. Joseph Smith was a good man, a kind man and a born ruler. "He was of course an uncultured man that never had the advantages of much education, but from somewhere he had inherited great ability...He founded a new creed which has survived the contempt's and onslaughts of the whole world and spread itself nearly all over it."

Perhaps the great lesson from Woods is that each of us, as attorney's, should strive to obtain the same compliment given to him by a prophet in the last moments of his life, "I have no doubt you have done the best you could do for me." ***

“Protecting the Prophet...”

*...Church Security Operations,
The FBI, LDS beliefs and the
“Mormon Connection.”*



Greg Rampton

Director, North American LDS Church Security Department
FBI Special Agent for 30 years,

July 21, 2004 @ 12:00 - 1:30pm

- Location -

**Latham & Watkins (next to the Performing Arts Center)
650 Town Center Drive, 19th Floor
Costa Mesa, California 92626**

Free Validated Parking ** MCLE Credit

Registration

· Person(s): _____

· Total: \$ _____

Gold/Silver Members - \$ already paid

Bronze Members-\$15 7/16/04, \$20 after 7/16/04(RSVP)

Judges/Law Students “special members” free(RSVP)

All others \$25(RSVP)

· Name: _____ Phone: () _____ · E-mail: _____

· Payment By Check: Mail to Jeff Robinson - 2301 Dupont Drive, Suite 530 - Irvine, CA 92612

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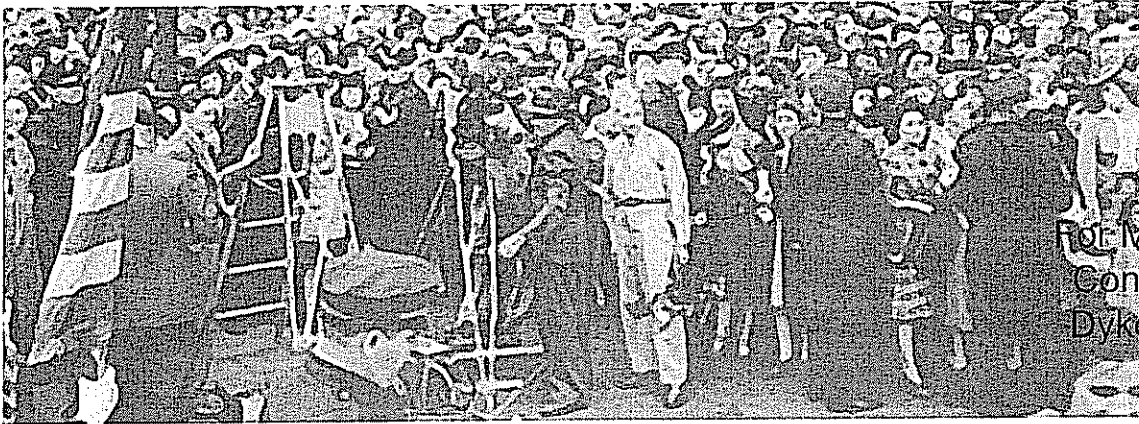
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For More Information
Contact Dyke Huish
Dykehuish@cox.net
949.837.8600

Committee Reports

Liaison

Jim Moss attended a recent meeting of the St. Thomas More Society coordinating our efforts. We also publicized one of their meetings to our membership. Our student chapter at Chapman is taking additional organizational steps.

Service

Thank you for supporting the Clothing Drive. We received suits and other apparel to contribute to OCBA's charitable program. Also, thanks to all of you who participated in the Law Day programs. Your efforts are greatly appreciated.



Events

We are excited about the upcoming speaker on July 21st, who is the Head of Church Security for North America in charge of "Protecting the Prophet." He also has thirty years of FBI experience that he will share with us, including the well-known "Mormon Connection." It should be absolutely fascinating!

Membership

The Specialty Directory is still in progress and should be ready for distribution at the Annual Dinner.

Communications

We have finally found a web page specialist who will vastly improve our website to serve our needs appropriately.

Executive Committee

We plan to attend the training meeting in Provo in September, and look forward to receiving and sharing valuable insights.

Special Thanks to JRCLS Sponsor:

Payne & Fears LLP

The Labor and Employment Law Group of Payne & Fears LLP represents companies in all aspects of labor and employment law and related civil litigation, including employment discrimination and wrongful termination litigation, labor-management relations, employee safety/health, compensation/benefits, employee handbooks, trade secrets/unfair competition, and consultation and advice on personnel matters.

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Payne & Fears * Orange County Office
4 Park Plaza, Suite 1100 * Irvine, California 92614
949.851.1100

MAY LUNCHEON

By Stephen C. Kimball

Our meetings keep getting better and better. In addition to the Committee Chair reports, Judge Brett London presented an update on Religion and the Law Current Events. His short presentations are quickly becoming a highlight of the meetings.

We were privileged to have the Honorable Clay M. Smith, Orange County Superior Court, as our main speaker. He presented a very well-prepared and thoughtful discourse entitled, "Intersections of Law and Faith." He mentioned that the minimum acceptable conduct when presenting facts to a court is to provide candor and accuracy in factual presentations. Merely "not lying" does not satisfy the requirement. Attorneys have an ethical responsibility not to mislead a judge.



Judge Smith noted the example of Alabama Supreme Court Justice Roy Moore's refusal to obey a federal court order to remove the Ten Commandments from the state Supreme Court building. Although we may have sympathy for Justice Moore because of our shared beliefs about God and the Commandments, no one is above the law. We all have a duty to obey lawful court orders, whether we agree with them or not.

Judge Smith reminded us of the poignant words of President Faust's talk this year, "In our own standards of personal conduct, we must remember that the laws of men are the lesser law. . . . As I have said before, there is a great risk in justifying what we do individually and professionally on the basis of what is 'legal' is also 'right.' In doing so, we put our very souls at risk. The philosophy that what is 'legal' is also 'right' will rob us of what is highest and best in our nature. What conduct is actually 'legal' is, in many instances, way below the standards of a civilized society and light-years below the teaching of the Christ."

Thanks to Judge Smith for being a shining pillar in our society. Renew old friendships. Network with some of the best attorneys in Orange County. Be a part of our meetings. See you next time.

JRCLS CALENDAR - 2004

<u>Date</u>	<u>Topic</u>	<u>Speaker</u>
July 21	Protecting the Prophet	Greg Rampton, Church Security Operations
September 17	Law in the New Testament (Annual Dinner)	John Welch, Founder of F.A.R.M.S., Attorney, Author, Law Professor, Bishop
November 17	Influencing Man's Laws with a Religious Background	Charles Jones, Chief Justice of the Arizona Supreme Court, Former International Chair of the JRCLS

Annual Dinner with John Welch on Law in the New Testament

John Welch is one of the premiere LDS scholars in the Church today. He founded the Foundation for Ancient Research and Mormon Studies and has published substantial scholarly research on the evidences for Mormonism. He has given the Church a valuable gift along the lines provided by Hugh Nibley.

He is also a former local attorney from our area who is now a professor at the J. Reuben Clark Law School.

His speech will dwell on law in the New Testament. It would be very appropriate and interesting for members of all faiths.

So be sure to save **Friday, September 17** on your calendar. It will be the same price as that of previous years at \$40 per person. Those of you who are Gold Members have already paid for your seat, but will have to pay for their spouse and other friends. It will be at the Weston South Coast Plaza Hotel. More details will follow.

JRCLS-OC

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