

# THE CHRISTIAN LAWYER

Vol. 5, No. 2  
Summer 2009

*And the things you have heard me say in  
the presence of many witnesses entrust to reliable  
men who will also be qualified to teach others.*

2 TIMOTHY 2:2 (NIV)



**The Fully Discipled Lawyer, Page 3**

**One Who Walks Alongside, Page 6**

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IN THIS ISSUE

INTEGRATING FAITH IN THE PRACTICE OF LAW

**1**  
From the President

**2**  
Letters to the Editor

**3**  
The Fully Discipled Lawyer  
*by John W. Mauck and Amy J. Parrish*

**6**  
One Who Walks Alongside  
*by Gordon MacDonald*

**9**  
A Promise to Keep For Jack Cline  
*by Robert L. Palmer*

**11**  
Unexpected Opportunities, Incredible Impact  
*by Patricia C. Gandy*

**DEPARTMENTS**

**14**  
*Center for Law & Religious Freedom*  
Religious Liberty in the Age of Obama

**18**  
*Law Student Ministries*  
Disciples and Real Belief

**22**  
*Advocates International*  
Fear Not!

**24**  
*In Memoriam*  
Richard Bates Couser

**26**  
*Ecclesiastes 1:9 (NEW!)*  
Choosing a Partner

**29**  
*CLS Chapters*

**30**  
*Christian Legal Aid Clinics*

**32**  
From the Editor in Chief

THE VALUE OF A GOOD QUESTION

By Craig Shultz

When I was in college I raced motorcycles. One of my good friends and I rode as much as we could, mostly racing at local dirt tracks or just riding on the trails to have fun. We loved the excitement. I still get a rush from the aroma of the gas and oil mixture filtering through a two-cycle engine as I hear the crack of the throttle bringing a good bike to life. Excuse me while I lapse into a momentary dream sequence ... OK, I'm back.

Ron wasn't a Christian. And while I don't remember all of what we talked about during our time together, I know I must have talked to him about God. I doubt I'd really said that much. But one day, for reasons I simply don't know, Ron got upset, told me he didn't believe in God, and asked me to just stop talking about him. I said OK.

Several months later we were getting ready for a big motocross race, the start of which almost always challenged an elementary law of physics that suggests 25 racers won't fit into a corner wide enough for only three bikes. Anyway, out of the blue, Ron asked me if I prayed before a race. I said yes. He asked if I prayed to win. I told him no, that I prayed to ride smart, to not hurt anybody else or myself, and to do the best I could. He then informed me that he prayed to win.

"Really?" I responded. "That's interesting. Who do you pray to?"

He didn't know what to say, and frankly, I was pretty pleased with my comeback.

Ron moved to another state and I went on to law school. But a number of years later, I was out riding one afternoon and there he was, back in Wichita and on his bike. As I got closer, we recognized each other and both stopped. As we got took off our helmets to talk, the very first thing he said was "I've become a Christian."

That was exciting! I occasionally wonder if that's when I first began to appreciate the value of a good question.

Now, I don't claim any credit for God bringing Ron into a relationship with himself but I like to think there may have been something about the question I asked that made him think about the inconsistency of his position. Maybe it planted a seed, as Paul describes in I Corinthians 3:6: "I planted the seed, Apollos watered it, but God made it grow."

How often do we think about the power our questions and advice have to help redirect a client's thinking? To challenge their approach to life or speak the truth in love? To build up each other? Or to be used to help bring out truth in a trial? But we also know we can just as easily do damage with our questions — our "cross-examination," if you will. Simply with our words, we can discourage rather than encourage, do harm rather than good, or even hurt friends and family. So for us who make our living with words, Paul's instruction in Colossians 4:6 is critical: "Let your speech always be with grace, seasoned, as it were, with salt, so that you may know how you should respond to each person."

Thanks for joining with thousands of other lawyers and legal professionals who, through the ministry of CLS, seek to encourage each other to use words wisely and to integrate their faith with the practice of law. And believing this magazine will help do just that, can I challenge you with one more good question? Will you pass this on to a friend and ask him or her to join you and us for this purpose?



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.

CLS board member John Mauck, of Chicago, has hosted a weekly bible study on discipleship for 30 years. Although the numbers fluctuate, about 30 people attend, including eight lawyers. Mauck estimates the total "membership" is close to 60. Below is an e-mail he recently received from a participant.

**Dear Mr. Mauck,**

I am a law student from China. Thank you for your host [sic.] It's very nice to meet you at my first bible study. Although I don't have religion right now, I do respect your religion and I'm trying to learn something about God. If I like it, I'd like to know the Son of God.

Keep in touch.  
Best,  
Name withheld

**Dear CLS,**

My wife and I attended the annual 2008 CLS National Conference that was held in conjunction with the global convocation of Advocates International. It was awe-inspiring to meet with over 1,000 attorneys and law students from more than 106 countries.

For us, the most moving presentations involved being a Christian lawyer in nations that are predominantly Muslim, Hindu or Buddhist. In Pakistan, India and Sri Lanka, some people who profess Christianity are murdered by extremists. Other challenges are not issuing passports to Christians, closing or burning churches, police inaction in response to anti-Christian crimes and anti-conversion laws. The real threats make the "risks" we run in witnessing Jesus Christ in New England appear laughable.

In Christ's name,  
Thomas F. Hartch  
Greenwich, Connecticut

*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).

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# The Fully Discipled Lawyer

By John W. Mauck and Amy J. Parrish



**‘GOD WANTS TO USE THE LAW AND LEGAL PROFESSION TO IMPACT THE WORLD FOR MESSIAH.’**

All Christians are called to be disciples of Jesus Christ. We are to model Christ-like character and by word and example, encourage others to surrender to Him (Galatians 2:20). But our calling does not end there. We are to care for other Christians by modeling and teaching them the precepts of the Bible — mainly prayer, doctrine, Christian living and worship. This is discipleship.

Jesus’ ministry on earth exemplified the importance of discipleship. Rather than spending all of his time preaching to the masses, Jesus focused his teaching on 12 prayerfully chosen men who he purposed would carry out his ministry after he ascended to heaven. With the power of the Holy Spirit, the church has expanded throughout the world. Paul explained the idea of spiritual multiplication in 2 Timothy 2:2: “And the things you have heard me say in the presence of many witnesses entrust to reliable men who will also be qualified to teach others.” If one person disciples three others, and those three each disciple three more, you have the potential to end up with 12 developed and mature Christians. Discipleship is a strategic ministry that results in exponential growth.

*Continued on Page 4*





# Case Study: Illinois

The Northern Illinois Chapter of CLS began a discipleship program in the fall of 2008, with much success. Here is what people are saying about the program:

“Discipleship over the past few months has been such a blessing in the constant encouragement I have received to make the best use of the time I have in law school. Noel, my discipler, challenges and reminds me to bless others with my gifts and resources because God has first blessed me with all that I have. The regular discipleship time helps equip me to bring my love for Jesus into my study of the law and to all those around me in law school who desperately need Jesus.”  
– Zachary Lynn, DePaul University College of Law, Chicago

“I want to say thank you for encouraging me in the area of Christian discipleship and connecting me with my disciple, Peace. She is a delightful young woman and we are really enjoying getting to know each other and digging into God’s Word together. We are using the Blackaby *Experiencing God* workbook and meeting once a week. It has been a wonderful experience, and one I think I honestly would not have pursued without some pushing.” – Sally Wagenmaker, Mosher & Associates, Chicago

*If your chapter would like to start a discipleship program, please contact CLS Attorney Ministries for more information at 703-642-1070, extension 3206 or e-mail memmin@clsnet.org.*

## Why should CLS concern itself with discipleship?

We should encourage CLS attorneys to be active participants in their churches and other ministries and be disciplined accordingly. However, CLS can supply what is missing so that our members can reach their potential as Christian lawyers. The Lord has entrusted several thousand lawyers to CLS as members and multiple thousands more as potential new believers and disciples. CLS needs to encourage its members where they work and live to complete the great work of discipleship, which has characterized CLS’ annual conferences.

Spiritually and professionally mature Christian CLS attorneys are aware of the many challenges that face law students, new attorneys and new Christians. It can be lonely in the “University of Babylon” or a new firm or city. Who better to introduce or remind disciples of God’s truths than someone who has been there? Christian attorneys, by our nature, tend to be spiritual leaders. Discipleship is an important way that we can serve one another in love (Galatians 5:13).



## Objectives for a fully disciplined attorney

The following are suggestions of six characteristics a fully disciplined Christian attorney should possess.

- **SPIRITUALLY MATURE** — A disciplined attorney is active in a church. She lives a life worthy of respect (I Timothy 3:8-11) and exhibits the fruits of the Spirit. She is persistent in prayer for herself, her legal practice, her disciples, clients, colleagues, opponents and judges. She knows how to give her personal testimony, including how God has used her in legal practice to build the kingdom. She knows how to lead a seeker to a saving knowledge of God through Jesus.
- **BIBLICALLY LITERATE** — A disciplined attorney understands and can articulate reasons for signing the CLS statement of faith. He is one who knows how to read, study, memorize and meditate upon the Word of God, to hide its truths in his heart. He is actively growing in the knowledge of the Word through Bible study participation or other means.





- **POLITICALLY LITERATE** — A disciplined attorney acknowledges that all political power has been instituted by God (Romans 13:1), and works for redemption in the political realm. She understands and intelligently explains the impact of various laws on the poor, the free exercise of religion, free speech and minorities.
- **SOCIALLY INVOLVED** — A disciplined attorney serves God through significant pro bono, church or social service work. He is publicly identified as a believer at work and among friends (Matthew 10:32).
- **LEGALLY EQUIPPED** — A disciplined attorney can intelligently discuss the role of Biblical law, natural law, Constitutional law, and positive law in relation to a just society and helping people realize their need for the Savior (Romans 7:7). She understands the legal aspects of the major political/

religious issues of our times, such as racial equality and gay marriage, and can explain those aspects to non-lawyers in a respectful spirit.

- **VISIONARY** — A disciplined attorney should know or be actively seeking to know how God wants to use her personally to build His kingdom through her practice of law and how God wants to use the law and legal profession to impact the world for Messiah. She understands and welcomes the challenge to become mature and equipped in Jesus, which includes the personal responsibility to disciple others, including other attorneys.



*John W. Mauck and Amy J. Parrish practice with the Chicago law firm of Mauck & Baker, LLC ([www.mauckbaker.com](http://www.mauckbaker.com)), which focuses on religious, land use, nonprofit and church law. He has been practicing law since 1972.*

*Discipleship is an integral part of his life — he has mentored more than 25 people, helping them become followers of Jesus.*



*Amy Parrish is a 2005 graduate of Valparaiso University School of Law, in Valparaiso, Ind., and is a board member of the Northern Illinois Chapter of the Christian Legal Society.*

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# One Who Walks Alongside

By Gordon MacDonald

**W**hen my wife, Gail, and I were invited to participate in the CLS conference in beautiful San Diego in October, I prayed about it — for 10 seconds — and said yes. After all, what better place to spend some days with smart people and enjoy magnificent weather? One always hears the call of God to San Diego.

Having committed myself, I pondered this question: What do I, a pastor, have in common with lawyers?

First, I thought of those infuriating jokes people tell on us. “Did you hear the one about the preacher, the priest and the rabbi who were out in a boat?” Or, “How many lawyers does it take to change a light bulb?” Doesn’t anyone realize we’ve heard these jokes 100 times?

Lawyers and pastors have something else in common besides bad jokes. Our professions partake of a very noble idea expressed in an ancient Greek word: *paraclete*, meaning “one who comes alongside.” I call a *paraclete* *the special companion*.

*‘How few people most of us have in our lives who carry the role of special companion — one whom we trust.’*



The notion of a special companion is found in T.S. Eliot's "The Waste Land":

**Who is the third who  
walks always beside you?  
When I count, there are  
only you and I together  
But when I look ahead  
up the white road  
There is always another  
one walking beside you**

I hear the spirit of the *paraclete*, the special companion, in that last line, and the idea fascinates me. Simply stated, the paraclete is one who enters topsy-turvy situations and helps make things OK.

A mother tells her child to put his bicycle in the garage. But it's nighttime, pitch black outside, and he resists doing so alone. "It's too scary," he says, "to do it without a father." The child seeks a paraclete to brave the darkness with him. In this case, he wants a father. In many other cases, people want a lawyer or a pastor.



St. John used the word paraclete to identify the Holy Spirit, the third member of the Trinity. This paraclete was the *special companion* Jesus promised to send when he left his disciples to return to heaven. Of this paraclete, Jesus said, "He will live with you and be in you."

But what does this paraclete do? In answering that question, I learn not only something of the tasks of the Holy Spirit, but I also gain insight into the efforts of pastors and lawyers.

For example, a paraclete is a comforter. A comforter is skilled and gifted to walk alongside of one who is under

great stress or in fear or confusion. We're all familiar with that moment in TV dramas in which the accused realizes he is in trouble and says, "I want to call my lawyer." I smell paraclete here.

"Me? A comforter?" some might ask. Apparently it's a responsibility that comes with our jobs. We may not offer comfort with mother-like hugs, but we bring it with our calm demeanor and our rock-solid character.

Then again, paraclete describes a special companion who is a teacher or explainer. In this sense, the paraclete sheds light on unknown or confusing things. I recall the day our lawyer sat with us as we passed papers on our condo. "I'm going to make sure that you understand the meaning of every document you sign," he said. And to the irritation of those across the table, he controlled the pace of the process, unwilling to move on to the next step until we were thoroughly at ease with the commitments we were making.

His was a job I've often done in my pastoral world when there is a need to

*Continued on Page 8*

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## ONE WHO WALKS ALONGSIDE

*Continued from Page 7*

walk people through a dizzying array of confusing issues and make their options clear. Nice to know there are special companions who can do that.

The paraclete is sometimes a “convictor” whose occasional responsibility is to offer a timely rebuke or correction. *Conviction* is an older word — not used today as much as it should be. It describes that truth one speaks into another’s life when error is looming and a warning is necessary. Sometimes the conviction must come after the fact, such as the day the prophet Nathan felt constrained to speak truth into the life of King David (2 Samuel 12). There are times when both lawyers and pastors have to bite the bullet and do this because no one else qualifies as the special companion.

The paraclete empowers another to rise beyond his or her normal limitations. The transaction of empowerment can be as simple as encouragement and cheer or a mysterious transfusion of spiritual energy that causes someone to excel or achieve things previously thought impossible.

Lawyers and pastors hold common ground here also. Whether it’s helping someone discover his rights or potential or his place to serve and give, that’s a job we sometimes get to do. It’s very satisfying.

I love the word counselor as another iteration of paraclete. To me the counselor is one who quietly speaks assurance and insight. I visualize this idea when a lawyer whispers into the ear of a witness at a Senate hearing. He puts his hand over the

microphone because what he is saying is private. I’ve never sat in such a seat, but I imagine the private transaction of counsel is reassuring. I guess there are times when all the counselor says is, “Take the Fifth.”

Perhaps the best meaning of paraclete is *advocate*. The advocate speaks on behalf of another. He stands up for the defendant or the client and he negotiates the way through the confusing labyrinth of law and process. The heavenly paraclete translates our feeble prayers before God. The earthly paracletes — you and me, pastor and lawyer — similarly speak for the weak, the accused, the fearful, the one in need of justice. That’s a great privilege.

A man in my congregation learned that he had a terminal illness. He set about getting his life in order. A will had to be written, finances tidied up, a home sold. And that was just the beginning. One day he reflected upon his efforts and said to me, “All of this forced me to realize that I knew no one that I trusted.” His admission startled me. It caused me to reflect upon how few people most of us have in our lives who carry the role of special companion — one whom we trust.

That very thought heaps upon me, as I hope it does you, the greater sense of responsibility of being prepared every day to be the special companion others need. It means growing in wisdom, majoring in integrity, enlarging compassion, deepening a commitment to excellence and massing sufficient courage.

So let people keep telling their jokes. Meanwhile, we’ll just keep enjoying that noble responsibility — being the special companion who walks alongside.



Gordon MacDonald has been the interim president of Denver Seminary (2008–2009) and an author, speaker and teacher. He was a pastor for more than 40 years, most recently the senior minister at Grace Chapel in Lexington, Mass. Author of more than a dozen books, MacDonald’s best known work, “Ordering Your World,” won the Gold Medallion and the Platinum awards from the Evangelical Christian Publishing Association.

*MacDonald and his wife, Gail, will be keynote speakers at the CLS National Conference in San Diego, Oct. 15–18.*





# —A— *Promise to Keep* —FOR JACK CLINE—

*By Robert Leslie Palmer*



JACK AND JANE CLINE

**W**hen the telephone rang at 2 in the morning Wednesday, I knew what I would hear would not be good news. On Tuesday I had been told that that my client, Jack Cline, would probably not survive the day. After praying for him several times that day, I had gone to bed thinking – hoping, really – that he was going to beat the odds again. For Jack had miraculously survived almost eight years with acute myelogenous leukemia, all the while waiting for justice in his lawsuit against the manufacturers of the benzene products that had caused his fatal illness. But now Mrs. Cline told me that her husband's weary body had finally succumbed to the leukemia that he had battled for so many years.

I made a feeble and awkward attempt to comfort Jack's widow, but I knew it was an impossible task, for I could hear the bitter truth in the cracking of her voice. This was new, for during all the time that I had observed this couple, I had seen considerable strength – the kind of strength that comes only from faith in God and faith in each other. Jack's battle is over, but hers is only beginning.

When I hung up, I thought about the last time I had talked to Jack in person. Just one week earlier, I had gone to his hospital room bearing the kind of news no lawyer wants to give to his client, especially a client so close to death. It was my unfortunate duty to tell Jack that the Alabama Supreme Court had determined that his life was of absolutely no value to the court.

The statute of limitations enacted by the Alabama State Legislature gave Jack two years within which to file his lawsuit. But the Alabama Supreme Court, in what can only be described as judicial lawmaking,

*Continued on Page 10*

effectively eliminated that entire two-year period for Jack and for other victims of exposure to hazardous substances. The court accomplished this bit of pro-corporation magic by ruling that the two-year limitations period begins running when the victim is last exposed to the hazardous substance, but that the victim cannot bring a lawsuit until the cancer or other dread disease has manifested itself, which usually occurs much more than two years after exposure.

Having thwarted the will of the legislature, the court then *blamed* the legislature, opining that only that institution could fix this problem – a problem the court itself created. Such reasoning is truly diabolical! Then, in sweeping aside the argument that this court-created rule denied Jack Cline due process of law under both the Alabama and United States constitutions, one justice, Harold See, wrote that the constitutional right to due process of law is nothing more than a mere “competing policy” concern. I am sure that his

corporate contributors chuckled when they read that line.

Having to tell Jack how little regard Alabama’s highest court has for life or due process made me want to quit the practice of law – or at least move to another state. But Jack, in an incredible display of his own character, comforted me rather than seeking my comfort. He calmly accepted the injustice that had been meted out to him, and smiled agreeably as I discussed plans to take his case to the U.S. Supreme Court. When I finished, Jack took my hand and said, “Bob, I love you.” He then told me to convey his love to my law partner, Greg Cade, and to everyone at my law firm. Then he said, “In the end, all we really have is love.”

I knew then that Jack expected to die, and it started me thinking about my own life. It started me thinking about a promise I needed to make to Jack, a promise I needed to make to all of the Jack Clines in Alabama, a promise I needed to make to God. So here it is, Jack:

**I PROMISE** that I will take your case to the U.S. Supreme Court and ask that court for the justice you were denied in Alabama.

**I PROMISE** that I will pray as the English jurist, William Blackstone, that “Ne’er may my prostituted tongue protect the oppressor in his wrong, nor wrest the spirit of the laws to sanctify the villain’s cause!”

**I PROMISE** that I will seek to obey the command of Isaiah 1:17 to “Seek justice, encourage the oppressed. Defend the cause of the fatherless, plead the case of the widow.”

**I PROMISE** that I will seek to root out injustice in Alabama law and make the state a place where ordinary people can expect fairness in the courts.

**I PROMISE** that I will support judicial candidates who believe the Constitution is more than a mere “policy” concern and that those who callously take human life should not be protected by perverted legal reasoning.

**AND I PROMISE** that I will not forget that “in the end, all we really have is love.” It is for the love of you, Jack, that I make this promise.

## ‘IN THE END, ALL WE REALLY HAVE IS LOVE.’



*Robert Leslie Palmer is a Birmingham, Ala. attorney and a member of the law firm, Environmental Litigation Group, P.C. He is a member of the Christian Legal Society, and the founder and president of the Alabama Legal Reform*

*Foundation, a nonprofit corporation spearheading the effort to reform the statute of limitations in toxic tort cases. Contact him at WaveHoya@charter.net.*

*Jack Cline was stricken with leukemia after being exposed to benzene at his factory job.*

## UPDATE

From April 2005 to January 2008, Palmer continued his struggle against the all-Republican, pro-business Alabama Supreme Court with a series of appeals, one of which resulted in the scheduling of an oral argument in a public venue. In a 5-4 vote, the court affirmed the summary judgment without an opinion.

Palmer continued his fight. He generated publicity in state and national newspapers, and legal publications, published a flurry of editorials, and petitioned state legislators, senators and trial judges. Meanwhile, he filed a case in two states on behalf of the widow of another benzene victim.

In a stunning turn of events, on January 28, 2008, the Alabama Supreme Court reversed itself.

“I knew that what had been accomplished had little to do with me and everything to do with God,” Palmer said.

God had spoken to him as he prepared for the battle ahead: “With men this is impossible; but with God all things are possible” (Matthew 19:26)

*For more on Robert Palmer’s struggle for justice and legal reform on behalf of toxic tort victims in Alabama, visit our Web site at [www.clsnet.org/sites/default/files/Palmer\\_Seek\\_Ye\\_First\\_the\\_Kingdom\\_of\\_God.pdf](http://www.clsnet.org/sites/default/files/Palmer_Seek_Ye_First_the_Kingdom_of_God.pdf)*



# Unexpected Opportunities, Incredible Impact

By Patricia C. Gandy

## 2008 FEDERAL POVERTY GUIDELINES

*Think of the number of people in your household and consider if your family could exist on this income.*

Number of People in Household	Annual Household Income
1	\$10,400
2	\$14,000
3	\$17,600
4	\$21,200
5	\$24,800
6	\$28,400
7	\$32,000
8	\$35,600

The numbers are staggering. In 2007, the family poverty rate and the number of families in poverty were 9.8 percent and 7.6 million, respectively.

Facing just one legal issue (or perceived legal issue) places an additional burden on the wage earner — a burden too heavy for some to carry alone.

The news reports are heartbreaking. Headlines read: *Mother of 6 brutally slain; Cost of health care rising again; Foreclosures at all time high; Thousands jobless as another plant closes; Elderly not gone, but forgotten; and Homelessness another hurdle in city revitalization.* Too often we watch the evening news or read an article, lament another tragedy in our community, and promptly move on to the next item on our to-do list. Life as we know it continues until the moment we are faced with the soberness and reality of these situations.

Continued on Page 12

### **Mother of 6 Brutally Slain**

An employee of a law enforcement agency refers two sisters of a murdered woman to Mission First Legal Aid Office for help in becoming legal guardians of her six minor children. A volunteer attorney with a busy private practice stops everything to help this hurting family so the aunts may make medical and educational decisions for the children. The solution is simple — one person helping one family in a time of crisis.

### **Cost of Health Care Rising Again**

Transported to a local hospital by ambulance, a 72-year-old retired teacher is distraught to learn Medicare will not pay the charges. Her doctor writes Medicare on her behalf and her home health nurse contacts the collection agency hired by the ambulance service. As a last resort, she calls Mission First Legal Aid Office for help appealing the denial of benefits. A volunteer attorney represents her at a hearing wherein the administrative law judge reverses the prior ruling, finding that the ambulance transport was medically necessary and that the Medicare contractor should proceed to process her claim for the services.

### **Homeless a Hurdle in City Revitalization**

“Miss Ann” has been on the streets for 15 years in Tennessee, Alabama and Mississippi. Her age and declining physical and mental health force her to settle in Jackson, Miss., her last stop. She is tired. Her family long ago gave up on her. After failing to keep the rules for placement at a women’s facility, a local community agency contacts Mission First Legal Aid Office. Working with Southside Assembly of God Church, a volunteer attorney helps her complete the application for a safe, clean apartment at an affordable monthly rent. The relationship between the woman and the volunteer attorney does not end with the moving date. Each month, the volunteer takes “Miss Ann” to the bank, post office and grocery store, and to pay her cable television and telephone bills.

### **Foreclosures at All-Time High**

A terminally ill man rents a home and pays his landlord faithfully each month. One morning he opens the front door to find a notice to vacate. Frantically, he tries unsuccessfully to contact his landlord and finally turns to his hospice social worker for guidance. With her help, he learns that the landlord failed to pay the mortgage and the house is being foreclosed. Overwhelmed with having to find another place to live and at the thought of packing and moving in his weakened state, the man is desperate. His social worker calls Mission First Legal Aid Office. On behalf of the tenant, a volunteer attorney requests the mortgage lender for additional time for the hospice center to help the man find another place to live. The mortgage lender graciously agrees and, because the rent charged previously by the landlord/mortgagee is greater than the mortgage payment, the lender lowers the rent to be paid in the interim.

### **Thousands Jobless as Another Plant Closes**

The divorced father of two is no longer able to meet his full child-support obligation after his employer decides to shut the factory where he is employed. As the amount of arrears steadily increases, he seeks help to modify the court order until he can find another job paying as much or more than his last one. The volunteer attorney contacts the Department of Human Services Child Support Enforcement Division to make it aware of the circumstances, helps the father present his case, and speaks on the father’s behalf in court. The court approves the temporary downward modification and continues the hearing for 60 days at which time the court will re-evaluate the father’s employment situation.

### **Elderly Not Gone, But Forgotten**

Loneliness, isolation, immobility — these problems face many seniors. Estranged from her family for years, the 88-year-old widow has much time to think about the preparation of a will, health-care directive and power of attorney in case her physical and/or mental health decline. A volunteer attorney visits her small apartment to discuss her life experiences, neighbors, the cost of a cab ride to and from the health-care facility, the perceived wrongs by her family, and, eventually, the legal issue at hand. When the legal documents are complete, the attorney returns with a notary to get the documents executed so the widow can have peace of mind.



# THINGS I HAVE LEARNED

## Slow Down

Most attorneys are list makers. We have a plan. We are goal oriented. We have places to go, people to see and deadlines to meet. We want to be in control. While there is nothing wrong with making plans, we need to be receptive to unexpected opportunities that may disrupt self-imposed deadlines. There is value in savoring the mundane, the routine, the so-called unimportant details of life.

## Recognize Your Sphere of Influence

Since becoming director of the Mission First Legal Aid Office, I am more aware of people — the cashier at Kroger, the housekeeper at the Marriott, the middle-aged man stocking shelves at Wal-Mart, the colleague struggling with a teen-ager. Our paths cross with many people who need an encouraging word or just an acknowledgment that they exist, that someone sees them, not just the uniform or role they have assumed. I challenge you to notice those around you.

## Live in the Present

Do you have a cell phone, a pager, a Bluetooth, a BlackBerry? I understand why these devices are necessary for some people, but I encourage you to live in the present. Turn off the cell phone and pager when you are with your family. Nothing is more important than engaging with your spouse and children.

## Focus on the Individual

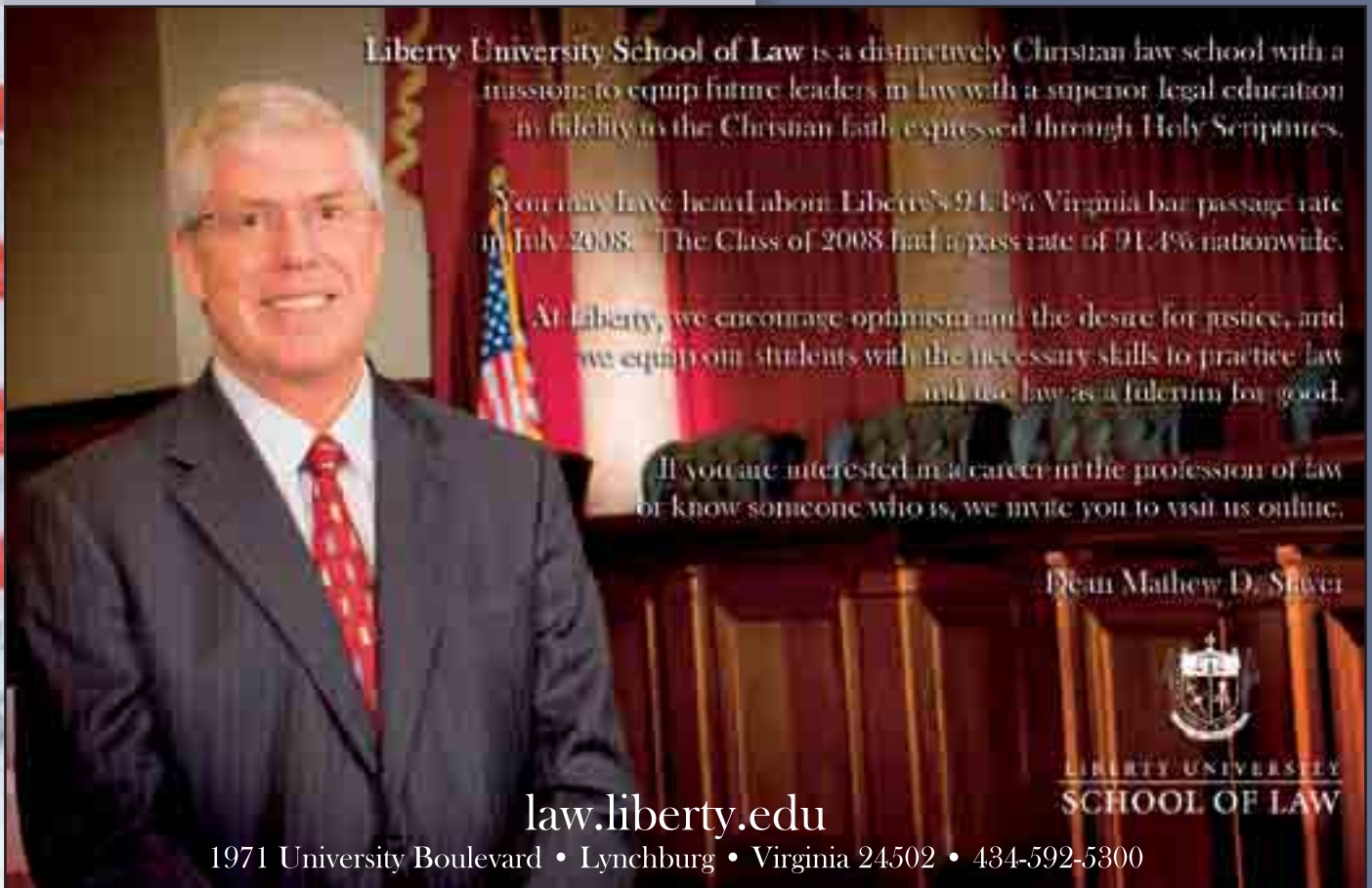
The numbers are overwhelming. I have learned to focus on the individual I meet for the first time, the person I am helping navigate the legal system, or the volunteer I am training. Don't let the statistics or the numbers overwhelm you into doing nothing.

As attorneys, we are blessed with the intelligence, training, and sphere of influence to help those struggling under the weight of a legal issue they do not know how to resolve, and who do not have the resources to retain legal counsel. I challenge you to stand in the gap for our underserved neighbors.



*Patricia C. Gandy, J.D., is the director of the Mission First Legal Aid Office, in Jackson, Miss., which provides legal services and spiritual counsel to qualifying residents of the Jackson area.*

*For more information, contact Patricia Gandy at [Gandy@mc.edu](mailto:Gandy@mc.edu) or 601-608-0056.*



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## Religious Liberty In the Age of Obama

By Gregory S. Baylor

**H**ow might President Barack Obama – and a Congress whose majorities share his party affiliation – affect religious freedom? This article addresses three ways in which Obama is likely to affect religious liberty.

### The Faith-based Initiative

In 1996, Congress passed and President Bill Clinton signed welfare reform legislation. The bill's "charitable choice" provision made it easier for faith-based organizations to serve the poor and needy with government funds. Specifically, it forbids the government from categorically excluding religious groups from welfare programs and from requiring them to abandon their religious identity in order to participate.

Soon after his inauguration, President George W. Bush launched his own faith-based initiative. He created a White House Office of Faith-Based and Community Initiatives, set up similar offices in federal agencies, and supported legislation designed to add charitable-choice provisions to legislation governing other federal social service programs. Many in Congress opposed giving federal money to groups that preserved their religious character by drawing their leaders and employees from among those who shared their religious commitments, characterizing such prac-

tices as "discrimination." Legislation stalled, and Bush implemented charitable choice in many cases through administrative action.

During his presidential campaign, Sen. Obama set forth his views on the faith-based initiative. He indicated that he favored government working with religious social service providers to meet social needs, referring favorably to Clinton's signing of welfare reform legislation, and saying that it "opened the door for faith-based groups to play a role in a number of areas, including helping people move from welfare to work." More significantly, he declared that faith-based organizations receiving federal funds should not be allowed to consider religion in their personnel practices, something he labeled "discrimination." Sen. Obama thus signaled his intention to depart from Clinton's and Bush's support for the freedom of religious employers to staff on a religious basis.

Within a month of his inauguration, Obama issued an executive order creating the White House Office of Faith-Based and Neighborhood Partnerships. The executive order articulates the administration's commitment to working with faith-based and neighborhood organizations on social problems, "while preserving our fundamental constitutional commitments guaranteeing the equal protection of the laws and the free exercise of religion and forbidding the establishment of religion."

Obama's executive order does not specifically address whether his administration will respect faith-based groups' religious staffing freedoms. Instead, it gives the exec-

utive director of the faith-based office the power to "seek the opinion of the Attorney General on any constitutional and statutory questions involving existing or prospective programs and practices." Many observers expected Obama to announce that the federal government would no longer allow religious employers receiving federal funds to "discriminate" on the basis of religion in employment.

### The Employment Non-Discrimination Act

Members of the 111th Congress will certainly introduce proposed legislation that would forbid discrimination in employment on the basis of "sexual orientation." In previous Congresses, such legislation has been labeled the "Employment Non-Discrimination Act," or ENDA. It has usually sought to amend Title VII of the Civil Rights Act of 1964, which bans employment discrimination on the basis of race, sex, religion and national origin.

Bans on "sexual orientation" discrimination often present religious liberty issues. Many religious traditions, including orthodox Christianity, teach that homosexual behavior is immoral. Organizations with these religious views typically disapprove of *conduct* rather than "orientation" per se; in addition, they usually disapprove of *all* sexual intimacy outside the marriage of a man and a woman. Nonetheless, such organizations are typically deemed guilty of "sexual orientation discrimination" when they make personnel decisions based on these religious views.

To address this conflict with religious



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## ‘LET US HOPE THAT SUPPORTERS OF RELIGIOUS FREEDOM WILL MAKE THEIR VIEWS KNOWN TO THE PRESIDENT AND THE CONGRESS OVER THE NEXT FOUR YEARS.’

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freedom, past versions of ENDA exempted religious organizations from the proposed ban on sexual orientation discrimination. The version initially introduced in the 110th Congress, however, appeared to be somewhat more limited. It categorically exempted only those employers that “ha[ve] as [their] primary purpose religious ritual or worship or the teaching or spreading of religious doctrine or belief.” With respect to employers that did *not* fall within this categorical exemption, the ban on sexual orientation discrimination would not apply “with respect to the employment of individuals whose primary duties consist of teaching or spreading religious doctrine or belief, religious governance, supervision of a religious order, supervision of persons teaching or spreading religious doctrine or belief, or supervision or participation in religious ritual or worship.” There was an additional, somewhat unclear provision that would have allowed religious employers to require employees in “similar positions” to conform to those religious tenets the employer declares to be significant.

It is highly likely that the 111th Congress will pass a version of ENDA. Obama has repeatedly indicated that he would sign it. The key question, therefore, concerns how the bill will treat religious employers. It is difficult to imagine that the next version of ENDA will not contain a religious exemption; the uncertainty lies in how broad that exemption will be. The effect of such a law on the free exercise of religion will turn on the scope of its exemption and on how it is enforced.

### Judicial Nominations

Obama’s judicial nominations will likely have the greatest impact on religious liberty. As this article goes to press, the president has nominated Judge Sonia Sotomayor to replace retiring Justice David Souter. Obama might have the opportunity to name one to three additional nominees to the high court. Of course, his nominations to the lower federal courts could eventu-

ally number in the hundreds.

It is reasonable to speculate that many of his nominees hold views and will issue decisions inconsistent with a proper understanding of religious freedom. Princeton professor Robert P. George writes that “[w]hat Obama’s judicial nominees will have in common is a belief that judicial power may legitimately be used, and should be used to achieve left-liberal moral and political goals. George also argues that the practical realities that constrain action in the economic and foreign policy realms will make it all the more likely that Obama will deliver to “the left, fully and without dilution, victory on the moral and cultural issues,” particularly through the courts.

It bears noting the Obama’s vice-president is Joe Biden, who served on the Judiciary Committee throughout his Senate career. Among other things, Sen. Biden voted against Clarence Thomas, John Roberts and Samuel Alito. Sen. Obama himself voted against Roberts and Alito. All of these justices have issued decisions reflecting a proper understanding of religious freedom. One could plausibly predict that President Obama’s nominees will largely mirror the positions taken by Justices Stevens, Souter, Ginsburg and Breyer, all of whom more often than not issue decisions in church-state cases that contradict genuine religious freedom.

### Conclusion

It is reasonable to be concerned about how religious liberty will fare during the

Obama administration. Obama’s version of the faith-based initiative may not respect religious staffing freedoms. The version of ENDA he signs might not have an adequate religious-employer exemption. And the judges he appoints might not embrace a proper understanding of church-state relations. Nonetheless, in a democratic republic, we citizens have the right – and the responsibility – to express our concerns to our elected representatives. Let us hope that supporters of religious freedom will make their views known to the president and the Congress over the next four years.



*Gregory S. Baylor is director of the Center for Law & Religious Freedom, the advocacy division of the Christian Legal Society. He is a graduate of Dartmouth College and Duke University School of Law. He has been on the center’s staff since 1994.*

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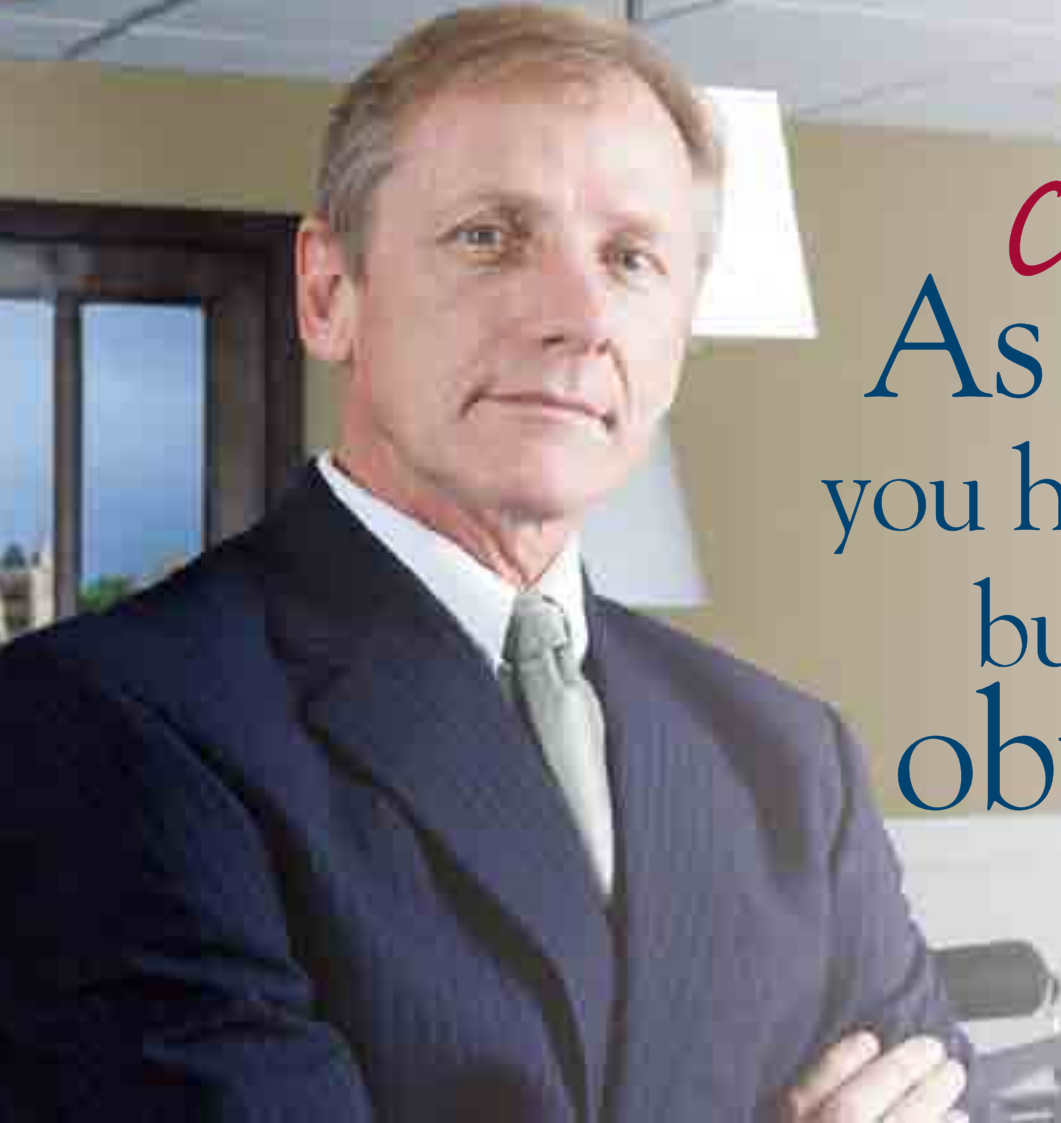
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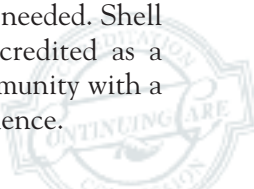
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# LAW STUDENT MINISTRIES



## Discipleship and Real Belief

By Michael P. Schutt  
Director, CLS Law Student Ministries

Now that exams are over, clerkships are secured, and “summering” has begun, I find myself looking back at our year in ministry with law students. As I think about all the action — meetings, prayer times, retreats, conferences, and 20,000 cups of coffee — I wonder: What have we actually accomplished in their lives and on their campuses? It’s good to reflect, to decide where you went wrong and where you went right. As I daydream about what I *wish* we had done, it leads me to a more focused reflection on our mission. What is it that *we ought to be doing* in the lives of Christian law students and on their campuses across North America?

The short answer: making disciples. My prayer is that Law Student Ministries will both encourage law students to desire discipleship and enable them to make disciples.

What does that involve?

Dallas Willard, in his important book, “The Divine Conspiracy,” identifies a key weakness plaguing most attempts at making disciples. He also identifies a solution:

“One of the greatest weaknesses in our teaching and leadership today is that we spend so much time trying to get people to do things good people are supposed to do, without changing what they really believe.

It doesn’t succeed very well, and that is the open secret of church life. We frankly need to do much less of this managing of action, and especially with young people. We need to concentrate on changing the minds of those we would reach and serve. What they do will certainly follow, as Jesus well understood and taught.”<sup>1</sup>



This is one of the great challenges in any discipleship ministry, and Law Student Ministries is no exception. If Willard is right, the most important thing we can do to help students encourage real discipleship on campus is to start with *real belief*. If we *really believe* that following Christ is the greatest opportunity we can imagine, we will act like it.<sup>2</sup> Therefore, our mission starts with changing minds.

Willard suggests that to change minds we must directly confront beliefs that hinder confidence in Jesus as master and help disciples understand that God’s love for them has no “catch” and no limit.<sup>3</sup>

But how can we do this? How are we to teach that God’s love has “no catch”? Who says it doesn’t? How do we know the difference between beliefs that oppose Christ as master and those that exalt him? How can we even know who God is or what he is like?

There is, of course, only one sure answer: the Holy Scriptures.<sup>4</sup> The best way to order our work in encouraging discipleship, beginning with real belief, is to rely on God’s revelation of himself in Scripture. Law Student Ministries is committed to

the authority of Scripture, and those who join us in this ministry have made the same commitment. In fact, members sign a statement of faith affirming the sources of real belief, beginning with the nature of God, the deity of Christ, the work of the Holy Spirit and the authority of the Bible. Because discipleship begins with *real belief*, it is good to begin there.

Building on that foundation, however — by engaging the beliefs on campus that hinder confidence in Christ as master — is often difficult. While there is general openness on campus to the honest exchange of ideas, it is always a challenge to overcome the cultural presuppositions imbedded in university life. Lately, for LSM, this challenge has taken shape around the standards of conduct for CLS members. While it is perhaps a bit ironic that a discussion about “standards of conduct” might illuminate our discussion about “changing minds,” I think it does.

### Culture or Scripture?

About twice a semester, I receive correspondence from students who object to certain portions of the standards. They

## ‘OUR MISSION STARTS WITH CHANGING MINDS.’

generally don't write to ask that standards renouncing anger, theft, envy or drunkenness be abolished. Instead, it is usually about sex. They write to object to the CLS position that members and leaders should "abstain from acts of the sinful nature" and that those acts include all extra- and pre-marital sex.

The curious thing is that almost none of the correspondents write about actual sexual misconduct on the part of leaders or members. Instead, the objections to the standards are based on principle. Students worry, for example, that outsiders might be offended by the standards, or that CLS is wrong to call certain sexual activity "sinful." The criticism of the standards is more about the authority question than it is about sex. Who is able to say what is right and what is wrong?

Which takes us back to the very heart of our discipleship ministry: Do we care what the Scriptures *really* teach, and do we *really* believe them to be the authority for our lives?

If Scripture really teaches that extra-marital sexual activity is wrong — that it is among the sins that separate us from God — then it is not "loving" to deny that fact. Only where there is sin does it make sense to talk about the freeing power of grace. I am certainly in need of that grace, and it would be hypocrisy to claim that I do not sin. Yet I am also called to repent, and there are people who confront me when I do sin, so I can experience God's forgiveness and grace. If I am afraid to tell others of God's grace and the need for repentance, I am not loving them, but rather, I am condemning them. I would be hardhearted and cruel, knowing the truth, to let them live in bondage.

Yet I wonder how often the central questions are being asked on campus by disciples of Jesus. Do we *really believe* that Scripture is God's revelation of himself? If so, are we asking what the Scripture *really teaches* about human sexuality? While the Scriptures most certainly speak of the unique role of our sexuality, I think that we often adopt our culture's assumptions rather



*CLS law student members get together at a recent National Law Student Convention.*

than reason from the words of Scripture.

Students today face severe and unprecedented cultural pressure to adapt their own sexual conduct — and ideas — to cultural rather than biblical norms. But as disciples we follow, as best we can, what the Scriptures say. Although we all fall short of that standard, as a community of apprentices we pick one another up when we fall, lead one another to repentance, and teach one another the truth in love. We know that we are part of a broken world, ourselves broken and disordered people struggling to make sense of our own limitations and selfishness. That makes it all the more important that we seek to live a standard based on God's revelation rather than cultural norms or peer pressure.

It's not just about sex. But we talk about sex — and sin and grace and repentance — not because we are committed to micromanaging others' conduct, but because we are committed to the Scriptures as the source for right belief. And right belief —

*real belief* — is the foundation on which to build true discipleship.

- 1 Dallas Willard, *THE DIVINE CONSPIRACY* 307 (Harper San Francisco 1998).
- 2 *Id.* at 292. As Willard explains, the man who found a treasure in the field wasn't sweating over its cost (he went and sold everything he had, after all). The only thing he was sweating was whether he would "get the deal."
- 3 *Id.* at 30, 321. There is, of course, more that follows in Willard's "curriculum," including the training of our bodies through spiritual disciplines, but that is a topic for another day.
- 4 See for example, Question 2 of the Westminster Shorter Catechism and its answer: "The Word of God, which is contained in the Scriptures of the Old and New Testaments, is the only rule to direct us how we may glorify and enjoy him."



*Michael P. Schutt is the director of the Christian Legal Society's Institute for Christian Legal Studies and also is an associate professor at Regent University, where he has taught since 1993. He has written and taught on the relationship of lawyers, faith and culture.*



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## Fear Not!

By Sam Ericsson

What is the most frequent command in the Bible? It's repeated 365 times. It's not "Love God," "Praise God" or "Rejoice always!" Rather, the most frequent command in Scripture is "Fear not!" God's oft-repeated command says a great deal about his view of the human condition: Man lives with fear.

I can't recall a time when our nation and the world have been driven as much by fear as they are now. One week it's the swine flu "pandemic"; the next week it's the economy on the verge of "catastrophe"; then it's the Taliban threatening to overrun a nuclear Pakistan, followed by the collapse of Detroit, Wall Street and the banks. The 24/7 news cycle constantly feeds our fears.

Yet God tells us 365 times: "Fear not," "Do not be afraid" and "Be anxious for nothing." Is God just the Eternal Optimist, the Ultimate Wishful Thinker, our Universal Cheerleader? How can we trust him when he says, "Fear not"? How does God know tomorrow? Next week? Next year? How can the apostle Paul write: "And we know that in all things God works for the good to them who love him, who have been called according to his purpose" (Romans 8:28)?

### The Very Best Seat at His-Story's Parade

While growing up in Southern California, I went to several Rose Parades on New Year's Day. In order to get front-row seats, we camped out the night before in sleeping bags. The five-mile parade of bands, floats, equestrian units and celebrities lasted nearly three hours. Sitting on the sidewalk, we could only see the band, float or unit directly in front of us. If you wanted to see the entire parade from beginning to end at

one glance, you'd need to be in the Good-year blimp circling miles above for the TV networks.

Moses helps us understand God's view of His-Story's parades in Psalm 90:4: "For a thousand years in your sight are like a day that has gone by, or like a watch in the night." We make a huge mistake when we reduce God to a mere Super-man. God is not just smarter than a trillion Einsteins, or more powerful than a quadrillion nuclear bombs. God is unique, indescribable and incomparable. Unlike mortal man, God is not locked into time and space. He is outside time and space. He is above His-Story's parade. He sees the first day of creation and the last day of history in the same eternal present. For him, yesterday, today and forever are in God's singular moment. He is above it all. Again, Moses wrote in Deuteronomy 4:39: "Acknowledge [i.e., admit as true!] and take to heart this day [i.e., live it!] that the Lord is God in heaven above and on the earth below. There is no other."

### What's going on here?

A co-incident is the intersection of two incidents. The horizontal dimension is our doing what we believe is right. The vertical dimension is God's will. This intersect provides an "Aha!" moment. Consider two recent co/incidents pointing to the vertical:

◆ Not too long ago AI Executive Vice President and General Counsel Sam Casey and I were discussing plans to collaborate with several global networks – such as Alliance Defense Fund, Peacemaker Ministries, International Justice Mission, Campus Crusade for Christ and the World Evangelical Alliance – in

helping our seven Global Task Forces carry out their agendas. When I mentioned Alliance Defense Fund and the name of their new International counsel, Ben Bull, Sam's cell phone rang. It was Ben Bull! Co/incident! We met with Ben one week later.

◆ I recently spoke at our church on "Who Is Directing Your Parade? Discovering God in the Details of Life." As I left our house to make copies of my outline, I grabbed a book lying on the floor that I had put off reading for seven months – Lynn Buzzard's superb study on Ezekiel: "Dry Bones, Flying Chariots and Edible Scrolls." While the copier churned out 300 copies, I began reading Lynn's book. Imagine my surprise when I reached Page 30:

"Undergirding the entire prophetic witness of Ezekiel is a core Biblical conviction ... that history is the arena of God's action. God acts in and through history. In part, one reads history to find out God's character, his purposes and identity. As my colleague Samuel Ericsson keeps insisting, 'History is HIS-Story.' The God of the Bible is identified as the God who acts – in real time, at places on maps, in the streaming of people ... God is dynamically engaged with His created world."

Who gets the credit — "Lady Luck" or Father God? Co/incidents are evidence pointing to the visible hand of the Invisible God who is outside time and space. He is the author of His-Story. David is right on: *All the days ordained for me were written in your book before they came to be (Psalm 139:1).*

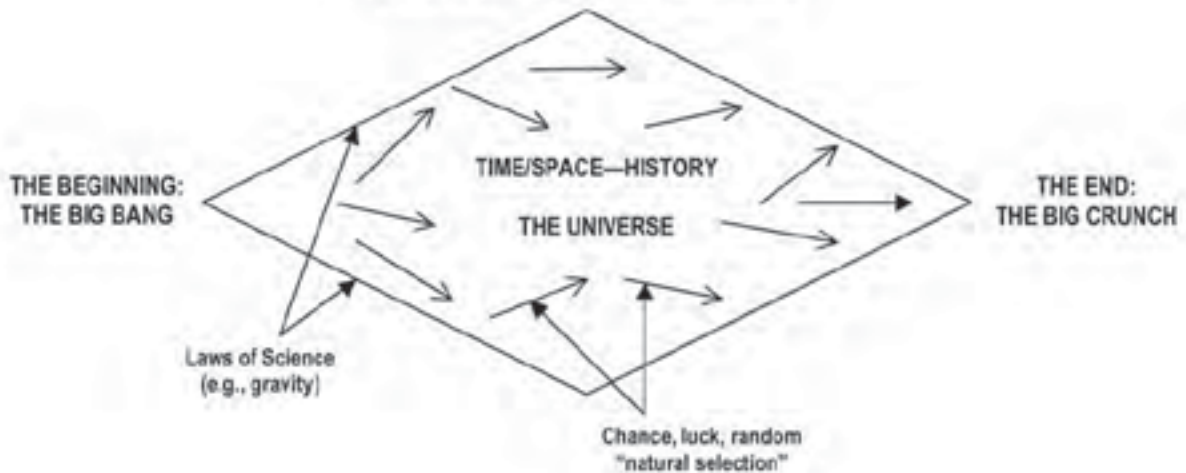
Our amazing God writes, directs and produces His-Story's parade. He knows the beginning, the ending, and every event in between, big and small. God is never surprised. We need never fear while living in His-Story.

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

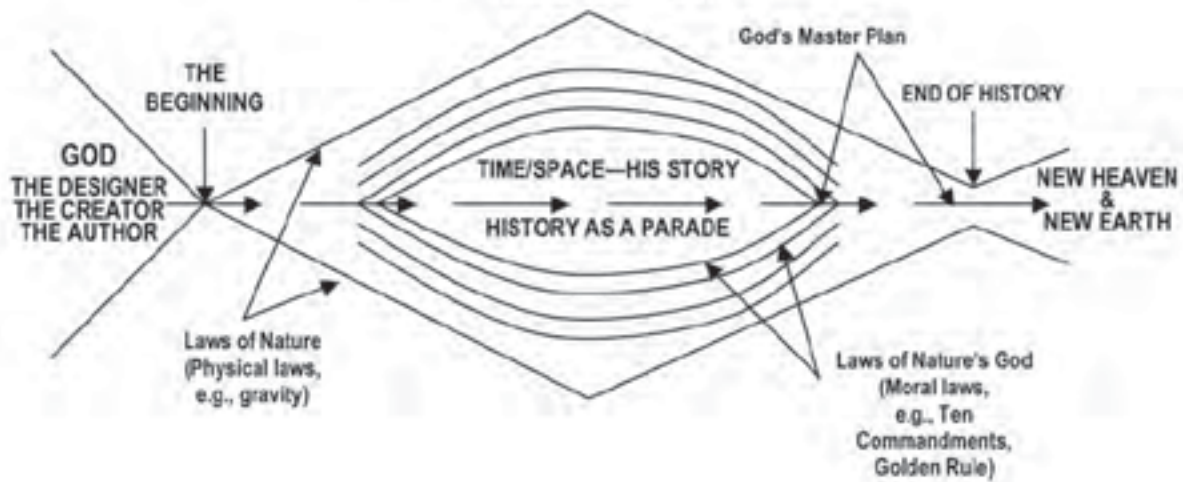
# THINKING OUTSIDE THE BOX

## A Brief History of Time and Eternity

**A CLOSED SYSTEM: No design or designer**  
(materialist / naturalist / elitist / non-theist)



**AN OPEN SYSTEM: A Design and a Designer**  
(Biblical worldview)

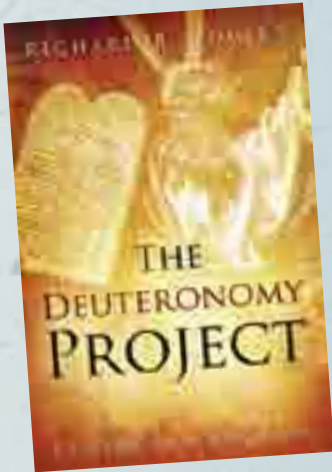


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## The Deuteronomy Project: A Journey Into the Mind of God

By Richard Couser



I found Hal in his study on a late summer evening, when the early chill of fall was in the air. He was sitting in a deep red chair, facing the hearty flames of a fireplace. A soft, dim light flowed from the floor lamp over his shoulder. Two other lamps, on a table and a desk against opposite walls, helped illuminate the room. The study walls were floor to ceiling bookcases on every side, broken only by the entrance door, two west-facing windows with small panes, and the space where his desk was set into the bookcases between the windows. Like a condensed library in an English manor house or an expanded office of a university professor, bathed in the suffused orange of gentler light, it spoke as the dwelling of one who lived by words. Hal invited me to sit in the shallower and harder green chair across from him. Would he help me study and understand Deuteronomy? I had purchased some commentaries by various academics and others about the book, and I was willing to read them — in fact I had already begun to do so. But I wasn't getting to the spiritual heart of the book, so I pressed my case with Hal.

He needed little persuasion. He didn't have a lot of people to pastor anymore, he told me. It would be a joy to his heart to share what he could with me. He asked me to commit to meet with him regularly and to prepare for the meetings, not just by reading Deuteronomy but by reading background on it, studying it so we could talk at more than a superficial level. When I assured him I would, he reached for his Bible resting on a nearby table.

"Open your Bible to Deuteronomy and follow me while I read," he said.

"Moses proclaimed to the Israelites all the Lord had commanded him concerning them ... The Lord our God said to us at Horeb ... Then, as the Lord our God commanded us ... When the Lord heard what you said, he was angry and solemnly swore ... Because of you the Lord became angry with me also and said ... But the Lord said to me ..." (1:3, 6, 19, 34, 37, 42).

"You see, Chris, that's only the first chapter of Deuteronomy, and already the words you are reading have been given six times as the very words of God. You are not reading the great American novel. And this is not a 'page turner' to hold you breathless until the next fictional adventure. Rather, you have come onto holy ground, where the author of all that is — the only final and ultimate reality — has shared with you a glimpse of that reality. You are peering into God's mind more surely than the scientist who studies the far reaches of the universe through images from great satellite-mounted telescopes, or one who teases from DNA molecules the secrets of the chemistry of being. And your author is about to take you on a journey that will carry you farther and reveal more to you than journeying to outer space on a rocket ship.

"Contemplate the term 'word.' The acts of creation occur as spoken word — 'God said' — let there be light, an expanse between the waters, dry ground, living creatures, man in our image. God reveals himself to humanity through both word and deed, but the deeds in turn are remembered and told and retold through the word. Word is communication, and communication is the essence of the triune God: Father, Son and Holy Spirit. 'Word' expresses thought, logic, rationality, relationship, feeling and finally becomes the expression of God himself: 'In the beginning was the Word, and the Word was with God, and the Word was God.' It is in this — the living Word — that holds all things together. Martin Luther wrote, 'But to hear God is bliss, even if He were to sound out the same syllable all the time.'

"In your soul, you have sensed what 'the words' really are and are really about. You're afraid to see God. You're afraid to know him. That's why you're stuck in your journey. You aren't the first, but you have this — few who read these words have any understanding of the Awesome Presence in which they stand. You have felt the fire and seen the cloud. Don't turn back. Press on!"

It was enough for the evening. I was seized with awe and a dread. I thanked him for his words and fled into the night journey home. Hal had pried the scales a little bit loose from my eyes. I tried to see into the dark, beyond the short range of the headlights, all the while keeping my mind on worldly things enough to stay on the right side of the road and not be blinded by the oncoming masses of glass and steel.



# IN MEMORIAM: RICHARD BATES COUSER

By Roy S. McCandless, Esq.

**R**ichard Bates Couser died on September 23, 2008 after a valiant battle with brain cancer. He was 67 years old. Dick enjoyed a wonderful and fulfilling family life with Linda, his wife of 42 years, their two children, Alison and Jonathan and their spouses, and seven grandchildren.

Dick loved God by serving people. He valued his relationships with his clients – fragile and wounded individuals, businesspeople trying to do what was sensible, religious or charitable organizations trying to make the world better or to spread God’s love. Dick solved problems. He never raised his voice. He rarely expressed his emotions with loud laughs or cries, but grinned or smiled easily with his eyes. He expected excellence from his coworkers and trusted, guided and treated respectfully younger colleagues who practiced with him. His ministry to Christian attorneys in New Hampshire is legend – due to his inspiration and sheer energy Christian attorneys met regularly in Concord for prayer and Bible study, and each year statewide prayer breakfasts brought Christian attorneys together for encouragement. His last admonition to the local Concord fellowship of attorneys, in the midst of his battle with cancer, was for each of us to press deeply “to really know God, and to experience His



love,” which the cancer – a dreaded enemy – had nevertheless allowed him to do in a new and fresh way.

Dick grew up in Lebanon, N.H., and delivered newspapers as a boy in the cold New Hampshire winters. He rose to become an Eagle Scout, faithfully serving as a counselor, nature director and program director at Camp Carpenter in Manchester, N.H. He graduated from Phillips Exeter Academy in 1959, Yale College in 1963 and Stanford Law School in 1966, where he served as recent-developments editor for the Stanford Law Review. He practiced law for 38 years at Orr & Reno, and during his last four years at D’Amante Couser Steiner Pellerin, P.A., both in Concord, N.H.

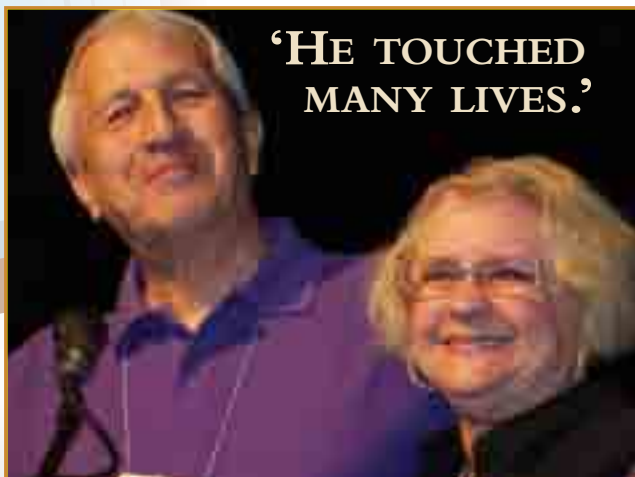
Those who worked professionally with Dick saw him as a lion of a man, graceful, powerful and precise. Some people compared him to a Rolls Royce – turn him on to a case and just let him run. But

those who loved him associated him with the car he often drove – a well-traveled diesel Mercedes – a never-failing vehicle of quality, style, power, soft leather and fine craftsmanship – with a canoe strapped to the top.

He was a leader in the legal community, serving on the board of the Christian Legal Society for 10 years, as secretary for two years (2002–04), and as president for two years (1998–2000). His first book, “Ministry and the American Legal System,” a 400-page, hardcover guide for pastors and church leaders, is still in print and finds increasing use in seminary classes.

Dick served God through loving people. He helped organize a Concord branch of A Better Chance, a program that helps students from failing inner-city schools improve their opportunities for success through education. He served as president of Concord’s Rolfe & Rumford Home, a refuge for poor and needy children, as a board member and vice president for Mount Zion Christian School, and as a board member and treasurer of the New Hampshire Council of Churches. He touched many lives.

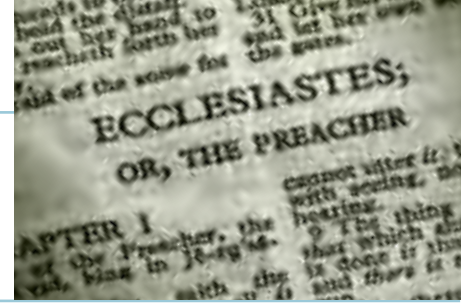
Dick loved Jesus and Deuteronomy. His second book, “The Deuteronomy Project: A Journey into the Mind of God” was published a few months before he died. In it, Dick paints a wonderful fictional story about a lawyer and the pastor who guides him into the awesome mystery and mind of God through the book of Deuteronomy. Reading it, one feels Dick’s heart warmly glow as he reveals the God whom he loved and served, and a faith that gave ground and meaning to all his work, his life and his relationships.



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*CLS member Roy S. McCandless, a graduate of Harvard Law School, has practiced law since 1988. He tried cases and counseled clients with Richard Couser for more than 12 years as his partner at New Hampshire law firms Orr & Reno, P.A., and D’Amante Couser Steiner Pellerin, P.A. McCandless and his wife, Susan, live in Concord, N.H., with their four children.*

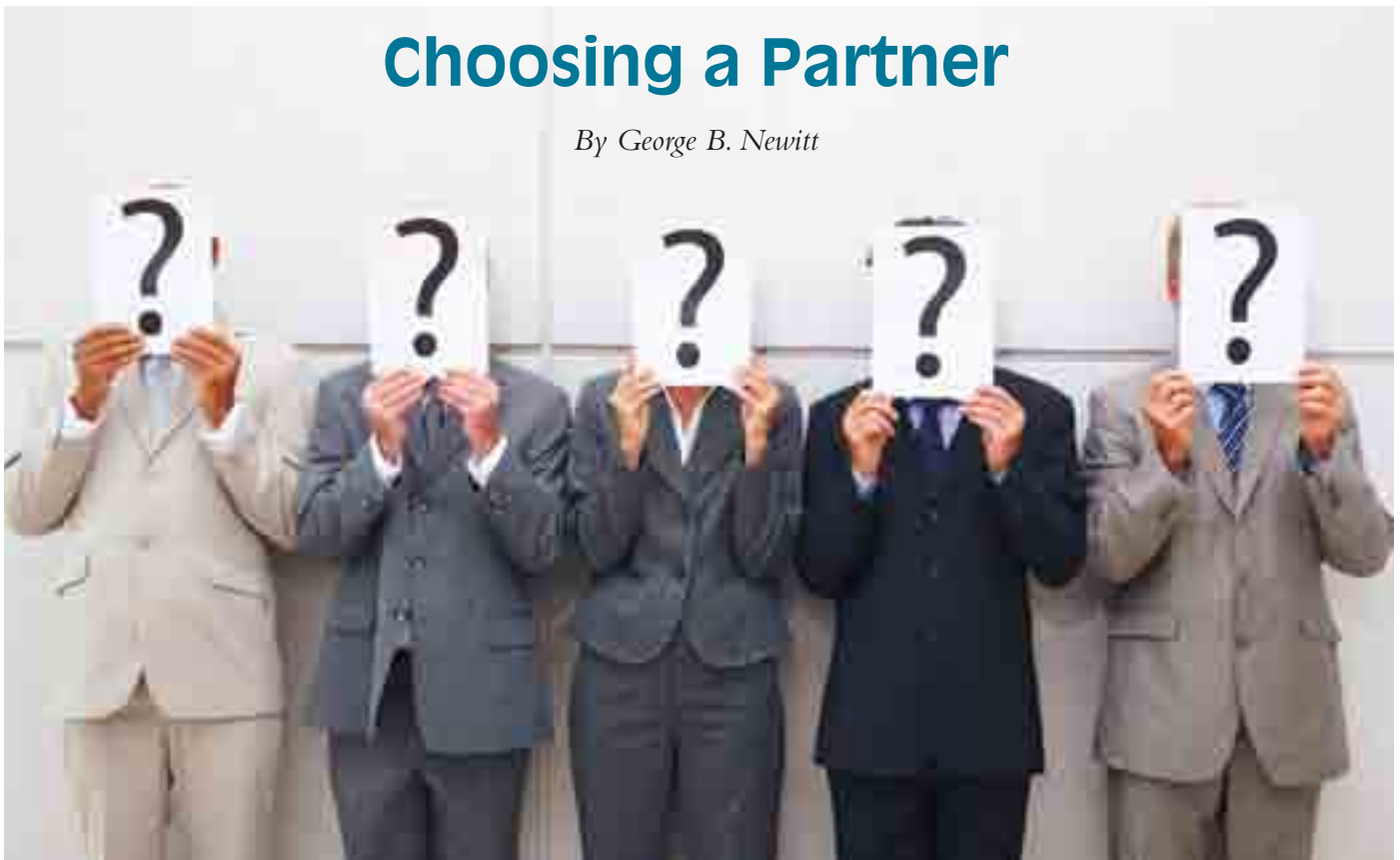
# ECCLESIASTES 1:9



**Editor's Note:** When I took over as the editor in chief, I spent a good deal of time re-reading past issues of *The Christian Lawyer* and CLS Quarterly magazines to get a feel for the history of CLS' publications. In doing so, I discovered numerous articles that speak to us as cogently and clearly today as they did when they were first published. This regular new feature of *The Christian Lawyer*, simply called "Ecclesiastes 1:9," offers new members the opportunity to gain wisdom from years past, while giving longtime members the opportunity to reread articles that may have impacted their lives many years ago. I hope you will enjoy these reprints as much as I have in choosing them. If you remember an article from days gone by that you believe can speak to us today the way it did back then, please let us know so we can consider it for future issues.

## Choosing a Partner

By George B. Newitt



Law students have frequently asked me, "How can you be a partner with a lawyer who is not a believer? Isn't such a partnership contrary to Scripture? Do you believe in being 'unequally yoked' together with unbelievers?"

Basic research on 1 Corinthians 6:14 refers the reader to Moses: "Thou shalt not plow an ox and an ass together" (Deuteronomy 22:10); i.e., we should not help pull the wagon of unbelievers. Paul

concludes in verse 17, "Wherefore come out from among them and be ye separate."

In my youth, both my family and my church frequently referred to Paul's words. Usually this passage is applied to marriage, but a law partnership is also a close relationship. In fact, lawyers spend almost as much time with their partners as with their families. Running a partnership involves important ethical issues: What kind of cases do we take? Do we argue as fairly

as possible for the position of our clients? Do we make charitable contributions? Do we refuse representation of an important monied client who wants to come as close to illegality as possible? Do we make demands on our associates that preclude a happy family life? How do we formulate our changes?

Analyzing the "unequally yoked" passage requires considering the context, the times in which the admonition was given and

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**‘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.’**

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good common sense. Paul does not say specifically what he means by this expression. Common sense tells us that outside a monastery, avoiding interaction with unbelievers is impossible. As Bible commentator Philip E. Hughes wrote, “It would be a serious mistake to conclude that Paul is here condemning all contact and intercourse with non-Christians; isolation of this sort would, as he has previously written (1 Corinthians 5:10), logically necessitate departure from the world.”<sup>1</sup>

### Unequally Yoked

Within our own families, there are unbelievers. Can we avoid being unequally yoked with our parents, our siblings? In his first letter to the Corinthians, Paul told wives who were yoked to unbelieving husbands to continue “to dwell with [them]” (7:13) and that in the homes of unbelievers it was permissible to eat meat offered to idols (10:27). Paul also indicated that he had become all things to all men (9:22). Such contacts fulfill the Lord’s commission to go into the world and preach the gospel.

Certainly, then, it is possible to have day-to-day contact with unbelievers without becoming their partners. I believe the key to interpreting Paul’s command not to be “unequally yoked” lies in understanding the moral state of Corinth at the time. Corinth was a pagan city full of idolaters. It may be that Paul’s statement about being all things to all men encouraged the Corinthian believers to enter into unholy alliances, a situation that would prevent the church from flourishing. Therefore, Paul warns the church to avoid participating in the world’s *uncleanness*, not in the world itself. “What agreement has the temple of God with idols” (2 Corinthians 6:16)? The gullible Corinthians, swayed by the false teachings of invaders and phonies, were returning to the evil yoke. To prevent them from carrying false gods and idols into God’s sanc-

tuary, Paul urged a clean break with idol worshippers. As Calvin observed, “when Paul says that the Christian has no portion with the unbeliever, he is not referring to food, clothing, estates, the sun and the air . . . but to those things which are peculiar to unbelievers from which the Lord has separated us.”<sup>2</sup> Christian purity is a theme reiterated throughout the Old Testament. God ordered Israel to separate itself from the uncleanness of pagan life (Isaiah 52:11). Paul continues this theme as he admonishes the Corinthians to be separate.

### Conformity Without Compromise

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. Now that we are light, will such a partnership compel us to hide under a bushel? While this possibility exists, we cannot ignore that Paul conformed to society without compromising the integrity of his faith or lowering his moral standards. If a partnership makes demands that require compromise, clearly that association is prohibited.

However, a partnership with those who disagree with our theology need not cause us to compromise our integrity or moral standards. I have had partners who do not share my Christian beliefs who are highly ethical, nonjudgmental and even supportive of my Christian witness. My position and authority as a partner were not diluted because I refused to participate in some ac-

*Continued on Page 28*

*raising the standard*

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## ‘A PARTNERSHIP WITH THOSE WHO DISAGREE WITH OUR THEOLOGY NEED NOT CAUSE US TO COMPROMISE OUR INTEGRITY OR MORAL STANDARDS.’

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### CHOOSING A PARTNER

*Continued from Page 27*

tivities I believed would compromise my testimony. My partners have never taken a position contrary to Judeo-Christian principles in practicing law or operating the firm.

In 2 Corinthians 6:15, Paul asks, “What concord has Christ with Belial (translated as Satan or sons of worthlessness)?” I have never equated my partners with Satan or worthlessness. Some commentators who construe the verse in isolation say believers and unbelievers have nothing in common, but my experience indicates that Christian lawyers have many things in common with unbelieving colleagues: love of family, love of humanity, devotion to charity, the need to make a living, satisfaction in a job well done, emphasis on professional ethics, desire to improve the administration of justice.

Nevertheless, association or partnership with unbelievers is not for all Christian lawyers. Some prefer to work with those who are of like mind in spiritual matters, those with whom they can pray and share burdens. Undeniably, these significant fringe benefits are available only within Christian law partnerships.

Thus, when law students question the

application of Paul’s admonition not to be “unequally yoked,” I suggest they experiment by accepting a position as a clerk with a law firm that has a good ethical reputation in the legal community. After a summer internship, they will have a good idea whether they and their Christian testimony would be welcomed. Likewise, if they believe Scripture points them toward an all-Christian firm, I recommend the same experiment. Christians, too, can be difficult on occasion.

Thirty-five years in an “unequally yoked” firm have not always been a joy and delight, but they have been personally and professionally rewarding. We have had some disagreements and difficult days, but I can say that my association has never caused me to compromise my Christian witness. I have nothing but admiration and respect for my partner, and I know of other firms of equal caliber who would welcome an energetic Christian law graduate. As analysis of 2 Corinthians 6 reveals that the Christian lawyer is free to join in partnerships with other Christians and non-Christians.

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1 Hughes, Philip E. Commentary on the Second Epistle to the Corinthians. Grand Rapids, Michigan: William B. Eerdmans, 1962: p. 245

2 Huges. *supra* p. 251.

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*George B. Newitt, now retired, was CLS president from 1990 to 1994. He is a graduate of the University of Notre Dame Law School who specialized in patent and trademark law. This article was first published in the CLS Quarterly in the Winter 1989 issue.*



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**An Evangelical on the Left**



By: Anna Waldherr

An Evangelical on the Left examines the place of faith in the public forum.

Author Anna Waldherr makes the case that Christian religious beliefs and Neo-Conservative political policy are fundamentally at odds, particularly with regard to the poor and disadvantaged. Biblical in outlook, An Evangelical on

the Left addresses a variety of controversial topics with a fresh eye. The book is uncompromising in relaying the Gospel message of love and forgiveness.

The book is available in paperback through [www.Amazon.com](http://www.Amazon.com) or [www.BarnesandNoble.com](http://www.BarnesandNoble.com) or directly from the Publisher: [www.TatePublishing.com](http://www.TatePublishing.com) • Phone: 405-376-4900



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**‘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

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**Conference.** Pronunciation: \ˈkän-f(ə)rən(t)s, -fərən(t)s;  
Function: *noun*; 1. a meeting of two or more persons for discussing matters of common concern; 2. a body of people come together in one place.

— Merriam-Webster's Online Dictionary (1) & Thesaurus (2), 2009

## The Value of Fellowship

By Brent McBurney

It is with great fondness that I recall my first CLS national conference at the Snowbird Resort in Utah in the fall of 1994 — and I thank the Lord for his faithfulness to me through CLS. At that time, I was working for Advocates International, had been married a little more than six months to my wife Elizabeth (we recently celebrated our 15th anniversary), and was still praying about whether and where to go to law school. By the grace of God, I was not accepted at the three private schools to which I had applied earlier that year, and had begun to think about less expensive alternatives. (I ultimately graduated from George Mason University in 1999 as an in-state student.)

What a blessing to meet so many Christian lawyers and law students that first time. Many became friends and colleagues who offered me wisdom and guidance through my decision-making process. Looking back on that first conference and the many conferences since then, I thank God for the fellowship and encouragement I have found there. Knowing that there were like-minded brothers and sisters in Christ who were in the practice of law helped me to better approach and appreciate my own journey into, through and beyond law school.

Although I am blessed to attend a wonderful church with two tremendous pastors and a leadership team that is

biblically sound in doctrine and strong in faith, there have been times in my life when the wisdom that I needed to hear from the Lord came not through those in the church leadership, or even fellow parishioners, but from fellow lawyers. As we practice law and face challenges, there are certain things that we either cannot divulge, or if we could, would not truly be understood by those unacquainted with the law. We need the encouragement and guidance of like-minded professionals.

As the writer of Hebrews says: “Let us hold unwaveringly to the hope we profess, for he who promised is faithful. And let us consider how we may spur one another on toward love and good deeds. Let us not give up meeting together, as some are in the habit of doing, but let us encourage one another — and all the more as you see the Day approaching” (10:23-25, NIV).

As Donald Guthrie wrote in “The Letter to the Hebrews: An Introduction and Commentary”: “There is no doubt that immeasurable influence for good can come from the powerful example of right-minded people in association with others. The New Testament lends no support to the idea of lone Christians. Close and regular fellowship with other believers is not just a nice idea, but an absolute necessity for the encouragement of Christian values.”

Whether you have never been to a CLS national conference or you have never missed one, we want to encourage you to make the time to join with fellow CLS

members this October as we meet in San Diego. Don't give up meeting together, but allow yourself to be an encouragement to others. As you are preparing to join with us, consider how you might spur another attorney or law student toward love and good deeds. In doing so, maybe you too will look back many years from now and be able to remember your first CLS conference with great fondness and thank God for His faithfulness to you through CLS.



Brent McBurney (above middle) is the director of Legal Aid Ministries and Attorney Ministries for the Christian Legal Society.



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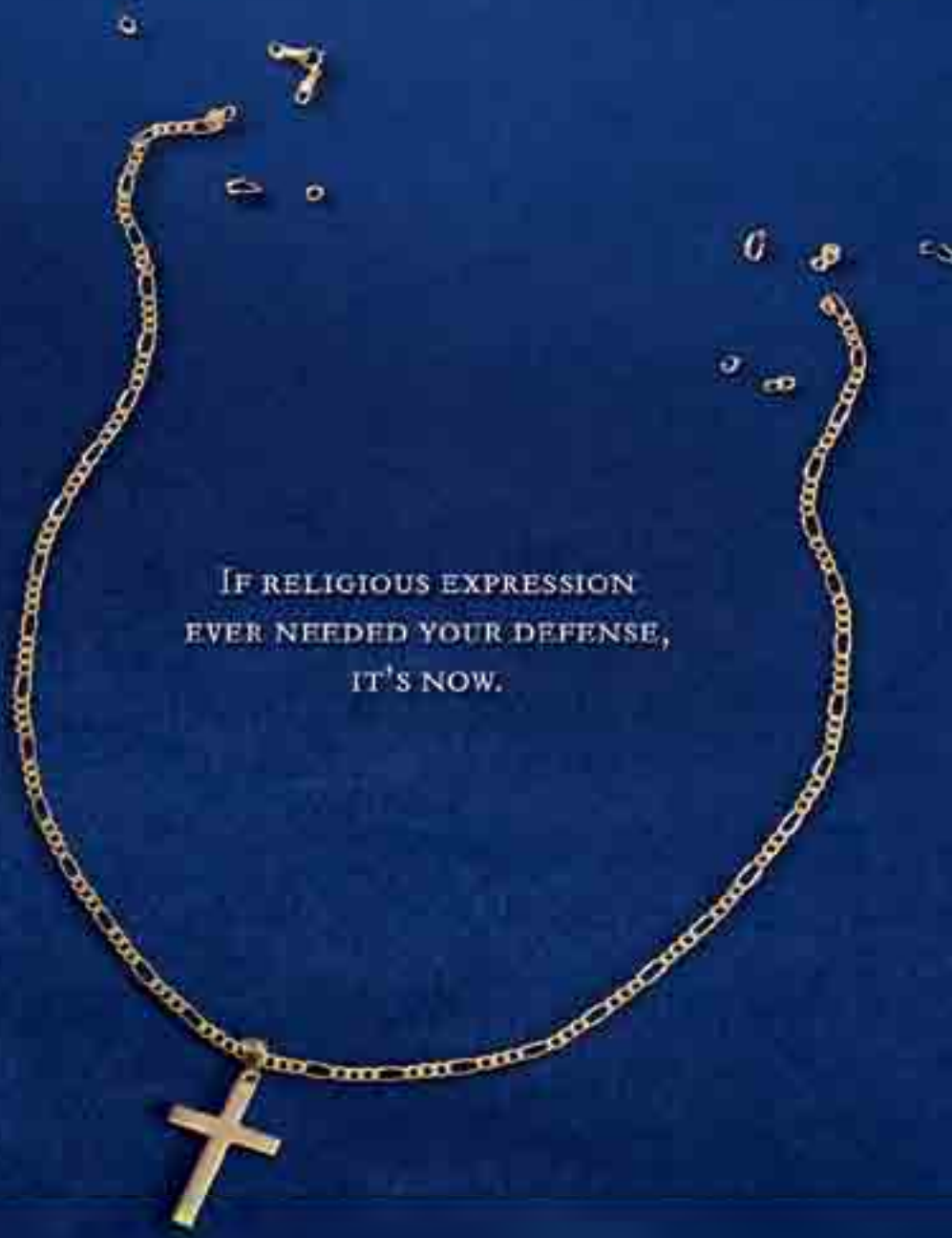


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