

FAITH THROUGH LAWYERING: FINDING AND DOING WHAT IS MINE TO DO

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I. INTRODUCTION

When one sets out to write on Christian lawyering, he undertakes an enormous task and not simply because he attempts to discuss seriously "the lawyer joke to top them all!"¹ Perhaps the greater challenge is that there are almost as many ways to address the issue of lawyering as a Christian as there are traditions and sub-traditions of Christians.² Within the Catholic tradition, for example, Professor Teresa Stanton Collett recently approached the question of how the Christian works as a lawyer as one that must recognize the wholeness and interconnectedness of each person in many roles.³ Robert J. Muise approached the same

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¹ JOSEPH G. ALLEGRETTI, *THE LAWYER'S CALLING: CHRISTIAN FAITH AND LEGAL PRACTICE* 1 (1996). See also Nancy Miller-Herron, *On Maintaining Spiritual Sanity in a Secular Vocation*, 27 TEX. TECH. L. REV. 1221 (1996) (What do you get when you mix "pure law" and "pure theology"? "POLLUTION!"); Kenneth W. Starr, *Christian Life in the Law*, 27 TEX. TECH. L. REV. 1359 (1996) ("[L]awyers fare so poorly in the Bible. They are seen as manipulative and deceitful, qualities that sometimes are perceived by more modern observers of the legal profession.") [hereinafter Starr].

² See, e.g., Joseph Allegretti, *Lawyers, Clients, and Covenant: A Religious Perspective on Legal Practice and Ethics*, 66 FORDHAM L. REV. 1101, 1101-94 (1998) [hereinafter Allegretti, *Lawyers, Clients, and Covenant*]; *Faith and the Law Symposium*, 27 TEX. TECH. L. REV. 911, 911-1427 (1996).

³ Teresa Stanton Collett, *To Be a Professing Woman*, 27 TEX. TECH. L. REV. 1051 (1996) [hereinafter Collett]. For example, Professor Collett points out,

Consideration for the whole person is the basis of the Christian understanding of work. Pope John Paul II has written:

There is no doubt that the equal dignity and responsibility of men and women fully justifies women's access to public functions. On the other hand the true advancement of women requires that clear recognition be given to the value of their maternal and family role, by comparison with all other public roles and all other professions. Furthermore,

question as a matter of conscience.⁴ Professor David Gregory, in yet a third variation, focused his discussion of this issue by considering the issue's application to a particular group of Christians, those who are still law students.⁵ Just as the Holy Spirit spoke to each in his own language at Pentecost,⁶ we now find works such as those by Professors Collett and Gregory and Mr. Muise meeting different lawyers in different places on the spiritual road, each work ministering to a unique audience.

Valuable as such focused approaches are, in *The Lawyer's Calling: Christian Faith and Legal Practice*, Professor Joseph Allegretti chose instead to paint with a broad brush and to reach out to lawyers distributed widely across the Christian spectrum. He does so with a patient and gentle hand and takes nothing for granted. He begins his book by demonstrating that there is a problem, more precisely a "hunger" within the legal profession.⁷ It is a hunger that cannot be satisfied unless the spirit of the lawyer is fed.⁸ Professor Allegretti uses the work of Richard Niebuhr⁹ first to meet Christian lawyers in four very unique spiritual places,¹⁰ and then to show that lawyers will find peace in their work and lives only when they "come to appreciate and affirm that God is the God of the whole week, and that all of us are called to be disciples of Christ throughout the whole week, not just at church, but at home, at work, and at play."¹¹

Professor Allegretti then provides guidance for lawyers on how to practice law within their faith on a daily basis.¹² Many lawyers maintain

these roles and professions should be harmoniously combined if we wish the evolution of society and culture to be truly and fully human.

Id. at 1058 (quoting POPE JOHN PAUL II, *FAMILIARIS CONSORTIO*, ¶ 23 (1981)) (Professor Collett is a leading expert on issues of professional responsibility.).

⁴ Robert J. Muise, *Professional Responsibility for Catholic Lawyers: The Judgment of Conscience*, 71 *NOTRE DAME L. REV.* 771 (1996).

⁵ David L. Gregory, *The Discernment of (the law Student's) Vocation in Law*, 66 *FORDHAM L. REV.* 1425 (1998) (Professor Gregory has also written extensively on the implications of Christian faith and labor law.).

⁶ *Acts* 2:6.

⁷ JOSEPH G. ALLEGRETTI, *THE LAWYER'S CALLING: CHRISTIAN FAITH AND LEGAL PRACTICE* 1-6 (1996) [hereinafter ALLEGRETTI].

⁸ *Id.* at 5.

⁹ H. RICHARD NIEBUHR, *CHRIST AND CULTURE* (1951).

¹⁰ ALLEGRETTI, *supra* note 7, at 7-23.

¹¹ ALLEGRETTI, *supra* note 7, at 22. Those with a devotion to Saint Joseph will find this very natural because as the patron of workers, Saint Joseph is frequently remembered for practicing his trade with his foster son Jesus at his side. VICTOR HOAGLUND, C.P., *THE BOOK OF SAINTS: THE LIVES OF THE SAINTS ACCORDING TO THE LITURGICAL CALENDAR* 96 (1986). A useful prayer said in our home in this regard is "Dear Saint Joseph, Pray for us in our work, And pray for us in our play, And pray for us in our family, Each and every day!"

¹² ALLEGRETTI, *supra* note 7, at 51-124.

that the issues that arise out of such "ordinary tasks of professional life"—as the lawyer decides what kinds of cases to take, what kinds of clients to serve, and the integrity with which his or her practice will be conducted," are "the real theological questions for lawyers."¹³ Thus, Professor Allegretti chose wisely when he set out to deal with "the little way,"¹⁴ rather than the "dramatic dilemmas" of practice.¹⁵

Allegretti acknowledges that he does not have "all the 'answers' to the 'problems' of being a lawyer There are no experts here, only fellow pilgrims on the spiritual journey."¹⁶ He recognizes that "[e]ach of us has something to contribute, and each of us can learn from the other."¹⁷ This piece responds to Professor Allegretti's invitation for each person of faith to contribute to this discussion. The essence of my contribution is that the calling of the Christian lawyer is no different from, and yet just as unique as, the calling of any other Christian. That calling is to follow Christ. It is to love our God with all our heart, mind and soul, and to love our neighbors as ourselves.¹⁸ The Apostle James wrote that this love, this faith, must be active.¹⁹ Thus, the Christian lawyer's work is essentially his faith and love made active. The lawyer's calling in turn is not about integrating faith and legal practice but about expressing faith through legal practice.²⁰

As lawyers, we may be tempted to think that we need to analogize two divergent threads of our lives, our faith and our practice, into a single strand. We may find ourselves believing that the high-powered, high-stakes nature of our craft is so unique and over-bearing that it requires special rules or doctrines of faith that apply only to us and to no others.

¹³ Thomas D. Morgan, *The Relevance of Religion to a Lawyer's Work—Legal Ethics: A Response to Professor Griffin*, 66 *FORDHAM L. REV.* 1313, 1316 (1998) (Professor Morgan is Associate Reporter for the ALI Restatement of the Law (Third): The Law Governing Lawyers.). For a discussion of how a religious lawyer might make the most basic of these ordinary decisions, the decision of what cases can be taken, see Teresa Stanton Collett, *Speak No Evil, Seek No Evil: Client Selection and Cooperation with Evil*, 66 *FORDHAM L. REV.* 1339 (1998).

¹⁴ See generally SAINT THÉRÈSE OF LISIEUX, *THE STORY OF A SOUL* 181 (1997) ("I can only offer *very little* things to God. These little sacrifices bring great peace of soul, but I often let the chance of making them slip by.") [hereinafter SAINT THÉRÈSE OF LISIEUX]; MARIE-EUGENE OF THE CHILD JESUS, *UNDER THE TORRENTS OF HIS LOVE: THÉRÈSE OF LISIEUX, A SPIRITUAL GENIUS* (1995) (emphasizing putting much love into little things).

¹⁵ Morgan, *supra* note 13, at 1316.

¹⁶ ALLEGRETTI, *supra* note 7, at 5.

¹⁷ *Id.*

¹⁸ *Matthew* 22:34-39.

¹⁹ *James* 2:17 ("So also faith of itself, if it does not have works, is dead.").

²⁰ Professor Bob Rodes would describe this as "the aspiration to be liberated through Christ" and the need to learn how "to manifest that aspiration in our lives as we await its consummation in God's good time." Robert Rodes, *Toward a Spirituality of Social Justice* 2 (unpublished manuscript on file with the author) [hereinafter Rodes].

We may even think that we have nothing to learn from the Christian doctor, the Christian musician, the Christian custodian,²¹ or ultimately even the Christian Carpenter. None of that is true. Our life is but one strand, that which seeks to bind us in union with God. That thread is not spun from rules or doctrines but must be a way of life. The Christian walk challenges anyone, regardless of his or her occupation, and we can learn from anyone who does it well.²²

When lawyers fail to understand this, we run the risk of thinking that learning to be a Christian lawyer is more about how we relate to depositions and cross-examinations than it is about how we are to love our friends and our enemies and especially our God. Such a perspective may allow us to create some "Christian depositions," but in the end I believe it threatens to damage the hearts of our secretaries, partners, opponents, and families—all the people whom we fail to see as we focus on the tasks and not the people. Furthermore, if we try to perceive our situation as Christian lawyers as particularly unique, we isolate ourselves from the counsel of many wise Christians who have run this distance already. As I read, for example, the words of Saint Thérèse of Lisieux and see God's reality as she saw it, I can only believe that even lawyers would be ill-advised to "sail their ship" without her guidance.²³

None of this denies, however, that Christians who are lawyers do need to sort out the form our faith takes in the situations that are unique to lawyers. Thus, this piece does seek to respond to that need. In so responding, this piece features not so much the voice of the author, however, as the voices of some of the faithful whom the author most admires. Some are lawyers and some are not.²⁴ Guided by those voices, this

²¹ Professor Steven Hobbs quite eloquently demonstrates how much a Christian lawyer could learn from Hobbs's father, a Christian head custodian, in Steven H. Hobbs, *The Lawyer Duties of Confidentiality and Avoidance of Harm to Others: Lessons from Sunday School*, 66 *FORDHAM L. REV.* 1431, 1452 (1998) (Professor Hobbs is the Tom Bevil Chairholder of Law at the University of Alabama School of Law.).

²² Congressman Steve Largent likens the question "How does your faith affect your work as a law-maker?" to the question posed to him frequently during his career as an NFL Hall of Fame wide receiver, "How do you mix your faith with playing a violent sport that schedules all of its games on Sundays?" Eleanor Kennelly, *A Reluctant Politician Answers God's Call*, *NAT. CATH. REG.*, April 5-11, 1998, at 1, 1.

²³ Saint Thérèse described the Christian journey not as a walk but as a sea voyage: I thought of my heart as a tiny ship with white and graceful sails gliding down the middle of a path of gold, and I resolved that I would never sail it out of sight of Jesus, so that it might voyage swiftly and in peace toward the shores of Heaven.

SAINT THÉRÈSE OF LISIEUX, *supra* note 14, at 32.

²⁴ This approach is a function of the points made earlier here as well as my own sensitivity to Professor Mary Ann Glendon's suggestion that law professors today may be too eager to assume they are experts in areas in which they are not trained. MARY ANN GLENDON, *A NATION UNDER LAWYERS: HOW THE CRISIS IN THE LEGAL PROFESSION IS*

piece proceeds along these lines. First, the piece seeks to address two questions: "Would God call a Christian to be a lawyer?" and "Would God call even a lawyer to be a Christian?" In response to all the turmoil associated with the bar, not only are Christians wondering if they can meet the needs of others by becoming lawyers, but some lawyers are wondering whether they might meet their own needs more fully by embracing God.

Having concluded both that a Christian could be called to be a lawyer and a lawyer could be called to be a Christian, the piece next considers the uniqueness of calling and various means of determining one's calling. Given that not every Christian is called to be a lawyer and not every lawyer Christian serves Christ in the same way, this piece presents several mechanisms for discerning calling. Although there is a great deal of room to fulfill a Christian calling through legal practice, the article holds tight to the fundamental premise that all Christians, and hence all Christians who are lawyers, are called to love their neighbor and to love their God. With this in mind, the piece next addresses the different groups of people a lawyer Christian may encounter and the way we should relate to them. It turns finally to how a lawyer must focus his heart to love God.

Like Professor Allegretti before me, I would not insist that all the answers are here in this piece. I do hope, however, that in what I contribute, the reader will find points that stimulate pondering and, most of all, points that stimulate prayer.²⁵

A. Do Lawyers Have Problems that God Can Solve?

Professor Allegretti wrote in response to what he sees as a crisis among members of the legal profession. The symptoms of that crisis are well documented and apparent both outside and inside the profession. On the outside, from 1986 to 1993 the number of Americans who believed lawyers to be dishonest rose from seventeen percent to thirty-one

TRANSFORMING AMERICAN SOCIETY 221 (1994) (Professor Glendon's legal expertise crosses into several fields, and she recently represented the Vatican at the United Nations Beijing Conference on women's rights.) [hereinafter GLENDON].

²⁵ Allison Waldrop, a friend who pursues the often curious and challenging calling of a Catholic folk singer, offers the following as a prayer for those seeking to follow their calling:

Lord, you are the joy of my heart
May I do what is mine to do
And may I never stray far away from your gaze
May I never turn away

ALLISON WALDROP, *Joy of My Heart*, on STAND IN HIS LIGHT (Home in His Heart) 1993. That prayer, in fact, inspired the title of this article.

percent, and the number of Americans who thought there were too many lawyers in the nation rocketed from eighteen percent to seventy-three percent.²⁶ Many believe that public confidence has declined even further since 1993.²⁷ On the inside, from 1984 to 1990, the rate of lawyer dissatisfaction with their work roughly doubled and lawyers are now "almost four times more likely than other people to be depressed."²⁸

Professor Allegretti attributes much of this problem to what he calls the "standard vision" of lawyering.²⁹ In that vision,

the lawyer is the neutral partisan of his client. He is neutral, in that he does not let his personal values affect his actions for clients; and he is partisan, in that he does whatever he can to achieve his client's objectives, whatever they might be, limited only by the law itself.³⁰

For Allegretti, this standard vision creates a "separation of law from the religious and spiritual side of life," and this "rigid compartmentalization of life," in turn, "lies at the root of many of the problems" of the legal system.³¹

Although Allegretti attributes this standard vision to the codes of the profession, the American Bar Association's Model Rules of Professional Conduct do not demand such separation. They actually suggest the opposite. The Preamble of the Rules acknowledges a lawyer's need to be "guided by personal conscience"³² and to remain "an upright person" who relies on "moral judgment."³³ Similarly, the Scope section of the Rules explicitly states that "[t]he Rules do not . . . exhaust the moral and ethical considerations that should inform a lawyer, for no worthwhile human activity can be completely defined by legal rules."³⁴

²⁶ ALLEGRETTI, *supra* note 7, at 3.

²⁷ Steven Keeva, *Storm Warnings*, A.B.A.J., June 1995, at 77, 78.

²⁸ ALLEGRETTI, *supra* note 7, at 2. The California Bar considers this problem so serious that it requires lawyers "to take at least one course every three years on stress and substance abuse." Monica Bay, *Life, Law, and the Pursuit of Balance*, BARRISTER, Winter 1994, at 4. Professor Allegretti is not alone in perceiving a crisis here. Dean Anthony Kronman of Yale Law School has noted within the profession "growing doubts about the capacity of a lawyer's life to offer fulfillment." ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION 2* (1993) [hereinafter KRONMAN]. See also GLENDON, *supra* note 24, at 14 (1994); Randy Lee, *Catholic Legal Education at the Edge of New Millennium: Do We Still Have the Courage to Send Forth Saints?*, 31 GONZ. L. REV. 565, 585, 589 (1996). Not all lawyers see the legal profession as troubled, however. See, e.g., Monroe H. Freedman, *Religion is Not Totally Irrelevant to Legal Ethics*, 66 FORDHAM L. REV. 1299, 1304-05 n.27 (1998).

²⁹ ALLEGRETTI, *supra* note 7, at 8-10.

³⁰ *Id.* at 9.

³¹ *Id.* at 3.

³² MODEL RULES OF PROFESSIONAL CONDUCT Preamble [6] (1983).

³³ *Id.* at Preamble [8].

³⁴ *Id.* at Scope [2]. For a view in accord with that expressed in the Rules, see also Kenneth W. Starr, *Christian Life in the Law*, 27 TEX. TECH. L. REV. 1359, 1345 (1996)

Furthermore, the Rules themselves do not require a lawyer to violate personal beliefs. The Rules allow a lawyer to refuse to represent clients whose causes he finds "repugnant"³⁵ and permit withdrawal from a case if he later learns that the cause is repugnant.³⁶ Even when a lawyer chooses to continue representing a client, the Rules grant him control over the means of pursuing the objectives of the representation³⁷ and even some latitude in limiting the objectives themselves.³⁸ Therefore, if a lawyer is pursuing a cause that contradicts his beliefs, the lawyer, more than the Rules, is probably to blame.

One might even argue that the Rules invite beliefs and actions with which a Christian could be comfortable. The Rules call for lawyers not to take advantage³⁹ or harass.⁴⁰ They require lawyers to tell the truth,⁴¹ and make it easy for lawyers not to judge others.⁴² In addition, the Rules invite, if not require, lawyers to be a light to other lawyers⁴³ and to care for the poor.⁴⁴ One also finds within the Rules an appreciation that no

("sound legal advice and legal judgments are rarely for removed from such fundamental moral perspectives.").

³⁵ Section three of the Scope of the Rules indicates that a lawyer owes few duties to an individual until the lawyer chooses to accept the representation. MODEL RULES OF PROFESSIONAL CONDUCT at Scope [3]. Furthermore even when the court seeks to require a lawyer to perform a representation, consideration is given to whether the lawyer would believe the cause to be appropriate for him to pursue. *Id.* at 6.2(c).

³⁶ *Id.* at Rule 1.16(b)(3).

³⁷ *Id.* at Rule 1.2(a). cmt. [1] gives the client some authority over means importantly when the issue surrounding the means is a "concern for third persons who might be adversely affected." *Id.* at Rule 1.2 cmt. [1]. Professor Robert Rodes, a well-respected legal ethicist, however, notes that the Christian lawyer can protect herself and the third person if necessary through the process of client consultation and consent. *Id.* at Rule 1.2(c).

³⁸ *Id.* at Rule 1.2(c).

³⁹ *Id.* at Rule 4.3; compare with *Matthew* 7:12 ("Do to others whatever you would have them do to you.").

⁴⁰ MODEL RULES OF PROFESSIONAL CONDUCT Rules 3.1, 3.2, 4.4 (1983); compare with *Matthew* 7:12.

⁴¹ MODEL RULES OF PROFESSIONAL CONDUCT Rules 3.3, 4.1; compare with *Exodus* 20:16 ("You shall not bear false witness against your neighbor.").

⁴² MODEL RULES OF PROFESSIONAL CONDUCT Rule 1.2(b) (A lawyer's representation of a client "does not constitute an endorsement of the client's political, economic, social or moral views or activities."). Consistent with this, Jesus defended a woman caught in adultery before the legal forces of his day without endorsing her behavior and in fact instructing her to "sin no more." *John* 7:53-8:11; see also *Matthew* 7:1 ("Judge not, that you may not be judged."); *Matthew* 7:5 ("first remove the wooden beam from your own eye; then you will see clearly to remove the splinter from your brother's eye.").

⁴³ MODEL RULES OF PROFESSIONAL CONDUCT Rule 5.1-5.3 (1983) (recognizing the responsibilities of supervising and subordinate attorneys); compare with *Matthew* 5:16 ("your light must shine before others").

⁴⁴ MODEL RULES OF PROFESSIONAL CONDUCT Rule 6.1 (1993) (recognizing a lawyer's pro bono responsibilities); compare with *Psalms* 112:9 ("Lavishly [the just] give to the poor.").

man can serve two masters,⁴⁵ a notion to which the Christian mind is already sensitized.⁴⁶ While some tension may arise from the duty to preserve the confidences of clients,⁴⁷ the clergy have the same sort of duty, and that does not make them "unchristian."⁴⁸

Thus, the Rules of Professional Conduct do not require lawyers to separate their spiritual life from their professional life.⁴⁹ If it were true that the Rules of Professional Conduct required that to be a lawyer, one must abandon allegiance to God in one's professional life, it would be impossible to be a Christian and a lawyer without violating the great commandment: "The Lord is our God, the Lord alone! Therefore, you shall love the Lord, your God, with all your heart, and with all your soul, and with all your strength."⁵⁰ The rules of legal practice do not, however, require lawyers to subordinate their faith to their work. As a result, there is room to discuss how a Christian should practice law.

Although the Rules may give the lawyer room to integrate his faith into his decisions, that room may be substantially reduced in a culture that must accommodate the views of other lawyers. In addition, the views often found within that culture are at least in tension with Christian practice and sometimes, even openly hostile to it.⁵¹ Thus, one might argue that it is the culture of law that leaves no room for God in a lawyer's life and, thus, no room for Christians in practice.

⁴⁵ MODEL RULES OF PROFESSIONAL CONDUCT Rule 1.7-1.13 (1989) (rules on conflicts of interest).

⁴⁶ *Matthew* 6:24 ("No one can serve two masters. He will either hate one and love the other, or be devoted to one and despise the other.").

⁴⁷ MODEL RULES OF PROFESSIONAL CONDUCT Rule 1.6 (1983).

⁴⁸ Teresa Stanton Collett, *Sacred Secrets or Sanctimonious Silence*, 29 *LOY. L.A. L. REV.* 1747 (1996).

⁴⁹ See e.g., Morgan, *supra* note 13, at 1315-16. But see Heidi Li Feldman, *Codes and Virtues: Can Good Lawyers Be Good Ethical Deliberators?* 69 *U.S.C. L. REV.* 885, 885 (1996) ("[A]ny black letter statutory codification regulating lawyers' conduct will be flawed as an instrument of ethics for lawyers [T]ypical statutory prohibitions and permissions are likely to stunt sentimental responsiveness, a key feature of good ethical deliberation."). For a discussion of the many levels from which moral conscience can interact with rules, see Anthony J. Fejfar, *In Search of Reality: A Critical Realist Critique of John Rawls' A Theory of Justice*, 9 *ST. LOUIS U. PUB. L. REV.* 227 (1990).

⁵⁰ *Deuteronomy* 6:5. See also Thomas Shaffer, *Maybe a Lawyer Can Be a Servant; If Not . . .*, 27 *TEX. TECH. L. REV.* 1345, 1345 (1996) ("[Faith] is not something to be reconciled with something else; not something that informs some other thing that is in need of being informed. It is, rather, dissonance with faith that must be reconciled with faith. Whatever is not consistent with faith must be conformed, not informed.").

⁵¹ In this light, a recent conference at a Catholic law school discussed, among other ideas, whether religion can be considered at all relevant to a lawyer's work. Memorandum from Russell G. Pearce to Participants at *The Relevance of Religion to a Lawyer's Work: An Interfaith Conference 2* (May 22, 1997) (on file with author).

The culture of American law certainly can appear inhospitable. "The pressure of billable hours has almost doubled in the last fifteen years, and now averages 2000-2500 hours a year. Forty-four percent of lawyers report not having enough time for their families; fifty-four percent don't have enough time for themselves."⁵² With such a large percentage of lawyers racing like hamsters on a professional exercise wheel, it almost seems natural that no one bothers to ask the question, "How many lawyers don't have enough time for God?"

Yet, Professor Allegretti would insist that the culture can be changed and that lawyers must change their culture to make room for God if the profession is to right itself. Professor Allegretti states,

Let me be clear: At its core the legal profession faces not so much a crisis of ethics, or commercialization, or public relations, but a spiritual crisis. Lawyers and their profession have lost their way. . . . A sense of meaning, of service, of pride at a job well done—all these are getting harder and harder to nurture and maintain.⁵³

Evidence of this spiritual crisis abounds. Professor Mary Ann Glendon of Harvard speaks of American lawyers who are "wealthier and more powerful than their counterparts anywhere else in the world" and yet "in the grip of a great sadness."⁵⁴ Dean Anthony Kronman of Yale also speaks of a spiritual crisis, "disguised by the material well-being of lawyers," which has struck "at the heart of [lawyers'] professional pride."⁵⁵ Professor Richard Weisberg of Yeshiva warns that the legal system has become an ethical vacuum as lawyers demonstrate a willingness "to substitute wit for judgment, elegance for substance, words for values."⁵⁶ H.

⁵² ALLEGRETTI, *supra* note 7, at 2. Increasing demands are not unique to the legal profession. "It has been estimated that since the late 1960s, the American work week has steadily expanded so that today Americans are working an average of one month per year (163 hours) more than they did thirty years ago." Allan Weinert, C. Ss. R., *Among Ourselves*, LIGUORIAN, Sept. 1997, at 1.

⁵³ ALLEGRETTI, *supra* note 7, at 3. *But see* Russell G. Pearce, *The Professionalism Paradigm Shift: Why Discarding Professional Ideology Will Improve the Conduct and Reputation of the Bar*, 70 N.Y.U. L. REV. 1229 (1995) (arguing the problem is one of perspective, which can be resolved by adopting "a new paradigm of law practice as a business"). Although Professor Pearce sees the problems in the profession differently than does Professor Allegretti, Professor Pearce still believes his faith contributes to his practice of law. Russell G. Pearce, *The Jewish Lawyer's Question*, 27 TEX. TECH. L. REV. 1259 (1996).

⁵⁴ GLENDON, *supra* note 24, at 14.

⁵⁵ KRONMAN, *supra* note 28, at 4.

⁵⁶ RICHARD H. WEISBERG, *THE FAILURE OF THE WORD* 178 (1984) [hereinafter WEISBERG]:

Time after time in these texts, narrative acts lead to passivity in the face of clear injustice or, worse still, to the creation of injustice itself. As questioning about the act of writing as these great novelists were, might they not have been suggesting that narrative institutions such as their own had run upon hard times? Language cannot replace ethics and values, they seem to have been saying, but it will fill the vacuum when all else

Jefferson Powell, professor of law and theology at Duke, notes that lawyers are forgetting their loyalties to the weightier matters of the law: justice, mercy, and faith," to pursue the idols of wealth and power.⁵⁷ As they do so, lawyers find themselves more likely to obfuscate than to clarify and more likely to corrode than to build up the common language of law they must share with other generations of lawyers.⁵⁸

This crisis of spirit is destructive not only of the legal system but of the lawyer as well.⁵⁹ As lawyers try to abate this spiritual crisis with earthly treasures, they necessarily only add hopelessness and frustration to feelings of emptiness. Powell points out that because the purpose of man is to be with God, we feel, in spite of all "the goodness of creation-hood, . . . [a] neediness, . . . [a lack of] self-subsistence" and a hunger until we are with God.⁶⁰ As Saint Augustine said, "[y]ou have made us and drawn us to yourself, and our heart is restless until it rests in you."⁶¹ Although we will be restless until we rest with God, Powell observes that by definition secular society seeks to find its rest in anything but God.⁶² What this means for a secularized community of lawyers is a people hungering for God yet seeking to feed that hunger with cars, houses,

dissipates. Law seemed to these men the most significant extrinsic cultural system against which to test their doubts. As bound up in narrative form as their own enterprise, law was beginning to substitute wit for judgment, elegance for substance, words for values. Not only did they fear the degradation of their own medium, but they grasped the even more cataclysmic consequences of the aestheticizing of the law. Significantly, they integrated the puffery of the outmoded European clergy into their depictions of legal subjects. Ultimately, it was a bankrupt moral system which had, after nearly two millennia, brought the mainstream of Western culture to and over the brink.

Id. See also Aldous Huxley, *Words and Behavior*, in COLLECTED ESSAYS 245, 245-55 (1964).

⁵⁷ H. Jefferson Powell, *Loyalty to the Law: Politics and the Practice of Public Law-yring in the United States*, 72 NOTRE DAME L. REV. 78, 88 (1996).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ H. Jefferson Powell, *The Earthly Peace of the Liberal Republic* 6 (unpublished manuscript, on file with the author). In harmony with this, the teachings of the Catholic Church define the essence of a purposeful life as "to know God, to love God, and to serve God." THIS WE BELIEVE, BY THIS WE LIVE 3-4 (rev. ed. of THE BALTIMORE CATECHISM No. 3 1954) [hereinafter Powell]. The song *Day by Day*, on GODSPELL (Arista Records 1971) captures this in its refrain, "Day by day, oh dear Lord three things I pray: to see thee more clearly, love thee more dearly, follow thee more nearly." *Id.*

⁶¹ Powell, *supra* note 60, at 6 (quoting AUGUSTINE, *Confessions*). See also Laraine Bennet, *The Psalms: Reflections of God and Man*, NAZARETH JOURNAL, Lent 1997, at 8, 10 ("Put all your trust in God. Let him be both your fear and love You have here no lasting city. For wherever you find yourself, you will always be a pilgrim from another city. Until you are united intimately with Christ, you will never find your true rest.") (quoting Thomas a' Kempis).

⁶² Powell, *supra* note 60, at 7.

clothes, food, drink, drugs, power, or prestige. The lawyer, then, is faced with an appetite that can never be quenched by the foods with which he attempts to feed it at an increasingly desperate pace. The inevitable result of such a feeding frenzy would seem to be a creature tragically obese yet still painfully unsatisfied,⁶³ a creature many of us can recognize in colleagues and perhaps even in ourselves.

Faced with this picture, the more hardened legal critic might well say that it is time for people of faith to abandon the law, both as participants and as sympathizers,⁶⁴ the image being that of the prophet Jonah

⁶³ Dorothy Day, one of the founders of the Catholic Worker Movement, captures this hunger that seemingly cannot be fed in her reflections on her own life:

"Something happened to me when I was around twenty-five. I think I began to feel myself drifting toward nowhere. I had lived a full and active life, and I was glad I had met so many good people, interesting and intelligent people. But I yearned for something else than a life of parties and intense political discussions, though I still like to discuss what is happening in the world: 'current events,' as they say in high school. When I fell in love with Forster I thought it was a solid love—the kind we had for awhile—that I had been seeking. But I began to realize it wasn't the love between a man and a woman that I was hungry to find, even though I had enjoyed that love very much and Forster and I were as close as could be. When I became pregnant I thought it was a *child* I had been seeking, motherhood. But I realized that wasn't the answer either: I loved Forster, I was as happy as I had ever been when pregnant, and when Tamar was born I was almost delirious with joy, and I could hold and hold and hold and hold her, and feel that with her in my arms my life's purpose had been accomplished.

But only for so long did I feel like that, I have to admit."

ROBERT COLES, DOROTHY DAY 61-62 (1987) [hereinafter COLES]. Ultimately Dorothy Day's hunger was fed by Christ, and her words best describe the resulting fulfillment: "I wanted to die in order to live, to put off the old man and put on Christ . . . I loved, in other words, and like all women in love, I wanted to be united to my love." *Id.* at 60-61.

For a discussion of what Dorothy Day's life has to offer labor law today, see David L. Gregory, *Dorothy Day's Lessons for the Transformation of Work*, 14 HOFSTRA LAB. L.J. 57 (1996).

For another example of a life seeking to feed its hunger everywhere but in God only to find rest ultimately in God, see REV. KENNETH ROBERTS, *PLAYBOY TO PRIEST* (1973). See also SUSAN ASHTON, *Hunger and Thirst*, on ANGELS OF MERCY (Sparrow Records 1992) ("I hunger and thirst for mercy; I hunger and thirst for Your name; If I hunger and thirst for anything but You, I hunger and thirst in vain.")

⁶⁴ ALLEGRETTI, *supra* note 7, at 11-12. Professor David M. Smolin has suggested that this will be a Christian response in the political sphere:

If a significant portion of traditionalist theists reject patriotism, then traditionalist theists will join the underclass, and tribal Americans, as the newest of America's growing class of permanent political exiles. Once they accept that they are exiles, they will be peaceful; but they will no longer, as in years past, be willing to sacrifice for the country."

David M. Smolin, *The Religious Root and Branch of Anti-Abortion Lawlessness*, 47 BAYLOR L. REV. 119, 150 (1995) [hereinafter Smolin].

longing for the destruction of evil Ninevah.⁶⁵ Professor Allegretti, however, takes the more gentle view that despite the law's shortcomings, it remains "a noble instrument for the ordering of human affairs and the just resolution of disputes."⁶⁶ Indeed, Christian lawyers have used and continue to use the legal system as a "noble instrument." For example, the practice of jailing Amish parents for trying to educate their children at home came to an end only through the efforts of lawyer William Ball and his colleagues such as Joseph Skelly, efforts which ultimately culminated in the Supreme Court's decision in *Wisconsin v. Yoder*.⁶⁷ Less dramatically, but no less significantly, Christian clients every day are comforted by the blessing of being able to encounter the legal system aided by a lawyer who shares their faith and is open to praying for them, and perhaps even praying with them.

Yet, even if it is possible for a Christian lawyer to use the legal system nobly, many remain convinced that the good lawyer's involvement with the legal system is still more likely to make the good lawyer monstrous than the legal system noble.⁶⁸ No less than Abraham Lincoln, for example, obviously no friend of slavery, was led in his career as a lawyer to represent slave owners in their attempt to retain ownership of their

⁶⁵ *Jonah* 4. The Lord's response to Jonah after the Lord spared the city included, "Should I not be concerned over Ninevah, the great city in which there are more than a hundred and twenty thousand persons who cannot distinguish their right hand from their left." *Jonah* 4:11.

⁶⁶ ALLEGRETTI, *supra* note 7, at 7.

⁶⁷ 406 U.S. 205 (1972) (upholding the religious right of parents to guide the education and upbringing of their children). Even today Christian lawyers continue to fight this battle. The efforts of Michael Farris and the Home School Legal Defense Association [HSLDA] on behalf of Mrs. Debbie Gaskins are but one example:

On February 3, 1995, at about 11 p.m., a sheriff's car pulled up in front of Mrs. Gaskin's [a parent home schooling her children] home. She was arrested and marched down her driveway by a sheriff's deputy into the glare of his squad car's headlights. At the county jail she was handcuffed, fingerprinted, and photographed. Two hours later she was released on a \$500 bond.

When HSLDA learned of this outrageous incident, attorney Dewitt Black wrote a letter to Superintendent Moore advising of our representation of Mrs. Gaskin and our opinion that his actions violated Georgia Law and Mrs. Gaskin's civil rights. The superintendent instructed the county prosecutor to dismiss the case. Debbie Gaskin never went to court on the charges, but she suffered from the pain and humiliation of the arrest.

Home School Mom Versus Superintendent, HOME SCHOOL COURT REPORTER, November/December 1996, at 4, 5 (Ultimately school officials paid Mrs. Gaskin \$13,750 to settle her civil claims based on this incident.)

⁶⁸ WEISBERG, *supra* note 56, at 1-2.

slaves.⁶⁹ This tension in personal perspective and professional practice is nothing new. Although Professor Allegretti points out that at one time "the law was seen as a kind of sacred trust,"⁷⁰ Professor Steven Barkan has also reminded us that at one time the Jesuits refused to teach law considering law too "remote" from their purpose.⁷¹ Yet, the need to respect the dangers of temptation and avoid them should not be paralyzing. As Christian writer David Beresford has pointed out, "fear is useless. It is fear that makes us timid in the practice of our faith. We fear ridicule, our own weakness, what strangers might think. Yet God will make use of the tiniest bit of earnest witness on our part to diffuse his grace to the world around us."⁷²

Thus, in the midst of these challenges, Christians may be called to redeem the law and to use it nobly in our efforts "for the ordering of human affairs and the just resolution of disputes."⁷³ Even if we do not completely succeed in this endeavor, success in God's eyes is ultimately not in the fruits but in the trying.⁷⁴ As Mother Teresa of Calcutta said, "God

⁶⁹ ALBERT A. WOLDMAN, *LAWYER LINCOLN* 65-66 (1936). *But see* text accompanying notes 165-91.

⁷⁰ ALLEGRETTI, *supra* note 7, at 2.

⁷¹ Steven M. Barkan, *Jesuit Legal Education: Focusing the Vision*, 74 *MARQ. L. REV.* 99, 102 n.22 (1990).

⁷² David Beresford, *The Grace of Grace*, *NAZARETH JOURNAL*, Lent 1997, at 11 (Mr. Beresford is the editor of *The Flying Inn*, the newsletter of the Peterborough Chesterton Society.). Consistent with this theme of "diffused grace," Professor Tom Shaffer of Notre Dame has explained the opportunities for individualized ministry that law presents. THOMAS SHAFFER, *ON BEING A CHRISTIAN AND A LAWYER* 55-56 (1981) (Professor Shaffer is a former dean of Notre Dame Law School and a recipient of a career achievement award from the *Journal of Law and Religion* for his insightful writings in the area of law and faith.) [hereinafter SHAFFER]. *See also* *RADICAL CHRISTIAN AND EXEMPLARY LAWYER: HONORING WILLIAM STRINGFELLOW* (Andrew W. McTrenia, Jr., ed. 1995); MILNER BALL, *THE WORLD AND THE LAW* (1993).

In addition, Professor Powell has addressed this tension between a corroded system and the Christian lawyer and concluded that interaction with the legal system cannot be dismissed out of hand: "The Christian lawyer, school board member, voter or victim must not be deceived by the false claims of American constitutionalism to 'establish justice,' but he or she need not reject out of hand one means that exists in this society by which the Christian can speak truth to power." H. JEFFERSON POWELL, *THE MORAL TRADITION OF AMERICAN CONSTITUTIONALISM* 11 (1993). Professor Powell does warn, however, that the Christian lawyer approaching the legal system must not confuse the Caesar she is approaching with God. POWELL, *supra*, at 16. Professor Shaffer, meanwhile, has noted the lawyer of faith's particular value in this role because she speaks the language and understands the perspectives of both the faith and legal communities. Shaffer, *supra* note 50, at 1354 ("The (if you like) lawyers of Judah are bilingual, not only in their words but also in their 'perceptions of reality.'").

⁷³ ALLEGRETTI, *supra* note 7, at 7.

⁷⁴ Professor Shaffer quotes John Howard Yoder for the insight that "If we saw our obedience more as praising God and less as running his world for him, we would be less prey to both despair and disobedience." Thomas Shaffer *The Jurisprudence of John How-*

will not ask [us] how many books we have read; how many miracles we have worked; but He will ask [us] if we have done our best, for the love of Him."⁷⁵ Mother Teresa did not focus on whether her efforts were likely to bear fruit. Her Missionaries of Charity specifically even pray for any fruits of their labors to be hidden from them: "We deliberately renounce all desires to see the fruit of our labor, doing all we can as best we can, leaving the rest in the hands of God."⁷⁶ In this light, we also should not allow success in worldly terms to define for us what is a Christian task. Poverty in India outlived Mother Teresa, just as a flawed legal system will outlive all of us. Should we assume from that that Mother Teresa's work was not a Christian task?

The experience of the lawyer Christian in America, like that of Mother Teresa, is a missionary experience marked by inevitable defeats and yet euphoric triumphs, insurmountable problems and yet Divine assistance. Confronted with all the most intense problems of American society on a relentless basis, the lawyer experiences the same excitement and exhilaration but also the same disappointment and despair as does the missionary. The lawyer, therefore, can learn from the experience of fellow missionaries.

When Marist Missionary Sister Mary Patricus arrived in the slums of Mendocita, Peru, she found bitterness, hostility, suspicion, garbage, stench, overcrowding, ignorance, poverty, death, and subhuman conditions.⁷⁷ Sister Mary Patricus lost "her youthful sense of heroism" and

ard Yoder 5 (forthcoming 22 LEGAL STUD. F. 473 (1998)) (quoting JOHN HOWARD YODER, FOR THE NATIONS 195 (1997)).

⁷⁵ MOTHER TERESA, BLESSINGS OF LOVE 40 (1996).

⁷⁶ *Id.* at 81. Focusing on fruits would be a tricky business at best because as one popular Christian song reminds us, "sometimes miracles hide." BRUCE CARROLL, *Sometimes Miracles Hide*, on SOMETIMES MIRACLES HIDE (Word Records 1991). This is so both because we do not know what to look for and also because we do not know when and where to look. A Christian doctor tells the story of being tempted to kill a child during delivery to save the parents the grief of dealing with what the doctor could tell to be a child with only one leg. He resisted the temptation and instead delivered the child but believed himself to be presenting the parents with a defective child. Years later he learned that actually he had given them a beautiful daughter and a gifted piano player. Dr. James Dobson, FOCUS ON THE FAMILY NEWSLETTER, Dec. 1997, at 3-4.

Along a similar vein, Father Ken Roberts speaks of being disgusted a few years ago after delivering what he believed to be one of his worst talks to a youth meeting. The setting had not been conducive to such a meeting, and the students had been unruly, many having to be escorted from the assembly. It was only much later that Father Roberts learned that that meeting had catalyzed several religious vocations. Father Roberts learned from this "that what God desires, is that we do His will at all times, even when we cannot see the obvious results—even accepting apparent failure, for nothing is a failure in His eyes when it is done with love for Him." Father Ken Roberts, *What God Desires*, MEDJUGORJE MAGAZINE, Summer 1997, at 30, 31.

⁷⁷ BARBARA VILLET & GREY VILLET, THOSE WHOM GOD CHOOSES 86 (1966). People in the slums of Mendocita were living eight to ten to a room in rat-infested adobe shacks. A

became ill: "she was cold all the time. Her hands shook. She lost all appetite and could not sleep."⁷⁸ Her superior there, Sister Mary Jogues, described this dynamic in this way:

An American girl just can't learn to be a missionary until she is one. She must learn from God's hands. A missionary vocation today requires a great deal of stability and maturity . . . It doesn't come in two years, but gradually, with suffering and experience. The greatest suffering lies in witnessing the pain of others and knowing you are helpless to do all that should be done.

[With maturity, the missionary] becomes one with the people. Their pain is her pain, their need her need. She becomes more patient, more tolerant this way, closer to a true mission spirit. With the help of her contact with God, her certainty grows. She has peace, and that peace radiates to those among whom she lives and works. She cares for them with openness of heart, and this may cause them to wonder and ask where her strength comes from. They may begin to search for the source of peace that shines through her life. She does not need to proselytize.⁷⁹

The life of Douglas Ammar, a lawyer with the Georgia Justice Project, reflects this same missionary experience. Ammar is confronted each day with the poverty of the criminal justice system in America, a poverty of institution, of individuals, and of spirit. He does not win every case, nor does he succeed with every client. But he has learned patience and bringing peace through presence:

Sometimes the most powerful thing we do is to stand with those everyone else has discarded. Standing with them, advocating for them. Being a source of light and love and support in the midst of a growing darkness.

It is hard for me to remember that I am not responsible for the results. God is. I am responsible for doing the best job I can.⁸⁰

Christ warned that failure at least by the world's standards, is part of the Christian experience.⁸¹ In fact, a large part of the Apostle Paul's

typical family income was \$1.50 per week. Lucky children could expect eleven glasses of milk and fourteen pounds of meat a year. Tuberculosis was common; opportunities for education were scarce. Impure water flowed from open taps, each of which served eighty families. There was no sanitation, and the streets were mud ruts filled with garbage. *Id.*

⁷⁸ *Id.* at 86-87.

⁷⁹ *Id.* at 87.

⁸⁰ Douglas Ammar, *Being Called to the Darkness: Results vs. Presence*, MATTERS OF JUSTICE, Fall 1997, at 1.

⁸¹ *Matthew* 10:14 ("Whoever will not receive you or listen to your words—go outside that house or town and shake the dust from our feet."); *John* 15:18 ("If the world hates you, realize that it hated me first.")

work was being thrown out of towns,⁸² and Paul himself described his work in this way:

[I]n everything we commend ourselves as ministers of God, through much endurance, in afflictions, hardships, constraints, beatings, imprisonments, riots, labors, vigils, fasts; . . . through glory and dishonor, insult and praise. We are treated as deceivers and yet are truthful; as unrecognized and yet acknowledged; as dying and behold we live; as chastised and not yet put to death; as sorrowful yet always rejoicing; as poor and yet enriching many; as having nothing and yet possessing all things.⁸³

Christ's warning and Paul's career do not trivialize the implications of unsuccessful results in a legal career, and to the extent that a lawyer's faith increases the likelihood of failure in a client's case, the Rules of Professional Conduct require consultation with and consent from the client.⁸⁴ But the warning does remind us that worldly measures of success and failure are not concerns for a Christian life.

⁸² *Acts* 9:23-25 (escaping by basket from Damascus); 13:50-52 (expelled from Antioch); 14:5-6 (fleeing stoning in Iconium); 14:19-20 (stoned in Lystra); 16:25-39 (imprisoned in Philippi); 17:8-9 (hunted in Thessalonica); 17:13-14 (pursued from Berea); 19:23-20:1 (rioting in Ephesus); 23:20-35 (murder plot in Jerusalem).

⁸³ *2 Corinthians* 6:4-10.

⁸⁴ Two rules are implicated here. First, under Rule 1.2(a), "A lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (c), (d) and (e), and shall consult with the client as to the means by which they are to be pursued. MODEL RULES OF PROFESSIONAL CONDUCT Rule 1.2(a) (1983). Professor Allegretti suggests that many of the professional decisions a Christian lawyer would make as a result of her faith concern objectives of the representation and, thus, are decisions the client must, at least, affirm.

[D]ecisions about how hard to fight or about how much harm to inflict upon the other side are not simply tactical questions but implicate the client's overall vision of what the law suit is about and what it is meant to accomplish. Those decisions should be made jointly.

ALLEGRETTI, *supra* note 7, at 99. Even if these decisions, instead, are considered to implicate the means of the representations, then client consultation would still be required. Professor Allegretti offers the following as an example of how such consultation might proceed:

In the very first meeting with a client, [the lawyer could] say in effect, "If we agree that I will represent you, I will fight hard for you and I will do my best to advance your cause. But there are some things I won't do for you or for anyone else: I won't lie, cheat or misuse the legal process."

ALLEGRETTI, *supra* note 7, at 99. Depending on the nature of the representation, the problems to be anticipating, and the lawyer's view of her role, more specific consultation than what Professor Allegretti offers may be both required and desirable.

Second, under Rule 1.7(b), "A lawyer shall not represent a client if the representation of that client may be materially limited . . . by the lawyer's own interests, unless the lawyer reasonably believes the representation will not be adversely affected; and the client consents after consultation." MODEL RULES OF CONDUCT Rule 1.7(b) (1983). The rule is implicated when the lawyer's own interest "forecloses alternatives that would otherwise be available to the client." MODEL RULES OF PROFESSIONAL CONDUCT Rule 1.7 cmt. [4] (1983).

The Christian lawyer can work within the darkness of a flawed system if he can capture the spirit that ultimately came to sustain Maris Missionary Sister Mary Patricus in the midst of her even more overwhelming odds:

In a few months she learned to accept the terms of her mission. She did not look for hope, except in prayer. She did not expect solutions except those beyond her understanding. She simply worked against the overwhelming odds and took joy in small victories. Little Juan recovered. The children on the streets of Mendocita were coming to know her. "Madrecita," they called out when she walked through the alleyway—"Little mother." "You come to see God shining through everything," she said, "and you are at peace."⁸⁵

One could conclude then that as people of faith, we need not abandon the law but can embrace it, not however because we will ultimately perfect it but because, as the Rabbi Lawrence Hoffman might say, we as lawyers may well be able "to go home each night having convinced [ourselves] and others just a bit that we need not abandon the human search for a judge and for justice."⁸⁶

If lawyers and the legal system do face a spiritual crisis and if there is room for the lawyer of faith to seek to address that crisis rather than to seek to remove herself from it, then one must decide how the lawyer is to address it. For Professor Allegretti, the answer is simple enough. The spiritual hunger in the workplace must be allowed to feed on the fruits of the lawyer's spiritual life outside of the workplace.

If the crisis that besets the legal profession is primarily spiritual, then more than anything else lawyers need a way to link what they do

Thus, if a lawyer felt that her faith prohibited her from undertaking an otherwise legal course of action, the lawyer should consult with and seek the consent of the client.

⁸⁵ VILLET, *supra* note 77, at 87. We see also in the life of Saint Francis of Assisi that the victory is not a triumph over the world but a victory of spirit:

On every count [Francis] failed. His missionary forays [to the Middle East] have left no tangible results. And yet we are delighted with his zeal and perseverance, his eagerness to give his life, his blood, indeed his whole being for his Savior and for the salvation of souls. We know beyond a doubt that even these unsuccessful ventures have left us an example, an impetus that has become part and parcel of the heritage he bequeathed not only to the Friars Minor but to the whole Church.

MSGR. LEON CRISTIANI, SAINT FRANCIS OF ASSISI 113 (M. Angeline Bouchard trans. 1983) [hereinafter CRISTIANI].

⁸⁶ Lawrence Hoffman, *Response to Joseph Allegretti: The Relevance of Religion to a Lawyer's Work*, 66 FORDHAM L. REV. 1157, 1165 (1998) (quoting Professor Samuel Atlas (Rabbi Hoffman is a professor at Hebrew Union College in New York.) [hereinafter Hoffman]). Rabbi Hoffman would also maintain that lawyers have a special calling because there is a religious obligation to do nothing that would cast doubt on the ultimate justice of the universe. *Id.* For a similar view, see Rodes, *supra* note 20, at 9, 10 (noting that we cannot end injustice but that we can share in the vision of "a higher justice than the powers of this world administer.").

on the job with their deepest values and commitments. They need to reconnect what they do on Monday with what they profess and pray on Sunday. There can be no cure for the malaise afflicting the legal profession unless and until individual lawyers and the profession as a whole begin to break down the walls that have separated work from faith, and approach the practice of law as an integral part of the spiritual journey.⁸⁷

Professor Allegretti is not alone in believing this is the solution, and it is not a solution exclusively for Christian lawyers. Professor Samuel Levine, for example, draws upon the work of a number Orthodox Jewish writers to conclude that keeping one's faith at the center of all areas of a lawyer's life is essential to fulfillment:

Rather than living a double life, Rabbi Huther wrote a religious individual who engages in a secular career has the opportunity to live a "broad life," one in which religious values are central not only to the overtly spiritual activities in life, but also to the more mundane activities that are part of a secular career.⁸⁸

Having established the solution then as the breaking down of the walls between faith and practice, Allegretti must show how it is actually done. The challenge here is daunting. Allegretti seems to ask us to walk upon water when there is chaos all around us.⁸⁹ Yet, the invitation holds great promise.

As I begin to open my heart to my neighbors in need—as I hear their stories and come to know them not as numbing statistics but as people no different than myself—I begin a journey that is not under my direct control but is part of God's loving plan for me. It may lead me in strange and frightening directions. It may upset my entire life. I MAY never be the same. But along the way I may find myself.⁹⁰

The water Allegretti invites us out upon is really "God's loving plan for our lives." Before responding, however, the cautious and prudent lawyer in us needs to know more about this plan: What exactly is it; where will it take me; and what will I, and my world, look like once I've followed it through? We need to examine, in other words, the question of law as a calling.

⁸⁷ ALLEGRETTI, *supra* note 7, at 4.

⁸⁸ Samuel Levine, *The Broad Life of the Jewish Lawyer: Integrating Spirituality, Scholarship and Profession*, 27 TEX. TECH. L. REV. 1199, 1204 (1996) (In addition to teaching at St. John's Law School, Professor Levine is a rabbi and a former assistant district attorney in Brooklyn.) [hereinafter Levine].

⁸⁹ *Matthew* 14:22-33; *Mark* 6:45-52; *John* 6:16-21.

⁹⁰ ALLEGRETTI, *supra* note 7, at 62-63.

B. What Might God Do with a Lawyer?

1. From Work to Calling

To see law as a calling, we must abandon traditional expectations of what lawyers are and how they relate to others. Currently, we expect lawyers to be aggressive, tough-minded, objective, and dispassionate. They are expected to take charge of the relationship. Clients on the other hand, are usually expected to be docile and passive. They are to trust their lawyer to act in their best interests. They are not to ask too many questions. They are expected to defer to their lawyer's judgment.⁹¹

As a result, lawyers become people of power rather than of compassion and of rules rather than of moral vision. In addition,

[m]odern lawyers too often are infected with a moral blindness that causes them to see only a part of the moral landscape. They identify justice with fair procedures, with fighting for a client, with the adversary system itself. In some ways this half-vision has proven as debilitating as no vision, for it has allowed the ethics of rights to masquerade as the whole of moral life. When that happens, there is no room left for compassion, love, and healing.⁹²

Professors Timothy Floyd and Teresa Collett have noted this as well and have also noted that once embraced as a professional role, it is hard to keep the role limited to one's professional life. As Professor Floyd notes, "Part of the fear of the lawyer's role is that for most of us lawyers, being a lawyer is a central part of who we are. More so than many other occupations, being a lawyer tends to take over our lives."⁹³ As Professor Floyd further notes, "we simply cannot be different people in one role than we are in our other roles,"⁹⁴ and this inevitably creates a tension in the way we respond to others. Professor Collett similarly warns against ignoring the reality that in addition to being a lawyer, one may also be "a wife, a mother, a daughter, or even . . . a pain-in-the-neck"⁹⁵ and further warns against consequently allowing the role of lawyer to dominate the "concept of self over all of the other activities or relationships that comprise [our lives]."⁹⁶

Such warnings are worth heeding. We tend to use the tools most frequently that we find bring us the best results. Therefore, if for ten

⁹¹ *Id.* at 38.

⁹² *Id.* at 108.

⁹³ Timothy W. Floyd, *The Practice of Law as a Vocation or Calling*, 66 *FORDHAM L. REV.* 1405, 1412 (1998).

⁹⁴ *Id.* at 15.

⁹⁵ Collett, *supra* note 3, at 1051.

⁹⁶ *Id.*

hours a day, one gets acceptable results being aggressive, adversarial, and rule-oriented in the office, one will want to use those tools at home. In the short-run, these tools may even appear to work in the home, but the long-term effects they may have on our spouses and children undermine such appearances. Confronted with these long-term consequences in the home, one may even begin to question whether these tools would appear to be so effective at work if we were more tuned in to their long-term consequences there.

Professor Allegretti offers an alternative vision of being a lawyer, a vision based on law as a calling.

Any work is a calling if—a big if—we approach it as a way of serving God and each other. Paul Althaus puts it this way: “There are no particularly holy works. Everything we do is secular. However, it all becomes holy when it is done in obedience to God’s command and in the certainty that he will be pleased, that is, when it is done in faith.”⁹⁷

Central then to moving one’s vision of lawyering from the traditional view to one of calling is changing our sense, not of what lawyers do nor of how lawyers do it, but of why lawyers do it. The lawyer with a calling is one who works to obey and to please God, who seeks to do the work of God.

Jean Vanier can help us elaborate on this point.⁹⁸ Vanier maintains that the work of God is infinitely practical and takes place in contexts that are uniquely suited for lawyers:

[I]f a woman is suffering from a toothache, we must not simply be with her, pray with her; we must take her to a good dentist! If we are with a man suffering from hunger, we must find food for him. So, too, we must find ways to bridge the gap between the self-satisfied and comfortable on the one side and the dissatisfied and disturbed on the other. We are called neither to hide from pain and brokenness nor to judge and criticize but to be present in places of pain and to serve those in need by sharing our skills, our wealth, and our lives. We are called to help the weak rise out of their depression so they may find

⁹⁷ ALLEGRETTI, *supra* note 7, at 28. In building this vision, Professor Allegretti notes that “Pope John Paul II speaks of human work as a sharing in the activity of God.” ALLEGRETTI, *supra* note 7, at 28. Accord Levine, *supra* note 88, at 1205 (“every path can embody spirituality, and even piety, if God is always acknowledged.”); Shaffer, *supra* note 50, at 1348-49 (“Stripped of the pretensions of professionalism, the question would be much the same for a biblical person who worked as a plumber or a clerk for the Bureau of Motor Vehicles.”).

⁹⁸ Jean Vanier, *The Spirit of Love and Service*, LIGUORIAN, Sept. 1997, at 4, 6 (Vanier founded l’Arche, a group of 103 “communities in which people with mental disabilities and those without who want to share their lives live together.”) [hereinafter Vanier].

hope and begin to trust in themselves. We are called to empower them with love.⁹⁹

To see law as a calling then is not necessarily to see a change in what lawyers do. Just as the woman suffering from a toothache needs someone to fix her tooth, the woman with an estate needs someone to write her will. The key to seeing law as a calling though is seeing that we must do these tasks as God would do them: we must empower others with love. As Vanier puts it, "Service is not merely doing things for someone; it is, above all, revealing love and creating bonds of friendship."¹⁰⁰

We must understand here that in everything we do, we are called to love and only as a consequence of that are we called to a particular task. This understanding prevents us from becoming proud¹⁰¹ or misperceiving what our greatest gift really is. Mother Teresa said, "God has created us for great things: to love and to offer love, to experience tenderness towards others, as He did, and to know how to offer Jesus to others. People are not hungry for us; they are hungry for God."¹⁰² By writing a will, we are not merely or even primarily meeting the need for a will. We are expressing God's love in the world by meeting a real need as He would meet it.¹⁰³ We are, as Vanier would put it, being "a sign of hope and of peace in our broken world," "a light amid all the darkness, violence, and despair."¹⁰⁴ One might well see all this as at best rather intangible and at worst as illusory and potentially a hollow rationalization, but Professor Allegretti stresses that the shift to calling is truly meaningful:

At first glance, nothing changes. The lawyer who approaches her work as a calling still spends her time meeting with clients, doing research, drafting documents, and resolving disputes. He is still regulated by

⁹⁹ *Id.* at 10. See also, Rich Mullins, *Introduction to "Calling Out Your Name,"* on TWENTY THE COUNTDOWN MAGAZINE REMEMBERS RICH MULLINS (Twenty the Countdown Magazine 1998);

A spiritual thing is folding your clothes at the end of a day. A spiritual thing is making your bed. A spiritual thing is taking cookies to your neighbor that's shut in or raking their front yard because they're too old to do it. That's spirituality. . . . There's nothing more practical than real spirituality.

Id.

¹⁰⁰ Vanier, *supra* note 98, at 9.

¹⁰¹ *1 Corinthians* 13:14 ("[Love] is not boastful nor conceited,") Kenneth Starr has stressed the importance of humility in a lawyer. Starr, *supra* note 1, at 1361 ("That quest—a simple form of saying 'I need help from higher authority'—is a useful antidote for the disease that ails many of us in our profession — the deadly disease of arrogance.")

¹⁰² MOTHER TERESA, *supra* note 75, at 38.

¹⁰³ Along similar lines, Rabbi Lawrence A. Hoffman has characterized the greatest value of the lawyer's role as reaffirming that "there is a judge and there is justice" in the world. Hoffman, *supra* note 86, at 1164-65.

¹⁰⁴ Vanier, *supra* note 98, at 10.

the codes of professional conduct. He is still the zealous advocate of her client.

Yet in another sense *everything changes*, because the lawyer now sees herself in a different light. Her work has a different, wider frame of meaning. It has a different orientation. Her personal religious commitments and values are no longer irrelevant to her work, but are inextricably entwined with her image of herself as a lawyer and a person. As the walls between faith and work come down, the lawyer opens herself and her work to the life-changing power of God's grace.¹⁰⁵

A lawyer who sees her work as a calling becomes "concerned about justice and whether her actions advance or impede the pursuit of justice."¹⁰⁶ She "understands that she is a moral agent accountable for her actions, and she asks herself *why* she does what she does."¹⁰⁷ She begins to see "the ways in which their work contributes to the good of individuals and society"¹⁰⁸ and "notice[s], perhaps for the first time, the opportunities that offer themselves to serve clients and others as a companion, helper, and healer."¹⁰⁹ It is true that many lawyers with a traditional view see themselves as pursuing justice, but there is a difference between the traditional view, which limits justice to "a narrow concern for rights and procedures," and a Biblical view, which equates the just society to the loving society.¹¹⁰

Furthermore, in a particularly striking statement, Professor Allegretti dismisses any possibility that the two views are indistinguishable when he places the lawyer's footsteps on sacred ground:

[H]ere, today, in my office, in this meeting or with this phone call, while sharing a few words or a hot cup of coffee, my client and I meet on sacred ground. How could it be otherwise, when my client is a part of my spiritual destiny, and the two of us are companions on a spiritual journey?¹¹¹

Of course, one might well wonder whether the lawyer who desires to serve others and seek justice might quickly be derailed by the freight

¹⁰⁵ ALLEGRETTI, *supra* note 7, at 32-33.

¹⁰⁶ *Id.* at 34.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.* at 35.

¹⁰⁹ *Id.*

¹¹⁰ ALLEGRETTI, *supra* note 7, at 107. Professor Allegretti expands on the Biblical link between justice and love as follows:

The intimate connection between love and justice is particularly evident in the writings of the Hebrew prophets. Hosea says, "Sow for yourselves justice, reap the fruit of steadfast love" (Hos 10:12). Micah proclaims, "[God] has told you, O mortal, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?"

Id.

¹¹¹ *Id.* at 50.

train, real world practice of law. Many lawyers believe that such a result can be avoided. Professor Floyd reports on the results of a symposium he conducted with forty-four leading legal practitioners:

All of the authors, to one degree or another and in very different ways, maintain that the practice of law can be reconciled with their religious faith. Although they have very different responses coming from very different perspectives, this remarkable group of lawyers overwhelmingly concluded that a lawyer can serve God and neighbor.¹¹²

Professor Floyd's observation is important not only because it lends support to the notion of lawyering as a calling but also because it emphasizes how unique that the implementation of that calling may be for each lawyer. Even those who embrace the calling view may be tempted to see it as a one-size-fits-all approach. In the next section we will consider the need to resist that temptation.

2. Uniqueness and Calling

The Christian lawyer is not just one who sits in her office preaching sermons to her clients, for the essence of her service to her Lord, is not to be found in her words so much as in her actions. Some of what Professor Allegretti says may invite the opposite view. For example, in describing the role of the lawyer called to serve God, Allegretti says that instead of merely telling a client what he can do, it is a matter of asking the clients what he *should* do. This is the essence of the lawyer's prophetic ministry—to encourage moral reflection.¹¹³ Reminiscent of the best of Christian preaching, Professor Allegretti calls the Christian lawyer to "be a voice calling her clients back to their better selves [j]ust as the prophets called Israel back to God and neighbor."¹¹⁴ He stresses that such expressions are important not only for the client but for the lawyer as well. "[I]t is important that a lawyer raise her moral doubts with her client because these doubts do not disappear if the lawyer ignores or brackets

¹¹² Timothy W. Floyd, *The Practice of Law as a Vocation or Calling*, 66 FORDHAM L. REV. 1405, 1410 (1998) [hereinafter Floyd]. See also Randy Lee, *The Immutability of Faith and the Necessity of Action*, 66 FORDHAM L. REV. 1455, 1459-64 (1998) (describing lawyers of different faiths who are led by their faith through their practice); Levine, *supra* note 88, at 1199 ("While religious duties impose obligations on the religious individual, at the same time they provide an opportunity to enrich apparently mundane activities, imbuing them with spirituality."); Starr, *supra* note 1, at 1361 ("Before court appearances, my sources of strength are Bible verses, committed to memory, that I repeat quietly to myself. My all-time favorite . . . is 'I can do all things through [Christ] who strengthens me.' This simple verse brings a sense of calm, of peace, of perspective." (quoting *Philippians* 4:13)).

¹¹³ ALLEGRETTI, *supra* note 7, at 53.

¹¹⁴ *Id.* at 52.

them. Instead, the lawyer's moral misgivings go underground and fester, contaminating and subverting her dealings with her client."¹¹⁵

The Model Rules of Professional Conduct do provide for such consultation. Rule 2.1 reads in part, "In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation."¹¹⁶ The comments indicate that this rule gives the lawyer a great deal of latitude. One comment provides that purely technical legal advice "can sometimes be inadequate" and "may be of little value."¹¹⁷ Another provides that the lawyer has the option of providing moral counsel even when a "client experienced in legal matters" has requested "purely technical advice."¹¹⁸

Despite the support from the Model Rules, those who criticize the notion that faith should affect the practice of law still are wary of giving this type of counsel. Professor Howard Lesnick of the University of Pennsylvania cautions against the use of what he calls "moral counseling" or the engagement of "*the client's* moral agency, to invite him or her to reflection and perhaps dialogue."¹¹⁹ Lesnick warns that "[a]mong the multiple difficulties of doing [moral counseling] sensitively is the need to remain aware that dialogue ends at the client's option, not at the lawyer's success at persuasion, and that genuine dialogue presupposes that, as Allegretti puts it, 'perhaps the lawyer will change.'"¹²⁰

Concerns such as those raised by Professor Lesnick are legitimate. The image of an over-zealous, self-righteous lawyer browbeating a despairing client into submission is not an attractive one. Yet, it is not an image that must be tied to the lawyer who practices law as a calling, nor even to lawyers who see their practice as having a prophetic mission. First of all, the picture Professor Allegretti paints of moral counseling is far different from the brow-beating image and even is built on a notion that the lawyer must be open to the possibility that frank discussion will prove her wrong.¹²¹ Second, although some Christian lawyers will call others to God through their words, the more effective will call them to God through actions. The most profound evidence of this call to speak through action is found in the Gospel of John, where we are told that the

¹¹⁵ *Id.* at 55.

¹¹⁶ MODEL RULES OF PROFESSIONAL RESPONSIBILITY Rule 2.1 (1983).

¹¹⁷ *Id.* at cmt. [2].

¹¹⁸ *Id.* at cmt. [3].

¹¹⁹ Howard Lesnick, *The Religious Lawyer in a Pluralist Society*, 66 FORDHAM L. REV. 1469, 1497 (1998) (Professor Lesnick has been committed for many years to making law schools better able to help law students become true professionals.).

¹²⁰ *Id.*

¹²¹ ALLEGRETTI, *supra* note 7, at 46.

message of God's glory, grace, and truth was spoken most effectively when the "Word became flesh: And the Word became flesh and made his dwelling among us, and we saw his glory, the glory as of the Father's only Son, full of grace and truth."¹²² The importance of action for the Christian is also reflected in the Book of James where we are taught, "[r]eligion that is pure and undefiled before God and the Father is this: to care for orphans and widows in their affliction and to keep oneself unstained by the world."¹²³

During her life, Mother Teresa called people to witness through actions rather than words. "We are supposed to preach without preaching not by words, but by our example, by our actions. All works of love are works of peace."¹²⁴ Mother Teresa explained, "Kindness has converted more people than zeal, science, or eloquence."¹²⁵ In a similar vein, Franciscan evangelist John Michael Talbot has identified the most important mechanism of evangelization as "simply the Christian life itself."¹²⁶

Theologian Susan Muto has described the effectiveness of actions in calling others to God. She explains that when "our inner tranquility cannot but show itself outwardly," then "[o]ur very being will radiate the peace and joy we experience in God's presence. This recollection is what others remember most of all about us. It is a lasting source of faith, hope, and love in community."¹²⁷ None of this is designed to suggest that a

¹²² *John* 1:14. Michael Card, a leading Christian song-writer, captures this message most poignantly in these words:

You and me we use so many clumsy words
The noise of what we often say is not worth being heard.
When the Father's wisdom wanted to communicate His love
He spoke it in one final perfect Word.
He spoke the Incarnation and so was born the Son.
His final word was Jesus. He needed no other one.

MICHAEL CARD & JOHN MICHAEL TALBOT, *The Final Word, on BROTHER TO BROTHER* (Myrrh Records 1996).

¹²³ *James* 1:27. In contrast, James cautioned that the tongue can be "a restless evil, full of deadly poison." *James* 3:9.

¹²⁴ MOTHER TERESA, *supra* note 75, at 69.

¹²⁵ *Id.*

¹²⁶ JOHN MICHAEL TALBOT, *THE FIRE OF GOD* 152 (1987) (Talbot is a former secular rock star who left that life to follow Christ's call as a lay Franciscan. Among other ministries, he now oversees a retreat center in Arkansas.).

¹²⁷ SUSAN MUTO, *WORDS OF WISDOM FOR OUR WORLD: THE PRECAUTIONS AND COUNSELS OF SAINT JOHN OF THE CROSS* 49 (1996) [hereinafter MUTO]. Not only do a number of Christians maintain that there is a flaw in the image of Christian calling requiring us to speak to our clients about Christian morality, some go so far as to say such talk is futile. As contemporary Christian song-writer Grover Levy put it,

If you want to lead me to Jesus
You'd better find a better way
'Cause your life is speaking so loud
I can't even hear a word you say.

lawyer should never share his faith through words. Our most striking and lasting message to our clients will, however, come in how we behave and in how we treat others.¹²⁸

Just as lawyer Christians can be called to minister to their clients in different ways, some through words and some through actions, the manner in which they are called to practice may differ as well. Professor Allegretti does give a model for the called lawyer as one who will

enter law with the intent to bring justice to a broken world, to vindicate the rights of the weak and vulnerable, to heal broken relationships, to ensure equality to all persons - these persons have responded to a true calling. Law for them is a vehicle of service to God and to neighbor, not simply a gateway to financial and social success.¹²⁹

Yet, could it be that one could be called to the practice of law and not be called to do "some sort of legal work on behalf of the needy?"¹³⁰ Must all called lawyers be "a companion, a friend, someone to stand with [the guilty] and for him?"¹³¹ Is it possible that in some situations the lawyer of faith may be called not to heal through meekness but to "figuratively, push the other side up against a wall making it clear that [he] could hold them there until they decided to discuss the matter amicably?"¹³²

The Bible is filled with examples of people called in apparently conflicting ways. In the Old Testament Esther was called to rescue her people by marrying a foreign king and winning his favor.¹³³ Deborah, on the other hand, went to war against Jabin, the King of Canaan.¹³⁴ At a feast in Bethany, Lazarus's sister Martha was called to serve the guests at table while his sister Mary pleased Christ in worshipping her Lord by

GROVER LEVY, *If You Want to Lead Me to Jesus, on WRESTLING ANGELS* (Myrrh Records 1997).

¹²⁸ In this regard, Professor Allegretti quotes Professor Thomas Shaffer's reminder that we provide moral advice to our client when she sees there are things we will not do ourselves: "[P]art of the value of [a lawyer's] moral advice is that there are things she will refuse to do. This refusal is part of her character. Her character is what makes her your friend, and you her friend, in the first place." ALLEGRETTI, *supra* note 7, at 54-55 (quoting Thomas Shaffer, *Legal Ethics and the Good Client*, 36 CATH. L. REV. 319, 329-30 (1987)).

¹²⁹ *Id.* at 31. Professor Allegretti also discusses ways called lawyers should respond to particular situations. *Id.* at 59-95 (discussing lawyers representing poor people and "guilty" people and participating in litigation). Professor Thomas Morgan has described such discussions of the effect faith has on the everyday tasks of lawyering as those that address "[t]he real theological questions for lawyers." Morgan, *supra* note 13, at 1316.

¹³⁰ ALLEGRETTI, *supra* note 7, at 61.

¹³¹ *Id.* at 75.

¹³² Monroe H. Freedman, *The Trouble with Postmodern Zeal*, 38 WM. & MARY L. REV. 63, 69 (1996); *but see* ALLEGRETTI, *supra* note 7, at 81-95.

¹³³ *Esther* 4-9.

¹³⁴ *Judges* 4:1-10.

washing Christ's feet.¹³⁵ Lazarus was called to retain his estate throughout the life of Christ,¹³⁶ but Jesus instructed a rich, young man to "sell all that you have and distribute it to the poor."¹³⁷ In legal contexts, Paul was called to assert his rights before a Roman governor;¹³⁸ Stephen the Martyr spoke boldly at his trial;¹³⁹ but Jesus offered no defense in the proceedings to condemn Him.¹⁴⁰

Lawyers who sense the call to do good seem to move in equally diverse ways. Abraham Lincoln believed that "so long as slavery was countenanced by the Constitution men opposed to that institution had no right to interfere with the property rights of slave owners."¹⁴¹ Lincoln even represented at least one slave owner who sought to have a slave family returned to him when the family had claimed freedom after being taken to Illinois.¹⁴² Lincoln believed that slavery could be "eradicated only by means consistent with the Constitution and with the Union,"¹⁴³ and rather than oppose rights guaranteed under fugitive slave laws, Lincoln would advise "that a few dollars be paid to those who were holding slaves."¹⁴⁴ When A.J. Grover came to Lincoln because Grover had helped a runaway slave and was now threatened with imprisonment for breaking a law that was "not only unconstitutional but inhuman," Lincoln responded, "Oh, it is ungodly! Oh, it is ungodly! No doubt it is ungodly. But it is the law of the land, and we must obey it as we find it!"¹⁴⁵

Lincoln was not without reason for his obedience to a law so immoral that it drove others to disobey it or to leave the profession. Lincoln explained,

Let me not be understood as saying there are no bad laws, or that grievances may not arise for the redress of which no legal provisions have been made. I mean to say no such thing. But I do mean to say that *although bad laws, if they exist, should be repealed as soon as*

¹³⁵ *John* 12:1-8. *But see Luke* 10:38-42 (where Jesus instructs Martha who is burdening herself with serving that her sister Mary has chosen the better part by listening to the Word of God). For a fuller discussion of that incident see *infra* note 254.

¹³⁶ *John* 11:17-44. Ultimately, however, Lazarus and his sister abandoned their estate and went to France to evangelize with Lazarus becoming there the first Bishop of Massilia. EDITH FILLIETTE, *SAINT MARY MAGDALENE: HER LIFE AND TIMES* 128 (1983).

¹³⁷ *Luke* 18:18-23.

¹³⁸ *Acts* 25:10-11.

¹³⁹ *Acts* 7:1-53.

¹⁴⁰ *Matthew* 26:47-27:37; *Mark* 14:43-15:24; *Luke* 22:47-23:34; *John* 18-19:18.

¹⁴¹ ALBERT A. WOLDMAN, *LAWYER LINCOLN* 65 (1936).

¹⁴² *Id.* at 61-64.

¹⁴³ *Id.* at 65.

¹⁴⁴ *Id.* at 66.

¹⁴⁵ *Id.*

possible, still, while *they continue* in force; for the sake of the example they should *be religiously observed*.¹⁴⁶

Wendell Phillips, a contemporary of Lincoln's, responded to slave laws in a much different manner. Phillips, we are told,

abandoned a lucrative law career rather than abide by his oath to uphold the Constitution, which sanctioned court rulings that a fugitive slave had no right to trial by jury. He even refused to vote or otherwise participate in the affairs of a government that refused a man—merely because of his color—his inalienable rights as a human being.¹⁴⁷

More recently, there is debate about the way people responded to the Nazi Holocaust. Some responded to anti-Jewish racial laws by breaking those laws to protect Jews, and these people are generally perceived as heroic.¹⁴⁸ Others, meanwhile, worked to save at least some Jews by seeking to exploit what they perceived as loopholes in these laws.¹⁴⁹ Their behavior is not so universally praised. In fact, one attorney who did this Joseph Haennig has been criticized for "his willingness to create language in the service of a legal superstructure that he knew had just swept thousands of Frenchman into the [concentration] camps."¹⁵⁰

Lincoln felt called to obey and to enforce even a bad law. Grover felt called to break such a law. Phillips felt called to leave the law, and Haennig felt called to work around it. All perceived a call to do good. Can

¹⁴⁶ *Id.*

¹⁴⁷ *Id.* at 65. In a talk presented at Notre Dame Law School in conjunction with his paper *Loyalty to the Law: Politics and the Practice of Public Lawyering in the United States*, 72 NOTRE DAME L. REV. 78 (1996), Professor H. Jefferson Powell and Professor Robert Rodes engaged in a thought-provoking exchange about the meaning and effect of the lawyer's oath to uphold the Constitution. H. Jefferson Powell, Address at Notre Dame Law School's *H. Jefferson Powell on the American Constitutional Tradition: A Conversation* (Mar. 1996).

¹⁴⁸ See, e.g., CORRIE TEN BOOM, *THE HIDING PLACE* (1971) (presenting the efforts of Corrie Ten Boom and her family to protect Jews from the Nazis and their imprisonment at the Ravensbruck death camp); Thomas J. Craughwell, *The Gentile Holocaust*, SURSUM CORDA, Summer 1998, at 28 (describing Christians executed by the Nazis for protecting Jews).

¹⁴⁹ RICHARD H. WEISBERG, *THE FAILURE OF THE WORD 1* (1984).

¹⁵⁰ *Id.* In defense of Haennig, one might note here a similarity between him and Thomas More, as presented in Robert Bolt's play *A Man for all Seasons*. There More is presented as a man who is obedient to the law while attempting to use any word of it to his advantage. See, e.g., ROBERT BOLT, *A MAN FOR ALL SEASONS* 67 (Vintage Books 1990) 126 ("Our natural business lies in escaping - so let's get home and study this Bill.") [hereinafter BOLT]. Also perhaps more reminiscent of Lincoln, More insists on defending the rights of an evil and dangerous man because he understands that although men's laws might protect the devil from him, they might also protect him from the devil:

This country's planted thick with laws from coast to coast—man's laws, not God's—and if you cut them down—and you're just the man to do it—d'you really think you could stand upright in the winds that would blow then? (Quietly) Yes, I'd give the Devil benefit of law, for my own safety's sake.

Id. at 66.

we truly say today that any of the four failed to discern his calling accurately? The apostle Peter would encourage caution in responding to that question. When Peter and John were faced with what they believed to be an ungodly order of silence from the Sanhedrin, Peter responded "Whether it is right in the sight of God for us to obey you rather than God, you be the judges. It is impossible for us not to speak about what we have seen and heard."¹⁵¹ Yet, he also instructed the early church to "[b]e subject to every human institution for the Lord's sake, whether it be the King as supreme or to governors as sent by him for the punishment of evil doers and the approval of those who do good."¹⁵²

With reference to the more everyday matters, some lawyers feel called to do pro bono legal work and others invest an equal number of hours helping youths as Big Brothers or Big Sisters,¹⁵³ serving in soup kitchens, or working on the cars of single mothers. Is the latter group of lawyers any less responsive to the Lord's command to "Make justice your aim: redress the wronged, hear the orphan's plea, defend the widow?"¹⁵⁴ And what of the lawyer who donates a tenth of her earnings to legal

¹⁵¹ *Acts* 4:19-20.

¹⁵² *1 Peter* 2:13-14. On the other hand, in assessing the responses of various religious to loyalty requirements imposed by the former communist governments of Eastern Europe, Father Werenfried van Straaten was gentle though clear that one position was most appropriate:

It is easy to understand, then, that some of the clergy and the great mass of the population were not able to stand up to the persecution of the church, and that there are also bishops who only hesitatingly follow the defiant example of Cardinal Mindszenty and Cardinal Stepinac. The tragedy of the unfortunate Peace Priests, who served mostly from fear, or for material gain, or to prevent worse things happening, was a proof of the confusion reigning behind the Iron Curtain.

It is not for us, from our safe position of liberty, to throw stones at those struggling with God; with their conscience and with their own human fears, and who do not always have the strength to choose the most heroic path. They are partly the victims of their upbringing and of circumstances over which they have no control. If we can ever apply Jesus' command not to judge, it is here. We must pray for them and think of them only with love. And we may ask ourselves whether *we* would be prepared to sacrifice everything for our Christian convictions. But we must never allow ourselves to be influenced by the compromise that they have made. And it would be dangerous to allow ourselves to be tempted in the name of "legality", as they do, to consider the steadfast resistance of the church behind the Iron Curtain as wrong and exaggerated.

WERENFRIED VAN STRAATEN, *THEY CALL ME THE BACON PRIEST* 210-11 (1989).

¹⁵³ Susan M. Wilshusen, *Big Sisters Help Give Direction to Young Girls*, *THE LEGAL INTELLIGENCER*, Dec. 4, 1990, at 1,8 (Philadelphia lawyers working as Big Sisters). At Widener Law School - Harrisburg, Professor Mary Kate Kearney has facilitated involvement of law students in the Big Brothers/Big Sisters program in Harrisburg.

¹⁵⁴ *Isaiah* 1:17. For a fuller discussion, see Conversation II, in *H. Jefferson Powell on the American Constitutional Tradition: A Conversation*, 72 *NOTRE DAME L. REV.* 46, 56-58 (1996).

services believing that that will do more to help the poor than if the lawyer worked for the poor in unfamiliar areas of law?

Some lawyers feel called to represent the guilty. As we consider this as a part of Christian calling, do we need to know what the "guilty" party wants his lawyer to do? Does it matter what that party has done, and what he plans to do if released? Does it matter what the state seeks to do to this individual? Perhaps it does not. I have represented "guilty people" and experienced the kind of opportunity in ministry that Professor Allegretti describes.¹⁵⁵ But I also had a colleague who no longer felt "called" to do such work after police arrested a rapist, for whom she previously had won release, when he was found hiding uninvited in the bedroom of a woman, apparently awaiting the woman's return. Could I say that my sense of calling was more Christian than my colleague's? And what of the lawyers who feel their faith has called them to be prosecutors?¹⁵⁶

An easy answer to these questions for the Christian lawyer is that the questions are not ours to ask. Ultimately we cannot answer them without judging another lawyer, and Jesus clearly instructed "Stop judging, that you may not be judged,"¹⁵⁷ and "remove the wooden beam from your eye first; then you will see clearly to remove the splinter from your brother's eye."¹⁵⁸ Any one of the lawyers mentioned above may not have behaved consistently with God's call, but each of us is instructed to leave that issue between that lawyer and God.¹⁵⁹ Thus, what it means to be called as a Christian lawyer is uniquely personal for each lawyer. When the apostle Peter, having been instructed on his own ultimate calling, inquired about the calling of the apostle John, Jesus responded, "What concern is it of yours? You follow me."¹⁶⁰

In addition, it may well be that God called each of the four lawyers, Lincoln, Grover, Phillips, and Haennig, to be a lawyer in a different way.¹⁶¹ Professor Floyd has described such an individualistic view of calling in this way:

¹⁵⁵ ALLEGRETTI, *supra* note 7, at 74-77.

¹⁵⁶ See, e.g., Levine, *supra* note 88, at 1206-09.

¹⁵⁷ *Matthew* 6:1.

¹⁵⁸ *Id.* at 6:5 (indicating that our own sins are both greater and in more urgent need of our attention than are those of our brothers).

¹⁵⁹ A distinction here must be made between not judging others, and leaving them in sin. Christ called us to lead others from sin, see, e.g., *Matthew* 18:15 ("If your brother sins against you, go and tell him his fault between you and him alone."), and Paul, for example, certainly responded to that calling. *2 Corinthians* 2:1-11.

¹⁶⁰ *John* 21:18-22.

¹⁶¹ Robert Bolt addresses this theme through his presentation of Thomas More when More states, "And when we stand before God, and you are sent to Paradise for doing according to your conscience, and I am damned for not doing according to mine, will you come with me, for fellowship?" BOLT, *supra* note 150, at 132.

I believe that all persons have a destiny - and by that I mean a unique calling from God. . . . God "conveys to us somehow from the wings, if we have eyes, ears, hearts open and sometimes even if we don't, how we can play our roles in a way to enrich and ennoble and hallow the whole vast drama of things including our own small but critical parts in it. . . . The God of the Bible is a God who speaks to individual persons and calls them to specific tasks. Indeed throughout the Bible God calls particular persons: God called Abram out of the land of Ur to go to the land of Canaan; out of the burning bush God called Moses to go to confront Pharaoh; in the year that King Uzziah died, God called Isaiah from the Temple in Jerusalem; on the road to Damascus, God called Saul/Paul."¹⁶²

Mother Teresa encouraged her followers to find peace in having a sense of a unique and personal calling from God:

We are at [Jesus's] disposal. If He wants you to be sick in bed, if He wants you to proclaim His work in the street, if He wants you to clean the toilets all day, that's all right, everything is all right. We must say, "I belong to You. You can do whatever You like." And this . . . is our strength, and this is the joy of the Lord.¹⁶³

For Mother Teresa, this sense of unique calling flowed naturally from what she perceived as a unique love God has for each one of us: "[R]emember, 'I am precious to Him. He loves me. He has called me by my name. I am His. He loves me. God loves me.' And to prove that love He died on the cross."¹⁶⁴

In his book, Professor Allegretti twice recounts a conversation with a Christian woman who had left the practice of law. The first time, Professor Allegretti indicates that the woman explained that she had left the practice of law because "a Christian can't be a lawyer."¹⁶⁵ The second time he reports her having said that she quit because she decided "I couldn't be both a Christian and a lawyer."¹⁶⁶ Although Professor Allegretti does not acknowledge a difference in the statements, one is present, and that difference is important. In the first, the woman indicated that no one could be a Christian and a lawyer while in the second she indicated only that God was no longer calling her to be a lawyer. This difference goes to the essence of the debate on how we are called: to a

¹⁶² Floyd, *supra* note 112, at 1405-06 (quoting Frederick Buecher, *The Dwarves in the Stable*, in LISTENING FOR GOD: CONTEMPORARY LITERATURE AND THE LIFE OF FAITH 53-54 (Hawkins and Carlson, eds. 1994)).

¹⁶³ MOTHER TERESA *supra* note 75, at 41.

¹⁶⁴ *Id.* at 11. Saint Thérèse of Lisieux expressed God's unique love for each of us in this way: "Just as the sun shines on each little flower as though it were alone on earth, so our Lord is occupied particularly with each soul as though there were no others like it." Margaret Dorgan, DCM, *Saint Thérèse of Lisieux: Saint of the "Little Way,"* LIGUORIAN, Oct. 1997, at 28, 31.

¹⁶⁵ ALLEGRETTI, *supra* note 7, at 1.

¹⁶⁶ *Id.* at 11.

general sense of service with us free to decide for ourselves the form, or in a unique and personal way. Try as we might, we may never know which of those two is actually the case. All we can know is that the woman ultimately will only be held accountable for her own response to the profession.

Today, Kenneth Starr's work as special prosecutor brings the uniqueness of each lawyer's calling into particular focus. Some perceive Judge Starr as a Christian man who, against incredible odds, is committed to a relentless pursuit of truth. Others consider the image of a stooped and saddened Betty Currie leaving the grand jury or of a broken mother forced to divulge the intimate confidences of her daughter and view Starr as anything but Christian. Cases can be made for either position: Nehemiah cleansed the temple with his zeal,¹⁶⁷ but James instructed that the wisdom that comes from Heaven is "peaceable, gentle, compliant, full of mercy and good fruits."¹⁶⁸ I may decide that Judge Starr's practice is not consistent with how I feel God has called me.¹⁶⁹ On a different level, I also may decide that I am sufficiently worried about Judge Starr's spot in Heaven that I need to speak with him of my concerns.¹⁷⁰ Ultimately, however, Judge Starr's accountability for the expression of his faith through his practice is not to me but to God. God is to decide whether Judge Starr has lived his faith.¹⁷¹ As Paul said to the

¹⁶⁷ See *infra* text accompanying notes 276-78.

¹⁶⁸ James 3:17. Professor Shaffer notes that the "alternative church" rejects a moral distinction between "violence in the cause of freedom" and "violence for other causes," and, therefore, refuses to "seek political and legal solutions through violence." SHAFER, *supra* note 72, at 7.

¹⁶⁹ Saint Thérèse of Lisieux explained that God has poured his grace out upon each differently just as He has not graced the little flowers as He has the rose. SAINT THÉRÈSE *supra* note 14, at 2-3. This can account for different people responding to God differently.

¹⁷⁰ Matthew 18:15 ("If your brother sins [against you], go and tell him his fault between you and him alone. If he listens to you, you have won over your brother."). See also RICH MULLINS, *Brother's Keeper*, on BROTHER'S KEEPER (Reunion Records 1995) ("I will be my brother's keeper not the one who judges him.").

¹⁷¹ There are interesting parallels between Judge Starr's work and the work of lawyers Drummond and Brady in the classic play *Inherit the Wind*, which presents a fictionalized view of the Scopes Monkey Trial. JEROME LAWRENCE & ROBERT E. LEE, *INHERIT THE WIND* (1979). Both of the play's principal lawyers were presented as Christian in their own way: Brady, obviously in his outspoken adherence to his perception of Biblical truth; Drummond, more subtly in his willingness to hang onto his Bible along with his copy of Darwin. *Id.* at 115. Like Starr, both fictional lawyers are called to pursue a truth: Brady as the William Jennings Bryant-like prosecutor protecting creationism; and Drummond as the Clarence Darrow defense attorney seeking to open minds to evolution. Both these lawyers also find people who could block their road to truth, and both respond to these people in ways that do not always seem consistent.

For a discussion of how truth can be pursued on this particular issue, see Gregory Gelfand, *Of Monkeys and Men - an Atheist's Heretical View of the Constitutionality of Teaching the Disproof of a Religion in the Public Schools*, 16 J.L. & EDUC. 271 (1987).

Romans, "Who are you to pass judgment on someone else's servant? Before his own master he stands or falls. And he will be upheld for the Lord is able to make him stand."¹⁷²

Professor Allegretti, however, seeks to minimize the importance of these differences in calling or, as he views it, in the perspectives of calling by maintaining that what matters most here is not the nature of the calling but the lawyer's determination to respond to a call to moral practice:

I am not suggesting that it is irrelevant or unimportant how a lawyer resolves specific ethical issues such as a conflict of interest or a question of confidentiality. What I am saying is that although we might differ about where to draw the line in such matters, living a moral life depends upon an acknowledgement that lines must be drawn, choices must be made. It is this prior commitment that makes a moral life possible.¹⁷³

In spite of this assurance, one might feel that given all this diversity, the concept of lawyer calling ultimately must become meaningless, disappearing into a downward spiral of "I'm okay, you're okay, and what's to say we're not." Yet, such a spiral is blocked by each lawyer's sense of self or uniqueness of creation, a sense that allows the lawyer to pursue her moral calling honestly. Professor Allegretti uses Thomas More to illustrate the point:

We see in Thomas More someone who was willing to be an I, to see himself in the first person. More knew that what he said and did mattered, that his soul was implicated in his work. While the precise issue—the taking of an oath—may seem quaint and far-fetched to us, the larger question of what we stand for and whom we owe allegiance to is as contemporary as this morning's deposition or opinion letter.¹⁷⁴

Relying on Christian ethicist Stanley Hauerwas, Professor Allegretti maintains that once we decide "to be an I," we find "that in many of our important 'choices' there is really no 'choice' to be made. Because of who we are, because of who we aspire to be, certain choices are inevitable, and others are unthinkable."¹⁷⁵

It is not faith in human intuition that fuels Professor Allegretti's faith in the power of this "I decision" to lead one correctly. Rather, it is his faith in our humility before God. In evaluating More, for example, Professor Allegretti concludes that More was led to cling so tenaciously

¹⁷² *Romans* 14:4.

¹⁷³ ALLEGRETTI, *supra* note 7, at 122. This view is consistent with the view of community expressed by Professor Powell that communities, even communities of lawyers, are not defined by the answers the participants share but by the questions they mutually deem important. POWELL, *supra* note 72, at 30.

¹⁷⁴ ALLEGRETTI, *supra* note 7, at 122.

¹⁷⁵ *Id.*

to his principles "because he knows that in the end this is all he has to give to his God."¹⁷⁶ Thus, that I is a gift not to be taken lightly because one day it shall be presented to the God who "created me because He wanted me, uniquely as created, to know, love, and serve Him."¹⁷⁷ That God has numbered the very hairs on our heads,¹⁷⁸ and our names he has written upon the palms of his hands.¹⁷⁹ He has promised never to forget us,¹⁸⁰ and He is "all good and deserving of all [our] love."¹⁸¹ Given the love that God has for us, can we treat the little we have to give Him lightly.¹⁸²

The need to respond to the call of faith is clearly important. Identifying that call can, however, be difficult. Whether it is difficult because so many are called uniquely or because so many have taken the same call to mean such different things, the lawyer seeking to follow God's call still can feel pulled in many directions. Compounding the difficulty, the Lord has not promised to illuminate our life's journey only once so that,

¹⁷⁶ ALLEGRETTI, *supra* note 7, at 120. The power of this recognition to transform a life is illustrated in a story told by Father Ken Roberts:

Many years ago, I counseled a young teenage girl who was suicidal and her whole life was changed by meditating on the fact that God needed HER; that God has made her with her looks, her personality and her unique situation in life. There was not another her and there never would be another her. If she didn't offer God her unique way of praying and her unique sacrificial suffering, then God would not receive her unique love. God needed her! Once she accepted that, she completely changed her attitude toward life and became a very vibrant and loving person.

Father Ken Roberts, *You are Needed*, MEDJUGORJE MAGAZINE, Spring 1997, at 18 [hereinafter Roberts].

¹⁷⁷ Roberts, *supra* note 176, at 18.

¹⁷⁸ *Matthew* 10:30.

¹⁷⁹ *Isaiah* 49:16.

¹⁸⁰ *Id.* at 49:15.

¹⁸¹ *An Act of Reconciliation*, in THE CATHOLIC DEVOTIONAL 19 (Vance E. Litchty, ed., 1992).

¹⁸² In the transformation of John Proctor in Arthur Miller's play *The Crucible*, this point is borne out. ARTHUR MILLER, *THE CRUCIBLE* (1981). In Salem at the time of the witch trials, Proctor is wrongfully accused of being a witch and considers falsely confessing to save his life. *Id.* at 128-39. Proctor is not one with an inflated sense of holiness: He is an adulterer and recognizes that his own sins have put his wife's life in jeopardy. *Id.* at 105-06. Yet, in the end Proctor will not confess to witchcraft nor allow his name to be used to legitimate the trials because he insists on having some integrity to present for eternity. To explain his refusal to trade his name to save his life, Proctor says, "Because it is my name! Because I cannot have another in my life! . . . You have made your magic now, for now I do think I see some shred of goodness in John Proctor. Not enough to weave a banner with, but white enough to keep it from such dogs." *Id.* at 138.

Similarly, Paul exhorted the church in Corinth in words that Proctor would understand, "Yet, we are courageous, and we would rather leave the body and go home to the Lord. Therefore, we aspire to please him, whether we are at home or away. For we must all appear before the judgment seat of Christ." *2 Corinthians* 5:8-10.

having discerned this calling, we need never listen for it again. Instead, He has promised only to be a lamp for our feet, to guide us one step at a time.¹⁸³ We must, therefore, continually listen for God's voice and re-evaluate our calling throughout our lives.

3. Identifying A Calling

If we are called uniquely in different ways and for different times, how does one know what one's calling is at a particular moment? Most of us are not all that comfortable assuming we know what God wants of us. In Robert Bolt's play, *A Man For All Seasons*, the character of Sir Thomas More states, "God's my God. But I find him rather too subtle . . . I don't know where he is nor what he wants."¹⁸⁴ In addition, the life of a lawyer does not always lend itself to listening for such a "subtle" God. As Professor Allegretti points out, "[I]t is no easy matter to cultivate a sense of calling when our days are a chaotic jumble of constant phone calls, impending deadlines, hurried research, endless meetings, and no-time-to-leave-your-desk-lunches."¹⁸⁵

Although not everyone seems to have these struggles with deciphering a call,¹⁸⁶ most of us can relate to the experience of the prophet

¹⁸³ *Psalm* 119:105; *Proverbs* 16:9; 20:24.

¹⁸⁴ BOLT, *supra* note 150, at 67.

¹⁸⁵ *Id.* at 35.

¹⁸⁶ When, for example, a wealthy resident of Assisi named Bernard was considering giving all his incredible wealth to the poor and following Saint Francis as Francis's first companion in his life of poverty, the two men sat down together and opened the Sacred Scriptures randomly three times: The first time the book opened to the words, "If you seek perfection, go, sell your possessions, and give to the poor Afterward, come back and follow me"; the second time, to the words, "Provide yourselves with neither gold nor silver nor copper in your belts; no traveling bag, no change of shirt, no sandals, no walking staff"; and the third time to the words, "If a man wishes to come after me, he must deny his very self, take up his cross, and begin to follow in my footsteps." CRISTIANI, *supra* note 85, at 49-50. Bernard heard this as a clear call and immediately gave away all he owned and joined Francis. *Id.* at 50.

There is also Father Michael Scanlan, another Franciscan, a lawyer, and president of Franciscan University, one of America's most vibrant Catholic colleges. Randy Lee, *Catholic Legal Education at the Edge of a New Millennium: Do We Still Have the Spirit to Send Forth Saints*, 31 GONZAGA L. REV. 565, 569-70 (1996). On December 2, 1950, Father Scanlan went into the woods a confused college student praying that he would not come out until God revealed Himself. Father Scanlan emerged late that night called to faith. MICHAEL SCANLAN, T.O.R., *LET THE FIRE FALL* 15-16 (1986). Later, walking down a path across Longfellow's Estate near Harvard Law School, Father Scanlan, then a law student with a military obligation, became certain he was called to be a priest. *Id.* at 24-25.

Christian actor Dean Jones, who starred in many of Walt Disney's most successful feature films provides yet one more example. At critical points in his career after becoming a Christian, Jones prayed prostrate on the floor of his bedroom and decisively found God's direction. The circumstances surrounding Jones's appearance in the film *When Every Day*

Elijah; the voice of God does not seem to come to us in a "strong and heavy wind" nor "in an earthquake," nor in a blazing "fire," but at best we hear it in "a still small voice"¹⁸⁷ that we struggle to hear. We suspect that we are like the prophet Samuel, whom God called repeatedly through the night before Samuel finally learned to say "Speak, Lord, for your servant is listening."¹⁸⁸

To address this struggle, Professor Allegretti suggests that we may sense a call guiding us to be a lawyer in a wish to serve in a particular way, in a particular set of talents, or in the trajectory of our lives. Thus, it may be enough that we simply remain attentive to what unfolds before us. Professor Shaffer is quick to point out that, "God will find us where He has put us."¹⁸⁹ Attorney Bill Ball echoes this thought and cautions against investing too much energy searching for our calling someplace other than where we are today:

One must always be wary of impulses to "do good." Usually, we serve God best right where we are, accepting the place He has chosen for us, and observing, in the work at hand, the simple old rule from *The Imitation of Christ*, "*Age quod agis*"—do what you do (do it well).¹⁹⁰

Mr. Ball reassures us through his own life experiences, adding, "My own desire to serve 'better causes' as a lawyer did not take me on any search for the means to do it. The means came to me, almost by accident."¹⁹¹

There is a temptation to think our calling always must be to somewhere where we are not and to something dramatic and different. These thoughts leave us trapped between a life we are not content with and a life we can never quite find. Yet, we do not need to go into the streets of

Was the Fourth of July are but one example. DEAN JONES, UNDER RUNNING LAUGHTER 154-59 (1982).

¹⁸⁷ *1 Kings* 19:11-12.

¹⁸⁸ *1 Samuel* 3:3-10.

¹⁸⁹ Shaffer, *supra* note 50, at 1353.

¹⁹⁰ William Bentley Ball, *On Hoping to Be, Being, and Having Been*, 27 TEX. TECH. L. REV. 1005 (1996) (quoting THOMAS. A. KEMPIS, IMITATION OF CHRIST 34 (Leo. Sherly-Price trans., 1952) [hereinafter Ball]).

¹⁹¹ *Id.* at 216. William Ball's service as lead counsel in the landmark case of *Wisconsin v. Yoder*, 406 U.S. 205 (1972), is but one example of this. The Reverend William Lindholm, Chairman of the National Committee for Amish Religious Freedom contacted Mr. Ball on Christmas Eve, 1968, to seek Mr. Ball's aid in protecting Amish fathers in Wisconsin who were being arrested for educating their high school aged children at home. Mr. Ball saw an exception in the relevant Wisconsin statute that would protect the Amish and accepted the case believing that one letter to the Superintendent of Public Instruction of the State of Wisconsin would resolve the matter. Instead, Wisconsin pursued the matter all the way to the United States Supreme Court where Mr. Ball won one of the nation's most significant victories for religious liberty. William B. Ball, *Building a Landmark Case: Wisconsin v. Yoder*, in *COMPULSORY EDUCATION AND THE AMISH: THE RIGHT NOT TO BE MODERN* 114, 114-15 (Albert N. Keim, ed., 1975).

Calcutta to find our poorest of the poor—they are in our offices every day: people who are in danger, lost, desperate, angry, afraid, despairing. Mother Teresa fed her poor. She loved them, and she learned from them. Are we called to do differently? We must be mindful that the “Good Samaritan” was not good because he went out looking for people in need; he was good because he loved those whom the Lord placed in his path before him.¹⁹²

Yet, this cannot be the whole story. Often, people are not where God wants them to be. Actor Dean Jones reflects in his autobiography that he spent most of his life far from God,¹⁹³ in fact hiding from Him “UNDER RUNNING LAUGHTER.” And sometimes people are trapped in the dilemma that His ways are not our ways.¹⁹⁴ In this regard, Michael W. Jorgenson, who felt called to leave a successful corporate legal practice to join the staff of Global Missions Fellowship, Inc.,¹⁹⁵ uses his own life to show that there are times when God does want us to move, and when He does, His imagination for where we can go far exceeds our own: “On my own, I never would have chosen this ladder. From a logical standpoint it made no sense. No missiological training. No seminary degree. No fluency in a foreign language. No mission expertise.”¹⁹⁶ Indeed, sometimes, the Lord will call us somewhere or to something that goes beyond what we could have ever imagined.

Father Robert McQueeney, spiritual director of the Padre Pio Foundation of America, warns of the consequences of failing to discern and respond to God’s calling through a story about an eagle egg that a Native American boy placed in a hen-house:

In due time the egg hatched and the little baby eagle joined the family of chickens. It thought of itself as a chicken; it scratched for seed, but it never learned to fly—except a few feet off the ground like its sister-chickens flew.

One day, a beautiful eagle soared overhead. It rode the wind currents in majestic circles. The young eagle watched in fascination. The mother hen came to him and said, “Don’t waste your time watching that big bird soaring high in the sky. You will never fly like that, so stop day-dreaming.

The chicken yard-eagle never *did* fly. He never knew it was possible for him to soar. He spent his life pecking in the dirt for seeds.

¹⁹² *Luke* 10:25-37. In the parable, a priest, a Levite, and a Samaritan each encounter a wounded man on the road while traveling to their intended purposes. Only the Samaritan stops to aid the person whom he finds placed in the path of his life.

¹⁹³ JONES, *supra* note 186, at 11-73 (1982).

¹⁹⁴ *Matthew* 16:23 (“You are thinking not as God does, but as human beings do.”); *I Samuel* 16:7 (“Not as man sees does God see.”).

¹⁹⁵ Michael W. Jorgenson, *Whose Ladder Are You Climbing?*, 27 *TEX. TECH. L. REV.* 1191, 1195 (1996).

¹⁹⁶ *Id.* at 1196.

I worry that maybe we are like that stunted eagle. Maybe we can soar with Our Lord and don't even know it. There is an eagle in all of us, an eagle of grace. We have sky-high gifts. If only we will surrender to Our Lord; He will teach us to soar.¹⁹⁷

Yet, how can one know whether the eagle flying above her calls her to God or tempts her to distraction? Although their approaches may differ, numerous lawyer Christians have found that they can discern God's will for their lives. For Kenneth Starr, for example, prayer and scripture hold the key:

When I received the fateful phone call in August 1994 indicating that I would be named Independent Counsel in the Whitewater investigation, I promptly went into a period of quiet reflection. I read in the Psalms, I scanned over familiar passages from Proverbs, and then prayed, fervently, for wisdom. I continue to do so.¹⁹⁸

Professor Shaffer prefers community to solitude when he needs to discern God's course for him. "It is not biblically sufficient for a believer to go off by himself, alone with God, and figure out how his faith is to be reconciled with what he works at, or how his faith is to inform what he does when he works."¹⁹⁹ Instead, Professor Shaffer turns to consultation and reflection with the church, defined for him not as an institution or administration but as a body of believers. "For this purpose, for me, the church has been a small group. Jesus said two or three were enough."²⁰⁰

Attorney Jorgenson follows a three-step process of discernment he attributes to the calling of Moses.²⁰¹ First, "Moses noticed circumstances that were extraordinary" and "decided to investigate."²⁰² Second, when the Lord saw Moses investigate, "the Lord called to Moses. Again Moses had a choice. '*Do I answer or do I go about my business?*' . . . Moses put the Lord of the work ahead of the work that the Lord had given him to do up to that point."²⁰³ Third, God called Moses to understand God's holiness and Moses's sinfulness. Moses had to understand who was the boss and who was not.²⁰⁴

¹⁹⁷ Father Robert McQueeney, *Speaking of Eagles*, NEWSLETTER OF THE PADRE PIO FOUNDATION OF AMERICA, Lent 1998, at 4; see also *Isaiah* 40:31 ("They that hope in the Lord will renew their strength, they will soar as with eagles' wings; they will run and not grow weary, walk and not grow faint.").

¹⁹⁸ Starr, *supra* note 1, at 1361.

¹⁹⁹ Shaffer, *supra* note 50, at 1353.

²⁰⁰ *Id.*

²⁰¹ Jorgenson, *supra* note 195, at 1193 ("In one conversation, Moses understood God's plan and timing for his life. No more wondering whether Moses was on the right ladder. No more questions whether he was headed in the right direction.").

²⁰² *Id.*

²⁰³ *Id.* at 1194.

²⁰⁴ *Id.*

Jorgenson, therefore, that one discern God's call first through prayer and patience. He must remain open to remaining where he is but also considers extraordinary circumstances. Second, when the Lord is heard in those circumstances, one must listen. Finally, one must be able to quiet one's own pride and agenda²⁰⁵ and give himself over to hearing entirely what God would have him do.²⁰⁶

Jorgenson uses his own life to elaborate the final step. At one point, Jorgenson had asked God for direction but had asked for that direction within conditions Jorgenson had set: Given that I plan to remain a lawyer, what, Lord, do you call me to do?²⁰⁷ The requests had been fruitless. As Jorgenson describes it, "I had tried to put terms on His sovereignty, and heard only silence over these months and months and months of praying."²⁰⁸ Reminiscent of the words of Moses, it was only after Jorgenson realized the need to seek God's direction with his whole heart²⁰⁹ that he found that direction.²¹⁰ Jorgenson, like Moses, had to understand who was the boss and who was not.

Father Michael Scanlan offers still a different approach. He suggests five questions for those who want to know how God wants them to act:

1. Does the act conform to God's will in light of the teachings of our faith and our current understanding and commitments?²¹¹

²⁰⁵ Martha, the sister of Mary and Lazarus, got into trouble advancing her own agenda instead of God's when she insisted on "serving" while He was speaking to her. *Luke* 10:38-42. Had Martha not been so insistent on serving at that particular moment, the service might not have been so burdensome. Jesus had a way of making the provision of a meal go more easily. *John* 2:2-11 (Jesus changed water into wine at a wedding feast in Cana.); *John* 6:5-14 (Jesus fed a large crowd with five loaves and two fishes.).

²⁰⁶ While Jorgenson addresses the problem of not hearing God's call because we are making too much noise, Michael Card addresses the problem of not hearing God's response because we do not believe He will respond. MICHAEL CARD, *In Stillness and Simplicity*, ON PRESENT REALITY (Sparrow Records 1988):

Is the reason we're not still
To hear You speak because
We don't believe You will.

Id.

²⁰⁷ Jorgenson, *supra* note 195, at 1193.

²⁰⁸ *Id.* at 1195.

²⁰⁹ *Deuteronomy* 4:29 ("Yet there too you shall seek the Lord, your God; and you shall indeed find him when you search after him with your whole heart and your whole soul."). See also *Daniel* 3:40 ("We follow you [God] unreservedly; for those who trust in you cannot be put to shame."); *Proverbs* 3:5 ("Trust in the Lord with all your heart, on your own intelligence rely not.").

²¹⁰ Jorgenson, *supra* note 195, at 1195.

²¹¹ MICHAEL SCANLAN, T.O.R. WITH JAMES MANNEY, WHAT DOES GOD WANT? A PRACTICAL GUIDE TO MAKING DECISIONS 119 (1996).

2. Does the act encourage conversion: does it lead us closer to God and away from sin, and does it encourage "a more faithful discharge of [our] primary responsibilities?"²¹²
3. Is God's guidance here consistent with how and where He had led us in the past, and is it consistent with our established priorities?²¹³
4. What confirms what we perceive is the direction He would have us go?²¹⁴
5. "Does the heart say 'yes'?"²¹⁵

Even with all this direction, the business of identifying one's calling remains daunting. Attorney Jorgenson offers some comfort by suggesting that we may find some validation of our decisions in their consequences, "Where He is at work," Jorgenson notes, "miracles occur that cannot be explained except for the fact that He is involved."²¹⁶ Even more Jorgenson offers this consolation, that in all the years he was climbing the wrong ladders, God was pursuing him.²¹⁷ God wants us to be with Him, and, if in our imperfections, we choose the wrong road, we can trust that He who created everything from nothing²¹⁸ has the ability to find a lost sheep.²¹⁹

For all the struggling that discerning a calling may entail, some things are very sure. We are called to love both enemy²²⁰ and neighbor.²²¹ We are called to ask ourselves whether others will be able to see Christ

²¹² *Id.* at 120.

²¹³ *Id.* at 121.

²¹⁴ *Id.* at 122.

²¹⁵ *Id.* at 123.

²¹⁶ Jorgenson, *supra* note 195, at 1196.

²¹⁷ *Id.* at 1192.

²¹⁸ *Genesis* 1-2.

²¹⁹ *Luke* 15:1-7 (parable of the lost sheep). For God it is sufficient that we want to find Him. A prayer by the Trappist Monk Thomas Merton poignantly bears this out:

Dear God:

I have no idea where I am going. I do not see the road ahead of me. I cannot know for certain where it will end. Nor do I really know myself, and the fact that I think that I am following your will does not mean that I am actually doing so. But I believe this: I believe the desire to please you does in fact please you. I hope that I have that desire in everything I do. I hope I never do anything apart from that desire. And I know that if I do this you will lead me by the right road though I may know nothing about it at the time. Therefore, I will trust you always for though I may seem to be lost, and in the shadow of death, I will not be afraid because I know you will never leave me to face my troubles all alone.

Randy Lee, *A Look at God, Feminism, and Tort Law*, 75 MARQ. L. REV. 369, 398 n.170 (1992) (quoting Thomas Merton).

²²⁰ *Matthew* 5:43-48.

²²¹ *Luke* 10:25-37.

in us,²²² and whether we will look for Christ in them.²²³ In the next section, we will consider what that means to a lawyer Christian as that Christian encounters clients, opponents, and coworkers.

4. Our Calling to Others

Christ said that being Christian is primarily about how we relate to God and to people.²²⁴ Therefore, a Christian lawyer should be particularly attentive to her relationships with God and people. Furthermore, as the Christian lawyer considers how she is called to relate to people, it is helpful to consider the people she encounters as two groups: the clients with whom she works, and the adversaries and coworkers with whom she works. We shall begin with the lawyer-client relationship.

(a) *Called to Clients*

Mother Teresa said, "The very fact that God has placed a certain soul in your way is a sign that God wants to do something for her."²²⁵ Not only has God placed the client in the lawyer's way, but God also has placed the lawyer in the client's way. Thus, in this section, we must be mindful that God does want to bless the client through the lawyer, but that He also wants to bless the lawyer through her clients.

If the lawyer is to be an instrument of God who will do something for the client,²²⁶ she must first recognize the client as an individual. This is easier said than done. In a profession where one is constantly besieged by pressing demands and emotionally charged incidents, it becomes easy, and it can feel almost essential, to draw away from the person and focus on the problem.²²⁷ Michael Jorgenson admits that he tended to do

²²² *Matthew* 5:13-16.

²²³ *Id.* at 25:37-40, 44-45.

²²⁴ *Luke* 10:25-28.

²²⁵ MOTHER TERESA, *supra* note 75, at 77; accord *Luke* 10:25-37 (Good Samaritan story).

²²⁶ Saint Francis prayed in this regard,
 Lord, make me an instrument of Your peace:
 Where there is hatred let me sow love,
 Where there is injury let me sow pardon,
 Where there is doubt let me sow faith,
 Where there is despair let me give hope,
 Where there is darkness let me give light,
 Where there is sadness let me give joy.

PRIESTS AND BROTHERS OF THE SACRED HEART, DAILY PRAYERS 34 (1987).

²²⁷ John Wagner, *Tough Young Clients Generate Tough Cases for a Public Defender*, WALL ST. J., Sept. 25, 1990, at A1, A16 (Public Defender Richard Bank states, "If you don't keep your distance in this job, you just go crazy. You see so much cruelty.").

this until God showed him that he "was much more preoccupied with projects than with people."²²⁸ A lawyer also may lose sight of the individuality of his client because the lawyer views law as a means of ordering society. When a lawyer takes this view, she may become too concerned with the effect the lawyer has on society and lose sight of the individual who sits in the lawyer's office.²²⁹

The answer to these pressures, demands, and temptations is as close as the life of Christ. Christ was faced with crushing personal demands.²³⁰ Yet, He could always feel the needs of the individual before Him. In fact, this sensitivity to each individual was an important part of each gift He gave.

His healing of the woman with a hemorrhage bears this out.²³¹ When He encountered this woman, Jesus was on His way to heal a dying young girl. The going, however, was difficult. The crowds were crushing in on Jesus, undoubtedly slowing his progress. But in the midst of it all, Jesus suddenly stopped and asked "Who touched me?"²³²

For Peter, it may have seemed an odd question. He responded, "Master, the crowds are pushing and pressing in upon you!"²³³ The dying girl's father was probably frantic; why did they have to be delayed by this? But Jesus sensed that He had been touched by a person, and he stopped to respond. "Someone has touched me," he said "for I know that power has gone out of me."²³⁴

Jesus looked around to see who had touched Him, and the woman stepped forward. She came in fear and trembling and threw herself on the ground before Jesus. She acknowledged to all that the touch of Jesus had healed her of twelve years of bleeding.²³⁵ Jesus could not leave it at that, however. He called the woman, "daughter," and assured her, "your faith has saved you; go in peace."²³⁶ Only then did He go on to heal the next individual, the dying girl, with the same particularized sensitivity.²³⁷

²²⁸ Jorgenson, *supra* note 195, at 1193.

²²⁹ See, e.g., Robert F. Cochran, Jr., *Christian Perspectives on Law and Legal Scholarship: Introduction*, 47 J. LEGAL EDUC. 1, 11-12 (1997) (a thoughtful discussion dividing Christians groups according to how they respond to cultures).

²³⁰ *Matthew* 4:23-25; 8:1-4, 18; 9:10-13, 35-38; 13:1-2.

²³¹ *Id.* at 8:40-48.

²³² *Id.* at 8:45.

²³³ *Id.*

²³⁴ *Id.* at 8:46.

²³⁵ *Matthew* at 8:47.

²³⁶ *Id.* at 8:48.

²³⁷ After healing the girl, Jesus instructed her parents that the girl was hungry and needed something to eat. *Id.* at 8:53-55 (Jesus actually raised her from the dead as the girl had died before Jesus arrived.).

In *A Lawyer's Calling*, Professor Allegretti insists that lawyers must respond to each person, out of the chaos of a lawyer's day, with the same concern that Jesus had for the woman who reached out to Him. Allegretti maintains that the lawyer must be willing "to sit and listen carefully to a client's painful tale,"²³⁸ to call "her clients back to their better selves,"²³⁹ and to "remind clients of their deepest loves, values, and obligations."²⁴⁰ Such personal things can only be done by a lawyer who deals with people as individuals. Just as individual attention was part of Christ's ministry, it must be part of the lawyer Christian's ministry to his clients.

We may wonder, however, where we will find the strength, patience, and energy to respond to each client according to their unique circumstances. We will find it in the love and respect we have for our clients. Mother Teresa, just like most lawyers, had her chaos and her multitudes to deal with, but she knew that she had to deal with her people one at a time. She loved them, and she could only love them one at a time. By loving them one at a time, she never became overwhelmed with worry over how many people she would have to help in her day, her year, or her lifetime. Her only concern was the person God had placed in her way at the moment:

I never look at the masses as my responsibility.

I look at the individual. I can only love one person at a time. I can feed only one person at a time. Just one, one, one.

You get closer to Christ by coming closer to each other. As Jesus said, "Whatever you do to the least of my brethren, you do to me."

So you begin . . . I begin.

I picked up one person—maybe if I didn't pick up that one person I wouldn't have picked up 42,000.

The whole work is only a drop in the ocean. But if I didn't put the drop in, the ocean would be one drop less.

Same thing for you.

Same thing in your family.

Same thing in the church where you go

just begin . . . one, one, one.²⁴¹

William Ball adds to that love the value of respecting one's clients. As Mr. Ball has shown in his career, if a lawyer respects his clients, then necessarily he will be better able to work for them enthusiastically and energetically:

What was a Catholic doing representing all those people of other faiths? Some Catholics might have wondered. So indeed, might some

²³⁸ ALLEGRETTI, *supra* note 7, at 49.

²³⁹ *Id.* at 52.

²⁴⁰ *Id.*

²⁴¹ MOTHER TERESA, WORDS TO LOVE BY 79 (1983).

of those religious bodies which possessed a hardy tradition of hostility to the Catholic church. But in the handling of these cases, which so often involved oppressive actions by government, I was conscious not of differences between, say Catholics and Seventh-Day Adventists, but of what things we profoundly had in common. In fighting, for example, for the liberty of Adventist Nebraska prairie schools to exist without grossly unreasonable governmental controls, I felt deeply for the good Adventists, their real faith in God, their unswerving fidelity to their beliefs. Here were people worth one's best effort. And I can properly call that best effort a personal *religious* experience.²⁴²

What Mr. Ball calls for here is more than the call of the Model Rules that the lawyer rise above "personal inconvenience"²⁴³ and "procrastination"²⁴⁴ in representing a client, and perhaps more even than the aspirational call of the Rules that "[a] lawyer should act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf."²⁴⁵ Certainly William Ball was not content to seek refuge in the consolation of the Model Rules that he need not approve "of the client's views or activities."²⁴⁶ Instead he sought to find a ground upon which he could "feel deeply" for them. It was by feeling deeply for them that William Ball was able to put forth his best efforts for these clients.

Treating clients with love and respect, however, takes more time than processing them through our offices like pieces on an assembly line, and lawyers are paid for their time. In this regard, should a lawyer charge for the extra time spent listening to a painful tale or calling the client back to his better self? Though perhaps an awkward question for the lawyer Christian, it still needs to be addressed. Both the Model Rules and the Bible seem to leave the answer to each individual lawyer. The Preamble²⁴⁷ and Scope section²⁴⁸ of the Model Rules, and the Rules themselves²⁴⁹ state that such activities fall within the framework of legal practice. Therefore, a lawyer can charge for such work right along with all her other legal work.²⁵⁰

²⁴² Ball, *supra* note 190, at 1006-07.

²⁴³ Model Rules of Professional Conduct Rule 1.3 cmt. [1] (1983).

²⁴⁴ *Id.* at Rule 1.3 cmt. [2].

²⁴⁵ *Id.* at Rule 1.3 cmt. [1].

²⁴⁶ *Id.* at Rule 1.2 cmt. [3].

²⁴⁷ Model Rules of Professional Conduct Preamble [6] (1983).

²⁴⁸ *Id.* at Scope [2].

²⁴⁹ *Id.* at Rule 2.1 cmt. [2].

²⁵⁰ *Id.* at Rule 5.4(a) (prohibition against sharing "legal fees with a non lawyer" is not implicated).

The Bible similarly permits including this time in the hours for which the lawyer is compensated. Paul pointed out to the Church at Corinth that

It is written in the laws of Moses, "You shall not muzzle an ox while it is treading out the grain." Is God concerned about oxen, or is he not really speaking for our sake? It was written for our sake, because the plowman should plow in hope, and the thresher in hope of receiving a share.²⁵¹

Although Paul told the Church at Corinth that he had a right to be paid for his preaching, he worked to support himself while he was among them²⁵² and expressly decided not to ask them for support.²⁵³ He made this decision "so as not to place an obstacle to the gospel of Christ."²⁵⁴ On the other hand, Paul did accept support from the Church at Philippi.²⁵⁵ His choice was dictated by his eagerness "for the profit that accrues to [the Church's] account."²⁵⁶ In each case, then, Paul's decision whether to bill for his ministry was guided by what he believed would benefit his clients the most. If we are similarly guided today, we may encounter some clients who would be distracted by being billed for what they perceive as Christian brotherhood. Others will gladly welcome the opportunity to support our work. Thus, the lawyer appears free to bill as she sees fit, even for moments of particular witness, but her decision should be guided by a desire to further the greater glory of God.²⁵⁷

In addition to giving clients individualized service with love and respect, free or otherwise, the lawyer, as noted earlier, is also called to be open to receiving what the Lord would give the lawyer through the client. The lawyer-client relationship involves "two people, each a child of God, each sinful yet redeemed, [who] come together and for better or for

²⁵¹ *1 Corinthians* 9:9-10.

²⁵² *Acts* 18:3.

²⁵³ *1 Corinthians* 9:12-19; *2 Corinthians* 11:7-15.

²⁵⁴ *1 Corinthians* 9:12.

²⁵⁵ *Philippians* 4:10-16.

²⁵⁶ *Id.* at 4:17.

²⁵⁷ A related question is whether a lawyer can bill a client for Christian action related to representation. For example, if one drives an estate client around to look at nursing homes because no one else is available to do so, can she, or should she, bill for the time. From the Christian perspective the analysis follows along the same lines applied to spoken ministry. From the legal perspective, the Model Rules of Professional Conduct offer some particular direction. Model Rule 5.7 allows a lawyer to provide "law-related services" that are not prohibited as unauthorized practice of law when provided by a nonlawyer. MODEL RULES OF PROFESSIONAL CONDUCT Rule 5.7 (1994). Such services include "social work" and "psychological counseling." *Id.* at Rule 5.7 cmt. [9]. Rule 1.5(a) indicates criteria for determining whether a fee is reasonable, and among those are the novelty, difficulty, and skill required. *Id.* at Rule 1.5(a)(1). Thus, the Model Rules would allow billing for such services so long as the services could be considered law-related and the fees charged reflected the nature of that service.

worse each is moved and shaped and changed by the other."²⁵⁸ For the trained, professional lawyer, this mutuality can be hard to comprehend. As Professor Allegretti says, "We seem unable to envision a relationship between lawyers and clients in which one or the other is not in charge of and dominant over the other."²⁵⁹ The fact that there is mutuality in the relationship, however, is not to suggest that the lawyer ceases to be the expert on the law. Nor does it mean that, in such a relationship, the lawyer may not be able to bring an objective view to the situation. It means simply that the lawyer must be willing to learn from and be challenged by a client who is also an instrument of God.²⁶⁰ The lawyer must acknowledge that "God proposes to deal with me through my client,"²⁶¹ and that she "who takes the risk of counseling must be prepared to be counseled in turn by [her] brother if there is need of it."²⁶²

Lawyers may begin to see all that they have to gain in these exchanges by observing the work of l'Arche founder Jean Vanier. Vanier builds l'Arche communities which join people with and without mental disabilities. Although that pairing is not precisely the lawyer-client relationship, Vanier's description of the l'Arche communities vividly calls to mind the world of lawyers and what they can gain from working with their clients.

In describing the l'Arche communities, Vanier begins by pointing out that *all* of the members have disabilities, and that all come to the community recognizing a need to grow:

About half of these people have obvious handicaps. The others—"assistants"—have chosen to share their lives, but they also possess inner handicaps: an incapacity to love, prejudices, and inner blockages. All are seeking to grow in love, in relationship, in competence, in faith, and in community living.²⁶³

Vanier traces the disabilities of the assistants in the l'Arche communities to the highly competitive world from which those assistants come. Like lawyers, the assistants have become strong, aggressive, and competitive, natural responses to a world where winning is everything.²⁶⁴

²⁵⁸ ALLEGRETTI, *supra* note 7, at 37. Professor Floyd is one who stresses our recognition of our client's call to make us better people for having been their lawyers. Timothy W. Floyd, *The Practice of Law as a Vocation or Calling*, 66 *FORDHAM L. REV.* 1045, 1416 (1998).

²⁵⁹ Allegretti, *supra* note 7, at 41.

²⁶⁰ *Id.* at 45.

²⁶¹ *Id.* at 43 (quoting THOMAS L. SHAFFER, ON BEING A CHRISTIAN AND A LAWYER: LAW FOR THE INNOCENT 37 (1981)).

²⁶² *Id.* at 47 (quoting KARL BARTH, THE HUMANITY OF GOD 86-87 (1960)).

²⁶³ Vanier, *supra* note 98, at 7.

²⁶⁴ Vanier has described that world in this way:

In the communities, the people with mental disabilities teach the assistants about themselves, about their own, less apparent brokenness that lies behind the mask of strength they must wear in their competitive world.²⁶⁵ Vanier goes on to describe how these lessons and discoveries are taught:

People with disabilities reveal something else. So often out of their very weakness, incapacity, and need flows a cry of trust, a yearning for tenderness and understanding. They call people to love. Those who live with them discover another part of their own being—their hearts, their capacity to love and to be attentive to others. They discover communion. They realize that they are called to love intelligently as they seek to bring others to greater freedom.²⁶⁶

The vast majority of lawyers do not have clients with mental disabilities, but all lawyers have clients who are less equipped to function in the “legal world” than their lawyers. Out of that weakness flows a cry of trust. Sometimes it is despairing, and other times it can be rude, insistent, cavalier, or authoritative. Regardless of its form, a lawyer must recognize it for what it is, seek to understand it, and learn from it. Just as the assistants learn from these cries about their own needs to trust and their own capacities to love, these cries can teach lawyers the same things.

Vanier points out that the lessons do not stop there. Not only must the assistants learn from the weakness of the people with mental disabilities, the assistants must learn from the strength of those people as well.²⁶⁷ The willingness to respond to this strength is not simply being patronizing. As Mother Teresa emphasized, we have much to learn from those we regard as poor: “We don’t realize the greatness of the poor and how much they give us. It is a wonder.”²⁶⁸

We live in a very competitive world. We are taught to be strong and aggressive, to develop our skills and capacities so that we will win. If we do not win, we lose, which brings the risk of falling into depression. We are taught to hide our weaknesses and limits, not to be vulnerable.

Id. at 9.

²⁶⁵ *Id.*:

Assistants also discover their own blockages, inner pain, anguish and anger, their need to prove themselves and to appear clever. They begin to see the darkness, the shadowy side in themselves. In living with people who are weak and defenseless, assistants recognize their own brokenness. We are all a mixture of weakness and strength. We all have our fears and our gifts. We all need to be loved.

Id.

²⁶⁶ *Id.*

²⁶⁷ *Id.* at 10.

²⁶⁸ MOTHER TERESA, *supra* note 241, at 69. Mother Teresa stated:

I wonder what the world would be like if there were not these great people who continually suffer.

Our clients are no less great than the poor whom Mother Teresa helped. Thus, lawyers can learn from their clients just as Mother Teresa learned from her poor. There is often much to be learned from those who may appear, at first glance, weaker or less intelligent. Harvard Professor and child psychiatrist Dr. Robert Coles tells of how much a host of different "professionals" during the Civil Rights Movement learned from six-year-old Ruby Bridges during the integration of a New Orleans elementary school in the sixties.²⁶⁹ Dr. Coles quotes Ruby's teacher:

"I watch her walking with those federal marshals, and you can't help but hear what the people say to her. They're ready to kill her. They call her the worst names imaginable. I never wanted "integration," but I couldn't say those things to any child, no matter her race. She smiles at them—and they're saying they're going to kill her. There must be 40 or 50 grown men and women out on those streets every morning and every afternoon, sometimes more. One of the marshals said to me the other say: 'That girl, she's got guts; she's got more courage than I've ever seen anyone have.' And he told me he'd been in the war; he was in the army that landed in Normandy in 1944. He said Ruby didn't even seem afraid—and he sure remembered how scared they all were sailing to France. I agree with him; she doesn't seem afraid. There was a time, at the beginning, that I thought she wasn't too bright, you know, and so that was why she could be so brave on the street. But she's a bright child, and she learns well. She knows what's happening, and she knows they *could* kill her. They look as mean as can be. But she keeps

Suffer with such dignity and love.
The dying man who said to one of our sisters,
"I am going home to God."

He did not say anything about his difficulties only, "I am going home to God."

Then he closed his eyes and went home.
Just as simple and beautiful as that.

He went home to Jesus.

He went home to see the face of God.

His heart was so pure and so beautiful.

Id. See also, ROBERT COLES, *William Carlos Williams: A Doctor's Faith, a Poet's Faith*, in HARVARD DIARY: REFLECTIONS ON THE SACRED AND THE SECULAR 156, 157 (1988) (When an overwhelmed Robert Coles, then a third-year medical student, stopped by the home of William Carlos Williams, a doctor in addition to being a poet, to express his concerns about the demands patients put on a doctor's life, Williams told him that the patients "treat *you*." As he was sick and no longer working, Williams added, "I miss my patients. I need them now. They'd make me feel a hell of a lot better—I know—if I could see them!") (Dr. Coles is a leading author, social commentator, child psychiatrist, and professor, teaching courses in Harvard's law school, medical school, and undergraduate school among other places.)

²⁶⁹ Robert Coles, *The Hero Without and Within*, in HARVARD DIARY: REFLECTIONS ON THE SACRED AND THE SECULAR 113, 113-14 (1988).

coming here, and she told me the other day that she feels sorry for all of them, and she's praying for them. Can you imagine that!²⁷⁰

It seems paradoxical: the teacher learns from the student; the rich learn from the poor; the apparently abled learn from those who are not; the lawyer learns from the client. But that, as Jean Vanier tells us, "is the paradox of the gospel: those we come to heal become healers; those we come to teach become teachers; those we come to help, help us."²⁷¹ Lawyers must accept the paradox and remember that we look forward to Christmas not only because we shall give but also because we shall receive.

(b) *Called to Labor with Others*

In addition to considering how a lawyer is called to respond to her clients, one must also consider how the lawyer is called to respond to the people working around her, both with her and against her. Quite simply, "we should strive to treat others the way we would like to be treated."²⁷² As Kenneth Starr has stated, "Above all, Christian lawyering means treating one's colleagues and adversaries with a profound sense of respect for human dignity. It means civility and kindness in interpersonal relations, even toward one's adversaries, even when they do not reciprocate."²⁷³

The Christian lawyer might view such treatment of opposing counsel as a frustrating exercise undertaken for God but one that has no worldly benefit. The exercise may even invite worldly dangers. The image of Mrs. Cratchit toasting Mr. Scrooge in Dickens's *A Christmas Carol* comes to mind.²⁷⁴ Yet, Christian history is not without its share of

²⁷⁰ *Id.*

²⁷¹ Vanier, *supra* note 98, at 9.

²⁷² ALLEGRETTI, *supra* note 7, at 99 (paraphrasing *Matthew* 7:12).

²⁷³ Starr, *supra* note 1, at 1360.

²⁷⁴ Charles Dickens, *A Christmas Carol* 58-59 (Brimax Books 1992).

Mr. Scrooge!" said Bob; "I'll give you Mr. Scrooge, the Founder of the Feast!"

The Founder of the Feast indeed!" cried Mrs. Cratchit, reddening. "I wish I had him here. I'd give him a piece of my mind to feast upon, and I hope he'd have a good appetite for it."

"My dear," said Bob, "the children; Christmas Day."

"It should be Christmas Day, I am sure," said she, "on which one drinks the health of such an odious, stingy, hard, unfeeling man as Mr. Scrooge. You know he is, Robert! Nobody knows it better than you do, poor fellow!"

"My dear," was Bob's mild answer, "Christmas Day."

"I'll drink his health for your sake and the Day's," said Mrs. Cratchit, "not for his. Long life to him! A Merry Christmas and a happy new year! He'll be very merry and very happy, I have no doubt!"

miraculous conversions of those who oppress God's people,²⁷⁵ and Professor Allegretti stresses that "[w]e should not be too quick to dismiss the basic decency of our opponent or discount the moral authority we possess."²⁷⁶ As he explains, "if I let my opponent's tactics dictate my response, I overlook the possibility that my own conduct can set the tone for our relationship. Perhaps if I act honestly and fairly, my opponent will respond in kind. Someone must have the courage to take the first step."²⁷⁷

This direction does not, however, foreclose the possibility suggested by Professor Monroe Freedman that a lawyer of faith might at some point be called to hold the other side against a wall until they realized the need to respond amicably.²⁷⁸ Certain circumstances may call for strong responses. It is written in the Book of Nehemiah that, on the Lord's behalf, Nehemiah threw Tobiah and all Tobiah's household goods out of the Temple,²⁷⁹ threatened to "lay hands" on those who profaned the Sabbath,²⁸⁰ and had some who had married foreigners "beaten and their hair pulled out."²⁸¹ John tells us that Christ began his public ministry by cleansing the temple with a whip of chords,²⁸² and Matthew, Mark, and Luke tell us that Christ ended His ministry in similar fashion.²⁸³ Perhaps even today, God might consume someone with similar

The children drank the toast after her. It was the first of their proceedings which had no heartiness in it.

Id.

²⁷⁵ The transformation of Saul to Paul is perhaps the most striking. *Acts* 7:58-8:3; 9:1-30.

²⁷⁶ ALLEGRETTI, *supra* note 7, at 99.

²⁷⁷ *Id.* Professor Allegretti's position is illustrated in that which many teach their children. For example, in the children's book *A BARGAIN FOR FRANCIS*, Francis and her friend Thelma are less than candid with one another in a series of transactions involving a tea set. As the reality of their behavior becomes apparent to both, the two have the following exchange:

"Well," said Thelma, "from now on I will have to be careful when I play with you."

"Being careful is not as much fun as being friends," said Francis. "Do you want to be careful, or do you want to be friends?"

"I want to be friends," said Thelma.

"Alright," said Francis. "Then I will give you halvesies on the dime."

Francis and Thelma went to the candy store with the dime, Francis bought bubble gum and Thelma bought Life Savers.

RUSSELL HOBAN & LILLIAN HOBAN, *A BARGAIN FOR FRANCIS* 54-57 (1970).

²⁷⁸ Freedman, *supra* note 132, at 69.

²⁷⁹ *Nehemiah* 13:7-9.

²⁸⁰ *Id.* at 13:20-22.

²⁸¹ *Id.* at 13:23-25.

²⁸² *John* 2:13-21.

²⁸³ *Matthew* 21:12-13; *Mark* 11:15-17; *Luke* 19:45-46.

"zeal."²⁸⁴ That possibility must, however, be considered in the context of Christ's commands not to be angry with others,²⁸⁵ to turn the other cheek,²⁸⁶ to forgive,²⁸⁷ and to "love one another as [Christ] loves you."²⁸⁸ A lawyer who feels called to infuse her zealous representation with zeal of that nature should prayerfully consider whether she is really being called to the response by God or by herself.

One can easily forget that God also calls us to respond in particular ways to the people who work with us. These responses may be particularly difficult for lawyers given our world of deadlines, power, investigation, and fault-finding. Dr. Robert Coles warns of the danger of defending the rights of the masses with lofty arguments and writings while being "a rather crude, arrogant, smug person in the course of getting through the day."²⁸⁹ Dr. Coles speaks of sitting in the office of a Nicaraguan *commandant* who spoke "noble and egalitarian thoughts," all the while buzzing secretaries for various needs without ever acknowledging these people, let alone thanking them for their efforts.²⁹⁰ It is tempting for a lawyer to do the same. Caught in the fast-paced world of practice, overwhelmed by clients who pay for our best behavior, it is easy to forget that we also need to love those who are on our payroll. Christ, however, not only washed the feet of His workers;²⁹¹ He even called them "friend,"²⁹² and He instructed us to do the same.²⁹³

Dr. Susan Muto draws on the writings of Saint John of the Cross to provide additional guidance for the manner in which one should relate to others in her office. Dr. Muto warns against being "overly preoccupied with what others are doing" and being "too ready to criticize others."²⁹⁴ She instructs that one should avoid gossip and endless chatter designed only to "satisfy our curiosity or to air our anger, jealousy and hurt pride."²⁹⁵ Instead, one should focus one's energy on examining his own conscience and "quietly living their lives in union with God."²⁹⁶ This is not to say that we should never acknowledge indiscretions in the office,

²⁸⁴ *John* 2:17.

²⁸⁵ *Matthew* 5:22.

²⁸⁶ *Id.* at 5:39.

²⁸⁷ *Id.* at 18:35.

²⁸⁸ *John* 15:12.

²⁸⁹ Robert Coles, *Small Gestures*, in *HARVARD DIARY: REFLECTIONS ON THE SACRED AND THE SECULAR* 109, 111 (1988).

²⁹⁰ *Id.*

²⁹¹ *John* 13:4-17.

²⁹² *Id.* at 15:15.

²⁹³ *Id.* at 13:14.

²⁹⁴ MUTO, *supra* note 127, at 44.

²⁹⁵ *Id.*

²⁹⁶ *Id.*

but “[w]hen we do have to say something, we [should] do so wisely and moderately, and to the appropriate person.”²⁹⁷

Dr. Muto describes the Christian calling in the office as “the willingness to turn the other cheek when someone we trusted betrays us. It means seeing behind nasty remarks the loneliness of a man without friends, behind envy a woman who has lost self-respect, behind violence an adolescent deprived of genuine love.”²⁹⁸ It is a calling “to keep our thoughts centered on God’s will for us here and now [rather] than to be unduly perturbed by what we have or have not done in the past.”²⁹⁹

As challenging as all this may seem, the most challenging card is still to be played. It is one thing to ask that I not gossip about, undermine, and criticize others; it is quite another to ask that when those things are done to me, I not only submit but recognize that I am receiving a benefit. Yet, that is exactly what St. John of the Cross directs us to do:

[To] draw profit from every occurrence, you should think that all in the community are artisans—as indeed they are—present there in order to prove you; that some will fashion you with words, others by deeds, and others with thoughts against you; and that in all this you must be submissive as is the statue to the craftsman who molds it, to the artist who paints it, and to the gilder who embellishes it.³⁰⁰

As reminiscent as these words are of the final Beatitude,³⁰¹ they still are hard to swallow. The natural inclination is certainly self-defense. But we will learn the most if, as Dr. Muto instructs, we

remember that, as the saying goes, God never promised us a rose garden. The people with whom we live and work will try our patience to the nth degree. They will see through our bids for attention. They will take us down from our self-made thrones. They will see to it that we have enough trouble to remain citizens of an imperfect world.

²⁹⁷ *Id.* at 45. The lawyer may be guided here by the care he would need to take were he to find it necessary to violate a client confidence. See MODEL RULES OF PROFESSIONAL CONDUCT Rule 3.3 cmts. 4-12. In particular cmt. [11] states,

If perjured testimony or false evidence has been offered, the advocate’s proper course ordinarily is to remonstrate with the client confidentiality. If that fails, the advocate should seek to withdraw if that will remedy the situation. If withdrawal will not remedy the situation or is impossible, the advocate should make disclosure to the court.

Id. at cmt. [11].

²⁹⁸ MUTO, *supra* note 127, at 46.

²⁹⁹ *Id.* at 47.

³⁰⁰ *Id.* at 55 (quoting The First Precaution Against Oneself and the Shrewdness of Sensuality of St. John of the Cross).

³⁰¹ See, e.g., *Matthew* 5:11-12 (“Blessed are you when they insult you and persecute you and utter every kind of evil against you [falsely] because of me. Rejoice and be glad, for your reward will be great in Heaven. Thus they persecuted the prophets who were before you.”).

We can be at ease and actually profit from this “formative fashioning” if we remember one thing: God sends these bothersome brothers and sisters into our life as “artisans” to shape us into better persons . . . [H]e uses the analogy of artistic endeavor to remind us that new forms and meanings may emerge when we let God do the molding through others’ hands. Then the friend who knows us so well is like a craftsman remodeling an old house to release its original beauty. Coworkers become eccentric artists we need in our life to remind us that patience is a hard won virtue. Our customers’ suspicions are like rough polishing cloths smoothing the edges of an antique cup. They help us to remain honest in our dealings even when, because of delicate circumstances, we are obligated to withhold some information until full disclosure is possible.³⁰²

Dr. Muto cautions that “[w]hen John says that we are to be ‘submissive,’ he does not mean that we should even submit to gross or subtle forms of violence or abuse. Here resistance is the only response.”³⁰³ We still, however, must come humbly to the workplace and submit as one who acknowledges that he is “a sinful man,”³⁰⁴ and that the beautiful “antique cup” deep within us requires much work before it will be revealed.

We are called then to love each client uniquely and to recognize the opportunities associated with allowing them to love us. We are called to love and respect our adversaries, to recognize in our coworkers the same dignity and value we would hope they would recognize in us, and to recognize God’s work in us through those with whom we work. None of that sounds easy. In fact, being a lawyer Christian might be a whole lot easier if one did not need to associate with other people. Yet, here again one finds a layering of paradoxes for the lawyer Christian in America, for in the end the problem of the lawyer Christian is not that she has too many people in her neighborhood. Her problem is that she is, in America, no more than a sojourner here, and what she needs most is to find companionship among fellow pilgrims.

To describe today’s Christian experience, Laraine Bennet draws on the voice of Thomas à Kempis to tell us, “You have no lasting city. For whenever you find yourself, you will always be a pilgrim from another city. Until you are united intimately with Christ, you will never find your true rest.”³⁰⁵ Professor Shaffer warns that Christians need to recognize this pilgrim status or risk losing their distinctive witness:

³⁰² MUTO, *supra* note 127, at 55, 56.

³⁰³ *Id.* at 56.

³⁰⁴ *Luke* 5:8.

³⁰⁵ Laraine Bennet, *The Psalms: Reflections of God and Man*, NAZARETH JOURNAL, Lent 1997, at 8, 10 (quoting Thomas à Kempis).

The danger Christians should by now have learned to avoid is what has happened to the mainline church in America: In the quest for a "public theology," a primary language for moral deliberations that is worked out "on the wall [across all faith traditions]," most Christians in America have surrendered their distinctive witness as a priestly people. They and their most influential theologians have lost sight of the fact that (as Father Michael Baxter puts it), "Christians are citizens of another patria, one that identifies them as strangers and aliens in this and all other nation-states through which they pass on their pilgrim journey."³⁰⁶

Of course, no less than Thomas Jefferson promised that things would be different in America, that "America was God's new Israel."³⁰⁷ Yet, the Christian living in America must still reflect upon the degree to which this, or any other nation, can transform itself in God's image.³⁰⁸ Such testimony is not to be confused with America-bashing.³⁰⁹ The poignant words of Rich Mullins, in fact, reflect quite the opposite:

Nobody tells you when you get born here
 how much you'll come to love it
 and how much you'll never belong here
 so I call you my country, but I'm lonely for my home
 and I wish I could take you there with me.³¹⁰

As Mullins points out, there is much to love here and feel blessed through, and there are, certainly, places where one's faith would be tested in much more severe ways than they are in America.³¹¹ Yet, in the

³⁰⁶ Shaffer, *supra* note 50, at 1356 (quoting Michael J. Baxter, *Review Essay: The Non-Catholic Character of the "Public Church,"* 11 MOD. THEOLOGY 243, 254 (1995)).

³⁰⁷ Shaffer, *supra* note 50, at 1348.

³⁰⁸ POWELL, *supra* note 72, at 10 ("American constitutionalism's substantive moral commitments were always liberal and thus in tension or contradiction with central Christian claims.").

³⁰⁹ Professor Smolin, though, does acknowledge room for improvement in American society. He draws attention, for example, "to our rates of abortion, divorce, murder, rape, theft, and illegitimacy; to the glorification of violence and sexual immorality in our media; to the constantly shrinking evidence of virtues such as patience, humility, generosity, faithfulness, honesty, kindness, and selfless love," Smolin, *supra* note 64, at 150, and says that the "American people live within the cultural revolution as a fish lives in water," a revolution "imbedded in the cultural forces of family breakdown, mass media, and 'secular' education." *Id.* at 149.

³¹⁰ RICH MULLINS, *Land of my Sojourn, on A LITURGY, A LEGACY & A RAGAMUFFIN BAND* (Reunion Records 1993).

³¹¹ Father Werenfried van Straaten, founder of Aid to the Church in Need, describes many places where one's faith is drastically challenged. Particularly striking is his conclusion of a letter from an imprisoned nun in Eastern Europe:

The things that we have to endure are very terrible. We are treated like animals, driven to work with blows. In fact, we are less than animals, for no one cares about us. Whether we collapse and die on the spot or one of the guards beats us to death, makes no difference. If work does not go fast enough or if the guard is in a bad temper, we are lashed with whips. First of all we

end, nothing here can ever feed our yearning for our Father and our longing to be home with Him.

Thus, rather than national criticism, all of this simply testifies to the nature of God's great commandment, to "love the Lord, your God, with all your heart, and with all your soul, and with all your strength."³¹² It is, as Professor Shaffer points out, a commandment with "an awesome, demanding, put-it-absolutely-first set of habits, propositions, and pressures."³¹³ The Christian remains apart in America because she is not called to consensus or cultural compromise or accommodation; the Christian is called to love God. The Christian remains apart because her path is not that to an American dream; the path of the Christian must be the road that leads to Heaven.³¹⁴ If there is to be overlap for her, it must come on Christ's terms, not on her nation's; the Lord has commanded that the Christian cannot pause in her journey to meet anyone half-way.³¹⁵

While this all may work in theory, the practice is much more difficult. The history of God's people is filled with a drifting toward the gods and ways of surrounding people.³¹⁶ In fact, given that even Solomon, filled with all the wisdom with which he was filled,³¹⁷ became lost along

helped to build a large bridge across the Dnieper, heavy work, man's work. We had to drag steel girders and push them forward high above the wide river. Those who collapsed were flogged. Those who did not get up were kicked into the water by the guards. Many of our sisters died there, and we envy them. Now we are working in a mine, underground the whole day, in a choking atmosphere. Many have died there already

But we trust in His Providence. In spite of everything, we all still wear the cross on our breasts, and in the midst of all distress and desolation we take refuge in Him to whom we shall be faithful unto death. But pray for us, oh, pray for us!

VAN STRAATEN, *supra* note 152, at 225-26.

³¹² *Deuteronomy* 6:5; *Luke* 10:27.

³¹³ Shaffer, *supra* note 50, at 1345.

³¹⁴ There is, however, "[no] better place on Earth than the road that leads to Heaven." STEVEN CURTIS CHAPMAN, *No Better Place, on GREATEST HITS* (Sparrow Records 1997).

³¹⁵ One must temper this sense of isolation, however, by noting that just when Elijah believed himself to be the last, isolated believer, God showed him seven-thousand others. Rodes, *supra* note 20, at 8.

³¹⁶ See, e.g., *1 Samuel* 8:20 (Israel demands from God a king so they can be like the people of other nations.); *2 Kings* 1:2 (King Ahaziah of Israel seeks the wisdom of the god of Ekron.); *Daniel* 1 (The first young men of Israel during the exile are to be trained in the ways of the Chaldeans, and only four, Daniel, Hananiah, Michael, and Azariah, insist on holding fast to God's ways.).

³¹⁷ *1 Kings* 3:12 ("I give you a heart so wise and understanding that there has never been anyone like you up to now, and after you there will come no one to equal you.").

the way,³¹⁸ one must wonder what can preserve the lawyer Christian in America on the road to God.

Professor Shaffer offers this answer: It is when people are together as a community of faith that "they remember who they are."³¹⁹ Thus, if the Christian is to avoid losing her way, she must try to walk the walk with a community of the faithful.

Professor Collett emphasizes that this is particularly true for the lawyer Christian and that this community must consist not only of the faithful, but of faithful lawyers in particular:

Staying focused on God and our families while practicing law is not easy. Certainly it cannot be done alone. To remain faithful and focused requires an active prayer life and the support of a community of believers in the work place. Friends at church can help, but faithful friends at work are irreplaceable.³²⁰

One might wonder what this community of the faithful should look like. Professor Shaffer paints a picture of the faithful in "a primitive Jewish or Christian community within imperial Rome" in which someone could feel moved to ask "should one of *us* work as a lawyer? *What do you think?*"³²¹ He further elaborates that in the earliest moments of that ancient Christian community, "[w]hen they were through threshing [with questions of the faith], St. James announced their decisions with this prelude: "The Holy Spirit and we have agreed."³²² Thus, what Professor Shaffer seeks "with regard to being a biblical person who works as a lawyer, is a forum that is able to conclude its business with that credential: The Holy Spirit and we have agreed."³²³ Professor Shaffer maintains that he finds that forum in church, but in "church conceived of, not as a hierarchal structure of government, but as the people of God."³²⁴

I think that the essential community of the people of God, those who can sustain us on the Lord's road are those with whom our hearts, though not necessarily our lips, can pray. As I draw the circle of this community for me, I certainly find Catholics, of whom I am one, and Protestants, with whom I share Christ. I also find, however, Jews, and I

³¹⁸ *1 Kings* 11:1-10 (Solomon's foreign wives turn his heart from the ways of his God.).

³¹⁹ Shaffer, *supra* note 50, at 1354. Professor Floyd echoes this notion stressing that "good character and virtue can only be fostered in a supportive community." Floyd, *supra* note 112, at 1413. See also Grover Levy, *Fields of Wonder*, on GROVER LEVY (Myrrh Records 1995) ("Though this life on Earth is long, hand in hand, we will walk through fields of wonder through the storms that pass our way.").

³²⁰ Collett, *supra* note 3, at 1059.

³²¹ Shaffer, *supra* note 50, at 1349 (emphasis added).

³²² *Id.* at 1351.

³²³ *Id.*

³²⁴ *Id.*

know that I would be less successful on this road if these Jews were not included. As contemporary Christians struggle with the reality that they are sojourners in America, it seems only natural that such Christians would turn to those who have a much longer history of sojourning and exile,³²⁵ and, hence, who possess a wisdom that comes from their generations of experience. As the Vatican recently stated, "[T]he Church draws sustenance from the root of that good olive tree onto which have been grafted the wild olive branches of the gentiles. (cf. Romans 11:17-24)."³²⁶

As I look within my circle, I am also reminded of a parable from Jesus of two sons: one who denied his father's authority with his lips but did as his father directed; and one who spoke to his father's authority but did only as he, the son, pleased.³²⁷ It was only the first who did the will of the father.³²⁸ There are those within my circle who say they do not believe that God is present in Heaven, and, yet, I believe He is present in their heart.³²⁹ Somehow they consistently do as the Father commands, and I know that I can hear His voice in their example, even if they hesitate to use His name. Even these people, in their own way, pray with me, and I pray with and for them. They, too, have a place in the forum.

Such broad drawing has its dangers. Both Professor Shaffer and Father Burtchaell remind us that a people too concerned with accommodating too many other people's varying beliefs will inevitably lose their distinctive witness, and the Bible bears them out.³³⁰ For all my broad drawing, I do feel most comfortable seeking counsel on issues of faith and life and work with those to whom I can express my faith without compromise, and I am most easily led in my faith by those I know understand my faith. But these are not necessarily the people who share with me solely a denominational label. Such labels can be distracting.³³¹ I can

³²⁵ For evidence of the insights Jews have gained in their history of wrestling with these issues of faith in a secular world, see Levine, *supra* note 88, at 1203-05.

³²⁶ *Solemn Words Offered by the Vatican: A Call to Penitence*, N.Y. TIMES, Mar. 17, 1998, at A10 (reprinting in its entirety the Vatican document *We Remember: A Reflection on the Shoah*).

³²⁷ *Matthew* 21:28-30.

³²⁸ *Id.* at 21:31-32.

³²⁹ CAROLE KING, *I Think I Can Hear You*, on RHYMES AND REASONS (Ode Records 1972) ("Even when I thought I didn't believe, you believed in me; and everyone is a part of you, and anyone can know you.").

³³⁰ See sources cited, *supra* note 315. Professor Anthony J. Fejfar raises the additional problem that our perceptions of the world and its meanings are affected by our background. Anthony J. Fejfar, *An Analysis of the Term "Reification" as Used in Peter Gabel's "Reification in Legal Reasoning,"* 25 CAP. L. REV. 579 (1996); Anthony J. Fejfar, *Beyond Babel: A Critical Realist Reflection on Tom Shaffer's "Legal Ethics as Ethics,"* 19 CAP. L. REV. 1009 (1990). Hence one would expect that greater commonality in background would facilitate human interaction.

³³¹ *1 Corinthians* 3.

express myself most freely with those I feel look upon me as Christ would,³³² and I know people understand my faith to the degree that their actions mirror those of Christ. In building my forum or community of support, then, I must select people with whom I can come to the table without any thought of compromising my faith and through whom I can trust hearing the voice of God. Surrounded by such people, regardless of their labels, I feel confident that if I am open to God's direction and centered in the Word of God, I will be able to say, "The Holy Spirit and we have agreed." With these people I will find the strength of community necessary to sustain me in the walk of a lawyer Christian.

The lawyer relationships we have covered so far have been those with neighbors, both those neighbors for whom and with whom we work and those neighbors around whom we work. As important, fulfilling, and challenging as those relationships promise to be, they can rise no higher than the second tier in the lawyer Christian's life. The first tier is reserved for the lawyer Christian's relationship with God. In the next section, we turn to that relationship and consider the relationship between the Divine Advocate and His lawyers.

5. The Lawyer Being Called to God

In the Book of John, it is written, "God so loved the world that he gave his only Son, so that everyone who believes in him might not perish but might have eternal life."³³³ Brennan Manning describes this loving God in this way:

This is the God of the gospel of grace. A God, who out of love for us, sent the only Son he ever had wrapped in our skin. He learned how to walk, stumbled and fell, cried for his milk, sweated blood in the night, was lashed with a whip and showered with spit, was fixed to a cross and died whispering forgiveness on us all.³³⁴

The most important relationship a Christian lawyer has is with this God. We seek to love God because He first loved us and because Christ

³³² Rich Mullins captured this way of seeing someone with these words:

Though we're strangers, still I love you
I love you more than your mask
and you know you have to trust
this to be true
and I know that's much to ask
but lay down your fears, come and
join this feast
He has called us here, you and me.

RICH MULLINS, *Peace, on A LITURGY, A LEGACY & A RAGAMUFFIN BAND* (Reunion Records 1993).

³³³ *John* 3:16.

³³⁴ BRENNAN MANNING, *THE RAGAMUFFIN GOSPEL 38* (1990) [hereinafter MANNING].

said that if we love Him, we will keep His commandments. The greatest commandment is to love Him with all our heart, and with all our soul, and with all our strength.³³⁵

These are strong words considering scripture defines "love," even without all the "all's," as laying down one's life³³⁶ and bearing, believing, hoping and enduring all things.³³⁷ Perhaps because the words are so strong, one may wonder what they really mean in a world where a lawyer may feel caught between the burden of thousands of dollars in student loans and the glitter of potential great wealth. What do these words mean in a world that gives the lawyer power denied to lay people, and in a world where, for all the lawyer jokes, a lawyer can still attain immense status and prestige?³³⁸

Professor Allegretti explains that it is our perspective and our priorities, which will be affected by our call to love God. Our sense that we are working for God "helps put the financial and business dimensions of lawyering in proper perspective. Money and success are still important—how could they not be? But they are not the most *important* thing."³³⁹ Alternatively, Professor Gerard Bradley integrates this calling into our professional lives by explaining that the pursuit of the glory of God may require us to move on more earthly paths so long as we can keep our journey with Him in perspective.³⁴⁰

Michael Jorgenson offers a third explanation, that properly responding to God necessarily challenges our pride: "Of course God wants us to take initiative and to provide for our families. But my reliance was on me, not on Him. My attitude was not one of dependence on Him."³⁴¹

Each of these three explanations contributes much to understanding our relationship with God. As we seek to love God in our work as lawyers, priorities, perspectives, pursuit, and pride are all certainly im-

³³⁵ *Deuteronomy* 6:5.

³³⁶ *John* 15:13.

³³⁷ *1 Corinthians* 13:7.

³³⁸ Professor Allegretti has noted that for some lawyers, such temptations make the whole notion of Christian lawyering "flatly unrealistic." ALLEGRETTI, *supra* note 7, at 108.

³³⁹ *Id.* at 34.

³⁴⁰ Gerard V. Bradley, *Catholic Faith and Legal Scholarship*, 47 J. LEGAL EDUC. 13, 13 (1997).

Again it seems to me that Catholics and Protestants alike are properly influenced by the scholarly state of the art, by a senior colleague's advice, and by what the elite law reviews seem to want. Partly, it is a matter of what interests us: That some question seems compelling is quite possibly evidence of God's plan for us. But this feeling of being grabbed must be subordinated to a calm consideration of what, here and now, is worth figuring out because it will help the Kingdom.

Id.

³⁴¹ Jorgenson, *supra* note 195, at 1195.

plicated. But we must also be honest with God. Armed with the right insights, a lawyer might well be able to convince herself that God is the first in her life when really He is not. When I tell myself that "I can keep all this stuff because God's still more important to me than this stuff is," or "I can seek the most prestigious job because I give the glory to God"; or "I can continue to accumulate more because I know God's providing it and not me," am I really speaking truthfully, or am I just putting out my best argument? This dilemma is strikingly articulated by Professor Collett:

We want it both ways. We want to do pro bono work, and get big raises. We want to serve God and accumulate treasures in Heaven, yet we also want treasures here on Earth. My experience teaches me that it doesn't work that way, at least not in the short-term. God does reward our faithfulness, but the rewards poured out by God are most often found in relationships, not bank accounts.³⁴²

Through the prophet Isaiah, the Lord told us that He is not interested in our best arguments, and He is not interested in our distracted or divided tribute. He wants our love, and His is not a passive desire:

Since this people draws near with words only
and honors me with their lips alone,
though their hearts are far from me,
And their reverence for me has become
routine observance of the precepts of men,
Therefore, I will again deal with this people
in surprising and wondrous fashion:
The wisdom of its wise men shall perish
and the understanding of its prudent men be hid.³⁴³

A lawyer Christian then, must not grow too comfortable with her words but must sort out the intentions of her heart and examine carefully where God resides in her life, professional and otherwise. To do so, Mother Teresa has offered a particularly insightful criterion: "To be true, love has to hurt . . . Jesus said, 'Love one another as I have loved you.' He loved until it hurt."³⁴⁴ Loving till it hurts may involve, as Susan Muto indicates, detaching ourselves from any thing, situation, or person to prevent it from becoming so primary that we forget the primacy of our relationship to the Lord.³⁴⁵

³⁴² Collett, *supra* note 3, at 1057.

³⁴³ *Isaiah* 29:13-15.

³⁴⁴ MOTHER TERESA, *supra* note 75, at 72.

³⁴⁵ MUTO, *supra* note 127, at 41. In this regard Mother Teresa has warned of the need to be especially careful around wealth:

When one comes in touch with money, one loses contact with God One day there springs up the desire for money and for all that money can provide—the superfluous, luxury in eating, luxury in dressing, trifles. Needs

All of this concern is not meant as an invitation to self-condemnation. Failings in this area are inevitable, and we simply must seek to respond as best as we can.³⁴⁶ It is intended, rather, to be an invitation to a more bountiful relationship that, like our relationships with our clients, offers us gifts in a surprising and wondrous fashion. As actor Dean Jones assures, having given up multi-million dollar contracts and the ultimate life-in-the-fast-lane to rest only in the gifts and peace of his Father, "You can't outgive God."³⁴⁷ Certainly, it is difficult to detach ourselves from what we think we need and be content with what God offers,³⁴⁸ but as we learn to do this, He will show us, how bountiful He can be.³⁴⁹

How bountiful is His love and concern for us? The Gospels tell us that though we ignored Him,³⁵⁰ though we betrayed Him,³⁵¹ though we abandoned Him,³⁵² though we denied Him,³⁵³ He loved us and claimed us as His friends,³⁵⁴ even as His brothers and sisters.³⁵⁵ Brennan Manning has sought to articulate the immensity of what this means to us:

Jesus Christ nailed to the wood has carried our pain into the peace of grace. He has made peace through the blood of his cross.

increase because one thing calls for another. The result is uncontrollable dissatisfaction.

MOTHER TERESA, *supra* note 75, at 93.

³⁴⁶ ALLEGRETTI, *supra* note 7, at 33.

Self-interestedness is an inevitable part of life. We are all fallible, sinful beings who cannot help but see life from our own limited perspective. But to concede the inevitability of self-interestedness is not to grow complacent about it. Some things can be done to curb or control the impulse.

Id.

³⁴⁷ AN INTERVIEW WITH DEAN JONES (Committee of Concerned Christians) (video).

³⁴⁸ RICH MULLINS, *Hold Me Jesus, on A LITURGY, A LEGACY, & A RAGAMUFFIN BAND* (Reunion Records 1993) ("I'd rather fight You for something I don't really want than take what You give that I need.")

³⁴⁹ The following meditation reflects this point particularly well:

At times we can be like the Pharisees. We forget what God has promised and build our own expectations of what our lives should be like. We seek the blessings of God more than we seek the God of blessing. Of course, we should ask God to meet our needs. But He wants to show us that our *true* needs are met as we surrender our hearts to Jesus. With our surrender will come the power and love that will enable us to deal with our lives.

THE WORD AMONG US, Lent 1998, at 24 (Meditation for Mar. 4, 1998).

³⁵⁰ *Matthew* 26:36-46; *Mark* 14:32-42; *Luke* 22:39-46.

³⁵¹ *Matthew* 26:14-16, 47-50; *Mark* 14:10-11, 43-45; *Luke* 22:3-6, 47-48; *John* 18:2-3.

³⁵² *Matthew* 26:56; *Mark* 14:50-51.

³⁵³ *Matthew* 26:69-75; *Mark* 14:66-72; *Luke* 22:56-62; *John* 18:17-18, 25-27.

³⁵⁴ *John* 15:12-16.

³⁵⁵ *Matthew* 12:46-50; *Mark* 3:31-35; *Luke* 8:19-21; *see also John* 19:26-27.

Jesus has journeyed to the far reaches of loneliness. In his broken body he has carried your sins and mine, every separation and loss, every heart broken, every wound of the spirit that refuses to close, all the riven experiences of men, women, and children across the bands of time.³⁵⁶

It is in the context of such immense generosity that Manning asks a question that each of us must answer: "What shall we say to such an outpouring of love? How shall we respond?"³⁵⁷ In its simplest, purest form, our struggle with our relationship with God comes down to a day when a man named Jesus sat on a pastoral mountain and asked the crowds, "Why are you anxious about your clothes?"³⁵⁸ He instructed them,

Consider the lilies. They neither toil nor spin. But I tell you that not even Solomon in all his splendor was clothed like one of them. If God so clothes the grass of the field, which grows today and is thrown into the oven tomorrow, will he not much more provide for you, O you of little faith?³⁵⁹

In the end the lawyer Christian must decide whether she will rest, like that flower, in those hands.

Those hands in which we are called to rest created everything from nothing.³⁶⁰ They are hands upon which God has already engraved our names.³⁶¹ They are faithful hands worthy of our trust.

In that trust, we shall find the strength to achieve the stillness and quiet necessary to our salvation. For the lawyer Christian accustomed to arguing right up to the pronouncement of judgment, this may be the greatest challenge in our relationship with God. Yet, no less than C.S. Lewis, in his classic *Chronicles of Narnia*, stressed repeatedly the need for people to rely on God's mercy rather than on their own advocacy. From the salvation of greedy Edmond to that of the noble but misguided Emeth, Lewis's recurring theme is the need to trust in Christ as the Divine Advocate.³⁶² What is more, we have no choice. As poet James Weldon Johnson put it, "Your arm's too short to box with God."³⁶³

³⁵⁶ MANNING, *supra* note 331, at 108.

³⁵⁷ *Id.*

³⁵⁸ *Matthew* 6:28.

³⁵⁹ *Id.* at 6:28-30.

³⁶⁰ *Genesis* 1:1-2:4.

³⁶¹ *Isaiah* 46:16.

³⁶² See e.g., C.S. LEWIS, *THE LION, THE WITCH AND THE WARDROBE* 115 (1950) (Edmond recognizes the need to remain silent and allow Aslan to defend him before the White Witch); C.S. LEWIS, *THE HORSE AND HIS BOY* 214-21 (1995) (Rabadash refuses to leave himself to Aslan's mercy and turns himself into a donkey while making his own defense.); C.S. LEWIS, *PRINCE CASPIAN* 153 (1995) (Lucy tells Susan that she need not explain her failures to Aslan.); C.S. LEWIS, *THE LAST BATTLE* 169 (1995) [hereinafter *BATTLE*] (Aslan says of the dwarves who have been left in darkness, "They will not let us help them.

When Jesus described the judgment of the nations, He spoke of a day when He will place the sheep on His right and the goats on His left, and the sheep He will invite to Heaven while the goats He will ban for all eternity.³⁶⁴ While the distinction between the sheep and the goats is undoubtedly one based on their acts, it is also one based on their attitudes. The goats are those who arrive before God ready to justify themselves and to defend their lives saying, "Lord, how can you say we failed you."³⁶⁵ The sheep, meanwhile, are those who come before God prepared to rest in His mercy, those with faith enough to rely not on their own acts nor their own defenses but on the mercy of their Savior. Their reward is to discover that their omniscient God has viewed them not more harshly but more lovingly than they could ever have judged themselves.³⁶⁶ Thus, salvation comes to those who can say, as did the beatified Sister Faustina Kowalska, "O my Lord, my soul is the most wretched of all, and yet you stoop to it with such kindness! I see clearly Your greatness and my littleness, and therefore I rejoice that you are so powerful and without limit, and so I rejoice greatly at being so little."³⁶⁷

Brilliant as we are as lawyers, clever as we are as lawyers, articulate as we are as lawyers, in the end our arguments will mean nothing before God. As the Lutheran theologian Dietrich Bonhoeffer pointed out, God will see our attempts to justify our own righteousness as "filthy rags."³⁶⁸ He will blow them away as He blew away so much vain chatter surrounding Job by thundering rhetorically, "Who is this that obscures

They have chosen cunning instead of belief."); BATTLE, *supra* at 188-89 (After Emeth allows Aslan to advocate for him so that Emeth is allowed to enter paradise, Emeth notes, "And this is the marvel of marvels, that he called me Beloved, me who am but as a dog.").

³⁶³ James Weldon Johnson, *The Prodigal Son*, in CAVALCADE: NEGRO AMERICAN WRITING FROM 1760 TO THE PRESENT, at 254 (Arthur P. Davis & Saunders Redding eds. 1971) (Mr. Johnson was a leading figure in the NAACP and the Africa-American Renaissance of the early Twentieth Century.). See also Rich Mullins, *Alrightokuh-huamen*, ON SONGS (Reunion Records 1996) ("You can argue with your Maker, but you know that you just can't win.").

³⁶⁴ *Matthew* 25:31-34, 41.

³⁶⁵ *Id.* at 25:44 ("When did we see you hungry or thirsty or a stranger or naked or ill or in prison, and not minister to your needs?").

³⁶⁶ *Id.* at 25:38-40.

³⁶⁷ BLESSED FAUSTINA KOWALSKA, DIVINE MERCY IN MY SOUL 503 (1987). For an account of the life of Blessed Faustina, see MARIA TARNAWSKA, SISTER FAUSTINA KOWALSKA - HER LIFE AND MISSION (1989) (The cause for the beautification of Sister Faustina was championed by Pope John Paul II, then Karol Cardinal Wojtyla, Archbishop of Cracow.).

For another example of this humble spirit, see the meditations of Sr. Josefa Menéndez, sister of the Society of the Sacred Heart, in SR. JOSEFA MENÉNDEZ, THE WAY OF DIVINE LOVE 218 (1972) ("Don't be afraid of your weakness, for [Christ] will sustain you." He "will receive [sinners] with the most tender and paternal affection.").

³⁶⁸ DIETRICH BONHOEFFER, THE COST OF DISCIPLESHIP 335 (R.H. Fuller, trans., 1973) (Ever true to his God, Bonhoeffer was imprisoned and executed by the Nazis.).

divine plans with words of ignorance?"³⁶⁹ Our love, our trust, and our humility, however, will mean everything.

Of all God's divinely wonderful paradoxes, He has created this one particularly for lawyers: those He has called to be lawyers on Earth must be prepared to be clients in Heaven. He will be our advocate if we will only let Him be, if we will let go of the wisdom of this world and rely on *local counsel*, if we will embrace the maxim of our profession, "He who represents himself will have a fool for a client." Throughout our professional careers we long for a client who will just let us do our job and appreciate it when we do; and then, we arrive before Christ, the Divine Advocate, and He says smiling, "Finally, someone who can understand what I need . . . from a client."

II. CONCLUSION

Why and for what purpose has God called His lawyer-children? God has called us because He wants us.³⁷⁰ He has called us to fellowship.³⁷¹ He has called us to share in His family.³⁷² He has called us to freedom.³⁷³ He has called us to peace.³⁷⁴ And we stand poised on the bank of the Red Sea, always with the choice to return to slavery in Egypt or to follow Him who has summoned us.³⁷⁵

God could have called us from a hurricane. He could call us from an earthquake or from a roaring flame. But for most of us, He has chosen not to.³⁷⁶ He speaks to us, as He spoke to Elijah, in a whisper³⁷⁷ so we do not listen as the world would listen to His appearance or lofty stature.³⁷⁸ Instead, we must strain to hear His whisper exclusively because we believe, as Peter expressed, that He has "the words of eternal life. We have come to believe and are convinced that [He is] the Holy One of God."³⁷⁹

As this piece has pointed out, the Egypt of the lawyer Christian is a place where the culture and time-pressures of professional life are loud and distracting. It is a place where God's voice may be difficult to hear and where many have lost sight of what matters, both personally and

³⁶⁹ *Job* 38:2.

³⁷⁰ *Mark* 3:13.

³⁷¹ *1 John* 1:3 ("Our fellowship is with the Father and with his Son, Jesus Christ.").

³⁷² *John* 19:26-27 (Jesus gives John and Mary to one another as mother and son.).

³⁷³ *Galatians* 5:13 ("For you were called to freedom, brothers.").

³⁷⁴ *John* 20:19 ("Jesus came and stood in their midst and said to them, 'Peace be with you.'").

³⁷⁵ *Exodus* 14:12 (The Jews, departing from Egypt, reflect at the Red Sea.).

³⁷⁶ *1 Kings* 19:11-12.

³⁷⁷ *Id.* at 19:12.

³⁷⁸ *1 Samuel* 16:17.

³⁷⁹ *John* 6:68-69.

professionally. It is not, however, a place from which God has been excluded. Nor do all the problems we associate with the lawyer's world make that world a place so different from where the rest of the world lives.³⁸⁰ The world of the lawyer Christian is simply a place in which we need to seek God with our whole heart knowing that if we do so seek Him, we will find Him.³⁸¹

What God wants from us as lawyers is simply what He wants from us as Christians. He wants us to love Him and to love our neighbor, whether that is our colleague, our client, our boss, our subordinate, or our adversaries. Often, the course He sets will be intimidating, and the walk will often seem hard. We may well feel *chiseled* by both friend and foe along the way. In the end, however, we can rest assured that God is more generous with us than we could ever be with Him. Ultimately, the lawyer Christian can trust God to be her advocate.

This all is, admittedly, easier said than done. Even Paul acknowledged limitations on his spiritual maturity,³⁸² and on his ability to see³⁸³ and to know God.³⁸⁴ But Paul persevered in his pursuit of "the prize of God's upward calling, in Christ Jesus."³⁸⁵ Even if he did not yet possess Christ, Christ possessed him. Like all of us who bear the name of Christ, Paul had no choice but to try, as best he could, to love.

If the calling to be a lawyer Christian seems hard, if the road seems lonely, if the directions often seem too soft to hear, take comfort. If He has led us as He led Elijah,³⁸⁶ then in his mercy, He will take us as He took Elijah, "with a whirlwind to fuel [our] chariot of fire."³⁸⁷ And when He does, we have been assured that Eternity will be one wild ride.³⁸⁸

³⁸⁰ PETER KREEFT, C.S. LEWIS, FOR THE THIRD MILLENNIUM 129 (1994):

Our times may be terrible, even apocalyptic, but that is our normal situation according to Scripture: deadly peril, spiritual warfare, wrestling with principalities and powers in high places on Earth and low places in Hell. Welcome back to East of Eden, Adam. Now perhaps you will believe again that the One who alone can save your society is the One who alone can save your soul.

Id.

³⁸¹ *Deuteronomy* 4:29.

³⁸² *Philippians* 4:12.

³⁸³ *1 Corinthians* 13:12.

³⁸⁴ *1 Corinthians* 13:9.

³⁸⁵ *Philippians* 3:12-14.

³⁸⁶ Great prophet that he was, Elijah still did not have an easy life. See, e.g., *1 Kings* 19:1-9 (Elijah fleeing from Queen Jezebel, who sought to kill him).

³⁸⁷ RICH MULLINS, *Elijah*, on SONGS (Reunion Records 1996). See also *2 Kings* 2:11 ("As they walked on conversing, a flaming chariot and flaming horses came between them, and Elijah went up to Heaven in a whirlwind.")

³⁸⁸ *Revelation* 21:22:5.