

THE CHRISTIAN LAWYER®

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*Wisdom is supreme; therefore get wisdom,
Though it cost all you have, get understanding.*

PROVERBS 4:7

(A) lawyer without books would be like a workman without tools.

THOMAS JEFFERSON

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From the Editor in Chief

WE NEED MORE CHRISTIAN LAWYERS

By Craig Shultz

I remember wondering as a teenager if I would follow in the footsteps of my father who was a lawyer, especially after it became apparent that the New York Yankees weren't showing interest in my future life. In my college years, I started working at a small bicycle shop, eventually bought the store, and began to see that as a legitimate career choice to pursue. Now, of course to be a successful businessman, you really ought to know what you are doing. I did not. Things like rent, utilities and other expenses just seemed to get in the way of making a profit. But I learned - at least enough to ultimately know when it was time to get out.

A man in our church, Russell Kice, together with other members of his family, helped run a very successful business. While I was still maintaining my notion of making it big, I remember him asking once if I was going to become a lawyer. This led to me telling him about my idea of staying in the bicycle business. His response was gracious but straightforward. "You should go to law school. We need more Christian lawyers." Now, in no way detracting from my father's influence and my somewhat natural inclination to consider that as an option, I have often thought that comment helped push me across the decision line. And while the legal profession doesn't have an exclusive on the need for more Christians, for me at that time, his comment was a very influential thought. Needless to say, here I am, long ago realizing that I really got both wishes. After all, I am a businessman and the product I offer to people is my service and knowledge.

I often think about the amazing frequency with which someone's comment into another's life at a given point in time may be life changing. Isn't it common, for instance, that the little things that just slip out unexpectedly make a difference? And while we do not necessarily know how God will use us each day, perhaps we are used most when we do not even know it. If you think about it, God then gets the credit and individual pride is never a factor. Russell didn't remember saying what he did but, years later, I still do. I think about how he and that single comment - probably insignificant to him at the time - impacted my life.

We are instructed to "walk as children of light...trying to learn what is pleasing to the Lord" (Eph. 5:9,10). As Christians who are lawyers, this is what we seek to do in our profession, to be prepared in a way that God can use us for His purposes and in ways we may not even know. I think Russell was prepared and used that way for me. "For it is God who is at work in (us), both to will and to work for His good pleasure" (Phil. 2:13). As lawyers, we impact people both personally and professionally. While we may never know the extent of that influence, our integrity, availability, encouragement, and even simple comments, can bring honor and justice to people, to a profession and to a world that needs Jesus.

Our world needs Christian lawyers. I'm glad to be one!

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.

2009 National Conference Evaluations

(See more comments on pages 12-13)

"Thank you so much for having me here. I feel so blessed to be among such wonderful people with such amazing faith."

"I come whenever possible for the fellowship, inspiration, and encouragement, to be reminded I'm not alone as a believer in the law and to be challenged to live unto God more than I do."

"I Loved the *Christian Women as Attorneys* workshop for students. And the financing CLS provides for students is such a blessing. Thank you so much!

"Morning devotion and discussion was fantastic!"

"Connecting with other Christian lawyers is so edifying for me and I feel more equipped for Jesus in the coming days."

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Never Mind the Skeptics:

It's All About Trust – Part 1

Adapted from an Address to the
Christian Legal Society in Seattle, Washington on August 7, 2009

By Andrew J. Toles

I love biographies. I have two going right now—one is Ben Franklin and the other is evangelist George Whitefield. They are contemporaries in time but extremely different men in philosophy. My favorites include Edmund Morris's two volumes on Teddy Roosevelt and William Manchester's two part set on Winston Churchill. Roosevelt and Churchill were monumental characters. If either of their stories was written as fiction, it would not be credible. The events of their lives are just too farfetched, too contrived to be believable. Yet, they are true stories. Autobiographies are even more fascinating for me. I've often recommended that of George Muller's. Another is *The Journals of Jim Elliot*. Elliot, a hero of mine since college days, was one of five missionaries slaughtered by the Auca Indians in Ecuador in 1956.

My interest in biographies comes from my own desire to be significant. You may occasionally have found yourself wishing for a life worthy of a biography. Each of our lives is a story. There are major themes, minor themes, villains, mood, plot, climax and all of the other elements of a great movie or play. Have you considered your story? Haven't you wanted it to be an epic worth telling?

At the age of twenty-two, Elliot wrote in his journal: "Finished Samuel Zwemer's biography of Raymond Lull. Much stirred to thanksgiving and wonder at the man's capacities and ideals, so violently opposed to those of his period. Sensed the hero-worship feeling again and had to judge the vain longing to be one of these biographed 'heroes' of the mission field."¹ Thus, Elliot was expressing the desire that was ultimately fulfilled for him in spades but faulting himself for it at the same time. However, I think he was too hard on himself. Rather than fame or vanity, I think his true motive is revealed in a journal entry eighteen months prior. It reads: "Prayed a strange prayer today. I covenanted with my Father that He would do either of two things—either glorify Himself to the utmost in me, or slay me. By His grace, I shall not have His second best. For He heard

me, I believe, so that now I have nothing to look forward to but a life of sacrificial sonship . . . or heaven soon. Perhaps tomorrow. What a prospect!"² Elliot's longing, as we can see, was to be used of God for His glory.

We should all aspire to be selected for God's All-Star Team or inducted into His Hall of Fame. In Major League Baseball, there are a few statistical categories that are key drivers on the road to Cooperstown. Career home runs, RBIs, batting average, and stolen bases. If there were a Heavenly Hall of Fame, what would be the important stats? How should we distinguish ourselves as children of God? Is it through moral purity, witnessing for Christ, faithful service in the local

church, generosity toward the poor and needy, suffering persecution with endurance, loving others, or even by a joyful attitude? What are the most important criteria for the Jesus followers with Godly ambition?

I submit to you that our Father does indeed have a Hall of Fame. There are varying levels of honor for believers in our eternal home. And there is just one item that matters to Him. The question is how much do we trust Him. The word trust is sometimes difficult to distinguish from the word faith. *Webster's* defines faith as "belief" or "a system of religious

doctrines believed in." Brennan Manning, in his book *Ruthless Trust*, describes his view of the relationship between faith and trust. He writes that "faith arises from the personal experience of Jesus as Lord. Hope is reliance on the promise of Jesus, accompanied by the expectation of fulfillment. Trust is the winsome wedding of faith and hope."³ Thus, to trust, according to Manning, is to believe and to rely on a promise in hope, where hope is confident expectation, not mere wishful dreaming.

While the term "faith" is sometimes used in the Scriptures to convey mere belief, as Manning uses that term, the Scriptures also use "faith" to mean trust, this wedding or combination of belief and hope. Trusting God is the only key that can unlock three crucial doors in your life's journey.

**'YOU MAY
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LIFE WORTHY OF A
BIOGRAPHY.'**

Continued on Page 4

Trust is the Only Key that Unlocks the Door to Pleasing God.

The writer of Hebrews tells us that “without faith it is impossible to please God.”⁴ Here the term “faith” does not mean mere belief or head knowledge, but is synonymous with the word “trust” (or belief combined with hope). It means being “sure of what we hope for and certain of what we do not see.”⁵ Trusting the Lord, as opposed to pleasing Him, is often viewed as passive, irresponsible, limp, not doing our part, weak, half-hearted and maybe even presumptuous relative to the take charge, make it happen, God helps those who help themselves, go for the gusto ethos of our culture.

We find the beginnings of the roster of the Lord’s Hall of Fame in Hebrews 11. The common denominator, the distinguishing hallmark for each of the honorees, is heroic trust. “By faith Abel . . . By faith Enoch . . . By faith Noah . . . By faith Abraham . . . By faith Isaac . . . By faith Jacob . . . By faith Moses’ parents . . . By faith Moses.”⁶ Each of these could also read, “By trusting . . . By trusting . . . By trusting.”

Trust is the Only Key that Unlocks the Door to Victorious Christian Living.

Galatians 2:20 may be the most important verse in all of Scripture for today’s believer. There the Apostle Paul announces a stunning truth: “I have been crucified with Christ and I no longer live, but Christ lives in me.” In his letter to the Ephesians, Paul informs us that “it is by grace [we] have been saved, through faith—and this not from [ourselves], it is the gift of God—not by works, so that no one can boast.”⁷ All of us recognize that we become a Christian not by what we do, but by what was done by the Savior in whom we trust. We are justified by trusting the Lord.

Many Christians believe that once we are saved from the penalty of sin through trust alone, it is then up to us to live in obedience to the commands of God. We fail to recognize that sanctification, the process of becoming more and more like Christ, becoming righteous in our experience, not merely in our standing, also comes only by grace through faith—that is, by trusting the Lord to do the work in us that He promised.

Religion tells us we must live *for* God. What’s wrong with living *for* God? Intentional living, disciplined living, running from evil may sound right to us. Yet, Galatians 2:20 stands the phrase “living for God” on its head. Rather than us living for Him, we are crucified, and now He is living *for* us. Scripture tells us that we no longer live, but Christ lives in us, for us, through us.

Trust is the Only Key that Unlocks the Door to the Miraculous Power of God.

In his book, *The Law of Faith*, former missionary Norman Grubb describes the link between trusting God and the working of His power. In my view, it doesn’t get any better than Grubb, so I quote here in part from Grubb’s long list of examples: “[N]othing could be more remarkable than [Jesus’] constant efforts to stimulate faith in His disciples and to impress upon them its working principles. . . . To the centurion who asked Him not to come to his house but just to speak the word, He said: ‘I tell you the truth, I have not found anyone in Israel with such great faith.’ To the woman who touched the hem of His garment: ‘Take heart, daughter, your faith has healed you.’ When the four men let their paralyzed friend through the roof, Jesus pardoned and healed him, ‘when He saw their faith.’ To blind Bartimaeus it was: ‘What do you want me to do for you?’ And then, ‘Go, your faith has healed you.’ By the [Canaanite] woman he allowed Himself to be compelled into action with the comment, ‘Woman, you have great faith! Your request is granted.’ Others He stirred into faith. He asked the two blind men: ‘Do you believe that I am able to do this?’ ‘‘Could any list give clearer proof that Jesus was turning the world’s attention to a key that is actually in man’s hands, which can unlock at will the storehouses of God’s power?’”⁸ Grubb’s closing question is clearly rhetorical. Almighty God, in His wisdom, generally exercises His miraculous power only when His servant trusts Him to do it. You and I will see miracles in our lives and in the lives of those we love, if we’ll trust our Heavenly Father to do the impossible.

REFERENCES

- 1 *The Journals of Jim Elliot*, p. 241
- 2 *Id.* at 97.
- 3 *Ruthless Trust; the Ragamuffin’s Path to God*, p. 86
- 4 Hebrews 11:6(a)
- 5 Hebrews 11:1
- 6 Hebrews 11:4-28
- 7 See Ephesians 2:8-9
- 8 *The Law of Faith*, pp. 126-128 (Scripture quotes are changed from KJV to NIV)



Andy Toles is a partner with Ellis, Li & McKinstry in Seattle. He is a former CLS Board Member and founder of Open Door Legal Services, a ministry of Seattle’s Union Gospel Mission.



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Micah 6:8

A Lawyer's Guide for Creating a Just World

By Reverend Michael P. Orsi

The words of the prophet *Micah* 6:8 – “to act justly, to love tenderly and to walk humbly with your God” – are especially poignant for Christian lawyers. These short imperatives outline not only a *modus vivendi* for good legal practice, but they also put forward the requisite virtue and attitudinal relationship with the Creator needed to enable the unfolding of a just and peaceful world, which will be fulfilled only when Christ returns.

Regardless of what profession one might practice, too often religious belief is reduced to merely an *aspect* of life. Yet, for the Christian, being a Christian *is* life, and one's profession is only one way in which we serve out our call. For the Christian lawyer, being right with God is fundamental – not only to career, but to salvation itself. The requirement of personal righteousness has far-reaching implications that touch the wider community as much as the individual attorney

Traditionally, the lawyer has been recognized as one of society's pillars. It is attorneys who fashion a well-ordered society where human beings are able to function, and even thrive, materially, socially and religiously. The need for attestations to one's character and fitness to practice law before graduating from law school, as well as the oath required before admittance to the Bar, highlight the sacred nature of the profession and underscore the importance of integrity in aspiring attorneys.

Micah outlines the basics for an honorable and successful legal practice. First, his words call us first to *right commerce*, or human interaction based on the natural law. Second, he recalls the supernatural injunctions of the Decalogue, which Jesus summarized in *Mt.* 22:34-40 as love of God and neighbor. These promote what is best for human living. Finally, he reminds us of the necessary posture of humility before the Creator, which enables us to fulfill our life's purpose. This last exhortation for humility foreshadows the perfect humility of Christ and the final covenant between God and man established by Christ's obedience.

Micah preached in the last part of the 8th century B.C. in Judah. The original context of Micah's triadic imperative

is his concern with sin and how it offends God's original justice. Those responsible for guiding Israel – her prophets, priests and judges – were accepting bribes, and merchants were cheating their customers. Although often perceived to be a prophet of doom, Micah inserts a message of hope in the middle of the book. Micah says a remnant of Israel will remain, establishing a new era where His *hesed* – God's fidelity, goodness or kindness toward Israel from the time of Abraham – will be shown again. Micah's admonition to redress these wrongs begins with an appeal to humankind's basic instinct for social justice, found in the natural law. By vocation and profession, Christian lawyers play a prominent role in Micah's vision for a new Israel. The Christian lawyer must be the community person par excellence.

Act Justly

These words of Micah have particular relevance to attorneys. St. Thomas Aquinas (1225-1274) tells us that justice is the whole of virtue. Through it we are ordered to obedience to the law. This personal virtue has numerous practical implications. For instance, a lawyer involved in contract disputes is called to seek a resolution whereby the plaintiff and defendant must be given what is their due, or, made whole. This is commonly known as *commutative justice*.

**‘BY VOCATION AND
PROFESSION, CHRISTIAN
LAWYERS PLAY A PROMINENT
ROLE IN MICAH’S VISION FOR
THE NEW ISRAEL.’**

Similarly, attorneys involved in forming social policy or sound legislation must see that each member of the community is afforded the opportunity to acquire his or her fair share of the earth's goods. This is commonly known as *distributive justice*. A lawyer's professional skills must be used to these ends. With these basic concepts of justice, no reasonable person can disagree. They are the foundation of Judeo-Christian morality and vital to a good society.

Love Tenderly

In the second tier in ascending value for good human living, Micah recalls the *hesed* of Yahweh toward his people. These attributes are reflected in God's successive covenants with His people, beginning with the Adamic and culminating in the Mosaic codification. The seeming bifurcated message of the Decalogue, where the first three commandments pertain to man's relationship with God and the remaining seven to man's relationship with his fellows, is in fact, *one* in the mind of Micah. He and all the prophets see the Ten Commandments as one piece, where the love of God calls for the true love of neighbor, which is the return response to God's *hesed*. This insight is fundamental to the Torah and encapsulated in Deuteronomy 10:12-22.

For those who litigate, for those who adjudicate, and for those who shape social policy, the supernatural revelation of Sinai not only reveals God as source of all law, but reminds us that all positive law must be framed in mimetic *hesed* for the common good. That is to say, lawyers are called to nothing less than the imitation of God. The Christian lawyer is especially called to render personal charity to the poor and disenfranchised. This is the root and reason of pro-bono work.

Walk Humbly with Our God

Finally, Micah reminds us that humility must be our basic stance toward God and His rule, as it is discovered in the natural law and revealed in supernatural revelation. Pride is the root of contemporary relativism (man creating his own right or wrong), and is condemned. Micah provides an allusion which brings us back to the original state of Adam – or man in right relationship with God. Here, Micah reminds us that our ability to apply the first two commands is only possible with a humble posture toward God. The “walking humbly” of which Micah speaks is best parlayed as a prayerful attitude. It recognizes our dependence on God for living out our vocation. St. Augustine asserts that justice begins with God and ends with religious devotion, the love and adoration of God. Where God does not receive His due, there can be no justice and no right. Therefore, the Christian lawyer must be a person of prayer. Our Lord, Jesus Christ, relied on prayer to fulfill His Father's will. The Christian lawyer can do no

less. From a right relationship with the Creator and through Christ proceeds the insight and the grace to act justly, and therefore, properly practice law.

An old hymn, *I'll Walk with God*, captures the crescendo to which Micah's words bring us as we contemplate the profession of lawyers within the context of our all-encompassing vocation of being a Christian. Its words urge the attorney to remember that only with God can you fulfill your obligations to your clients, to society, and most of all, to yourself.

I'll walk with God from this day on.
His helping hand I'll lean upon.
This is my prayer, my humble plea,
May the Lord be ever with me.

There is no death, tho' eyes grow dim.
There is no fear when I'm near to Him.
I'll lean on Him forever
And He'll forsake me never.

He will not fail me
As long as my faith is strong.
Whatever road I may walk along.

I'll Walk with God, I'll take His hand.
I'll talk with God, He'll understand.
I'll pray to Him, each day to Him
And He'll hear the words that I say.

His hand will guide my throne and rod
And I'll never walk alone
While I walk with God.

*Words by Paul Francis Webster
Music by Nicolas Brodsky*



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John Calvin on the Old Testament Law and Christian Use of Courts

Edited by Robert F. Cochran, Jr.

From *Institutes of the Christian Religion* 648–652 (John Allen, trans., 6th ed. 1921)

Last year was John Calvin’s 400th birthday. In my view, Calvin (with Augustine and Aquinas) is one of the most thoughtful Christian commentators on law. Here, he addresses a couple of questions that continue to trouble lawyers and law students: (1) how, if at all, should Old Testament law affect our law, and (2) can a Christian use the courts? It is my hope that a taste of Calvin will draw you into reading a lot more of him.

Ch. 20 – Of Civil Government

XIV. [S]ome deny that a state is well constituted, which neglects the polity of Moses, and is governed by the common laws of nations. [I will show this] to be false and foolish. [Calvin then distinguishes the Mosaic Law’s moral, ceremonial, and judicial law.]

XV. The judicial law, given to [the Hebrews] as a political constitution, taught them certain rules of equity and justice, by which they might conduct themselves in a harmless and peaceable manner towards each other . . . [T]hese judicial regulations . . . had no other end than the preservation of that love, which is enjoined in the eternal law of God . . . [A]ll nations are left at liberty to enact such laws as they find to be respectively expedient for them; provided they be framed according to that perpetual rule of love, so that though they vary in form, they may have the same end . . .

XVI. Now, as it is certain that the law of God, which we call the moral law, is no other than a declaration of natural law, and of that conscience which has been engraved by God on the

minds of men . . . , [Equity] must alone be the scope, and rule, and end, of all laws. Whatever laws shall be framed according to that rule, directed to that object, and limited to that end, there is no reason why we should censure them, however they may differ from the Jewish law or from each other. The law of God forbids theft. What punishment was enacted for thieves, among the Jews, may be seen in the book of Exodus. The most ancient laws of other nations punished theft by requiring a compensation of double the value . . . Some proceeded to banishment, some to flagellation, and some to the punishment of death . . . All laws agree in punishing murder with death, though in several different forms. The punishments of adulterers in different countries have been attended with different degrees of severity. Yet we see how, amidst this diversity, they are all directed to the same end. For they all agree in denouncing punishment against those crimes which are condemned by the eternal law of God; . . . though there is not a uniformity in the mode of punishment; and, indeed, this is neither necessary, nor even expedient . . . For the Lord gave not that law by the hand of Moses to be promulgated among all nations, and to be universally binding; but after having taken the Jewish nation into his special charge, patronage, and protection, he was pleased to become, in a peculiar manner, their legislator, and, as became a wise legislator, in all the laws which he gave them, he had a special regard to their peculiar circumstances.

XVII. Many persons suppose the office of magistracy to be of no use among Christians, for that they cannot, consistently with piety, apply for their assistance, because they are forbidden to have recourse to revenge or litigation. But as Paul, on the contrary, clearly testifies that the magistrate is “the minister of God to us for good,” (Rom. xiii. 4) we understand from this that he is divinely appointed, in order that we may be defended

by his power and protection against the malice and injuries of wicked men, and may lead peaceable and secure lives But, though it is allowable for a man to endeavour to obtain justice from his neighbour by a judicial process, he is not therefore at liberty to hate him, or to cherish a desire to hurt him, or to persecute him without mercy.

XVIII. Let such persons, therefore, understand, that judicial processes are lawful to those who use them rightly; and that the right use, both for the plaintiff and for the defendant, is this: First, if the plaintiff . . . has recourse to the protection of the magistrate, states his complaint, makes a just and equitable claim, but without any desire of injury or revenge . . . , but rather prepared to waive his right, and to sustain some disadvantage, than to cherish enmity against his adversary. Secondly, if the defendant . . . defends his cause by the best arguments in his power, without any bitterness, but with the simple desire of maintaining his just right. On the contrary, when their minds are filled with malevolence . . . or inflamed with the fervour of contention, so as to diminish their charity, all the proceedings of the justest cause are inevitably wicked. For it ought to be an established maxim with all Christians, that however just a cause may be, no lawsuit can ever be carried on in a proper manner by any man, who does not feel as much benevolence and affection towards his adversary, as if the business in dispute had already been settled and terminated by

an amicable adjustment. Some, perhaps, will object, that such moderation in lawsuits is far from being ever practiced, and that if one instance of it were to be found, it would be regarded as a prodigy But when we hear that the assistance of the magistrate is a holy gift of God, it behoves us to use the more assiduous caution that it be not contaminated by our guilt.

XIX. [I]n a civil cause, no man proceeds in the right way, who does not, with innocent simplicity, commit his cause to the judge as to a public guardian, without the least thought of a mutual retaliation of evil, which is the passion of revenge It may probably be objected, that [Christians who have been wronged] are not only forbidden to desire revenge, but are also commanded to wait for the hand of the Lord, who promises that he will assist and revenge the afflicted and oppressed, and therefore that those who seek the interference of the magistrate on behalf of themselves or others, anticipate all that vengeance of the celestial protector. But this is very far from the truth. For the vengeance of the magistrate is to be considered, not as the vengeance of man, but of God, which, according to the testimony of Paul, he exercises by the ministry of men for our good.

Robert F Cochran, Jr., is the Louis D. Brandeis Professor of Law and Director of the Herbert and Elinor Nootbaar Institute on Law, Religion, and Ethics at Pepperdine University.

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about books, faith, and public life at www.heartsandmindsbooks.com/booknotes.

‘FROM THE CHAPTER ABOUT WILLIAM WILBERFORCE TO THE STUDY OF SAINT PATRICK, FROM BONHOEFFER TO C.S. LEWIS, THERE IS MUCH TO LEARN FROM THESE HISTORY-MAKERS.’

Reordered Loves, Reordered Lives: Learning the Deep Meaning of Happiness (Eerdmans) by David Naugle, is a rich meditation on what shapes our character, leading to fruitfulness or dysfunction. Echoing Augustine, Naugle insightfully reminds us that the key to happiness is loving the right things the right ways. Indeed, what we most care for will shape the unfolding of every aspect of our lives.

Properly-ordered lives, nurtured by loving rightly, will create not only happiness, but will be a foundation for a sturdy integrity.

A book about integrity that is worth pondering is *Forgetting Ourselves on Purpose: Vocation and the Ethics of Ambition* (Jossey-Bass) by Brian Mahan. Ambition? Not a few professionals struggle with an unhealthy drive, and there is a tendency to self-deception. Mahan is wise, and helpful. He is a gracious writer, rooted in faith but accessible to those without strong religious vocabulary. Just seeing the book on your desk with that evocative title is sure to spark conversations about important things, things that are often below the surface of the high-powered professional.

Spending time with this work may create a desire for greater clarity about the doctrine of calling, and it helps to revisit Os Guinness’ classic, *The Call: Finding and Fulfilling the Central Purpose in Your Life* (Word). Similarly, I’ve enjoyed *A Journey Worth Taking: Finding Your Purpose in This World* (P&R) by Charles Drew. This is one of the most helpful studies of vocation and calling because it is shaped by the unfolding Story of the Bible: creation, fall, redemption.

Exhibiting purposeful, ambitious lives is not easy. Most of us need all the help we can get, and mentors are not always easy to come by. *Serious Times: Making Your Life Matter in an Urgent Day* by James White (IVP), is a wonderfully enjoyable collection of stories about significant prophets and reformers who made a difference in their own complex days. From the chapter about William Wilberforce to the study of Saint Patrick, from Bonhoeffer to C.S. Lewis, there is much to learn from these history-makers. As one evangelical leader wrote, “My soul is quaking under the impact of this book.” If lives of well-ordered loves lead to great significance—as Naugle suggests—then caring about the needs of the world as God does must become part of our passion. Even if you are not called to front-line activism, this book will inspire you to be a witness in relevant ways. It will inspire a joyful seriousness.

A book that helps us maintain, and deepen, a mature sense of being balanced followers of Christ is *Head, Heart & Hands: Bringing Together Christian Thought, Feelings and Action*, by Dennis Hollinger (IVP), where he explores how to have a spiritually integrated life.

Hollinger observes that some live their faith as if it is a matter of the intellect. Others eschew doctrine and want to experience God, living more in the realm of emotions. Still, others (perhaps in overreaction to the reductionism of the other faith-styles) just want to get on with it: they serve God with their lives and hands.

As this perceptively shows, none of these are adequate for faithful discipleship, and the impoverishment caused by failing to be holistic is damaging. Hollinger brilliantly shows that the proper disciple serves God with ideas, feelings, and actions, and each aspect actually depends upon the others for their full expression. The inter-relationship of “head, heart, and hands” is essential.

Integrity? Clarity about calling? Meaningful Christian growth? These books can help. I hope that reading widely for Christian growth is something you come to truly love.

Executive Director Musings

By Fred L. Potter



Seismic aftershock – mutual aid

As this edition of *The Christian Lawyer* goes to press, news headlines circle around two breaking developments: The tragic after effects of massive Haitian earthquakes, and subsequent aftershocks from the political equivalent in a special election to fill the remaining term of the late Senator Ed Kennedy. Behind the surface grit and grind of practical relief “on the ground” in Haiti, ministering to those in desperate physical need, are the hardworking, careful, diligent efforts of Christian Legal Society members attending to a host of logistical, institutional, and financial complications—particularly **Steve McFarland**, a former director of CLS’ Center for Law and Religious Freedom, now **World Vision’s** Chief Legal Officer.

Meanwhile, a similar level of drama surrounds the aftershocks of the 1-person change in head count in the U.S. Senate. Undoubtedly, on both sides of the aisle, men and women seek to work out their faith practically as unsettled political turf similarly disrupts ordinary planning. I cannot help but think of the many benefits which would result from a greater application in this political arena of the skills well developed and taught by **Peacemaker Ministries**, an organization that shares origins, scriptural foundations and many key volunteers with CLS.

This recession surely hurts – CLS fellowship and support surely help.

As we complete the 2009 accounting for CLS as an organization, both financially and in terms of ministry preparedness going forward, we are reminded of the impact of tough financial times on the profession, on our members, and on our organization. Indeed, as analysts have thoroughly documented, 2009 was an

extraordinarily tough year from a financial perspective.

The impact of 2009’s recession reverberated through the lives and practices of CLS members. In the midst of all of that, as I traveled the country to gain a deeper understanding of CLS’s various ministries which I am privileged to serve, I was astounded over and over again with the level of resourcefulness, energy, and optimism concerning CLS which is widespread among our members. Indeed, the members refreshed me as they refreshed each other through regional retreats, local meetings, one-on-one conversations, and participation in the national conference.

For example, at CLS’ October national conference, an idea spawned by new CLS board member **Jennifer Patrick** blossomed into a brainstorming session among chapter leaders in which the shared creativity and enthusiasm for renewed local grassroots CLS ministry was palpable. Personal stories and immediate prayer support from colleagues, among both practicing attorneys and law students, peppered the conference meeting rooms and corridors. What a joy it was to see John 17 principles worked out in our midst. On the Christian Legal Aid front ministries director **Brent McBurney** already is retooling to spawn breakout growth with the direct and indirect support of CLS for these critical one-on-one ministries to believers and non-believers alike across our nation.

Timely truths – temporal confusion.

As 2009 ended, CLS was thrust to the frontlines of Religious Liberty advocacy as its own UC Hastings Chapter case was granted cert by the U.S. Supreme Court. It seems self-evident on the one hand that a religious organization should enjoy First Amendment protection concerning its criterion for membership and leadership.

What is a religious organization without the ability to select its leadership based upon affirmation and conduct consistent with its religious beliefs? At the same time, moral relativism and confusion generally have led to a lack of understanding concerning basic principles of orthodox Christian faith. CLS is grateful for the opportunity to serve others as it asked for review of the 9th Circuit’s surprising dismissal of First Amendment rights attendant to its basic institutional structure. To see long time constitutional scholars and

‘WHAT A JOY IT WAS TO SEE JOHN 17 PRINCIPLES WORKED OUT IN OUR MIDST.’

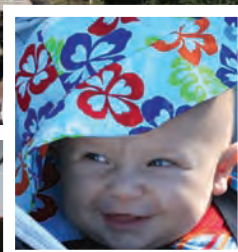
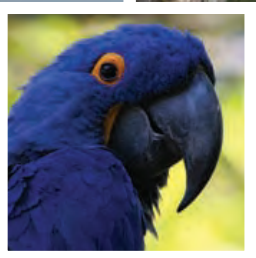
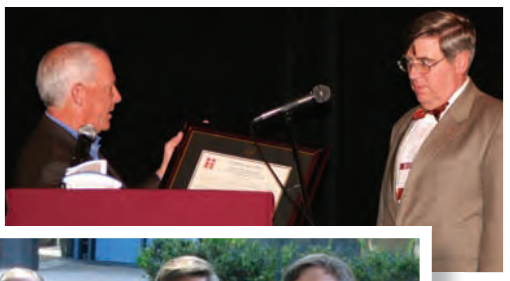
advocates, **Kim Colby**, **Mike McConnell**, and **Greg Baylor**, now in different organizations but all working in concert as CLS members, fashion effective written and oral presentations in CLS’s first direct Supreme Court appeal, is exhilarating. The quality of this team truly is remarkable. The stakes are high. Thankfully, organization after organization now is arising in support of this effort. Please continue to hold up this team and their work in your prayers and your giving.

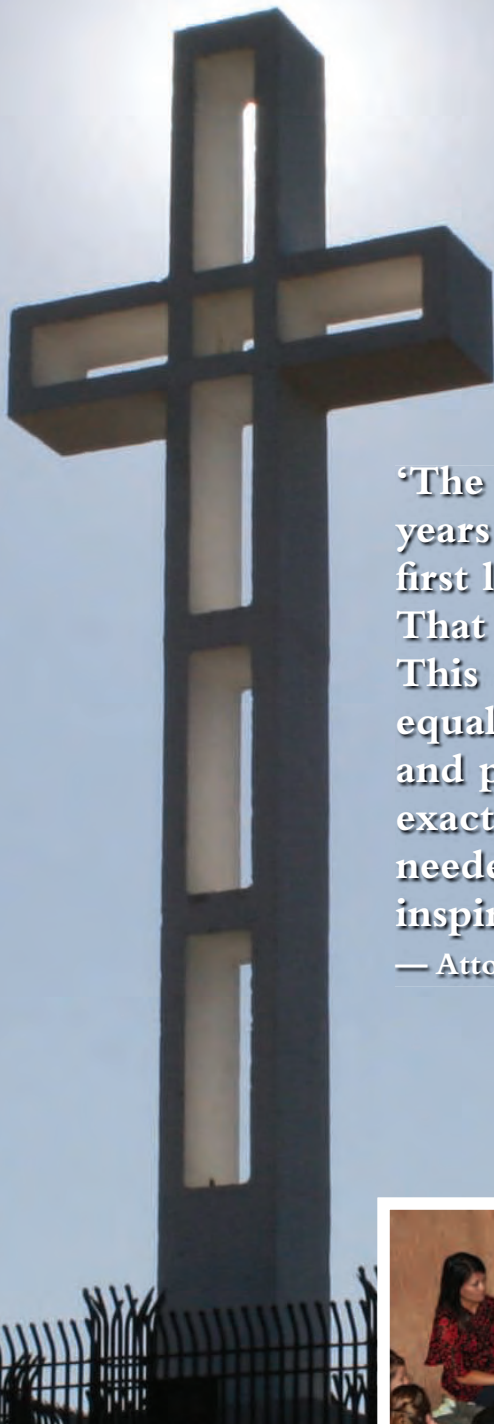
The energy, enthusiasm, and optimism concerning CLS’s future are increasingly infectious. I am grateful to enter 2010 with my orientation and “immersion” into the current ministry of CLS nearing completion. Thank you for your many expressions of support and encouragement. Thank you, as well, for being part of this growing national professional society, which is “*Seeking Justice with the Love of God.*” This is high calling and I encourage you, each one, to find fresh practical expressions for this in your professional activities and our work life ministry together as a society in 2010.

CLS 2009 National Conference

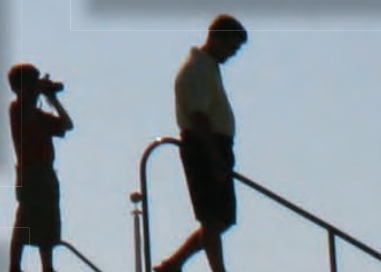
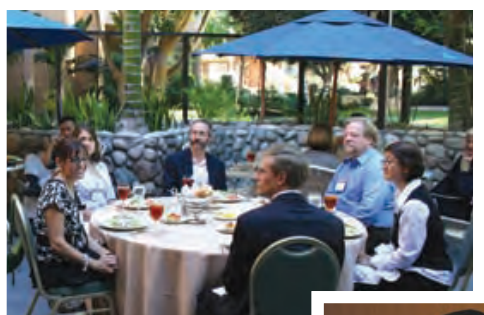
‘The Conference is completely worth doing from an eternal perspective. I’ve felt so encouraged and poured into by attorneys. I’ve appreciated the opportunity to meet attorneys and students from all over the country and from schools both similar and very different from my own. Those perspectives and people were the highlights of this weekend! And Bob Goff! He was utterly amazing.’

— Law Student Attendee





‘The conference two years ago was where I first learned about Grace. That changed my life. This conference was equally transformational and positive. It was exactly what I needed. It’s an inspiration...’
 — Attorney Attendee



ATTORNEY MINISTRIES



Courtside Ministries: Bringing the Aroma of Christ to the Courthouse

By J. Tyler Makepeace



Have you ever stopped to watch all the people going into a courthouse? How many are unsaved and suffering from addiction, co-dependency, or out-of-control spending habits?

After practicing as a criminal and family law attorney for more than 20 years, I came to Christ in 1999, and the way I looked at my clients changed forever.

Within a few years, a group of my colleagues and I started working to form Courtside Ministries—a nonprofit organization that aims to provide prayer and Christian literature to everyone who enters the courthouse in Colorado Springs.

The Beginning

After I started following Christ, simply advising my clients that they should “stay out of trouble” didn’t seem like enough any more. I was frustrated at my inability to substantially impact their lives. My experience with two clients in 2002 convinced me that more intervention was both possible and beneficial.

First was Keith, a man I had represented years earlier. His recidivism had only escalated in seriousness, and in 2002, he was charged with 57 felonies following a major crime spree. I

met Keith in the county jail, and for the first time, I gave my client a Bible and told him to read the gospel of John.

A week later, he had read the entire New Testament, and from then on his life completely changed under the influence of Jesus. In the end, although prosecutors originally asked for a sentence of 96 years, Keith received only 10 years.

Next came Randy, an addict whose wife was addicted too, and whose life was full of anger and desire for revenge. When we met, I prayed with him and gave him some tracts on anger, addiction, and forgiveness. Two weeks later, the difference was clear. Randy began to change rapidly as Christ won his heart. He gained custody of his children and began attending church with them. Now he holds a steady job and volunteers with the church.

The Setup

In January 2007, a group of lawyers, pastors, and other church representatives started praying together every Friday to lay the spiritual groundwork for our ministry. We met for a year and a half this way, and during that time we also connected with CLS and with their sponsorship, created our nonprofit organization.

We raised money and built an awareness of the planned ministry. We obtained the required permissions and notified the judges of our plans. This past summer, we formally launched Courtside Ministries.

We set up a table just outside the courthouse and started welcoming people, handing out tracts and offering to pray with them. People are usually very scared when they go to the courthouse, and our goal is to help ease their anxiety and offer support.

We make it clear that we cannot get anyone out of trouble with the law or interfere with attorney/client relationships in any way. Once people realize we’re not selling anything, they generally become very receptive to our message.

Surprisingly, even the judges support our ministry. One of the District judges spoke to the Colorado Springs CLS chapter, and while he acknowledged the need “to be careful about church/state issues,” he told us this: “All the judges know that you’re out there and we totally support you.” Clerks have actually referred people to us, knowing that we offer information on reconciliation and forgiveness.

‘ALL THE JUDGES KNOW THAT YOU’RE OUT THERE AND WE TOTALLY SUPPORT YOU.’

The Followup

Courtside strongly emphasizes follow-up with local churches. We ask people who are interested in getting help what faith tradition, if any, they belong to, and which area of town they live in. We then suggest two or three possible churches they might attend.

But we don't stop there. Volunteers also contact the churches and ask staff to personally invite our contacts into the congregation. When this happens, the results are often gratifying.

Early in the summer, a man named Ken stopped by our table. He had domestic problems, was an alcoholic, and was seriously contemplating suicide. After we referred him to a nearby church and the pastor personally invited him, Ken began attending services there. Before long, he reconciled with his wife, reunited with his young child, and when I last saw him, the glow in his face told me that he had been renewed by Christ.

During the warm months, we were evangelizing in front of the courthouse three days a week and made contact with more than 1,000 people.

In September, we opened a ministry center a block from the courthouse so that we can continue our work throughout the winter. The center is staffed five days a week and offers Bible study, tracts, spiritual counseling, and prayer.

Courtside Ministries is bringing the light of the world to many desperate people every day, and it seems that the aroma of Christ is starting to permeate the courthouse in Colorado Springs.



SEVEN EASY STEPS FOR CLS CHAPTERS TO START A COURTSIDE MINISTRY

1. It is vital that a Courtside Ministry has a strong prayer ministry. Consider sending a bi-weekly prayer letter to all donors and participants.
2. Form an alliance with church leaders throughout your community. Without the entire body working together, the attorneys cannot carry this ministry by themselves. The local churches can help to provide volunteers and funding for the ministry.
3. Make sure that your local papers are aware of your existence. The local papers in Colorado Springs were amazed that attorneys would actually pray for people without charging a retainer.
4. Identify an attorney with lengthy practice in the local courthouse who is well acquainted with the Judges and clerks at the courthouse. Finding one with the gift of evangelism is preferred.
5. It is important for an administrative committee to be set up for Courtside Ministries. The Board of the local Chapter provides the overall direction for the ministry, but a working administrative committee is necessary to establish goals and actually do the work of the ministry. That administrative committee should start meeting on a weekly basis for prayer and direction.
6. All formally affiliated CLS Chapters may request that they be included under the 501(c)(3) tax status of the Christian Legal Society. Simply contact Attorney Ministries at 703-642-1070, ext. 3206.
7. For starters, you may simply set up a table in front of the courthouse. It is critical to inform the Chief Judge of your judicial district as well as the City and County Attorneys.

CLS Chapters who follow these steps will be truly amazed at what God can do through you in front of the courthouse. Courtside Ministries has also been a strong vehicle for building the CLS Chapter in Colorado Springs. Finally, you may want to consider a “ministry center” located very near the courthouse for winter months when a table is impractical. When we are not out there with the table, we have actually gotten comments from the Judges and legal assistants telling us that they miss us.



Tyler Makepeace [pictured (c) above with Jim Singleton (l) and Craig Shultz (r)] is married to Julie and is the father of 4 children. Tyler was saved in 1999 and has since become active in the Christian Legal Society and in reviving the local Chapter in Colorado Springs. He has been a family law and criminal law attorney for over 35 years. He believes that God has called him to Courtside Ministries and to helping establish this ministry all over the United States and the world. Tyler can be reached at: jtmakepeace@mail.com, phone number 719-632-6644.



Integrating the Golden Rule in Law & Life

By Sam Ericsson

[Note: Afghani citizen Abdul Rahman converted to Christianity while living in Germany. On returning home, he was arrested because conversions from Islam purportedly violate the Koran and is punishable by death. Advocates International (“AI”) filed the first-ever *Friend of the Court* brief in Afghan history. Rahman was released and sent to Italy. AI does not claim credit for the release but is pleased that charges against other converts were subsequently dropped. Providentially, the U.S. Ambassador to Afghanistan in 2006 sat next to Sam Ericsson in their high school physics class in 1962!]

In the District Court of Afghanistan In Re: Abdul Rahman Friend of the Court Brief

Advocates International is a global network informally linking 30,000 lawyers, judges and scholars in over 140 nations on six continents committed to justice by promoting universal values. Central to its mission has been aiding legislators, judges, diplomats and officials, as well as religious leaders, to consider the practical application of the universal Golden Rule in life, law and public policy. We believe that the Golden Rule, embraced by all major religious traditions, can help Afghanistan find common ground, and thereby resolve the case of Abdul Rahman in a way that people in Afghanistan and around the globe will consider just and fair.

Friend of the Court: In many democracies, courts have the discretion to consider briefs filed as *Friend of the Court*. The purpose of such briefs is to provide the Court with perspectives, arguments and legal authorities that may help it reach the right decision. A proverb states: “For lack of guidance a nation falls, but many advisers make victory sure” (Proverbs 11:14). Advocates

International respectfully submits this brief to assist the court in rendering the right decision in this case.

As Afghanistan proceeds on its democratic journey within the community of nations, it will occasionally reach crossroads where finding common ground is essential in making the wisest decision in resolving conflicting views on legal, social and political issues. The current case of Abdul Rahman, who may face execution for having become a follower of Christ 15 years ago, is such a moment. Although some followers of Christ have been murdered for their beliefs, no follower of Christ, in recent memory, in any Muslim country in the world has actually been executed by court order for a decision to follow Christ’s teaching. The eyes of the world are focused on how Afghanistan will resolve this case consistent with universal values.

Common Roots: All three major traditions that embrace Abraham as a central spiritual leader – Islam, Christianity and Judaism – promote the Golden Rule as an affirmative duty, not just a restraint on harmful conduct. Thus, in his Sermon on the Mount, Jesus taught: “In everything, do to others what you would have them to do to you, for this sums up the Law and the Prophets” (Matthew 7:12). Quoting Moses, Jesus also

taught that all the Law and the Prophets hang on the two Great Commandments: “Love the Lord your God with all your heart and with all your soul and with all your mind” and “love your neighbor as yourself” (Matthew 22:37-40). Likewise, in the Sunnah, Muslims are taught the affirmative duty: “No one of you is a believer until he desires for his brother that which he desires for himself.” For the physical and spiritual children of Abraham, the Golden Rule is a nonnegotiable truth on life’s journey. It should impact public policy.

The Origin of the Golden Rule: The seed of the Golden Rule is found in the story of Cain and Abel taught by Muslims, Christians and Jews. Cain tricked Abel into a field and murdered him because he was intolerant of Abel’s mode of worship. Thus, the first crime in the Bible was, in fact, an act of religious intolerance. When God asked Cain the whereabouts of his brother, Cain denied knowing anything. Cain then asked man’s first question recorded in the Bible: “Am I my brother’s keeper?” Cain’s question is pregnant with the answer. Rephrasing his question, Cain asked: How should I treat my brother? Do I have any responsibility to those who worship differently than I do? It is the Golden Rule question. One lesson from this well-known

**‘FOR LACK OF GUIDANCE A NATION FALLS, BUT MANY ADVISERS
MAKE VICTORY SURE.’ —PROVERBS 11:14**

story is that we should treat those of other faiths with the same care and respect with which we hope those of other faiths will treat us.

The Golden Rule in Action: The Golden Rule requires that the actor places himself in the shoes of those on the receiving end of his actions. In the Rahman case, a helpful practical illustration by comparison might be Nepal whose Constitution declares Hinduism to be the official religion. Conversion from Hinduism to any other religion – including Islam – is a serious crime. What might the reaction of Muslims be if Nepal convicted and sentenced to death a Nepali who left Hinduism to embrace Islam?

At a 1996 conference on the rights of religious minorities in Bulgaria, attended by over 100 leaders from Christian, Muslim and other traditions, a Bulgarian government official argued that since the Eastern Orthodox Church had an 87% majority, the law should give them preferential treatment over other faiths. However, when that official was asked whether it would be right for non-Orthodox nations to treat the Orthodox as second-class citizens if they were a minority, everyone at the conference, including the official, agreed that the Golden Rule should govern.

Every faith tradition, including Islam, is a minority somewhere on Planet Earth. Followers of Islam deserve equal protection under the law where they are in the minority and should likewise grant equal

protection by applying the Golden Rule to other faiths where Islam is a majority.

Conclusion: Advocates International respectfully requests that the Court consider the application of Golden Rule principles in rendering its decision in the case of Abdul Rahman by setting him free. A death sentence for a decision to follow Christ’s teaching would be the first time in recent memory that such an order has been issued.



Sam Ericsson is a graduate of Harvard Law School and is the president of Advocates International, which he launched in the early 1990s.

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LAW STUDENT MINISTRIES



Surely You Jest: More Reading?!

By Mike Schutt

Next year will mark the 25th anniversary of the publication of Neil Postman's important and prophetic social commentary, *Amusing Ourselves to Death: Public Discourse in the Age of Show Business*. It is a brilliant discussion of the rise of the television age and its detrimental effect on meaningful public discourse and reasoned argument. For me, the most enduring passage of the book, one that I have returned to over and over in the past two decades, is his short introduction, in which he contrasts the apocalyptic visions of George Orwell's *1984* and Aldous Huxley's *Brave New World*:

Orwell warns that we will be overcome by an externally imposed oppression. But in Huxley's vision, no Big Brother is required to deprive people of their autonomy, maturity and history. As he saw it, people will come to love their oppression, to adore the technologies that undo their capacities to think.

What Orwell feared were those who would ban books. What Huxley feared was that there would be no reason to ban a book, for there would be no one who wanted to read one. Orwell feared those who would deprive us of information. Huxley feared those who would give us so much that we would be reduced to passivity and egoism. . . . Orwell feared we would become a captive culture. Huxley feared we would become a trivial culture, preoccupied with some equivalent of the feelies, the orgy porgy, and the centrifugal bumblepuppy.¹

As the television age has become the Internet era and the Facebook age has

spawned the Twitter era, we seem well on our way to becoming Huxley's preoccupied trivial culture, reduced to "passivity and egoism," while the truth drowns in a sea of irrelevance.

Don't get me wrong. I appreciate social networking tools and technologies—I am typing this on a personal computer, my Facebook account is open as I type, and I want you to follow Law Student Ministries on Twitter—but I think Christians should be especially troubled by our advanced state of preoccupied distraction and our declining literacy. We are after, all, "people of the

'OUR STUDY AND READING HELPS TO FILL OUR LONGING FOR TRUTH AND BEAUTY AND HELPS DEVELOP A FAITHFUL IMAGINATION.'

Book," part of the church whose task is to proclaim "the word," whose Savior is the "Word made flesh," whose Bible is a collection of Spirit-inspired writings, believed to be God's word and deed revelation of himself to us.

Whether the technologies that we love have displaced faithful study, or simply filled the vacuum after we stopped really reading, it is clear to me that our *abandonment of faithful study of the written word* has played a major role in the trivialization of public discourse.

In some ways, Christian lawyers and law

students are in an ideal position to take up the cause of the recovery of faithful study, at least as concerns our own callings, if not to spur the recovery of logic, history, maturity and reasoned engagement in public discourse generally. But my experience is that, despite our rigorous reading, logical training, and analytical skills, we are no more dedicated to the study of words than others in our world.

Virtually every Christian student that I meet believes that the Bible is God's revelation of himself to humankind and that it is our only reliable source for how to live our lives. In addition, most are also committed to the proposition that outside study is necessary during law school to gain a biblical perspective on the law and the lawyer's calling. Yet despite the near universality of these beliefs among Christian law students, very few study the Bible with an eye toward interpreting it for instruction, and even fewer study books other than required law school reading.

Forgive me for stepping on some toes here, but this is not faithful to our calling as law students. We pretend that we value the written word, but we're too busy and distracted to live up to our talk. We exemplify the preoccupied, "trivial" culture that Huxley and Postman prophesied.

Let's be honest. The Bible isn't worth much as a "guidebook" or a "rule for daily conduct" if those seeking to live "by" it don't have the foggiest idea about what's in it, other than through rumor or the occasional sermon. And while this is the most obvious and the most troubling ramification of our abandonment of faithful study, it also raises concerns specific to the Christian's life in the law.

‘I THINK CHRISTIANS SHOULD BE ESPECIALLY TROUBLED BY OUR ADVANCED STATE OF PREOCCUPIED DISTRACTION AND OUR DECLINING LITERACY.’

A religion formed by general, culturally-informed—and selective—“impressions” of the Bible, rather than by faithful study, is not so much Christianity as Santa-ism, where God is a cosmic grandfather who wants to give nice people cool stuff.² And Santa-ism, to put it mildly, is not particularly well suited to law-school level engagement on theological issues such as the nature of the *polis*, justification for criminal punishment, the role of law and its relationship with morality, or a proper philosophical grounding for a free press, to name only a few.

My challenge, then, to Christian law students is to rise to the level of your call—based on your intellectual gifts, the training you are receiving, and the tools at your disposal—and embrace your duty to study the Scriptures and the other books God has placed at your disposal. Resist the slide into triviality. Reject the justifications that you’re too busy and that you “read enough as it is.” While you are in law school, develop regular Bible study habits, read widely on the law and theology, and read for pleasure, taking time to discuss your reading with others and to reflect upon it.

Drop the standard excuses. First of all, you are not too busy. As my colleague Dan Kim likes to point out, there is a difference between being “busy” and being *stressed*. Like it or not, you are likely experiencing the least busy time of your life right now (particularly if you are a 2L or 3L). The demands of law school are no match for the ever-growing and conflicting financial and emotional demands of raising a family and learning, then growing a law practice.

Second, you can do more serious reading than you are already doing. This is true, even though you are in fact already up to your eyeballs in books. Reading is the prevailing mode of your law school study and the means by which you now hone your analytical skills. This is all the more reason to embrace reading as the means by which

you seek truth, through the dedicated study of both the Word and secondary sources.

Set aside time to actually study Scripture.

We need to make sure that we are studying Scripture, first and foremost, in addition to our law school coursework. Often this need is met by a good church and deep Sunday School class, but sometimes more is necessary. Of course, the sort of study I’m speaking of here is different than daily devotional reading or meditation. As Richard Foster points out:

The process that occurs in study should be distinguished from meditation. Meditation is devotional; study is analytical. Meditation will relish a word; study will explicate it. Although meditation and study often overlap, they constitute two distinct experiences. Study provides a certain objective framework within which meditation can successfully function.³

We usually need help in really studying the Scriptures. Often, a short introduction to theology, a Bible dictionary, or a good one- or two-volume commentary will get us started.

Read. We must read books that will help us develop historical or biblical perspectives on law and legal institutions. If we are serious about our calling as lawyers and the role of the church in our spiritual development, we will seek the wisdom of others who have spoken or written on the law. In addition, we should read other stuff, including a good dose of fiction. Our study and reading helps to fill our longing for truth and beauty and helps develop a faithful imagination. While we’re not all called to scholarly expertise, we are all called to grow as disciples of Jesus who consider and know truth.

Discuss your reading and reflect on it. Finally, our study should include both discussion with others and private reflection.

We should “kick around” what we read with friends. We should listen, too, and learn from those more knowledgeable than ourselves. In addition, we need to be alone with our thoughts, finding time for reflective contemplation of the topics we study.

Of course all of this is easy to recommend. Actually doing it, however, is the problem. Even though I know that I am in the midst of a battle for my very “capacity to think,” I often capitulate to the forces that erode my reason, dull my senses, and reduce me to passivity and egoism. For me, these forces are as lovable as my fantasy football team, *Burn Notice*, and Facebook.

Your distractions may be different, but the challenge for all of us is to figure out what they are and then address them head on. We usually know our preoccupations. The question is whether we’re willing to abandon these beloved technologies in favor of the discipline of serious study. May the Lord grant us the grace to study to His glory.

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- 1 Neil Postman, *Amusing Ourselves to Death: Public Discourse in an Age of Show Business* vii (1985).
- 2 See J.F. Baldwin, *The Deadliest Monster: An Introduction to Worldviews* 52-55 (Fishermen Press 1998), where Baldwin coins the term “Santa-ism” and explains it.
- 3 Richard J. Foster, *Celebration of Discipline: The Path to Spiritual Growth* 64 (Harper San Francisco 1998).



Mike Schutt is the director of CLS Law Student Ministries and Associate Professor of Law at Regent University School of Law. He is the author of *Redeeming Law: Christian Calling and the Legal Profession* (InterVarsity 2007).



In Memoriam: Curran C. Tiffany

By Kimberlee Wood Colby

Curran Tiffany walked into the Christian Legal Society's offices on September 4, 1981, and offered his free services to Sam Ericsson, then Director of CLS's Center for Law & Religious Freedom. Recently retired, Curran wanted to use his legal skills, honed in 25 years of lobbying for AT&T, for the Kingdom of God. But what use did a 501(c) (3) nonprofit have for a retired telecommunications lobbyist? God knew.

Two months later, Steve Galebach, a 1979 Harvard Law School graduate fresh from a one-year stint at a leading Washington, D.C., firm, joined the Center. Another month later, I joined the Center, having known Steve through the HLS Christian Fellowship.

We were an unlikely team, but in a relatively short span of three years, God used the Center to spearhead enactment of the Equal Access Act,¹ the federal law that continues to protect students' religious speech in public high schools. Curran's mastery of Congress' workings proved instrumental to the Act's passage.

In the early 80s, school administrators began shutting down student Bible studies in high schools around the country because of their misconception that the Supreme Court had banned all prayer on public school grounds. Too often, hostility to evangelical Christianity reinforced the misconception. Then, in December 1981, the Supreme Court ruled that a public university violated a religious student group's freedom of speech when it kicked the group off campus for worshipping God at its meetings. In an unfortunate footnote,



however, the Court noted that college students might be "less impressionable" than high school students for Establishment Clause purposes.

Seizing on the footnote, the Fifth Circuit Court of Appeals, in the *Lubbock* case,² ruled that high school students' meetings for prayer and Bible study violated the Establishment Clause. In January 1983, the Center assisted on a petition for *certiorari*, asking the Supreme Court to review the case.

Curran went into action to persuade Senators to join an *amicus* brief urging the Court to take the *Lubbock* case. Leaving no Senator unturned, he visited every office to explain the importance of the issue. In the days before civilian usage of the internet, this meant the investment of tremendous amounts of time and energy simply walking the halls of the congressional office

buildings to meet scores of staffers face-to-face.

Within a few weeks, 24 Senators had signed onto the brief in support of equal access for high school students' religious speech. The Senators ranged from conservatives guided by Senator Jeremiah Denton (R-Ala.), to moderates led by Senator Mark Hatfield (R-Ore.), to liberal Senators epitomized by Senators Joe Biden (D-Del.) and Ted Kennedy (D-Mass.).

The Supreme Court denied review. But the 24 Senators were part of a bigger plan. A few months earlier, in July 1982, Senator Hatfield's staff had asked Steve Galebach to suggest language to address the problem of censorship of students' religious speech. On September 17, 1982, Senator Hatfield had introduced the language on the Senate floor. Subsequently, Senator Denton introduced a similar bill, which later would be combined with the Hatfield legislation to become the Equal Access Act.

In the end, thanks in large part to Curran's unstinting work, the Act passed the Senate 88-11 and the House 337-77. The fight was by no means as easy as the numbers suggest. Indeed, a prominent atheist at the time characterized the Act's passage as a miracle. He was right.

Since its passage, the Act has guaranteed literally millions of Christian students the right to pray and talk about God at school. Nationwide, thousands of Bible clubs meet on public school property each week. While the Act itself applies only to secondary schools, in 2001, the Supreme Court extended the equal access principle to community groups meeting after school

‘CURRAN CONSIDERED HIS WORK ON THE EQUAL ACCESS ACT HIS MOST IMPORTANT PROFESSIONAL ACCOMPLISHMENT.’

with elementary school-aged children.³ Every September, thousands of high school students participate in “See You at the Pole,” when they gather at their school’s flagpole to pray for their schools, communities, and country.

Curran went to be with our Lord on October 23, 2009. At his funeral, his family emphasized that he considered his work on the Act his most important professional accomplishment. Curran would be the first to insist that God receive the credit for anything he did. Please join me in thanking God for bringing this timely—and timeless—man to CLS. Through Curran’s friendship, work, and gifts, God has blessed every CLS member, as well as our children, the Church, and the Constitution—a godly legacy for a godly man.

REFERENCES

- 1 20 U.S.C. 4071-4074 (2009).
- 2 *Lubbock Civil Liberties Union v. Lubbock Independent Sch. Dist.*, 669 F.2d 1038 (5th Cir. 1982), *cert. denied*, 459 U.S. 1155 (1983).
- 3 *Good News Club v. Milford Central School*, 533 U.S. 98 (2001). *See also, e.g., Child Evangelism Fellowship of New Jersey v. Stafford Township Sch. Dist.*, 386 F.3d 514 (3rd Cir. 2004) (Free Speech Clause requires equal access for religious community group to communication channels available to other groups to provide parents with information about after-school meetings at elementary schools); *Child Evangelism Fellowship of Maryland v. Montgomery County Pub.*

Sch., 373 F.3d 589 (4th Cir. 2004), and 457 F.3d 376 (4th Cir. 2006) (same); *Good News/Good Sports Club v. School Dist. of Ladue*, 28 F.3d 1501 (8th Cir. 1994) (Free Speech Clause requires equal access for religious community group to after-school meeting space).



Kimberlee Wood Colby is Senior Legal Counsel at the Center for Law and Religious Freedom. She originally joined CLS shortly after graduating from Harvard Law School and has been its longest serving employee (full or part-time).

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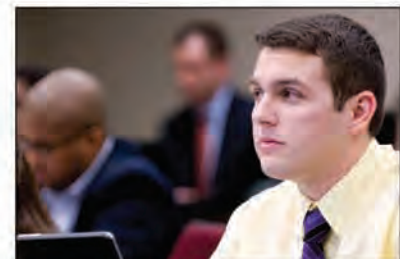


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“WHAT HAS BEEN WILL BE AGAIN, WHAT HAS BEEN DONE WILL BE DONE AGAIN; THERE IS NOTHING NEW UNDER THE SUN.”

Editor’s Note: This column offers new members the opportunity to gain the wisdom from years past, while giving long-time members the opportunity to re-read an old article that may have impacted their lives many years ago. This issue’s column is a response to “Choosing a Partner” by George Newitt, originally published in the Quarterly in Winter 1989 and republished in the Summer 2009 issue.

Partnership with Non-Christians

By Louis E. Bellande

I respectfully disagree with George Newitt’s article concluding that Christian lawyers are free to join in partnerships with non-Christians. Mr. Newitt’s position may have been colored by his rewarding thirty-five year partnership with non-Christians. He seemingly feels that the key question is “whether establishing a law partnership with an unbeliever causes us to participate in activities or decisions from which God has separated us.” But, of course, there is no way of knowing that from the front end of a new partnership. (I assume his rationale, if true, would also apply to a marriage between a believer and non-believer.) Seemingly, if the relationship does not cause us to sin, the rationale is to go for it. I disagree.

I am now 66 years old and have previously been a partner in a large secular firm and in smaller Christian firms. When the Holy Spirit instructs us to not be unequally yoked with unbelievers, he is not restricting us as much as he is protecting us. When a believer aligns himself with unbelievers, not only is the likelihood of a moral/ethical clash between partners greatly enhanced, but the probability of one of the non-believing partners engaging in non-disclosed and underhanded “shortcuts” also increases. The reason for this increased probability is that the prime motivator of mankind is self-interest. If the reward is great enough and the risk of being caught is small enough, many non-believers will act in what they perceive to be their self-interest. On the other hand, Christians who fear the Lord should know that when they

sin the price they will have to pay for their sin far outweighs any short term benefits.

When I first became a partner in a fifty-person firm as a young Christian, I was surprised to see the remarkable billable hours of my partners. The poor guys must have worked a lot at home since they kept regular office hours, but somehow, despite playing a lot of golf and seeing many of their kids’ ballgames, their average billable day was quite remarkable. The firm had institutionalized aggressive billing practices, and although I kept accurate track of my time and did not engage in the firm’s practices, I benefited from them. I even objected to the practices at partnership meetings but to no avail. But using George Newitt’s standard, since I did not participate in the practices and even objected to the billing decisions, there would be no problem with continuing in partnership with the firm. But, I still felt convicted to leave. And before I left the firm, several experiences had a deep impact on me.

First, one of the older partners drinking problem became acute. So, I contacted a business person in the community who had developed a successful intervention program. He suggested that we might use the power of the partnership to motivate the offending partner to seek help. I even arranged for this person to make a presentation to the partners. After the presentation a vote was taken to determine if we were going to terminate the alcoholic partner or use our influence to help him. There were two votes in favor of intervention and nine against. The drinking partner

was well paid and when he was terminated, that left all the more for the rest of us. This did not measure up to biblical standards. Not having the Holy Spirit, they did not understand that one never loses by being generous, by looking out for another’s interest, nor by extending mercy.

Additionally, after one of my partners died in an accident, I was asked to help probate his estate for his widow and children. While doing so, I learned that, contrary to the partnership agreement, he had retained a sizeable referral fee from another attorney rather than sharing it with the partnership. Using a client’s funds, he had also purchased a snowmobile that was involved in a pending case, but he titled the snowmobile in his own name and used it for his family’s recreational pleasure. It was a difficult and sensitive mission to recover the snowmobile from his grieving widow. I seriously considered whether he engaged in other questionable practices.

After I resigned from the partnership, the ethics of one of the partners received embarrassing local news coverage. Upon receiving an excellent result for one of her clients, the attorney pressured the client for a “bonus” that was not a part of the original fee arrangement. The client paid it but later petitioned the court for a refund. Only then did the rest of her partners realize that, contrary to the partnership agreement, she had not shared the bonus to the partnership, but had retained it.

In contrast, after I had resigned from that firm and was part of a new, small firm of

‘WHEN THE HOLY SPIRIT INSTRUCTS US TO NOT BE UNEQUALLY YOKED WITH UNBELIEVERS, HE IS NOT RESTRICTING US AS MUCH AS HE IS PROTECTING US.’

believers, it became necessary to ask one of our partners to leave. Rather than summarily throwing him out, we arranged for and paid for outplacement counseling at a considerable cost to the rest of us. When potentially disruptive issues were raised, such as changing the firm name, adjusting the compensation formula, and decorating the office (often the most volatile of all issues), the discussions were civil and filled with grace for the interests of others. When another partner and I decided to withdraw from the others, strictly for economic reasons, there was a brief period of disharmony, but we soon were able to get over it and even agreed to continue to office together.

Experience teaches that it is difficult to keep legal partnerships together over a long period. And, when a partnership dissolves, it is professionally disruptive in

many predictable ways. Partnerships will certainly dissolve over real or imagined financial inequities, personal slights, and control issues. Obviously, it is better to go through as few breakups as possible. I believe that Christians should partner with other believers because when discord occurs believers: (1) having been forgiven by God should be more willing to forgive an erring partner; (2) should realize that God has their financial future under His control; and (3) should be aware that God is in control and should be able to submit to the control of others. Issues that might be the cause of the break-up of secular partnerships can be just minor bumps in the road for a partnership among believers.

I think it is one thing to be an associate in a large secular firm--although there can be problems with that as well--but when it comes to taking on the yoke of a partner-

ship, you should be sure that the rest of the partners are believers. Even then, harmony and honesty are not a certainty, but the odds are considerably improved. A business client who had been in partnership with a believer once told me that his partner's unbelieving wife was the cause of the termination of their successful partnership. He felt that because married couples are one flesh, it would be advisable to make sure your "partners-in-law" are also believers. But, I will leave that discussion for another day.

Louis Bellande, a partner at Bellande & Sargis, LLP, in Chicago, has been a CLS member since 1974. His practice areas include commercial litigation and corporate law, non-profit organization law, commercial real estate and wills/trust/estates & probate law.



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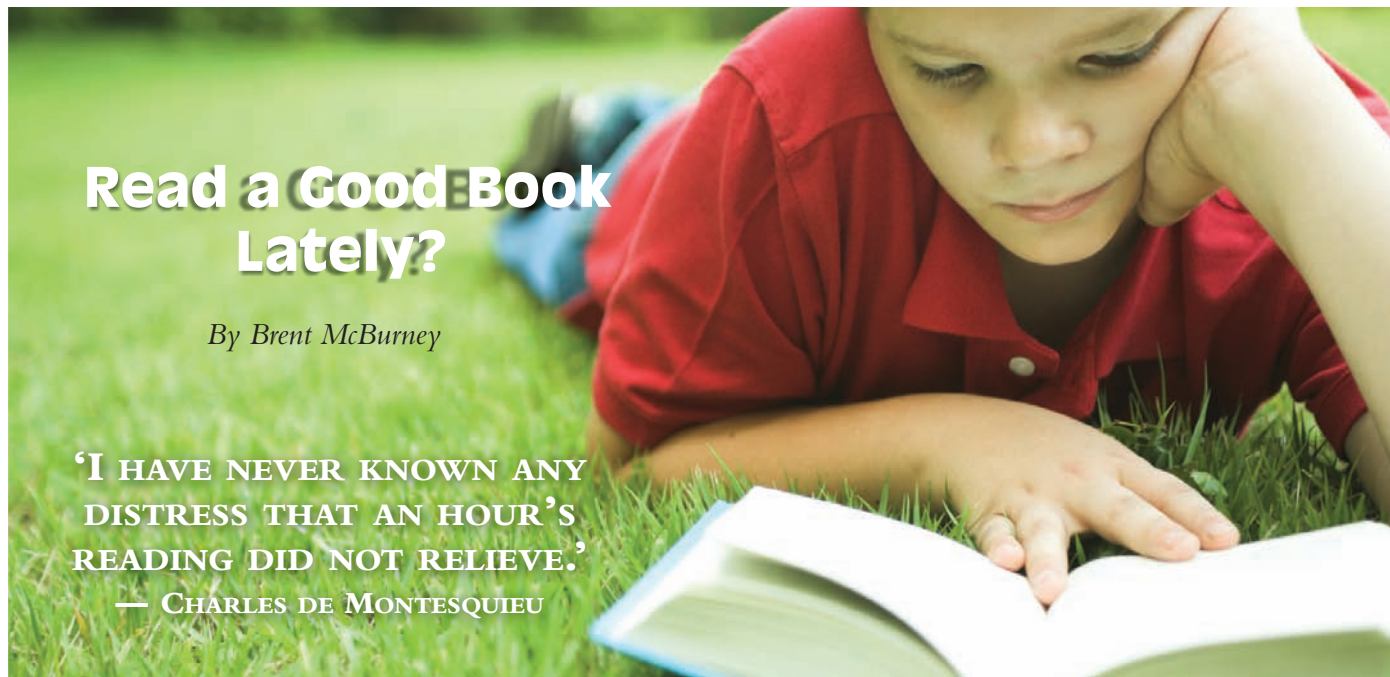
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Read a Good Book Lately?

By Brent McBurney

“I HAVE NEVER KNOWN ANY DISTRESS THAT AN HOUR’S READING DID NOT RELIEVE.”

— CHARLES DE MONTESQUIEU

I have always loved to read—as a kid, I devoured and practically memorized the Chronicles of Narnia, the Hobbit and the Lord of the Rings trilogy. I read books about history and politics—especially WWII—and many others. Throughout high school I truly became a voracious reader, reading many new books and rereading my favorites.

“The first time I read an excellent work, it is to me just as if I gained a new friend; and when I read over a book I have perused before, it resembles the meeting of an old one.”

— Sir James Goldsmith

In college, I began to read the classics of literature, adding some Russian novels in their original language, and books of poetry. I also read spy thrillers like Clancy’s *The Hunt for Red October* and legal thrillers like Grisham’s *A Time to Kill*.

“A truly good book teaches me better than to read it. I must soon lay it down, and commence living on its hint.... What I began by reading, I must finish by acting.”

— Henry David Thoreau

Then even when I’d been reading for up to 12 hours a day in law school, or as a litigator, I still was refreshed by picking up a good book, even though all I really wanted to do was simply shut my brain off and watch a football or basketball game.

“Books had instant replay long before televised sports.”

— B. Williams

This year I’ve been following a curriculum of great spiritual classics, new and old, in the C.S. Lewis Institute “Fellows Program,” a program designed to help followers of Christ grow deeper in their walk with God (visit <http://www.cslewisinstitute.org/>).

“Books are standing counselors and preachers, always at hand, and always disinterested; having this advantage over oral instructors, that they are ready to repeat their lesson as often as we please.”

— Oswald Chambers

Even now, and into the future, reading continues to be rewarding as I read some of my old favorites to my kids.

“Those who do not read are no better off than those who cannot read.”

— Anonymous

As a reader of this magazine, you too are very likely a voracious reader. I hope that you’ve enjoyed the articles in this issue and have taken the time to heed the admonitions to keep your mind sharp by reading some good books that aren’t necessarily related to your life as a lawyer or law student. As you begin to think about what book you’d like to read next, here is some more food for thought:

“No man can be called friendless who has God and the companionship of good books.”

— Elizabeth Barrett Browning

“A book is like a garden carried in the pocket.”

— Chinese Proverb

“The things I want to know are in books; my best friend is the man who’ll get me a book I ain’t read.”

— Abraham Lincoln

Now—don’t just sit there. Go read a good book.

Brent McBurney is the Director of Legal Aid Ministries and Attorney Ministries for the Christian Legal Society. As an avid reader, he’s always looking for great book recommendations.



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