

# THE CHRISTIAN LAWYER®

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*Speak up and judge fairly; defend the  
rights of the poor and needy.*

PROVERBS 31:9 NIV



*'Go and do likewise'*  
A Call to Christian Legal Aid, Page 12



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WORTH FAR MORE THAN RUBIES

By Craig Shultz

I don't remember when I first realized that not all the verses in Proverbs 31 describe the virtuous woman. But one day I noticed these: "Open your mouth for the dumb, for the rights of all the unfortunate. Open your mouth, judge righteously, and defend the rights of the afflicted and needy." (Proverbs 31:7-8) As a Christian lawyer, it is hard to ignore these verses and hundreds of others that encourage us to speak out and use our talents for those less fortunate.

Nearly seven years ago, while meeting with the very first client to come to the newly formed Wichita Christian Legal Aid ministry, God provided a glimpse of what He can accomplish when we obey His commands.

The young woman had become a believer just a few weeks before. She knew she needed to deal with an issue she had ignored for several years—a theft of money in another state. She had written an insufficient-funds check, which had become a felony charge. I called the court to arrange for a public defender. We then prayed about the situation and I thought my job was done.

Beyond Referrals

But as I thought about her desire to take care of this problem, I was prompted to call the out-of-state prosecutor and ask if something could be done to resolve the case. I told him who I was with, why I was trying to help and summarized her background. He almost immediately advised that if she would simply pay back the money he would drop the charge. She was able to get the money together over time, and, true to his word, he dismissed the case against her, thereby freeing her from the stain of a prior criminal record. She was excited and I was thrilled I could help in a very small way.

Why does our Society encourage its members and associates to be involved in this way? Because what we do is different. Proverbs 29:26 tells us: "Many seek the ruler's favor, but justice for man comes from the Lord."

Secular legal aid programs are crucial to our system of government, but by themselves, they often end up merely helping clients "seek the ruler's favor." Solving only legal issues, while important, often leaves other things undone. Christian legal aid intends to be different. We argue for and defend the rights of the poor and needy recognizing that there is more to life than solving legal problems, particularly those that developed as symptoms of spiritual issues. Sharing with clients why we do what we do, praying with them, and when the opportunity arises, encouraging them to meet and follow Jesus Christ, brings much more lasting satisfaction to their lives.

That's why this issue of *The Christian Lawyer*, which focuses on Christian Legal Aid, is so important. In any of the 65 Christian legal aid clinics affiliated with Christian Legal Society, stories similar to the one above are common. Whether it is through full-time service to such a ministry or the commitment of just a few hours a month, you and I can make a difference. We hope you'll join in this effort.

*P.S.* I'm excited to announce that starting this year, *The Christian Lawyer*, is going quarterly. It is our desire that by doubling our previous publication schedule, we can provide greater benefits, encouragement, and challenges to each of you as you serve the Lord through our profession. You can do the same by passing on this issue to a friend.

It is my privilege to serve as president of the Christian Legal Society and to look forward with each of you to the many opportunities the coming year will bring, being "confident of this very thing, that He who began a good work in you will perfect it until the day of Christ Jesus" (Philippians 1:6).

*CLS President Craig Shultz, a graduate of Washburn University School of Law, is involved with Christian Legal Aid of Wichita. He practices primarily in the areas of personal injury and professional negligence.*

**Volunteer on the front lines**

Dear Brent,

A year and a half ago I changed from working full time to half time. I wanted to pursue other interests, but I couldn't afford to retire entirely. I considered volunteering a few hours a week, serving the Lord and helping people in need. I was interested in the legal field, having earned a legal assistant certificate at a local community college, and I remembered that Steve Thompson had a Christian legal aid office that served low-income families.\*

I made an appointment with Steve and told him of my interest and that I wanted to help out. He was very positive. The next week I began helping his paralegal, Sulma Mendoza.

I have been able to lift some of the load for Sulma by preparing documents for mailing, making copies, shredding papers, preparing files to be closed out, storing closed files, preparing documents off the computer, drafting short letters to clients, hunting for correct addresses, and even in one case, attempting to serve papers. I also take mail to the post office.

Although I don't feel like I do much, the atmosphere of the office is one of encouragement and much appreciation for my work. It's a pleasure to go into the office and see what waits for that day.

It is also very fulfilling to be helping out there and eye-opening to see the needs people have.

*Jim Proud*  
Denver, Colo.

\*Note: JAMLAC—Justice and Mercy Legal Aid Clinic—is an arm of Mile High Ministries, a coalition of churches across denominational, cultural and economic lines. Steve Thomas is the executive director. JAMLAC works with other ministries to provide legal help to the poor and oppressed in the Denver metropolitan area. Clients receive prayer, and spiritual and legal counsel. Consultations are free, and legal representation is offered at little or no cost. For more information, call 303-839-5198, or visit [www.milehighmin.org](http://www.milehighmin.org).

**SUCCESS STORY**

Aurora Dawn Harris of the Christian Legal Aid Office of Southern California shared examples of how the clinic helps clients tackle issues such as financial disaster, homelessness and injustice. Names have been changed to protect clients' privacy.

**Protection: A mother-daughter relationship**

Jerry grew up in a well-off family. He and Donna had been married for 10 years, lived in a million-dollar home and had a daughter, Shelly, 6.

But Jerry became an abusive alcoholic, and ended up unemployed for six years. Before Donna filed for divorce, Jerry's mother sued her son for all the money she had "loaned" him during the years he was unemployed. The lawsuit effectively took Donna's community-property share of their house.

After the divorce, Donna and Shelly ended up homeless. Jerry's mother fought for custody of Shelly on the grounds that Donna was homeless and Jerry still in recovery. Donna and her daughter had moved in with Donna's sister, but Donna needed legal help to retain custody of her little girl. She turned to the Christian Legal Aid Office of Southern California's network of experienced attorneys.

Bill Bennett and Paul Lorelli spent more than four hours instructing Donna how to present her case in court against her mother-in-law and her attorney.

Two days later, the judge ruled in favor of Donna on every issue. Donna retained custody of Shelley. Jerry is continuing rehabilitation, and Donna and her former mother-in-law worked out visitation with Shelley.

Donna and Shelly still face hurdles finding a permanent home, but Donna is secure knowing that she and her daughter can stay together.

*Aurora Dawn Harris*  
President, Christian Legal Aid Office of  
Southern California  
Orange, Calif.

*Editor in Chief & Publisher*  
**Brent McBurney**

*Managing Editor*  
**Susan Wittman**

*Design & Production*  
**Custom Designers, Inc.**

*Editorial Office*  
**The Christian Lawyer**  
**Christian Legal Society**  
8001 Braddock Rd, Suite 300  
Springfield, VA 22151

*Editorial E-Mail:* [editor@clsnet.org](mailto:editor@clsnet.org)

*Advertising Office*  
**Ad Guidance, Inc.**  
283 Whistlewood Lane  
Winchester, VA 22602  
800-597-7210

*Advertising E-mail:*  
[ken@adguidance.com](mailto:ken@adguidance.com)

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*The Christian Lawyer* welcomes letters, comments and suggestions from our readers. We'd like to hear how God is moving in your life, law practice, CLS chapter or law school. Letters may be edited to suit the format of the magazine. Mail to: Editor, Christian Legal Society, 8001 Braddock Road, Suite 300, Springfield, VA 22151 or e-mail your submissions to [memmin@clsnet.org](mailto:memmin@clsnet.org).

# The Case for CLS and Involvement in Legal Aid Ministry

By James A. Davids

When lawyers decide what professional organization to join and what cause to support, most examine the organization's purpose, membership, benefits and cost. With respect to causes, most consider the purpose and effectiveness of the charity, and the level of their passion for it. Because funds are limited, prioritization is necessary. Therefore, lawyers question whether to join a local, state or national bar association, an ethnic organization or a religious bar association.

Deciding whether to join or continue to support the Christian Legal Society fits into this process. Lawyers will consider what CLS does—advocate for religious liberty, serve law students and the indigent, and provide fellowship and inspiration among Christian attorneys—whether CLS does this effectively, and their passion for one or more of these ministries. They will also consider the membership's cost, propriety (CLS has had only a few associate members of other faiths), and benefits, such as networking, prestige, and incidental benefits (such as health, professional or life insurance, publications, etc.). These benefits are, of course, strictly temporal; they focus on the present life rather than the life to come. Although CLS does provide benefits for the present life—all the professional opportunities in my life involved a CLS connection—more importantly, it gives Christian lawyers opportunities to use their special gifts and passion to serve others. These provide substantial future benefits.

God's justice requires not only a distinction in status based on works, but also a distinction on what works one accomplishes by the gifts God has provided. Consider for instance the parable of the talents. The servant with five talents had to gain another five to achieve the same recognition provided the servant who made two talents after receiving two. The Contemporary English Version of Luke 12:48b states this principle well: "If God



**'CLS SERVES CHRISTIAN LAWYERS  
BY PROVIDING OPPORTUNITIES FOR  
SERVICE UNIQUELY DESIGNED FOR  
THEIR ABILITIES AND PASSION.'**

has been generous with you, he will expect you to serve him well. But if he has been more than generous, he will expect you to serve him even better."

God has tremendously blessed Christian lawyers. God has made us some of the brightest and most hard-working people in American society. Because of these gifts, we command a level of income and influence way above the average American. Moreover, he has given us a passion for justice.

God has given us these special gifts and passions not simply to benefit us and our families, but also to benefit our neighbors, the lost and downtrodden. This call to service is not a general call, but a special call for a unique service. Serving at a soup kitchen, providing volunteer hospice care, or serving on a church governing board are all honorable and good things that help cultivate humility among lawyers, who

tend to take pride in the gifts God has given. Yet other members of the Christian community can serve in these capacities just as capably. They cannot, however, give legal advice to a person at a homeless shelter or serve as local counsel in a case challenging an ordinance that impedes the freedom of religion. Nor can any one better connect with a lost and hurting lawyer than a Christian lawyer, and no one can better empathize with a depressed lawyer who just lost a big case, has a mountain of accounts receivable, or was just tossed out of a partnership. No one in the world can better disciple a young lawyer or law student on how to integrate faith with the practice of law than a Christian lawyer.

This then, is the countercultural case for CLS. It provides you, the Christian lawyer, with opportunities to do things that very few Christians are capable of doing. Through the Center for Law and Religious Freedom, you can serve as local counsel in a case challenging a municipality's practice of religious discrimination. Through Law Student Ministries, you can mentor a law student navigating the shoals of a secular law school that challenges his faith. Through Legal Aid Ministries, you can devote a couple of hours to provide legal counsel to the poor in society, witnessing in action the transforming love of Jesus Christ.

The Christian Legal Society serves Christian lawyers by providing opportunities for service uniquely designed for their abilities and passion. Come join us, as we, through God's grace, use the unique gifts God has provided to love through legal services our neighbors for the glory of God, all the while looking forward to our reward in eternity to bask closer to the glory and majesty of God.



James A. Davids was the acting executive director of Christian Legal Society from October 2008 through January 2009. He is an assistant professor of government and law at Regent University.

# CHRISTIAN LEGAL AID: THE BIBLICAL CALLING

By Jon D. Campbell

**P**roviding pro bono legal aid services to the poor and needy in our society is an important aspect of an attorney's practice. For many Christian attorneys, it is an essential element of their practice. The need for pro bono legal aid in this country is obvious and overwhelming.

In the April 2008 *ABA Journal*, Bill Neukom, the 2008 American Bar Association president, wrote: "A lawyer's assistance in civil cases can affect clients' lives in material ways. It can mean the difference between keeping or losing one's

home, receiving or being denied needed benefits, and having or being deprived of custody of one's children ... our country fails to provide civil legal aid to 80 percent of the poor people who need it. Worse, we have been depriving poor people of access to justice at this staggering rate for decades ... the need for legal services has grown significantly over the last 27 years. ... When the vast majority of poor people cannot address their problems through the justice system—making their problems invisible—everybody in our communities pays the price."

Charles Evans Hughes, a former U.S. Supreme Court Justice and president of the Legal Aid Society from 1917 to 1920 stated, "Without opportunity on the part of the poor to obtain expert legal advice, it is idle to talk of equality before the law."

What are we as Christian attorneys to do when confronted with this issue? The Bible addresses it in numerous passages that direct the people of God to provide justice for the poor and destitute. The church—including Christian attorneys—should be at the forefront of providing legal services to the poor in light of the clear biblical mandate to speak for those who cannot speak for themselves and to ensure justice for the needy.

God clearly has a significant interest in seeing that justice is accomplished in this world. Psalm 97:2 states that justice is one of the two elements that make up the foundation of His throne in heaven: "Righteousness and justice are the foundation of his throne." Moreover, the Old Testament prophets state that one reason God imposed His judgment against Israel was their failure in this regard. The prophet Ezekiel said, "This was the sin of your sister Sodom: She and her daughters were



## *‘Without opportunity on the part of the poor to obtain expert legal advice, it is idle to talk of equality before the law.’*

*Charles Evans Hughes, former U.S. Supreme Court Justice and Legal Aid Society president, 1917 – 1920*

arrogant, overfed and unconcerned; they did not help the poor and needy. They were haughty and did detestable things before me. Therefore, I did away with them as you have seen” (16: 49-50).

The prophet Micah says: “He has showed you, O man, what is good. And what does the Lord require of you? To act justly and to love mercy and to walk humbly with your God” (6:8).

Providing pro bono legal aid services to the poor and needy in our society is an important aspect of an attorney’s practice. For many Christian attorneys, it is an essential element of their practice. The need for pro bono legal aid in this country is obvious and overwhelming.



*Jon D. Campbell is president of the Dallas Chapter of the Christian Legal Society and is a CLS board member.*



### **The biblical mandate in Micah 6:8 appears throughout the Bible:**

“Do not take advantage of a widow or an orphan”  
(Exodus 22:22).

“Do not deprive the alien or the fatherless of justice,  
or take the cloak of the widow as a pledge”  
(Deuteronomy 24:17).

David wrote, “I know that the Lord secures justice  
for the poor and upholds the cause of the needy”  
(Psalm 140:12).

Solomon said, “Do not exploit the poor because  
they are poor and do not crush the needy in court”  
(Proverbs 22:22).

“Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy”  
(Proverbs 31:8-9).

Jesus proclaimed, “The Spirit of the Lord is on me, for he has anointed me to preach good news to the poor . . . to proclaim freedom for the prisoners . . . to release the oppressed” (Luke 4:18).

Paul, after meeting with Jerusalem church leaders, wrote, “All they asked was that we should continue to remember the poor, the very thing I was eager to do”  
(Galatians 2:10).

“Religion that God our Father accepts as pure and faultless is this: to look after orphans and widows in their distress . . .” (James 1:27).

### **The Example of Texas**

Many poor people with legal problems reside in Texas and the Dallas/Fort Worth area. The *Texas Bar Journal* documents that more than 16 percent of the state’s population lives in poverty, yet only one legal aid attorney per 11,762 poor residents is available to assist them. “Low-income Texans struggle to attain equal access to the justice system,” the *Journal* stated.

According to a 2008 Dallas Bar Association pro bono program letter, a recent U.S. Census estimated that approximately 1,296,000 people live at or below 125 percent of the federal poverty level in the Dallas/Fort Worth area. For example, a family of four making \$25,000 annually is at 125 percent of the federal poverty level – which means their income is just 25 percent above federal poverty guidelines. Approximately 13,000 attorneys practice law in the Dallas area. Even with secular legal-aid programs in place, several thousand poor families who applied for legal assistance in 2008 were turned away due to a lack of available legal resources.

Because the legal need is so great and the legal resources so limited in this area, Christian legal aid lawyers have multiple opportunities for outreach and ministry. Due to these circumstances, I felt a calling from God to start a Christian legal aid clinic in Dallas. We incorporated a non-profit corporation with the state of Texas in November 2008 named Legal Aid Ministries Inc. The Lord brought together a very supportive board of directors and advisory board, and the clinic, which opened in February, is already taking cases. Our office will open in March.

### **The church connection**

Local churches benefit from the support of a legal aid ministry because it provides them with a place to refer needy people for Christian-based legal assistance. In addition, it provides the Christian attorney an opportunity to address the spiritual needs of the person or family seeking assistance. It is our intention that attorneys associated with Legal Aid Ministries will present the gospel to the needy individual or family and seek to lead them to Christ. The Christian attorney will also encourage those clients to become involved in a church where they can grow in the Christian faith and receive the prayer support and care of a local congregation.

What better way to minister to these people than to serve their legal needs while at the same time bringing them into Christ’s church? Faith-based legal aid is indeed a worthy mission in our needy society today.

# A Modern History of Christian Legal Aid

By John D. Robb

“What good are you?”

Those four words were shouted by an angry teenager to a startled Chicago real estate lawyer in 1973. Believe it or not, those stinging words inaugurated the Christian legal aid movement.

“What good are you? You are a lawyer but you can’t help my brother.”

These challenging angry words surprised the lawyer, who began wondering if they might be true. Was he any good, when he couldn’t even help the brother who the young lad said was being falsely charged with criminal acts?

You’ll find this surprising story of the inception of Christian legal aid and others in the spring publication of “Defending the Poor with the Love of God,” a history of Christian legal aid by John D. Robb,

former director of the CLS Legal Aid Ministries. (An excerpt is below.) More than a year in preparation, the book traces the story of modern Christian legal aid from its roots in Chicago to modern day, featuring its themes, developments, programs, leaders and “heroes,” from Chuck Hogren to Sam Casey.

The book focuses on the meteoric rise of the “new generation” local programs, which grew from four to 65 in the last decade. This promising trend, which commenced in 1997, includes the innovative and successful efforts of current CLS LAM Director Brent McBurney.

This authoritative account derives from Robb’s 25 years of broad experience with the national CLS Christian Legal Aid program. Robb maintained

CLS’ CLA records of most of the local programs, including the pioneering Albuquerque programs, where he served for many years.

“Defending the Poor with the Love of God,” also looks ahead, outlining Robb’s dynamic vision for the next 20-plus years of Christian legal aid—years he believes will be filled with remarkable growth and changes to both the national and local programs.

Although ordering is not yet available, the author would appreciate expressions of interest to help determine the number of copies for the first edition. For more information, or to pre-order, contact John D. Robb at [jrobb@rodey.com](mailto:jrobb@rodey.com)

## EXCERPT

### THE CONCEPTION

*“Defend the rights of the poor and needy.” — Proverbs 31:9*

#### The Beat of the Drums

These strong words from Proverbs: 31:9 reverberated for the first time like the noise of a war drum within me at an early morning bible study with my friend Laury Eck in 1981. I had discovered before Laury’s care for meeting the needs of the poor. But now we set about examining a few scriptures to see what, if any, biblical basis there might be for providing legal assistance for them. That morning we came across Proverbs 31:9. The words “Defend the rights of the poor and the needy” touched my mind and heart with the force of a blow in a way I had seldom experienced. Was it possible that God intended this message for me? But what did it mean? Was I supposed to do something about this?

My questioning did not last long. The powerful words called for vigorous action that I as a lawyer was trained to pursue. Defending the rights of well-to-do clients had not prepared me to help with the quite different problems of the poor.

As I drove to my law office that morning, I began to realize that these words of God were more than a request or suggestion—they were a command without qualification. And they embraced His clear statement that the poor also have rights that need to be defended. This was more than a one-time message. The words kept echoing in my mind and consciousness the following week. It was as though they were virtually cemented in place and would not go away.

By our breakfast meeting the following week, God had removed any doubts that these orders were directed to me and to Laury. I began to think and to pray about how I should respond. A few weeks later we talked about starting a Christian legal aid program in Albuquerque under the direction of a board of directors. We would also need to employ a staff director and to recruit volunteer Christian lawyers. Christian trial lawyer Jim Roach soon became interested. Not long after that, Laury met an unusual law student named Sam Soleyn who he believed might be a candidate for executive director.

The drumbeats, though more subdued, never left me. The message of Proverbs 31:9 has remained strongly engraved in my mind and heart as a frequent reminder of God’s call.





## Defending Medical Professionals' Rights of Conscience

By Casey Mattox

The two-fold mission of the Center for Law and Religious Freedom is the defense of religious liberty and the sanctity of human life. These missions converge in the center's work defending medical professionals and institutions that pursue their calling in medicine without compromising their ethical and religious beliefs about the sanctity of human life.

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### What Happened to "Choice"?

From the genesis of the abortion right, the Supreme Court anticipated that medical professionals would be only willing participants, not mere tools to accomplish the woman's independent "choice." In *Roe v. Wade* and its companion case, *Doe*

*v. Bolton*, the Supreme Court held that a criminal law prohibiting doctors from performing abortions was unconstitutional. *Roe* held that "the attending physician, in consultation with his patient, is free to determine, without regulation by the State, that, in his medical judgment, the patient's pregnancy should be terminated."

*Continued on Page 8*

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You may have heard about Liberty's 91.4% Virginia bar passage rate in July 2008. The Class of 2008 had a pass rate of 91.4% nationwide.

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Dean Mathew D. Sliver

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## Pending Rescission of Conscience Regulations!

After this article went to print, the U.S. Department of Health and Human Services proposed to rescind the regulations discussed herein. To make your voice heard by HHS, or to read more about the regulations and the HHS proposal, visit [www.freedom2care.org](http://www.freedom2care.org). This Web site was created by a group of organizations, including CLS, that support conscience rights. You may also visit our blog at [www.religiousfreedom.blogspot.com](http://www.religiousfreedom.blogspot.com).

Similarly, in *Doe*, the Court invalidated a Georgia abortion law because “the woman’s right to receive medical care in accordance with her licensed physician’s best judgment and the physician’s right to administer it are substantially limited.” However, the decision left in place a provision that permitted hospitals not to admit patients for abortions and prohibited hospitals from requiring medical professionals to perform or assist in abortions, calling this provision an “appropriate protection to the individual and to the denominational hospital.”

Thus, *Roe* and *Doe* provide little support for the notion that a woman has a right to require any medical professional to perform an abortion against his conscience or professional judgment. Nevertheless, immediately after the decisions in *Roe* and *Doe*, abortion advocates turned from arguing for the choice of a woman and her doctor to arguing that medical professionals and private religious hospitals must be forced to perform abortions. In a series of cases from the early ’70s, abortion-rights advocates sought to force denominational hospitals to perform abortions or sterilizations, citing their tax exemptions, state licenses and receipt of Medicare and other funds as a basis for treating them as state actors who denied women their newly found “reproductive rights.”

.....

### Congress Protects Rights of Conscience

In response to the growing threat to religious hospitals, Congress enacted the Church Amendments, statutes that prohibit courts from treating private hospitals as state actors and prohibit grantees of the Department of Health and Human Services, including state and local governments, from requiring individuals to perform or assist in abortions, sterilizations or other treatments in violation of their conscience in a funded program.

By the mid-1990s, abortion advocates were taking advantage of gaps in the Church Amendments’ protections to seek



mandatory abortion training in medical schools. Congress responded with the Coats-Snowe Amendment to the Public Health Services Act. The law prohibits the federal, state and local governments from receiving federal funding, or discriminating against physicians or health-training programs or their participants on the basis of not undergoing or providing abortion training, or not arranging for or performing abortions.

In 2004, Congress further closed the gap in federal conscience protections, attaching the Weldon Amendment to a 2005 appropriations bill. The rider has been included in this bill each subsequent year. It prohibits certain funding from being disbursed to a federal agency or program or any state or local government if they subject healthcare professionals, hospitals, HMOs, health insurance plans, or other healthcare facilities to discrimination on the basis that they do not provide, pay for, cover, or refer for abortions.

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### Center Defends Challenges to Weldon Amendment

Just five days after the Weldon Amendment was first enacted, the National Family Planning and Reproductive Health

Association (NFPRHA), a coalition of health professionals and clinics that advocate for abortion rights, filed a complaint and motion for temporary restraining order in the Federal District Court for the District of Columbia seeking to prevent the implementation of the Weldon Amendment. In January 2005, the state of California also filed suit in the Federal District Court in San Francisco. The center intervened in both cases on behalf of the Christian Medical Association and the American Association of Pro-Life Obstetricians and Gynecologists, the very medical professionals protected by the Weldon Amendment.

In the NFPRHA case, the plaintiff alleged that many of its members receive Health and Human Services funding for Title X family-planning programs, and argued that the Weldon Amendment’s conscience protections would prevent them from complying with an HHS regulation requiring Title X clinics to refer patients for abortions upon request. NFPRHA also argued that doctors had a First Amendment right to require their subordinates to make abortion referrals and stated that those who refused would “almost certainly be discriminated against” by its members.

The center argued that Clinton administration interpretations of the Church Amendment stated that Title X grantees must provide the referrals to patients, but must also ensure that staff members who object are not required to provide those referrals. Likewise, the center argued that NFPRHA’s doctors have no First Amendment right to force others to speak for them. The District Court granted summary judgment for the defendants and intervenors, and the Court of Appeals for the D.C. Circuit affirmed, relying upon the center’s arguments.

In California, the state argued that the Weldon Amendment violated its sovereign right to enforce a state law requiring medical facilities to provide abortions in a “medical emergency” and placed an undue burden on a woman’s right to obtain an abortion.

The center argued, in part, that the California law at issue included criminal

sanctions for medical professionals who did not perform abortions, and that California so broadly interpreted the term “medical emergency” – to include even “familial health” – that the state law would impose criminal liability for doctors who declined to perform virtually any abortion. Thus, the center argued, California had no sovereign right to enforce such a law, was prohibited from doing so by other unchallenged federal laws, and protecting medical professionals and institutions from prosecution by California imposed no undue burden on a woman’s rights. After three years of litigation, the District Court dismissed California’s lawsuit in March 2008.

• • • • •

### HHS Regulations Enforce Conscience Laws

The very arguments made by the plaintiffs in these cases demonstrated the lack of understanding of the existing federal laws that protect medical professionals’ conscience among federal grantees. Moreover, despite these laws, the center continues to receive many referrals of medical

professionals who are discriminated against or pressured into participating in abortions in violation of their conscience. In 2008, the Secretary of Health and Human Services proposed regulations that implement these existing federal conscience laws, requiring federal grantees to certify that they comply with them as a condition of receiving HHS funding. The center filed a comment citing the NFPRHA and California cases, and attaching the briefs of the plaintiffs and their supporting amici, Planned Parenthood, to show the poor understanding among federal grantees of existing laws protecting rights of conscience. On December 19, 2008, HHS issued the final regulations, and they became effective on January 20, 2009.

• • • • •

### Lawsuits Challenging Conscience Regulations

On January 15, 2009, six state attorneys general (Connecticut, California, Massachusetts, Illinois, Oregon, and New Jersey), NFPRHA, Planned Parenthood and a Connecticut Planned Parenthood clinic filed three lawsuits challenging the

new regulations. Less than a week later, the center filed motions to intervene in all three cases on behalf of the Christian Medical Association, the Catholic Medical Association, and AAPLOG. At press time, these motions remain pending.

The plaintiffs raise the same constitutional claims rejected in the prior challenges to the Weldon Amendment and assert several claims under the Administrative Procedure Act. They also contend that the conscience regulations impede access to abortion, particularly for areas with a shortage of health professionals. The unspoken assumption is that if the plaintiffs are able to compel medical professionals or denominational hospitals to perform or participate in abortions or discriminate against them if they don’t, these professionals and institutions will compromise their conscience and beliefs in order to maintain their practice. This untested assumption devalues the conscientious objections, treating them as mere policy preferences. The reality is that many medical professionals would leave (or never enter) the profession, or would move to a more hospitable jurisdiction before

*Continued on Page 10*

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they would perform an abortion, an act they consider tantamount to murder. Thus, compelling professionals or institutions to perform abortions would contribute to a general healthcare shortage instead of increasing access to abortion.

.....

### Conscience Battles to Come

Scientific developments and cultural and legal shifts have also brought new potential conflicts for conscientious medical professionals and institutions. The “morning-after pill” has presented conflicts for pharmacists who object to distributing and instructing patients on using a drug that may induce abortion. The center has been active in the defense of pharmacists’ conscience rights.

The possible expansion of embryonic stem-cell research may also present conflicts for objectors to participating in this research or using its byproducts.

Moreover, while the two states that have authorized physician-assisted suicide, Oregon and Washington, provided conscience protections in their laws, a Montana case may open the door to judicial creation of a right to physician-assisted suicide, with physicians and other professionals being compelled to assist. A Montana trial

court held in December 2008 that the state constitution includes a right to physician-assisted suicide. Although the court noted that the legislature provide protections for physicians who objected to participating, it did not say that it must. In fact, the trial court denied a motion to stay its order pending appeal, meaning that physicians in Montana could now potentially be compelled to assist in a patient’s suicide unless and until the legislature provides them explicit protection. The center expects to file a brief in this case to advocate for medical professionals’ rights not to assist in suicide.

.....

### Today Doctors, Tomorrow Lawyers?

Attorneys generally expect that the conscience battles of the medical profession will not reach our own practices. After all, the Model Code permits an attorney to decline representation of a client where “the client insists upon taking action that the lawyer considers repugnant, or with which the lawyer has a fundamental disagreement.”

However, the Tennessee Board of Professional Responsibility, upon a request from a “devout Catholic” attorney, issued

a formal opinion that the attorney could not withdraw from a court appointment to represent a minor in obtaining a judicial bypass for an abortion absent “compelling reasons.” Moreover, the board held that “the repugnance of the subject matter” was not sufficiently compelling. It expressed pessimism that a court would properly permit his withdrawal.

The limited view of attorneys’ conscience rights in the Tennessee opinion has not gained much traction to date. However, attorneys concerned about their own ability to practice their profession consistent with their conscience would be wise to stand up for the rights of their brethren in the medical profession, currently on the frontlines of this battle.



Casey Mattox is litigation counsel with the Center for Law and Religious Freedom.

#### A sampling of the Center for Religious Freedom’s defense of rights of conscience.

##### Litigation:

Connecticut v. U.S. and two consolidated cases (pending) California ex. rel. Lockyer v. U.S. (N.D. Cal., 9th Cir.)  
 NFPRHA v. Gonzales (D. D.C., D.C. Cir.)  
 Scimio v. Blagojevich (Cook County, Ill.)

##### Amicus briefs:

Stormans v. Selecky (9th Cir.)  
 Catholic Charities v. Dinallo (U.S. Supreme Ct.)  
 Morr-Fitz v. Blagojevich (Ill. Sup. Ct.)  
 North Coast Women’s Care Medical Group v. Benitez (CA Sup. Ct.)  
 Catholic Charities v. CA Dept. of Managed Health Care (CA Sup. Ct.)  
 Vacco v. Quill (U.S. Supreme Ct.)

##### Legislative advocacy:

45 CFR Part 88 (Conscience Regulations)  
 Weldon Amendment  
 Abortion Non-Discrimination Act (ANDA) (not yet enacted)  
 Advocacy Against Freedom of Choice Act (FOCA)

##### Issues affecting education

- As CLRF attorney, Casey Mattox:
- Leads legal working group of rights-of-conscience advocates
  - Reviews and comments on proposed laws and policies threatening conscience
  - Sends demand letters threatening litigation where conscience rights are violated
  - Frequently speaks on rights of conscience

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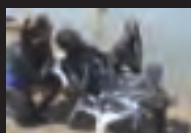
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# 'Go and do likewise'

## A Call to Christian Legal Aid

By Bruce D. Strom

**H**er name was Mary. She was young, poor and pregnant—and her fiancé was about to leave her. She could be one of the 3,631 clients Administer Justice helped last year, or one of the thousands more assisted by Christian legal aid clinics worldwide. It is not. Rather, Mary's story is why we have Christian legal aid. You can read her story in the Gospels of Matthew and Luke, for it was to a family under similar circumstances that Jesus chose to be born.

"He had no beauty or majesty to attract us to him, nothing in his appearance that we should desire him." Like many of the poor, "he was despised and rejected by men, a man of sorrows, and familiar with suffering. Like one from whom men hide their faces, he was despised, and we esteemed him not" (Isaiah 53:2-3).

Jesus was the first Christian legal aid attorney. Attorney, because he intercedes for us with the Father; legal aid, because he proclaimed as his calling the fulfillment of Isaiah's prophecy, "The Spirit of the Lord is on me, because he has anointed me to preach good news to the poor. He has sent me to proclaim freedom for the prisoners and recovery of sight for the blind, to release the oppressed ..." (Luke 4:18-21).

Jesus challenged the attorneys of his day to understand this truth. It was a lawyer who questioned Jesus what he must do to enter the kingdom of heaven. Jesus' response was the parable (Luke 10) of the Good Samaritan—a despised, half-breed minority who had compassion for an injured Jew and gave his time and money to see him restored. This story may have rocked the Jewish lawyer to the core, but he recognized that the victim's true neighbor was "the one who had mercy."

Jesus' final words to the lawyer were a call to Christian legal aid: "Go and do likewise."

### 'A homeless man named Jesus'

God has given Christian lawyers opportunities to demonstrate mercy and compassion to a world in need. I first realized this across the breakfast table from Michael and Donna. They were homeless, and charged by a local establishment with trespassing. Dirty and wrapped in several layers of clothes, they eagerly ate the food set before them. They

had no transportation, so I picked them up before their court appearance and suggested we go to breakfast to talk. Michael had a master's degree, but through tragic circumstances had lost his job, home and marriage, and found himself on the streets. Donna, thrown out of her house as a teenager, had been homeless for several years. I talked with them about another homeless man named Jesus who had no place to lay his head (Matthew 8:20). They were moved to tears as they prayed to accept Christ. The charges against them were dismissed and they received help through a local church they began attending. Zechariah 7:9-10 is the passage that brought

me to that breakfast table: "This is what the Lord Almighty says, 'Administer true justice; show mercy and compassion to one another. Do not oppress the widow or the fatherless, the alien or the poor. In your hearts do not think evil of each other.'"

I was the senior partner of a highly successful multi-office law firm. I gave money to charities that helped the poor, but never gave them significant thought. So how did I come to sit at that table?

Eleven years ago I stood before a large gathering of attorneys as president of the Christian Legal Society of Illinois and announced that my wife, Helen, and I were expecting twins. A few days earlier we had seen the tiny heartbeats of two peanuts on an ultrasound. Leaving the doctor's office we saw a faint but distinct double rainbow in the sky.

Eight months later, on the eve of our sons' birth, we were eating with friends and family when the entire restaurant emptied outside. As we followed their gaze to the sky we saw the brightest double rainbow I have ever seen. So what does that have to do with legal aid?

To understand, I have to take you back seven years—years filled with doctors' appointments, surgeries, and a cycle of hopelessness, anger and despair. It seemed to us there was a profound injustice in our inability to have children while teenagers were giving birth to unwanted children, babies were abandoned, and some parents treated their children as custody commodities. But through that experience I learned that in the midst of pain there is promise—and nowhere is a promise more visible than the rainbow. Sometimes it looks like there is no end to difficult circumstances. Life can seem



*Bruce D. Strom assisted the Galimas family with legal aid services.*

**‘I HAD STOOD IN THE HALLS OF COURTHOUSES ALL THE WAY TO THE UNITED STATES SUPREME COURT, BUT AS I STOOD BEFORE A PRINTER, I HAD MET MY MATCH.’**

hopeless. But God is not absent in times of trouble. While His promises are not always as clear as the rainbow, they are always present.

**‘My eyes were opened’**

That reality prepared me for the calendar my wife, Helen, made me for Christmas that contained daily verses about justice. As I read the verses, I was struck by God’s overwhelming call to do justice, love mercy and walk humbly with our God (Zechariah 7:9-10.) I was convinced that as an attorney I had the skills and a special responsibility to administer justice.

I would love to say that my lessons in suffering and understanding justice led me to immediately quit my job and charge to the rescue of disadvantaged people, but that is not true. In truth, my eyes were opened to the significant needs of people around me. I realized that poverty is not just an inner-city issue and that pain is universal. But the deeper truth is, I saw my own reality.

Our infant twin sons were born. My wife was not working and I had a successful practice. It would take three more years for me to shut down my law offices and begin Administer Justice full time.

I remember well the morning seven years ago when I first sat in Administer Justice’s 8-by-10-foot office alone. Oh, how the mighty had fallen. I had stood in the halls of courthouses all the way to the United States Supreme Court, but as I stood before a printer, I had met my match. I could not figure out how to print an envelope. In that moment I cried aloud, “I must be crazy. What in the world am I doing here?”

Though not audible, the response was clear. “My will. For whatever you do for the least of these you do unto me.” And that is how I got to that table.

I met Michael and Donna shortly thereafter. Since that day over the breakfast table, Administer Justice has grown from an organization of one to a staff of seven; from 10 volunteers to more than 360; from seven volunteer attorneys to 141; from \$2,000 in revenue to more than \$700,000; from helping 23 people to helping more than 3,600.

The numbers are great, but greater still is the story behind each number—each single mom we help with child support, each dad we help to establish a relationship with his child, each older person we protect against fraud and abuse, each disabled or disadvantaged person for whom we intervene to prevent homelessness. Many came to faith as we shared the hope of the gospel in the midst of hopelessness. Others recommitted their lives as we plugged them into one of the more than 80 churches that partner with us. We actively engage the community through preventative-law education, and self-help assistance and representation in court to the working poor. Working with Crown Financial Ministries, we



*Bruce and Helen Strom took their twins Joseph and Daniel to the CLS 2008 National Convention in Washington, D.C.*

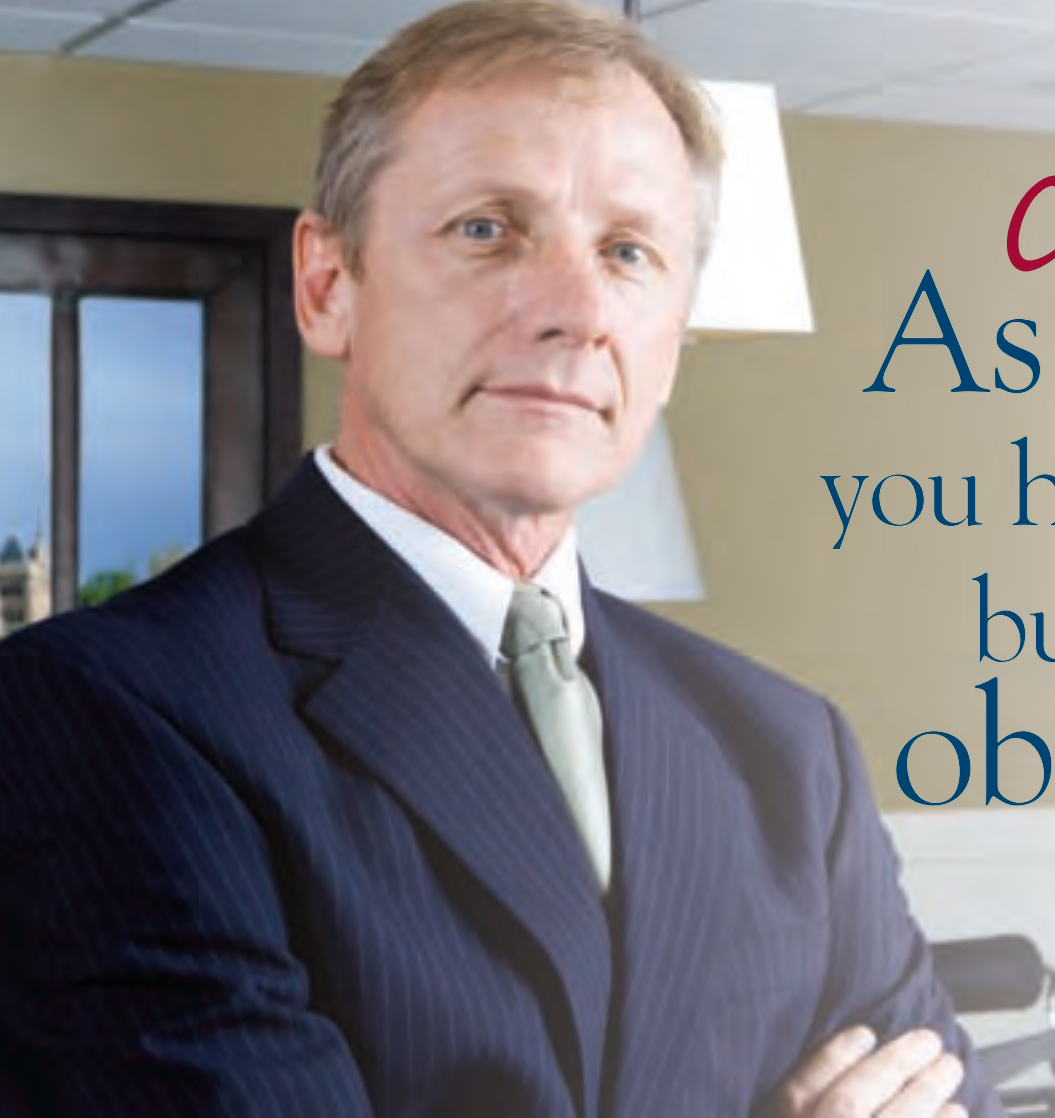
provide budget assistance, and partnering with Peacemaker Ministries, we provide conflict resolution services. In all this we strive to live out our mission to administer justice, empower the powerless, give hope to the hopeless, and show mercy and compassion to those in need.

While I don’t believe Jesus asks all attorneys to give up their careers to serve the poor, I do believe all Christian attorneys should support Christian legal aid with their time and money. The harvest is plentiful but the workers are few.

I urge you to pray about making a difference in your community by using the gifts God has given you as an attorney. Dare to listen to Jesus’ words to ‘go and do likewise.’

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*Bruce D. Strom is the founder and executive director of Administer Justice, a Christian legal aid, nonprofit organization in suburban Chicago. For more information, visit [www.administerjustice.org](http://www.administerjustice.org)*



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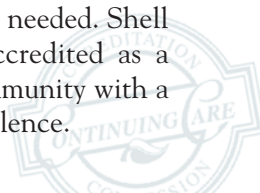
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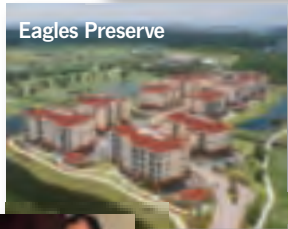
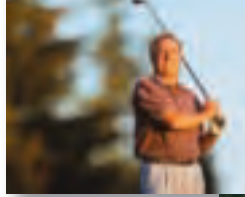
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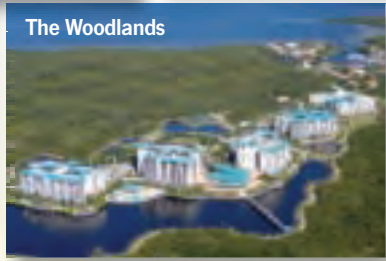




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## Fellowships Founded on the Rock

*By Dan Kim*

**D**uring a recent conference, I ran into a young attorney I had known from his law student days. We met at my visits to his school and our regional conferences. For more than two years, we had gotten to know each other through a mixed bag of conversations ranging from personal testimonies to the horrors of law school to bad relationship breakups. At the conference, we recognized each other right away. After about five minutes of small talk (to gauge how comfortable we were with one another), we delved into a more personal conversation. We bounced easily from topic to topic before finally settling into his opinions of the Christian Legal Society. As a law student he had never become a student member, and his school's fellowship never affiliated as a chapter, so his connection with CLS was through his attendance at our regional retreats and his relationship with me. While I do not recall whether I asked him directly or if he volunteered the information, I do recall why he chose not to associate himself with CLS.

His complaints were threefold. First, CLS, to his mind, was a politically conservative organization (read "Republican"), and others also believed this. He did not want to be labeled, since he did not hold typical conservative views. Additionally, he believed that this type of association would only hinder his witness in his workplace, where most of his co-workers are of a liberal bent. Finally, he said that CLS presented only the politically conservative view on legal topics.

This was not the first time I had encountered a student or young attorney who held this view. My response is always

something like, "You are mistaken, but I can see how you arrived at the opinion you have."

I want to take this opportunity to explain both why I believe this perception is wrong and why I think it exists.

In disagreeing with this view, I do not cast it aside as a mere misperception, flippantly thinking to myself, "they just don't get it." It is a legitimate concern. Nevertheless, it is not the goal or mission of CLS to be affiliated with one political party. So how does this happen? Are we victims of ill-informed gossip blawgs, and liberal groups and student organizations who do not like our stance on abortion or gay marriage? Or are we really just a bunch of Christian lawyers who are proud to be part of the Republican Party but are in denial? The answer—and the problem—centers on this: law and politics are fused together. They are inseparable. They also have strong independent aromas, which, when mixed with religion, often cause normally sturdy people to develop very weak stomachs. As Christians, however, we cannot compartmentalize our faith from our daily lives.

We need to understand the close relationship between politics and the law and learn how to faithfully integrate them—beginning by engaging our faith with the law as law students. We also need to understand that we all take stands or make missteps that may tend to color us a reddish or bluish hue, whether we intend it or not. More often than not, we either do not admit to our-selves the intimate relationship that exists between politics and law, or we do not care. Both stands result in our substituting our own

political leanings for real integration on legal issues.

The relationship between law and politics is analogous to Siamese twins. The union is one in which both beings share the necessary organ of government, and thus "surgery" to remove one from the other is practically impossible. In addition, the union is not a rare abnormality (as the medical community considers conjoined twins), but rather, a relationship inherent in the nature of both "beings." Law has always involved government, and the gears of government have always been lubricated and moved by politics. As my friends like to say, "It is what it is." Students, in their desire to integrate their faith and the study of law, must at the very least be mindful of this intimate relationship.

Unfortunately, most law students do not recognize the connection. More often than not, their view on the study of law is entirely utilitarian. Law students generally view the study of law and their pursuit of a law degree as a highly practical decision. Yet pursuing a law degree is like taking care of a very irritable baby whose appetite for time, attention and energy are all consuming and can be such a drudgery that students often lose sight of why they sought the "baby" in the first place. Thus, they rarely see or pay attention to the attached twin of politics.

When a student is passionate about a given issue, his or her personal view is often inserted, and the question of how the gospel should inform that view goes unanswered. Furthermore, anything that we are not passionate about is neglected, and if we address it all, we passively accept popular opinion. By not considering this relationship carefully and faithfully, we are

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## ‘OUR IDENTIFICATION SHOULD BE WITH CHRIST AND CHRIST ALONE. OUR MEMBERSHIP IS AS BROTHERS AND SISTERS ADOPTED INTO GOD’S FAMILY.’

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not allowing our faith to inform some of the more difficult issues that we face. We then in turn do not avail ourselves to God as his instruments for good. Of course, the gospel is, by its very nature, redemptive, so being married to one political party or another is not a gospel-centered approach to either the law or to politics. Therefore, instead of being politically affiliated, students should seek to be issue oriented. If this approach gets us thrown into one political camp or another from time to time, it should not be something we are afraid of.

In practical terms, a gospel-centered approach to the study of law is not to be so closely married to one organization or another, whether the ACLU or the Federalist Society, that the organization completely informs our view of the law. All too often, I run into law students who have made their group an extension of the

Federalist Society or the ACLU, or one that leaves legal issues untouched by their faith. The results: Bible studies that do not speak into their lives, are irrelevant to their current studies and future vocations, and end up as Christian self-help groups. This is a twisted misinterpretation of the true purpose of a Christian fellowship on a law school campus.

A fellowship should seek a gospel-centered approach to the study of law, one that unapologetically seeks to find out how that good news informs those issues without fear of being painted as one political animal or another. Our identification should be with Christ and Christ alone. Our membership is as brothers and sisters adopted into God’s family. In this sense at least, the Christian Legal Society is apolitical—CLS is not an organization of Republicans or Democrats.

It seeks to be filled with those who would faithfully pursue their legal vocations with integrity, taking stands on the issues as compelled by our shared faith.

CLS desires, through its LSM chapters and fellowships, to be a place where students from any background, social or political, may actively engage one another in seeking truth, and likewise engage their campuses and other student groups with that truth. All this simply means is that we must work out and walk out—in word and deed—the consequences of orthodox Christian doctrine in law and politics.



*Dan Kim is the manager of Law Student Ministries for the Christian Legal Society. He graduated from Brooklyn Law School, where he led the CLS law student group, and Brandeis University.*

*Jay Milbrandt (JD '08), director of Pepperdine's International Human Rights Program, at an orphanage in Burma*

*Third-year student Kerry Docherty at a Ugandan refugee camp during her internship with Restore International*

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## Improving firm ROI through a pro bono program that efficiently develops law firm associates

By Robert Dicks, Senior Manager, Deloitte Consulting LLP; Lauren Bergida, Senior Consultant, Deloitte Consulting LLP; Stephanie Shambroom, Senior Consultant, Deloitte Consulting LLP; Mark O'Brien, Executive Director, Pro Bono Net; and Adam Licht, Director of Product Management, Pro Bono Net

### Executive summary

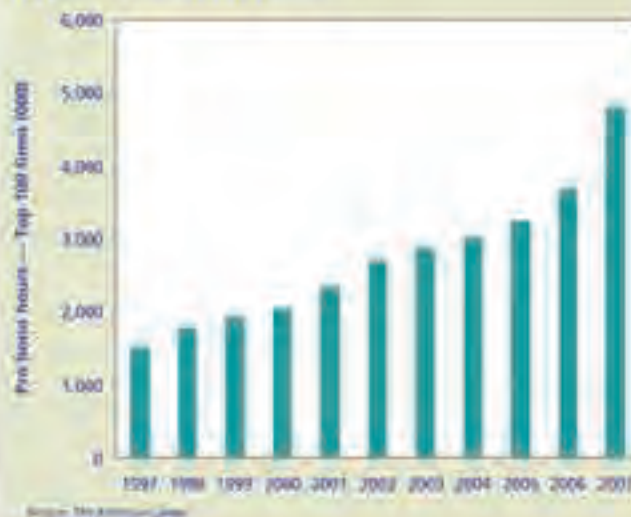
While pro bono work has remained a staple in law firms, growing significantly over time, it has been viewed largely as a means to contribute to communities and individuals in need. Many firms have not yet capitalized on the strategic possibilities and benefits of offering pro bono work. Pro bono work can provide unmatched development opportunities for talented associates — opportunities associates place high value on to grow their careers, develop their personal and professional networks and contribute back to their community. In addition, firms can use pro bono more strategically by aligning project needs to associate development needs, thereby better developing their talent, reducing attrition, and improving overall firm ROI.

Pro bono work has been a growing component of the law firm experience for years. Average pro bono hours at the top 100 U.S. law firms have more than doubled since 2000. Law firms support their associates in engaging in pro bono work for a variety of reasons: to gain an advantage in recruiting; to provide training for new associates; to increase retention by providing varied work that improves satisfaction levels; and to strengthen their marketing and business development efforts. Firms also value the opportunity to have a positive impact in their community.

Because of the ubiquitous nature of pro bono work (among the top 100 firms, the average number of pro bono hours was nearly 26,000 in 2007, up 13 percent from 2006, according to *The American Lawyer*) law firms have developed structures to govern and organize it. Few firms though, have invested in the infrastructure, technology,

and organization necessary to efficiently connect their associates to the right pro bono project at the right development point in their careers. Without a systematic way of matching associates with opportunities, cases tend to repeatedly go to a small group of attorneys who become identified as pro bono enthusiasts, rather than being distributed more evenly throughout the firm.

Figure 1: Pro bono work



Law firms run into significant challenges in connecting associates to pro bono opportunities, with few providing the systems to support the level and depth of pro bono work necessary to achieve the developmental benefits that it can provide. Currently, firms incentivize associates to take on pro bono work by offering billable credit, and other implicit and explicit rewards. A pro bono coordinator often works to identify worthwhile pro bono opportunities for associates to self-select, without regard to fit or developmental benefits. From that point forward, the process to connect pro bono opportunities to the “right” associate breaks down.

- Individual partners champion pro bono causes, but typically work with a familiar group of associates, not expanding their circles to work with a different set of associates than those they work with on client matters.
- Associates are not connected with cases that address specific performance management/development gaps identified in their client work.
- Associates are not connected with external clients, organizations and contacts that can help them build a network in the community to further their careers.

The pursuit of a fulfilling legal career can vary by individual. However, there are certain experiences and opportunities that all lawyers seek, regardless of practice area interest, firm size or type. These experiences include meaningful and substantial client interaction and the opportunity to develop specific skills, e.g., taking depositions, arguing in court, examining witnesses and making strategic decisions about the management of a case. Many attorneys also wish to spend some time on work that contributes to the social good of the community. Pro bono work affords all of these opportunities, and often these experiences come earlier in an attorney’s career than they otherwise would with typical client work. Since these opportunities are so highly valued by attorneys, firms need to champion the programs that provide them to best support their talent. Doing so can positively impact attorney retention and job satisfaction.

Indeed, the reasons for firms to focus on their provision of pro bono opportunities extend far beyond meeting individual associate objectives. As we discuss below, the staggering costs of attorney attrition and the specific reasons associates cite for leaving their firms point to the ROI that can be achieved through successful pro bono programs. Consequently, we believe the business imperative for a robust pro bono program – one that connects the right lawyer to the right opportunity, at the right time – is associate retention and development.

**Associate recruiting and retention:** Pro bono work can improve a firm’s ability to attract associates and to extend an associate’s tenure; the first major area of payback. For many students coming out of law schools, pro bono opportunities are a priority in evaluating potential employers. A strong pro bono program is a major asset in attracting highly qualified candidates; accordingly, most large firms emphasize their pro bono programs to candidates in their recruiting materials, prominently on their Web sites and in reference materials, such as the *Vault Guide to Law Firm Pro Bono Programs*.

The costs involved in replacing associates are staggering, especially once these associates progress to the mid and senior associate levels. In a recent industry study, cumulative attrition for associate hires directly from law school exceeded 50 percent within the first four years of the associate class joining the firm<sup>3</sup> and, using very conservative figures, the cost to replace an associate exceeds \$100,000<sup>4</sup> according to the National Association for Law Placement.

Pro bono work can specifically help firms address retention by providing opportunities for associates to “connect” and “develop” their career, which could reduce the likelihood of attrition. Providing opportunities for associates to deliver meaningful value

to causes they feel deeply about can help create the engagement necessary to differentiate work in their career. This links closely to the next topic, associate development.

**Associate development:** In a recent study by Hildebrandt International,<sup>5</sup> two of the top three reasons for associate attrition related to the ability of law firms to connect lawyers to matters and partners focused on their development. According to the Hildebrandt study “Over the last 10 years [the lack of training, mentoring, and development opportunities] has been the single most common factor cited by departing associates, yet few law firms respond with meaningful programs.” Pro bono work provides tangible opportunities for associates to take on meaningful roles in cases far earlier than otherwise available through typical client work to grow their legal and client relationship skills. For a mid-level associate, leading a pro bono matter can provide the client contact and professional development rarely available on other matters.

In addition to concerns about developmental opportunities, the Hildebrandt study reported that “Associates cite the lack of Partner contact, which is closely linked to the absence of effective-mentoring programs, as a primary reason for [attrition].” Pro bono work, especially when linked to causes that Partners feel strongly about, tends to foster on the job training opportunities and lasting bonds between associates and Partners. The opportunity to work in a non-client atmosphere, on a matter where both the associate and the Partner are engaged, facilitates the casual conversation necessary to support a mentoring relationship.

#### Developing a talent strategy that includes pro bono work

Deloitte’s *Talent Framework* provides a methodology for aligning pro bono opportunities and associate development. Firms can employ a talent strategy that analyzes and differentiates opportunities based on the needs of the associate and their individual career path (corporate, litigation, tax, etc.). Pro bono then becomes the solution that supports “core” talent needs such as learning and development and can become the “differentiating” events that improve retention, support accelerated development and enhance the associate value proposition.

#### Efficiently connecting Associates to the “right” opportunity

Associates want the opportunity to engage themselves in pro bono work, but often run into a series of obstacles in finding the right opportunities for their career development. In most firms, the current pro bono assignment process is inefficient, but opportunities exist to automate and improve the process.

Increasing pro bono management efficiency requires a dedicated solution, such as Pro Bono Manager, a hosted application developed by Pro Bono Net, a national nonprofit that works to increase access to justice. Though Pro Bono Net’s big-picture goal is to help firms increase pro bono hours, such an automated solution can yield cost and time savings. Estimates show that such a product can save an average AmLaw 200 firm approximately \$18,000-\$30,000 per year in administrative costs, and can help firms avoid spending \$40,000-\$120,000 in IT costs, according to Pro Bono Net’s estimates. For attorneys involved in administering pro bono programs, automation can save hundreds of hours per year. The found time can be used to develop stronger relationships within the firm and with legal aid organizations. For attorneys the found time can be devoted to billable work, or supporting more people in need by taking on additional pro bono work.

Ultimately, pro bono work can serve a firm just as it can serve a community. The key to extracting value for the firm resides in aligning pro bono needs with attorney development needs and in

<sup>3</sup> Source: National Association for Law Placement, “Support the Winning Side”

<sup>4</sup> Lowest recruiting costs approach: office benefits and holiday (annual expense) + direct cost of partner and associate (annual bill) + law school (average law school tuition) + 10 percent fully loaded and reported associate ramp-down time for the remaining associate attorney’s practice in anticipation of resignation.

<sup>5</sup> Hildebrandt International, “Deloitte” means Deloitte Consulting U.S. a subsidiary of Deloitte LLP. Please see [www.deloitte.com/us/about](http://www.deloitte.com/us/about) for a complete description of the legal structure of Deloitte LLP and its subsidiaries.

<sup>6</sup> Source: National Association for Law Placement, “Why Associates Quit Out of Law Firms” (the “Law Firm Matters” Newsletter), October 14, 2012.

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Figure 2: Deloitte's talent framework.



providing skillful management of pro bono opportunities. These can be done without significant cost to a firm, and can result in positive bottom line results for the firm, such as decreasing attorney attrition and improving associate skill development while providing associates with the direct benefits of providing service to the community.

**Robert Dicks** is a Senior Manager with the Human Capital practice of Deloitte Consulting LLP.  
Contact: rdicks@deloitte.com

**Lauren Bergida** and **Stephanie Shambroom** are Senior Consultants with the Human Capital practice of Deloitte Consulting LLP.  
Contact: lbergida@deloitte.com, sshambroom@deloitte.com

**Mark O'Brien** is the co-founder and Executive Director of Pro Bono Net, a national nonprofit that works to increase access to justice through the innovative use of technology and increased participation by volunteer lawyers. Prior to starting Pro Bono Net, Mark was the pro bono coordinator at Davis Polk and Wardwell.  
Contact: mbrien@probono.net

**Adam Licht** is Pro Bono Net's Director of Product Management. He oversees Pro Bono Manager, Pro Bono Net's pro bono practice management solution for law firms.  
Contact: alicht@probono.net

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## Letter from Advocates International to President Barack Obama



At its 2008 global convocation in Washington, D.C., Advocates International launched seven global task forces. Each continent took primary responsibility for at least one major substantive issue facing believers worldwide. Advocates North America, consisting of Canada, the Caribbean and the United States, oversees the Global Task Force on Life & Family. The U.S. team, facilitated by Sam Casey, focuses on the pro-life and bioethics agenda, including abortion, euthanasia and human-embryo experimentation. Advocates sent the following letter on life issues to President Obama in February 2009.



Dear Mr. President:

No person on planet Earth has a greater opportunity than you to promote and protect the God-given inalienable rights to life, liberty and the pursuit of happiness. As a fellow Harvard Law School graduate (class of 1969), I followed your campaign with great interest, listened to your inaugural address and watched your administration take shape. At the National Prayer Breakfast last week, with guests from 150 nations present, you made a powerful comment that resonates with the overwhelming majority of Americans, as well as billions of people worldwide:

“There is no God who condones taking the life of an innocent human being. This much we know.”

We agree with you! Our hope and prayer is that your administration will walk your talk: our deepest differences without denying truth.

You’ve talked about the importance of honesty. Let us not reward with tax dollars those abortion providers who mislead pregnant women by telling them that there is “nothing more than tissue” in the womb, when the truth is that the unborn child is a whole, separate, unique, living human being. In post-abortion counseling, the vast majority of women say they would not have chosen abortion if they had been told of the true nature of the unborn child. They often feel lied to and cheated. Better than any single strategy to fulfill your oft-stated goal of “reducing the need for abortions” is to tell the mother the truth about her unborn child.

You’ve talked about freedom of conscience. Let us not discriminate against physicians and nurses who believe that an unborn baby is a whole, separate, unique, living human being and therefore refuse to perform abortions as a matter of conscience and religious conviction.

You’ve talked about protecting “the least of these”—a phrase coined by Jesus to describe his followers as caring for the hungry, the poor, the stranger, the sick and those in prison. Let us not turn a deaf ear to the projected 19 million babies who will be conceived during your term—with perhaps 6 million of “the least of these” terminated in the womb.

You’ve talked about transparency. Let us encourage the restoration of a true physician-patient relationship between a woman and her doctor rather than the typical four-to-seven minute encounter all too common in abortion clinics.

You’ve talked about a “new era of responsibility” for politicians who “spent money they didn’t have.” Yet your first Executive Order with significant financial impact rescinded President Reagan’s freeze on hundreds of millions of tax dollars for international abortions. These funds will exceed the total income taxes paid by 10 million of our poorest Americans. They will be funneled through Planned Parenthood and the U.N. Family Planning Agency that supports China’s “one-child policy,” which led to 400 million forced abortions during your lifetime—nearly equal to the combined populations of America, Canada and Mexico. In a recent USA Today/Gallup poll, 65 percent of Americans said they believe this decision is wrong. Clearly, we spent money we don’t have.

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Sam Ericsson

Your inaugural address also warned those “who seek to advance their aims by inducing terror and slaughtering innocents.” Let us not ignore the indisputable scientific fact that unborn babies feel pain. They are the true “innocents” facing slaughter without any “freedom of choice.”

You’ve talked about “humane treatment” for the 242 “extremely dangerous” detainees at Guantanamo. Let us make certain that the 19 million children conceived during your term will be safely “detained” for nine months in their mother’s womb and treated no less humanely than the 242 detainees at Guantanamo – consistent with your view of “America’s highest ideals.”

You’ve talked about the need to return to “good science.” Let us promote the “indisputable scientific fact,” as found by the South Dakota Legislature in 2005 and affirmed by the Eighth Circuit Court of Appeals in June 2008 in *Planned Parenthood v. Rounds*. After hearing 55 witnesses, including 32 experts from both sides of the issue, it was affirmed that abortion terminates the life of a “whole, separate, unique, living human being.” (See Report of The South Dakota Task Force to Study Abortion: Submitted to the Governor and Legislature of South Dakota December 2005.)

You’ve talked about the Golden Rule. Let us admit that we’ve never met anyone of sound mind who wishes that their mother had aborted them. We’re all glad to have had a birth day. We should assume that every unborn child would want a birth day of his or her own.

You’ve talked about women’s rights. Let us not ignore the rights of unborn women and the constitutional and natural rights of a mother to a relationship with her biological child. We should assume to carry a baby full-term always refers to it as a “baby.” Let us admit that every woman who intends to keep it, it is also a baby when we choose to abort the baby. If it is a baby when we choose to

You’ve echoed Dr. King’s talk about character. Let us not penalize hospitals run by religious groups – be they Adventist, Baptist, Evangelical, Jewish, Mormon, Muslim, Presbyterian or Roman Catholic – whose religious beliefs see abortion as morally wrong. Dr. King made the connection between law and morality: “A just law squares with the moral law of God. An unjust law ... is out of harmony with the moral law.” We would recommend that all these hospitals close their doors rather than bend to the dictates of the state on a matter of conscience.

You’ve talked about opportunity. Let us give pregnant women the full opportunity to hear the truth that the unborn baby is a “whole, separate, unique, living human being.” The South Dakota Study on Abortion reported that as few as 2 percent of pregnant women choose abortion when given the opportunity to hear the truth and see the sonogram of the baby alive in the womb.

You’ve talked about remaking America. Let us reaffirm the sanctity of life from conception to natural death. Let us live out your powerful statement: “There is no God who condones taking the life of an innocent human being. This much we know.”

Be assured that our global network of 30,000 advocates in 150 nations who help “the least of these” will pray that you and your administration will do what you know is right.

Sincerely,

Samuel E. Ericsson  
Founder and President  
Advocates International







## Attorneys Team up with Christian Ministry to Serve the Needy

By Cynthia Price

Anyone who has read the news lately is aware of the sharp upturn in the number of people seeking emergency assistance. Mel Trotter Ministries in Grand Rapids, Mich., started serving people down on their luck long before the recent increases. The ministry, founded in 1900, provides shelter, food, clothing, education, Bible studies, computer and job training, and a state-licensed, substance-abuse recovery program.

For 10 years, the ministry's on-site legal assistance clinic has been going strong. Lawyers, who donate their time, are available at the ministry's downtown location once a week for two to four hours, some in split shifts. The lawyers who founded the nonprofit clinic belong to the Grand Rapids chapter of the Christian Legal Society. For the first few years, attorney Dick Butler served as de facto administrator of Christian Legal Ministries, scheduling meetings, attorneys and law students, and linking the attorneys to Mel Trotter and CLS. The ministry supplied the location, now assists with administration and scheduling, and helps publicize the services to reach those in need of legal assistance.

Silvestre Roman, the Trotter employee who screens and schedules clients, said most cases deal with domestic, housing or medical problems, or crime-related issues, such as expunging a record. Roman determines the nature the cases and schedules the attorneys. Ronald L. Foster, who has his own practice and is the current chairman, said the clinic attorneys often refer clients to the Legal Assistance Center



*At the Mel Trotter Mission in Grand Rapids, Mich., CLA clinic Chairman Ron Foster, from left, Brent McBurney, director of CLS' Legal Aid Ministries, and the mission's Executive Director Chico Daniels met recently to discuss Christian legal aid.*

at the courthouse. Occasionally, attorneys represent the client in court.

When the group started, Mel Trotter residents were the only recipients of the services, said environmental attorney Matt Zimmerman, of the Varnum law firm. Now participants also come from around the community, as far away as neighboring counties, Roman said. The attorneys reach out to area churches, food pantries and other ministries to spread the word. Roman said most clients hear about the free service by word of mouth.

There are annual open sessions for Mel Trotter residents, one each for the men and women who reside at the ministry for rehabilitation. At the sessions, friend of the court representatives provide information

for residents who need advice rather than representation.

### CLS Roots

When the Christian Legal Society wanted to open legal clinics across the nation to help the less fortunate, a champion for that cause, John Robb, developed a legal aid clinic in Albuquerque, N.M. in the 1980s, Zimmerman said. Robb knew the Rev. Tom Lehman, then executive director of Mel Trotter Ministries. Lehman, a visionary, had been instrumental in expanding Trotter's basic provision of rehabilitation and meals to include dental, medical and eye-care clinics. Lehman thought a legal clinic would round out the organization's

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**‘SOMETIMES THE LAWYERS COUNSEL THEM HOW TO ACCEPT THE CONSEQUENCES OF THEIR ACTIONS AND AVOID REPEATING DESTRUCTIVE BEHAVIOR.’**

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services. The Albuquerque attorney helped local residents set up the program. Word spread, and soon the attorneys saw the need for a more formal clinic with weekly hours.

The current Mel Trotter executive director is the Rev. Chico Daniels, who is supportive of the clinic, Foster said. The attorneys currently involved are Paul Greenwald, Eric Brandt, Matt Zimmerman, Renee Stamper, Steve Skahn, Skip Pylman, Nelson Miller and Anne Bachle Fifer. Miller is associate dean at the Grand Rapids campus of Thomas M. Cooley Law School. He sometimes brings students with him to learn and assist. Foster said he hopes the clinic will be officially recognized so students can get credit for their experience. Bachle Fifer said she is excited to “bring along the next generation of attorneys.” The nucleus of regular volunteers is joined by a larger group of attorneys who serve as references if the primary attorneys have questions in areas of legal expertise.

Bachle Fifer often tackles child support and custody cases. She said she was gratified to correct an error in which a man whose parental rights had been terminated—and the child adopted—was nonetheless being held responsible for child support. Arrearages had piled up over the years even though the petition seeking child support from the father was filed after the court had terminated his parental rights. “It was a clear legal mix-up,” Bachle Fifer said. The man was thrown in jail a few times, but he had never contacted an attorney because he could not afford one. Bachle Fifer saw the case through an appeal before the courts acknowledged the error.

“I wish I could tell you that [the father] came to faith because of this. He claimed to believe in Christ, and that this experience increased his faith, but there weren’t real signs of fruit. I still pray for him,” she said.

Zimmerman also related a success story involving child support. A man whose wife was pregnant and did not want the

baby asked her to bring their son to term and said he would take full responsibility for him. He had physical custody, but when the couple divorced, she managed to have the judgment read that she had legal custody and he would have to pay her child support. When the ex-wife was put in prison, the state demanded that he pay in full, by now tens of thousands of dollars. Zimmerman demonstrated that the father had been caring for the child all along, and therefore did not owe child support. After many months, the friend of the court officially agreed to stop pursuing the payments.

Zimmerman also worked with a woman being evicted from her apartment the week before Thanksgiving. The woman had been in and out of rehab clinics, and this was to be her first family Thanksgiving where she could show her progress in combating her addictions—a “re-entry.” Investigation uncovered the reason for the eviction: The landlord had been charging the woman for the bulk of the charges to



heat the entire apartment building while other renters paid nothing for utilities. The inexperienced woman did not realize that the bill was much higher than she should have been paying, and she fell behind. Zimmerman helped her avoid eviction. She celebrated Thanksgiving and Christmas in that apartment.

Zimmerman said that not all clients’ problems are due to an outside cause; they often result from bad choices made by the clients. Sometimes the lawyers counsel them how to accept the consequences of their actions and avoid repeating destructive behavior. Zimmerman credits his faith with making the successes possible. The group plans to follow the lead of other CLS-related clinics by raising funds for a separate location and staff.

For more information, contact Ronald Foster at 616-667-2728.

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*Susan Wittman contributed to this report.*

# CHRISTIAN LEGAL AID CLINICS

## ARIZONA

**Phoenix Christian Legal Aid**  
Steve Keist, Director  
(602) 254-1272  
skeist@keistlaw.com

**Southern Arizona Chapter  
Christian Legal Aid Program**  
Jim Richardson, Director  
(520) 694-4445  
jimmegrichardson@msn.com

## CALIFORNIA

**\*Christian Legal Aid Office**  
Aurora Dawn Harris, President  
Intake Line: (714) 769-7900  
help@christianlegalaidoffice.com

**\*Christian Legal Aid of  
Los Angeles**  
Sarah Na Olney, Executive Director  
(323) 319-3559  
christianlegalaid@yahoo.com

**\*Pepperdine University Legal  
Aid Clinic**  
Brittany S. Otey, Director  
(213) 347-6300  
Brittany.Stringfellow@pepperdine.edu

## COLORADO

**Christian Legal Clinic of  
Metro Denver**  
Jim Helfrich  
(720) 214-2793  
jh@ghlawoffice.com

**Ecumenical Christian Legal  
Services of Colorado Springs**  
Steve Ezell, Esq.  
(719) 471-4511  
estevenc@aol.com

**\*Justice and Mercy Legal  
Aid Clinic**  
Steve Thompson, JAMLAC Director  
(303) 839-5198 Ext. 5  
JAMLAC@comcast.net

**Christian Legal Aid of Boulder**  
Darrt Demaree, Coordinator  
(303) 440-7183  
DDAdvocate1@msn.com

## DELAWARE

**Mission Legal Aid Clinic**  
Rev. Tom Laymon  
Executive Director  
(302) 652-8314  
tlaymon@sundaybreakfastmission.org

## DISTRICT OF COLUMBIA

**Archdiocesan Legal Network**  
Cardinal James Hickey Center  
(202) 772-4324

**Washington, DC Christian  
Legal Aid**  
**APPA Ministry House Clinic**  
James Quinn, Clinic Coordinator  
appalawclinic1@yahoo.com

**Central Union Mission Legal  
Aid Program**  
Brent McBurney, Clinic Coordinator  
(703) 642-1070, ext. 3206  
legalaid@clsnet.org

## FLORIDA

**CLS Pro Bono Project**  
Blane McCarthy, Director  
(904) 391-0091  
bgm@bgmccarthy.com

**Bay Life Legal Ministries, Inc.**  
Susan Ojeda, Director  
(813) 319-0183  
legalministry@baylife.org

**Miami Christian Legal Aid, Inc.**  
Andrea Fletcher, Client Coordinator  
(305) 687-8577  
divine1love@gmail.com

**CLS West Palm Beach County  
Legal Consultation Ministries**  
Sherri Renner, Director  
(561) 832-9220  
srenner@bellsouth.net

## GEORGIA

**Diakonia Christian Legal  
Services, Inc.**  
Jason Waymire, Director  
(706) 208-1220  
jcwym@yaho.com

**\*Georgia Justice Project**  
Douglas B. Ammar, Executive Director  
(404) 827-0027  
Doug@gjp.org

\*Staffed CLA clinics; others are  
all-volunteer clinics.

## ILLINOIS

**\*Administer Justice**  
Bruce Strom, Executive Director  
(847) 847-1100  
bstrom@AdministerJustice.org

**\*Austin Circle Law Center**  
Gerry Nordgren  
(773) 854-1610  
gpn1@juno.com

**\*Cabrini Green Legal Aid Clinic**  
Rob Acton, Executive Director  
(312) 266-1345  
robacton@cgl.org

**Micah Legal Aid Clinic**  
Suzy Choi & Grace Lim  
(773) 463-6768  
www.micahlegalaid.com

## INDIANA

**\*Neighborhood Christian  
Legal Clinic**  
Josh Abel, Executive Director  
(317) 429-4131  
jabel@nclegalclinic.org

**Notre Dame Legal Aid Clinic**  
Robert L. Jones, Jr., Director  
Contact: Indiana Legal Services  
(574) 234-8121  
Robert.L.Jones.220@nd.edu

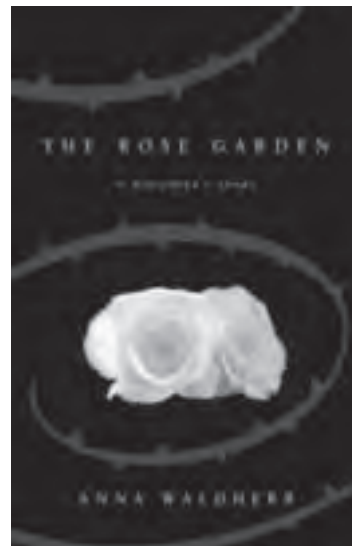
## KANSAS

**Wichita Christian Legal Aid Clinic**  
Craig Shultz  
(316) 269-2284  
shultzlaw@veracom.net

**The Zenas Project**  
Scott Nehrbass, Director  
(913) 498.2100  
snehrbass@foulston.com

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## The Rose Garden –A Daughter’s Story



*By: Anna Waldherr*

The Rose Garden is a moving first-hand account of the scars left by childhood sexual abuse on the life of a successful female attorney. An autobiography and family memoir, The Rose Garden spans four generations. Through the prism of her family circle, author Anna Waldherr examines the question of suffering, the bonds of family, and the nature of courage. Ultimately, The Rose Garden is a story of hope, compassion, and forgiveness.

The book is available in paperback through  
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## MARYLAND

**Legal Aid Ministry of Baltimore, Inc.**  
James McFaul, PA, Director  
(410) 821-8395  
jvmcfaul@aol.com

**Christian Legal Aid of Covenant Life Church**  
Christy Sullivan, Clinic Coordinator  
(301) 869-2800 ext. 295  
csullivan@covlife.org

## MICHIGAN

**Christian Legal Aid of Lansing**  
Jon E. Maire (Apr.–Oct.)  
(517) 484-4424 (Jon)  
jemaire@earthlink.net  
& David Gadaletto (Nov.–Mar.)  
(517) 244-1107 (David)  
gadalettolitigation@sbcglobal.net

**Christian Legal Aid of Southeast Michigan**  
Douglas L. Toering, Director  
(248) 269-2020  
dltoering@aol.com

**Christian Legal Aid of Southwest Michigan**  
Michael Willis  
(269) 492-1040  
mjwillis@wwplc.com

**West Michigan Christian Legal Aid**  
Ron Foster  
(616) 667-2728  
rfosteresq@aol.com

## MINNESOTA

**Minneapolis Park Avenue Foundation Volunteer Lawyers Network Walk-in Legal Clinic**  
Colleen Beebe, Director  
(615) 825-6863 (church) or  
(612) 341-3302 Ext. 114 (work)  
cbeebe@mnadvocates.org

**Twin Cities Christian Legal Aid**  
Paul Baertschi, Director  
(612) 337-5577  
Information@tccla.org

## MISSISSIPPI

**\*Mission First Legal Aid Office**  
Patricia C. Gandy, Director  
(601) 608-0056  
gandy@mc.edu

## MISSOURI

**St. Louis Christian Legal Aid**  
Eugene Fahrenkrog, Jr.  
(314) 725-9595  
Fax: (314) 725-9597  
gfahrenkrog@mvp.net  
Donna Bradley  
(314) 533-5400  
jccadministrator@charter.net

## NEW JERSEY

**Christian Legal Aid Project of Elizabeth**  
Kirk Nelson, Director  
(908) 289-6322  
KNelson@kirknelsonesq.com

## NEW MEXICO

**New Mexico Christian Legal Aid, Inc.**  
Jim Roach, Director  
(505) 243-4419  
jr87102@yahoo.com

## NEW YORK

**\*Brooklyn Jubilee**  
Sandyha Reju Boyd,  
Executive Director  
(718) 249-6359  
brooklynjubilee@brooklynjubilee.org

**New York Christian Legal Services, Inc.**

Bruce DiCicco, Interim Director  
(212) 953-6060  
bdicicco@DiCicolaw.com

## NORTH CAROLINA

**Christian Legal Society Exodus Project**  
Gideon Moore,  
CLS Chapter President  
Gideon.moore@wnhplaw.com

## OKLAHOMA

**\*Trinity Legal Clinic of Oklahoma**  
Lynn Elliott, Director  
(405) 359-0701  
lynn\_elliott123@yahoo.com

**Tulsa Christian Legal Clinic**  
Dan Sullivan, Director  
(918) 583-8100 /  
Fax: (918) 583-8107  
dsullivan@piercecouch.com

**Tulsa University College of Law CLS Christian Legal Aid Clinic**  
Keith Bartsch, Director  
(918) 582-8877  
kbartsch@ahn-law.com

## PENNSYLVANIA

**\*Christian Legal Aid of Pittsburgh**  
Janet Goode, Director  
(412) 622-0232 (client intake)  
clapittsburgh@yahoo.com

**North Philadelphia Christian Legal Aid Program**  
Pete Hileman, Director  
(215) 348-2088  
(Clients call: (215-329-5777)  
phileman@dhdllaw.com

**Philadelphia Christian Legal Aid Program**  
Dennis Abrams, Director  
(610) 667-7511  
dennis@lowabram.com

## TENNESSEE

**Chattanooga CLS Inner City Ministries Legal Aid Program**  
Steve Duggins, Esq.  
(423) 899-3210  
heartdug@aol.com

**Murfreesboro Christian Legal Clinic**  
John T. Blankenship, Director  
(615) 893-4160  
john@blankenshiplawoffice.com

## TEXAS

**\*Central Dallas Ministries L.A.W. (Legal Action Works) Center**  
Ken Koonce  
(214) 827-1000, Ext. 21  
kkoonce@cdm-hope.org

**\*Legal Aid Ministries Inc.**  
Jon Campbell  
(214) 207-6542  
jcampbell@legalaiddministries.com

## UTAH

**Mountain View Legal Clinic**  
Gary O. McKean, Director  
(801) 497-9340  
gom.bowhunt@msn.com



## VIRGINIA

**Christian Legal Aid of Northern Virginia**  
Steve Clarke, Director  
steveandtacye@yahoo.com

## WASHINGTON

**\*Seattle Union Gospel Mission Legal Aid Clinic**  
David Mace, Director  
(206) 682-4642  
dmace@ugm.org

**Union Gospel Mission of Spokane Christian Legal Aid Clinic**  
Greg Barclay, Coordinator  
(509) 535-8510  
staff@eberlelawoffice.net

## CLA INTERNATIONAL

### KENYA

**Christian Legal Education Aid and Research (CLEAR)**  
Kamotho Waiganjo, Convenor of  
CLEAR Nairobi  
kclf\_clearnairobi@yahoo.com

### RWANDA

**Association of Rwandan Lawyer of Hope**  
www.clearinternational.org

### SOUTH AFRICA

**Christian Lawyers Association of South Africa**  
Denise Woods, National Chairperson  
cla@motcon.co.za

### UGANDA

**Uganda Christian Lawyers Fraternity**  
Steve Sanderson, Facilitator  
ugclf@yahoo.co.uk

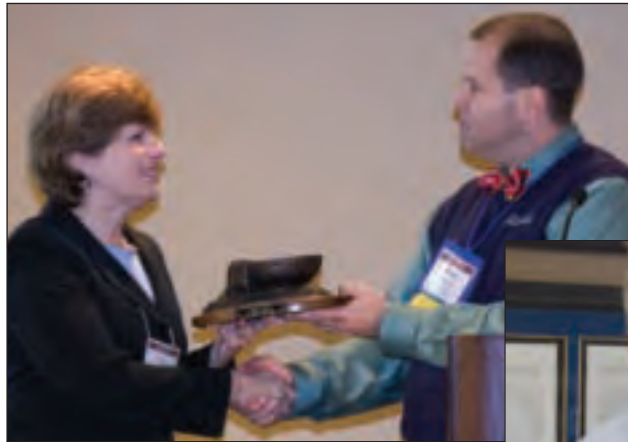
\*Staffed CLA clinics; others are all-volunteer clinics.

# The John D. Robb Award for Christian Legal Aid

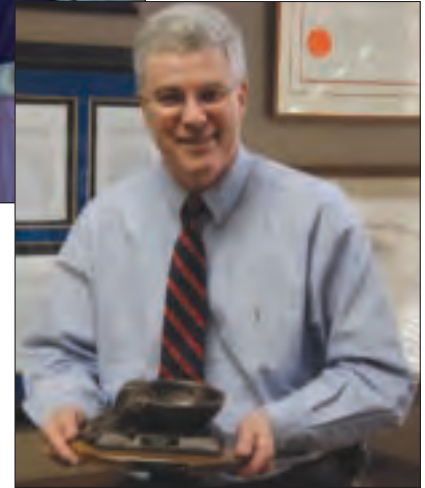
In November 2005 the CLS board honored John Robb—“for his dedicated service to meeting the legal and spiritual needs of the poor and needy”—by renaming the Christian Legal Aid Award as the **John D. Robb Award for Christian Legal Aid**.

In February 2008, CLS gave the **Robb Award** to Alan Sears, president, Alliance Defense Fund, for ADF’s strong commitment to the Christian Legal Aid program over the previous decade. ADF’s seed money in 1997 helped CLS to lay a foundation for Christian legal aid, and its funding over the subsequent 10 years enabled the program to grow and encourage CLA clinics around the country to improve and increase their services to the poor and needy.

In October 2008, at the Christian Lawyer Global Convocation, Brent McBurney, CLS’ Director of Legal Aid Ministries, presented the **Robb Award** to Patricia C. Gandy, Director of the Mission First Legal Aid Office in Jackson, Miss. In two short years, Gandy transformed a



*Patricia C. Gandy and Brent McBurney*



*Alan Sears*

brand new clinic into one of the shining lights among CLA clinics. In association with First Baptist Church of Jackson and Mississippi College School of Law, the clinic now has a volunteer roster of over 100 attorneys and over 25 law students, and serves the poor and working poor.

A poster for the 16th Annual Summer Conference on Global Bioethics. The top section has the text "16TH ANNUAL SUMMER CONFERENCE GLOBAL BIOETHICS EMERGING CHALLENGES FACING HUMAN DIGNITY". Below this is a yellow banner with "Save the Date!". The background features a stylized world map. On the right side, there is a text box with details about the conference, including dates for pre-conference institutes (July 13-16, 2009), the main conference (July 16-18, 2009), and post-conference seminars (July 20-22, 2009). At the bottom left, it says "presented by THE CENTER FOR BIOETHICS &amp; HUMAN DIGNITY" and "In Partnership with Christian Medical &amp; Dental Associations and Nurses Christian Fellowship". At the bottom right, it lists the location: "Trinity International University, Deerfield, IL, USA".

# Blessing Bestowed, Blessing Received

By Brent McBurney, editor in chief

*Brent, with his wife, Elizabeth and parents, Louis and Melissa McBurney, at his swearing-in ceremony in Albany, N.Y., January 2000.*



Many of our readers may remember a regular column in the old CLS Quarterly magazine called “From the Doctor.” As the new editor in chief, I had been thinking about reprising that column as a regular feature and was planning to ask the author if he would be interested in writing it again. However, before I could do that, the author was called home to be with the Lord on January 20, 2009. The author, Dr. Louis McBurney, was my dad. As my own way of honoring my dad, I would like to share this reprint from the Fall 1990 Quarterly entitled “Bestowing a Blessing,” about trying to be a good father who bestows his blessings on his children. Now that I have been an attorney for almost 10 years, I have a much better appreciation for the disillusionment he mentions. However, as I reflect on his passing, I know full well that I received from Dad blessings beyond measure, and I look forward to bestowing those blessings on my own two children. I will miss my dad—and you, the reader, will miss out on his wit and wisdom—but knowing that he is in the presence of our Lord and Savior, Jesus Christ, provides our family with grace and peace. Thanks for your blessing, Dad.

Dr. Louis McBurney, 1938–2009, and his wife, Melissa, founded the Marble Retreat in the Rockies, a crisis-counseling center for clergy and their families and others engaged in Christian ministry. He was a graduate of Baylor College of Medicine and completed his psychiatric training at the Mayo Clinic. He wrote his Quarterly column, “From the Doctor” from 1988–1991.

## From the Doctor

By Dr. Louis McBurney

### Bestowing a Blessing

What on earth are you working for? When I ask myself that question I find it increasingly difficult to answer.

When I first began to study medicine, I had high and lofty motives: to bring healing to suffering humankind, advance scientific knowledge, overturn the injustices of health-care delivery and lose myself in medical missions. I suppose that sort of idealism is typical of 20-year-olds. (Was I really my son’s age when I got that degree?)

I’ve held on to some of the idealism, reality has beaten parts of it and I’ve allowed other noble causes to displace the rest. One aspect of life that gave my idealism a whole new agenda was gaining a son, his sister and her baby brother. Parenthood—what a relentless role! From diapers to diplomas, it keeps demanding. Yet, I wouldn’t trade my family for the unfettered single life. All three of the

kids are in school, so we’re feeling some responsibility to see them through—safely launched into vocation, marriage and onto their own disillusionment.

#### Honorable Purposes

One of the reasons I’m working has to do with those three young McBurneys. I work to provide for their physical needs and wants. I work to make their journey into the next phase of life as smooth as possible. I work to help them cope with the tough spots. I work to endow them with a spiritual sense of the Eternal. I find as I near retirement that I’m working to avoid becoming dependent upon them. I think these purposes are honorable and worth my energy.

One aspect of parenting has caught my attention as I counsel people in crises—bestowing your blessing on your children. It’s an emotional gift that may have little or nothing to do with all the other goals I’ve embraced. In fact, it may stand alone above them all. It can effectively happen in the absence of material provision, vocational preparation, development of relational skills, even of spiritual training. If it’s neglected,

all these goals may lose their power and value. It’s something hard to acquire, and if lacking experientially, hard to give.

Your “blessing” is a verbal and kinesthetic passing of acceptance and grace to the next generation. Symbolically, it is represented by the laying of your hands on the head of your sons and daughters. The power of that touch and the significance of the words, “I give you my blessing as my beloved child,” are without equal. Without receiving a blessing an individual can easily become locked into frustration and despair.

The compulsive search for that missing key to inner peace is tyrannical. You may know that from your own experience. Some may have even entered law, driven toward success to achieve a blessing that never seems to come.

Sadly, I’ve seen many clergy for whom grace and the reality of a loving heavenly Father have been obscured by yearning for a parent’s blessing. A man recently wept bitterly in my arms as he recognized the deep pain of having never been blessed by his parents. He had worked devotedly, endlessly, to win their approval. It had never come. Finally, his ceaseless efforts had become overwhelmingly tiring. His fatigue drove him to understanding, and at that moment he found freedom.

He realized that he had withheld his blessing from his own children. The most joyful part of the encounter for him was realizing that it wasn’t too late. He could reverse a pattern that had been in his family for at least three generations.

That is good news. Your blessing empowers your children to bequeath grace to generations to come. In a way, all my purpose for working are enriched and expanded as I extend my blessing first in word, then through loving acceptance to my children. What a gift? What a joy!

*Brent McBurney is the director of Legal Aid Ministries and Attorney Ministries for the Christian Legal Society.*



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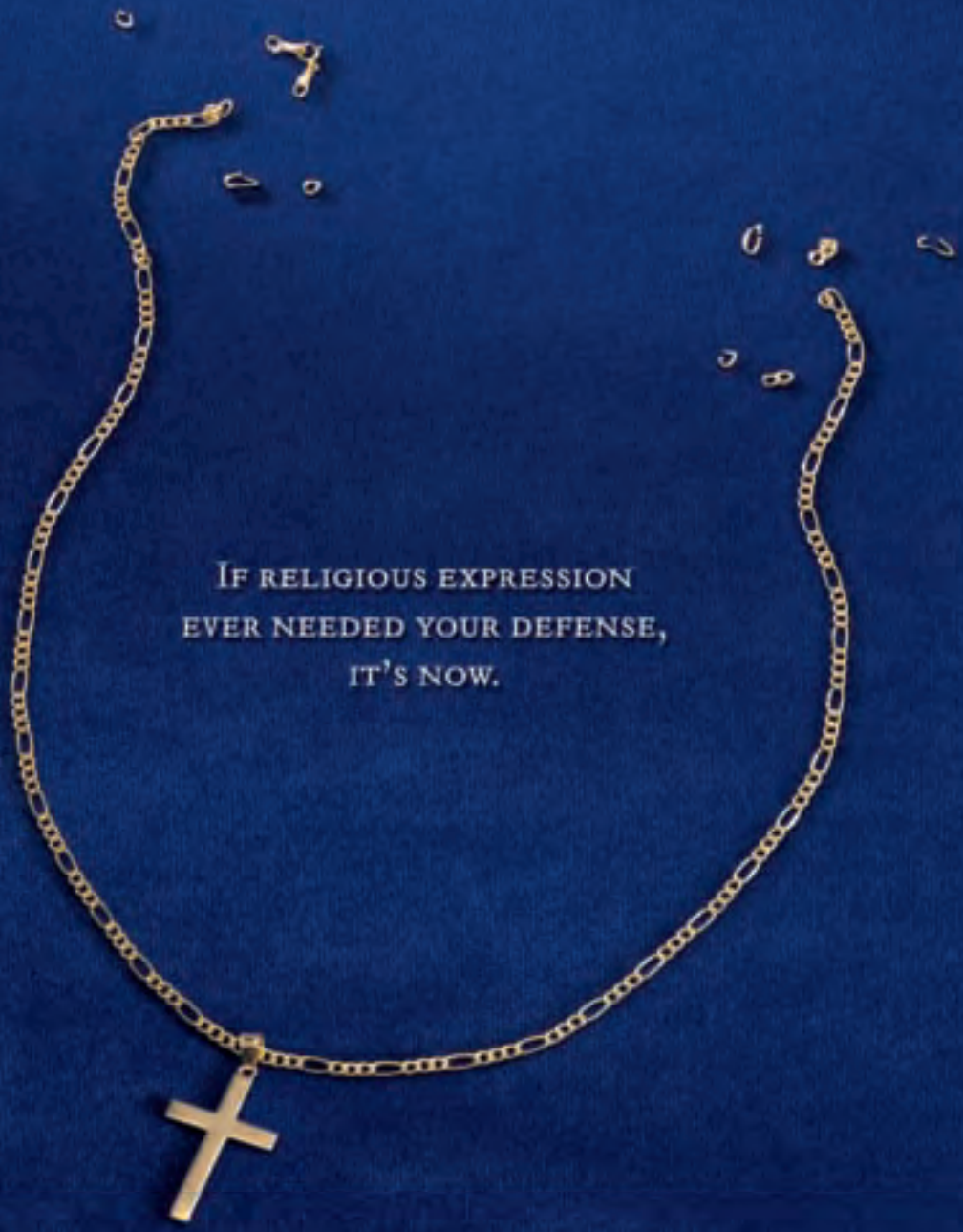
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