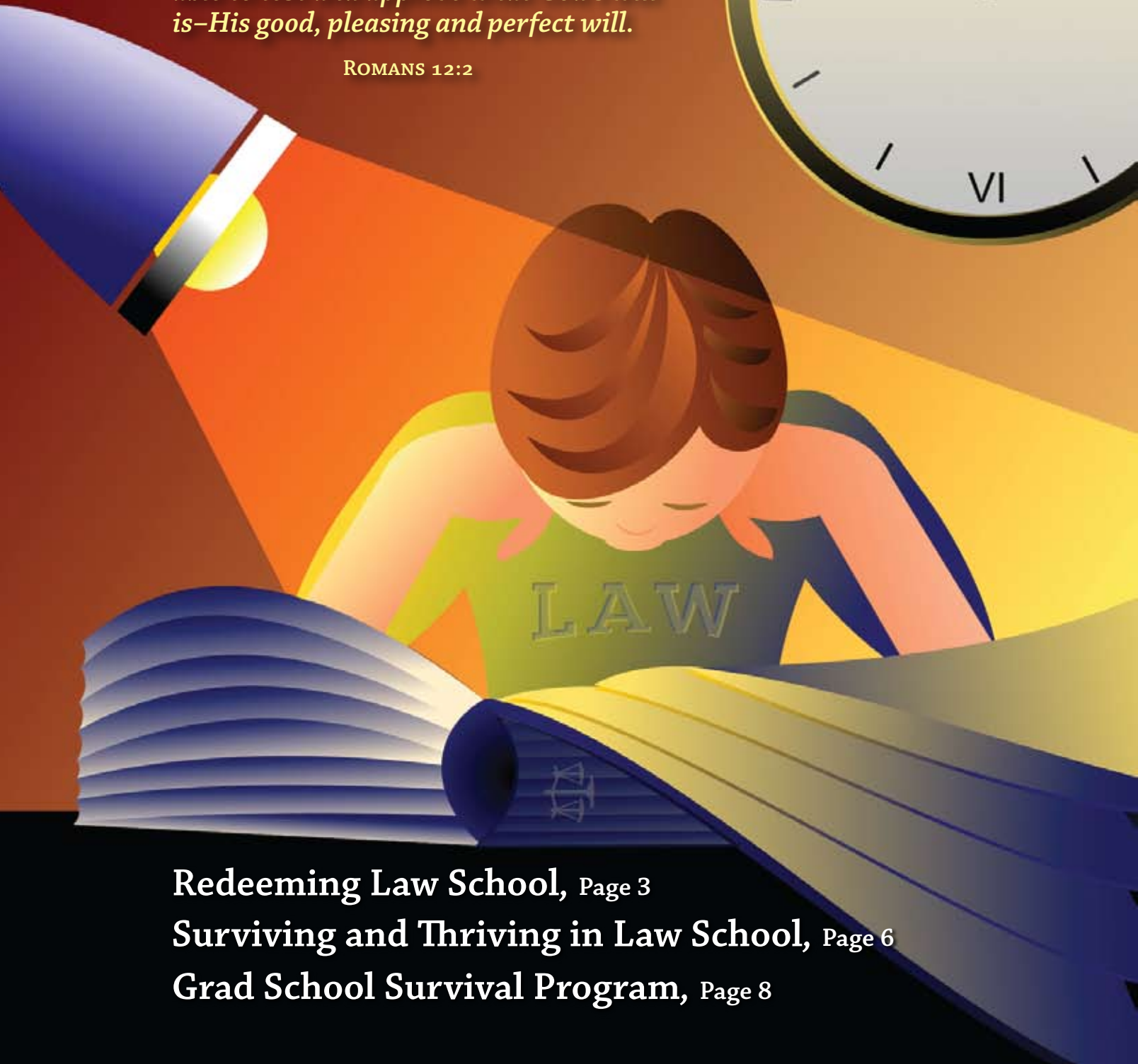


THE CHRISTIAN LAWYER®

Vol. 5, No. 3
Fall 2009

Do not conform any longer to the pattern of this world, but be transformed by the renewing of your mind. Then you will be able to test and approve what God's will is—His good, pleasing and perfect will.

ROMANS 12:2



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FELLOW HEIRS WITH CHRIST

By Craig Shultz

I don't know why I almost find it enjoyable to tell embarrassing stories of incidents in my life. But as I thought about my comments for this issue of the Christian Lawyer magazine that would focus on ministering to law students, it was only natural that my mind wander back to some of my experiences in the mid-1970s.

If law school wasn't scary enough by itself, the idea of being called upon to stand (or even sit) and recite the facts of some case and tell the professor about its issues never ceased to be a subject of at least some consternation. Of course, in our class there were guys who had more courage than the rest of us. Once, when student after student had passed on a question asked by the professor, he came to my friend Chris and asked, "Well, why don't you tell us what you think?" Chris, without hesitation, simply replied, "What I think is it's time to get a cup of coffee," at which point he immediately rose to his feet and left the room, returning shortly thereafter, his Styrofoam coffee cup in hand.

Most of us just weren't that brave. My most personal experience with class recitation goes back to class on real property. We were discussing, as I recall it, some case that referred to the transfer of property by deed and how that was affected by terms such as "heirs of the body" and "bodily heirs." Somewhere, in the midst of what I'm sure was a masterful recitation, I heard a snicker. It seemed insignificant at first but pretty soon I heard another and then they increased, both in frequency and volume. I instinctively knew that this sudden misplaced humor was of my doing but I had no idea why and there was no time to investigate. So...I just kept going. By the time I was finished, the laughter was quite consistent and, with absolute confidence that it was clearly directed at me, I leaned over to my friend and simply asked him what I'd done. Between laughs, he happily told me. Now in my defense, I'm telling you that, under just a little pressure, the "h" in the word "heir" sure doesn't look like it is silent. But my frequent references to "bodily heirs," as innocent as they were, took on a whole new meaning. To this day, whenever I see that word, I remember that class.

Law school can be a nervous time in life. Most of you reading this note have already made it through. Like me, years later, you can still remember the pressure. If you are a student now, CLS wants to do what it can to help you navigate these years. The Law Student ministries division of CLS wants to be there by your side. Law professors often volunteer as CLS chapter advisors and volunteer their time, together with local attorneys, to mentor and provide needed encouragement and support. Perhaps you are already an attorney and will consider what you can do to help a student handle that pressure well.

But students, there are many others just like you who will simply join together on a regular basis to share experiences and support each other in prayer. That fellowship with other Christian brothers and sisters, fellow "heirs" with Christ, may well be the most important part of your years together, forming relationships that will last a lifetime. Don't miss the opportunity to be a part of such an experience.

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.

LETTERS TO THE EDITOR

THE
CHRISTIAN LAWYER®

Fall 2009, Vol. 5, No. 3

Dear Readers,

In July, CLS began sending out bi-weekly devotional emails to our members. Written by CLS member Charley Cole, these E-Devotionals have been well received. If you haven't been getting the devotionals and would like to receive them by email, please make sure the CLS has your most current email address by updating your member profile at www.clsnet.org or by emailing us at memmin@clsnet.org. Here's what some of our members had to say about the devotionals.

Thanks for the great devotional message that CLS sent to me today. It was a very helpful reminder that God is sovereign over all and that I am always called to love my neighbor (and even my enemy) with the love of Christ.

Steve Plaisted
Gaithersburg, MD

Great reflection! Thanks for sending it. I look forward to receiving the succeeding issues. I'm not 93—far from it—but the lessons and insights are useful to keep in mind.

Charles E. Damon
Grand Rapids, MI

Nice job. Beautifully said. Have already this morning passed it on to family and friends.

Kevin S. Cooman
Rochester, NY

Wow....that was helpful and what I needed today. thanks.

Roger Castle
Denver, CO

**You can read these bi-weekly
E-Devotionals on our website at
www.clsnet.org/membership/publications/e-devotionals**

NOTE: Some readers raised concerns regarding the article on pages 9-10 in Summer 2009, Vol. 5, No. 2 by Robert Palmer, specifically regarding the UPDATE at the bottom of page 10. The Editors wish to clarify that the UPDATE was the opinion of Mr. Palmer and that CLS does not endorse any political party.

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.

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We encourage the submission of article and story ideas by our readers. For a copy of our editorial guidelines, please write or send an e-mail to the editor. Unsolicited manuscripts and poetry are not accepted. A query letter must be sent first to editor@clsnet.org describing a proposed manuscript. Any unsolicited manuscripts will not be returned.



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Redeeming Law School

By Jeff Gissing

Where does Christian Legal Society fit into the diverse mix of interests and causes found in most law schools? What's the point of gathering? These questions need to be answered in order for CLS groups to flourish. Fulfilling one's mission is impossible unless there is some clarity about what it is. Asking these two questions can help move a chapter toward understanding that its mission is to be a redeeming influence on the people, ideas, and structures of the law school.

When thinking about how a chapter relates to the law school, it's easy approach the question by falling back on received understandings of how Christ and culture relate. In my work as a campus pastor I see three dominant views among Christian law students.

Engaging the Law School

Critics

The lived experience of legal study makes it easy to identify that tensions exist between the discipline and the Christian worldview.¹ Keenly felt by many, it is often not easy to find language to express this. What began as an intuition of dissonance often becomes, with further reading and study, a real existential quandary.

Christian students experiencing this tension naturally find, in gathering, a safe place to discuss and debrief. A result can be that our primary posture toward the law school is critique and deconstruction. In this view, Christ stands in judgment of both legal education and the practice of law.

Separatists

Others fail to discern such a tension or deal with it by highlighting the separation of faith and study. As members of the law school community and followers of Christ, we can find ourselves settling into a bracketed, separatist existence: Christianity has nothing to say to legal study. The ethical norms of the profession become the moral compass for study and practice, effectively standing outside of Christ's Lordship. Our understanding of existence as a Christian law student or lawyer becomes rooted in the personal and individual experience of God.

Influencers

Others, feeling this tension, are unable to settle simply for critique or separation, but work to create a community that has some sort of redemptive witness in the law school. These influencers often experience some of the same tensions, alienation, and confusion as others. The difference is what they do with it. They fail to make these things central to their identity. Instead, they seek to live out their faith, bringing it to bear wherever it naturally fits.

These three postures largely define the outcome of a group's interaction with the community. Those that are heavily populated with critics and separatists tend to develop into small groups that provide a place to debrief and deconstruct law school. Such a fellowship is often immensely helpful for those who are a part of it, but these groups fail to reflect the heart of God who desires that those who are estranged and alienated from Him should be reconciled.

'WHEN WE TALK ABOUT AN IDEAL CLS GROUP WHAT DO WE HAVE IN MIND? SIMPLY THIS: A GROUP . . . UNITED AROUND A COMMON MISSION, TO BE A REDEMPTIVE WITNESS.'

Continued on Page 4

Being Missional

When we talk about an ideal CLS group what do we have in mind? Simply this: a group of students united around a common mission, to be a redemptive witness. A healthy fellowship doesn't focus totally on itself nor does it focus totally on others. There is a healthy rhythm of looking inward and outward. In truth balancing these is no easy task. In my work with law student groups, I have attempted to keep four key commitments in mind.² If you're doing these things, living these values, the chances are good that God is using things, big or small, to achieve His ends.

Spiritual Formation

Central to a CLS group's identity is growth in godliness, or spiritual formation. This is one part of students' lives that it is easy for them to neglect. Most spiritual disciplines take place in isolation. Failing to pray or read Scripture isn't readily discernible to others in the same way that skipping church is. Both, however, are equally inimical to growth.

It's imperative for student groups to shoot for regular common prayer, and regular discussion of the Scriptures. Moving these disciplines out of isolation and into community allows us to lean on one another to make the sacrifices necessary to grow in godliness and in witness.

Community

Finding community in the law school is a challenge. The chief barrier to real community is the proximity of relationships. Who hasn't heard references to law school that compare it to high school? It is an intense experience shared with a relatively small number of people. Students spend a lot of time studying and talking. They see each other all day, every day. But physical proximity is not the same as community. Neither is interaction.

Community is centered on our common experience of Christ and speaks out of that experience, bringing it to bear on our lives. It is rooted in the truths of the Gospel and thus speaks with a degree of critique of the law school way. Truth-telling community expresses the values of the kingdom. It reminds us that GPA and class rank are not appropriate criteria on which to judge a person's worth. That future wealth, while a blessing, also bestows responsibilities that the prudent person prepares for in the absence of wealth. While the law affords prestige and status afforded to few other professions, such are not the measure of a person in God's eyes. This is at least one way that CLS is of service to the broader church: preparing lawyers to enter their career with a perspective broadened and influenced by the Christian worldview.

Witness

Witness is central to what it means to be a follower of Christ. God commissioned the Christian community to go.³ The law school can provide a good place to live out and discuss the Christian faith. While legal education may lack language to describe how law and faith relate, there is no doubt that the law interacts regularly with our most deeply held religious convictions. Such interactions provide an opportunity to state how the Christian faith influences our view of culture and our understanding of the moral issues for which the law seeks to provide a remedy.

Law students are passionate people. Where Christians can demonstrate that they share a concern for, say, justice and mercy, bridges can be built. Christian Legal Aid is a natural avenue to connect public interest law and the Christian Gospel. Demonstrating that being Christian commits us to caring for the poor and powerless ("widows and orphans") can provide a better chance for the community to receive our concern for the sanctity of human life.⁴

It is good for members of the law school community to demonstrate a "third way," one that places the Christian story as the chief source forming our understanding of the world. As Ross Douhat notes in a recent discussion of Pope Benedict XVI's encyclical *Caritas in Veritate*:

"Why should being pro-environment preclude being pro-life?...Does opposing the Iraq war mean that you have to endorse an anything-goes approach to bioethics? Does supporting free trade require supporting the death penalty?"⁵

This is the sort of faithful witness that will, by God's grace, gain traction and slowly begin to remove barriers to the faith.

Integration of Faith & Learning

God desires that we also devote our minds to him. It is critical that students find a place where they can talk about what they're learning. Does a law exist because it expresses a foundational, immutable truth that is part of the fabric of the universe? Or, does it exist to produce a desired result that is beneficial for a large number of people at the least possible cost?

This is a very real quandary. Where may students address it? Do they even care to try? Many are content to live as what J. P. Moreland has called "empty selves." The empty self lives in such a way that it "...perverts and eliminates the life of the mind and makes maturation in the way of Christ extremely difficult."⁶ We need places that provide access to resources and discussion that can move us from passive consumers of legal training to people who learn well by learning in conversation with the Christian tradition.

**'OUR GOAL SHOULD
BE TO INFLUENCE THE
COMMUNITY TO WHICH
GOD HAS CALLED US.'**

The law school is a unique and challenging place for vibrant Christian witness. To be missional, we must keep the mission front and center: to be a redeeming influence on the people, ideas, and structures of our law school. We have to be aware of the posture we as a group bring to our interaction with the school. We need to be aware of our tendency toward critique. Are we, alternatively, withdrawing? Our goal should be to influence the community to which God has called us.

We also must balance the four critical components of our mission. We must intentionally be making disciples, helping students experience spiritual formation. We must work to create a community where openness and transparency are modeled. Of course, we have to live out the message of the Gospel to the people we interact with looking for ways to bridge our community with other parts of the law school. And, finally, we must seek to provide a place where we can discuss the tensions inherent in the study of law. Are we encouraging students to think critically about what they are learning? Ultimately, it is God who will work through our communities of law students. It is God's grace to us that He allows us to be partners in His work.

- 1 For more on these inherent tensions, please see Mike Schutt, *Redeeming Law*. (Downer's Grove: IVP, 2007) and Joseph Allegretti, *The Lawyer's Calling*. (New York: Paulist, 1996). More resources are available at: <http://www.regent.edu/acad/schlaw/crossgavel/resources2.cfm>.
- 2 These are the four commitments of InterVarsity Christian Fellowship's Graduate & Faculty Ministries, a ministry partner with CLS in reaching law students nationwide. See: www.intervarsity.org/gfm/lsm.
- 3 Matthew 28:19f.
- 4 James 1:27.
- 5 Ross Douthat, "The Audacity of the Pope." *New York Times* (July 12, 2009). Available at: http://www.nytimes.com/2009/07/13/opinion/13douthat.html?_r=1
- 6 J. P. Moreland. *Love Your God with all Your Mind*. (Colorado Springs: Nav-Press, 1997), p.88.

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Surviving and Thriving in Law School

By Michael P. Schutt

‘TO SEEK TRUTH AND GOODNESS IN THE LAW IS A DIFFICULT TASK.’

I am often asked how a Christian can make it through law school as a faithful witness to Christ. While I can't say that I've found "The Answer," I've decided over the years that there are three ingredients that students should keep on the front burner as they begin cooking in the law school kitchen: vocation; our calling to pursue truth, goodness, and beauty; and the prevailing presuppositions of the American legal academy.

Keeping these "ingredients" front and center will require intentionality, theological work, other people (that is, a broad community), and a heart geared toward worship. We'll start with the three ingredients.

Three Ingredients

Think Vocationally. One of the plainest problems in the church is the failure of ordinary Christians to understand ordinary work. God is a worker, and we are created in his image. We work because God places us, as he placed Adam, at the "sentry post" (to use John Calvin's term) to which he has called us. When walked out in faith, our ordinary law study, practice, or teaching has the potential to be the very instrument of part of God's ministry in this world.

He desires to love our neighbors, and He calls us to do that in specific ways: drafting wills or creating corporations so families can exercise faithful stewardship, vindicating the rights of victims, helping the state to punish wrongdoers, defending those accused of crimes, or bringing reconciliation through the courts or through mediation.

When we think vocationally, we evaluate our ordinary work as one of the instrumentalities through which God loves and serves others. God wants to minister to those around us, and, if we let Him, He will do it through us.¹ And if we know that God calls us into the law, we can be confident that our pursuit of Him will lead us to the many ways and means of loving our neighbors in and through the law. To live life in this pursuit adds purpose and richness to our practice and study of law.



Embrace the Duties that Come with Humanity. Just as we are created to be workers, we are also created to pursue "good." As an outgrowth of—or perhaps as a means to—the pursuit of the One who is Good, we pursue goodness, beauty, and truth. While a utilitarian may scoff at such a thing, this calling comes with the dignity of being creatures who are actually made in God's image.²

In the daily grind of law study or law practice—or any work after the fall, for that matter—it is easy to lose sight of the beauty, goodness, and truth inherent in serving the Great Lawgiver. This is especially true when our law school professors and other lawyers seem to have embraced a purely instrumentalist, pragmatic approach to law and legal institutions. Instead of seeking understanding that flows out of right understanding of the nature and sources of law, for example, we often presume, in today's academy, that law is merely a human artifact to be used as a tool for social engineering by lawyers who are merely social engineers.³

To seek truth and goodness in the law is a difficult task, and it requires "double study" in many ways for the busy Christian law student. But our calling as human beings demands nothing less.

Resist, Engage, and Redeem the Law School

Culture. If we know that the prevailing presuppositions of the American legal academy are instrumentalist, pragmatic, and (often) materialistic at the core, we need to be prepared rigorously to resist these assumptions as we study law. But as we resist, we'll also need as faithful students to engage these ideas on their own terms. This engagement should lead in time to transformation: the ideas, people, and structures of the law school campus will be changed (incrementally, perhaps) for the better, due to our winsome witness.

Four Utensils

Of course, it's easy to say all this. Can it actually be done? Here are four key utensils that will help any law student keep his or her ingredients in the right balance.

Be Intentional. It can be done, but one thing is certain: it won't just magically happen. Without purpose—without a decision to pursue the faithful walk in law school—it is easy to wander onto the easy path. Many of our law school colleagues are thinking about finances and prestige, rather than divine calling, as determining factors in the choices they're making. And our law school classes will be mostly devoid of talk of truth, goodness, and beauty in the law and legal institutions. And while materialism, instrumentalism, and pragmatism won't necessarily be preached, they will most certainly be presumed. So we must *purpose* to recognize the prevailing breeze and to act.

Be Theological. Recognize that the task at hand is a theological task in many ways. If law is not simply a human artifact, then what is the nature of law? What are the sources of law, if they are not solely political sources? And who says?

The relationship between divine and human law has been at the heart of the Western Legal Tradition since its foundation,⁴ and to untangle and understand these complex relationships, we need to roll up our sleeves and get our hands dirty—theologically speaking.

If we claim that our one reliable source for faith and life is the Holy Scripture, we need to study it in light of our calling. What does the Scripture say about the law and law practice, and what have the saints of the church said about it? What light can systematic theology shed on Torts and what insights might biblical theology grant to the study of contracts? Dig in!

Pursue Community. Community—our law school classmates, our pastors, our professors, mentors, and even the community of saints who are dead and gone—is essential to success in our task to think vocationally, to pursue truth, and to resist the prevailing culture. We can't engage such complex ideas in a faithful, theologically sound manner without others.

We need mentors. We need study partners. We need teachers. And in those roles, we need men and women who seek to be in right relationship to God. It helps if they are real flesh and blood humans, but some of the saints that have gone before must be part of our community as well: folks like Harold Berman, C.S. Lewis, Richard Hooker, or Thomas Aquinas are fairly helpful guides in these areas.

Worship. We should remember that our task as faithful law students is rooted in worship—the task of reflecting glory back to our Creator and Redeemer, the One who is both lawgiver and lawkeeper. As we study, we study to his glory. As we plan, we plan in humility and prayer. As we seek, we walk in the light of the Scripture.

If we know the One who calls us, then our calling will be sound. If we pursue the One who is the Truth, who is the Beautiful One, who is the Good teacher, we will find truth, goodness, and beauty—even in the law school classroom!

These four utensils—intentionality, theological work, pursuit of community and worship—will help us to keep the ingredients of a sound mind in the right balance. We must think vocationally, embrace the duties that come with humanity, and resist, engage and redeem the law school culture. After all, it's hot in the kitchen called law school. To withstand the heat, we need to be faithful.

- 1 For more on the doctrine of vocation, by which God uses us to love others, see Gene Edward Vieth, *God at Work: Your Christian Vocation in All of Life* (Crossway 2002).
- 2 On this point, see Josef Pieper, *Leisure, the Basis of Culture* (St. Augustine's 1998).
- 3 For an example of this mindset, see Richard A. Posner, *Law, Pragmatism, and Democracy* (Harvard 2003).
- 4 For more on this idea, see Harold L. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Harvard 1983).



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).

'IF WE KNOW THE ONE WHO CALLS US, THEN OUR CALLING WILL BE SOUND.'



The Grad School Survival Program:

How to send your spouse off to school without letting go of your marriage

By Elizabeth McBurney

After two years of marriage (and five years out of college), my husband started law school fulltime. We had heard horror stories of how marriages are ruined when one spouse goes back to school while the other works, and we were determined that it wouldn't happen to us.

One of the best things we did was to spend a lot of time on law school before classes ever started. We spent dozens of hours over several months planning, talking, and praying about the decision. Here are three of the big-picture ideas—and the ways they applied in real life—that kept our marriage from getting leveled by the back-to-school bulldozer.

Stay Stable

When Brent decided he wanted to go to law school, his first thought was to go for a high-powered, top-ranked private school that would virtually guarantee a great job at graduation. Then reality set in: Schools like that are tough to get accepted to, they're extremely expensive, and most of the ones he was interested in were several hundred miles from our home in northern Virginia.

After lots of prayer, discussion, and sifting through law school catalogs, we decided that stability in our family life was more important than a degree from a nationally known school. Brent applied to three schools, all in Virginia, all state-supported.

When he was quickly accepted by George Mason University School of Law (a ten-minute drive from our house!), we knew we were on the right track with our stability idea. With Brent attending George Mason, we could keep our condo, my job, and our church. Obviously, lots of couples move to a new town to start graduate school—such as my brother and his wife, who moved from Houston to Boston so she could go to law school—and survive just fine. Physical location is only one kind of stability, but it's worth preserving if circumstances will allow.

Maximize Togetherness

Once classes started, we heard endless variations of, "So how do you like being a law school widow?" We were glad to offer a sincere answer to a cynical question. We saw each other plenty, but it took concentrated effort and a firm commitment. Here

are some ways we made sure we'd still recognize each other at the end of three years.

Adjust the work schedule. Brent's classes usually started at 8 am, so instead of working from 9:00 to 5:30, I arranged to work from 8:00 to 4:30. This meant that Brent and I got up at the same time, ate breakfast at the same time, and left the house at the same time. Before the day really started, we'd already spent an hour and a half together. (And yes, time spent gesturing to your spouse while brushing your teeth counts.)

Treat school like a job. Even during semesters when his classes didn't start until 10 or 11 am, Brent went to the library at 8:00 every morning to study. He also stayed there until 6 pm most evenings. He confined as much of his schoolwork as possible to the regular business day, minimizing the amount of time he needed to study at home (and be unavailable to hang out with me). He was also careful to take a Sabbath every week. Even though he studied for eight to ten hours every Saturday, from Saturday evening to Sunday evening, schoolwork was verboten—except during finals, of course, when any pretense of keeping to regular routines went straight out the window.

As the semesters passed, we noticed that many of Brent's classmates set up similar patterns. This seemed especially important for the students who had children. Daycare schedules needed to coordinate with study and work schedules as much as possible. They worked hard to make time for outings that the whole family could enjoy—and slept very little.

One friend says she literally penciled herself in on her law-student husband's calendar to make sure they'd have time for each other. Even though those dates sometimes got broken,

"the fact that we were at least making the effort helped ease the loneliness a little," she says.



Eat together. We ate breakfast and dinner together nearly every day that Brent was in school. We started this

tradition when we were both working, and we didn't see any reason why school should make us give it up. Eating dinner together often required a little creativity, since several of Brent's classes were offered in the evenings. One semester, his Thursday classes ended at 6 pm and started again at 8 pm. So instead of cooking, I would drive over to the school and pick him up. We'd have time for a leisurely dinner (and a real conversation!) at a little restaurant near the school before I'd drop him back off for his late class.

Get Involved

This goes for both the spouse in school and the spouse at work. Although our first instinct was to have Brent avoid all extracurricular activities at school so he could spend every spare minute with me (see "maximize togetherness"), we quickly realized we'd both be happier if he participated fully in all aspects of school life.

So he joined the Christian Legal Society's student chapter and became its president. He won a spot on the International Moot Court team. He got elected to the Student Bar Association. And me? I got to go to all kinds of law school functions (more time together!). We socialized on weekend with several of Brent's new friends and their spouses, and, of course, we always kept our eyes open for student discounts. (The best one we found was free tickets to every performance at a nearby cultural arts center.)

A friend whose husband went to medical school got involved by inviting his study group to meet at their house. She also helped organize a spouses' group for get-togethers. She

adds one caution on the spouses' group: "Don't mingle students' husbands with students' wives. Develop relationships with members of your own gender so that you don't submit yourself to the temptation of an extramarital relationship, or even just a friendship, that would detract from your marriage."

The other side of the "get involved" coin is getting involved in your own life. I pursued several of my own interests, especially during those semesters when Brent had so many evening classes. I joined a women's prayer group. I volunteered at the county jail as a literacy tutor. I helped out with an inner-city ministry, taking kids on Saturday field trips. And when Brent had those crazy 10 pm Student Bar Association meetings, I took bubble baths, drank hot chocolate, and curled up with a good book. As another friend put it, "I have a lot of interests my husband doesn't share, and although I love him dearly and love sharing things with him, it was nice to be able to indulge those interests without guilt."

Obviously, all of the ways we coped with school won't work in every marriage. The key is to find out what things are important to the stability and togetherness of your marriage and then make sure school doesn't endanger them. The strain of school will probably show while you're in the midst of it, but with perseverance, your relationship won't be worse for the wear at the end.

This article originally appeared in Marriage Partnership magazine. Elizabeth McBurney is a writer, editor and mother in Alexandria VA, and has been married to Brent McBurney, Director of Legal Aid & Attorney Ministries for 15 years.

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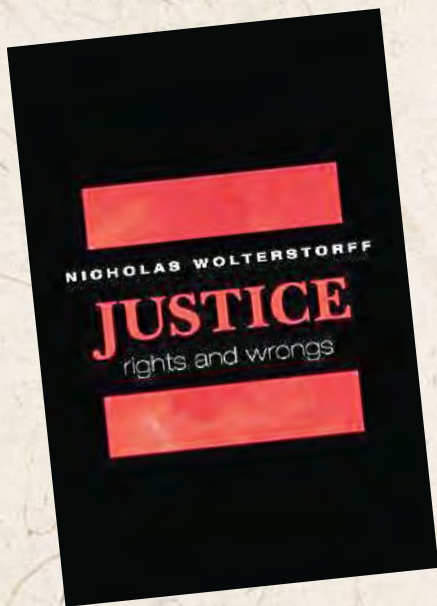
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Justice: Rights and Wrongs,
by Nicholas Wolterstorff
(Princeton, 2008)

BOOK REVIEW

by Scott Pryor

What do you get when you combine the contemporary emphasis on human rights, the Christian faith, and analytic philosophy? *Justice: Rights and Wrongs* by Nicholas Wolterstorff (Princeton, 2008). Wolterstorff recently retired as Noah Porter Professor of Philosophical Theology at Yale, and before coming to Yale in 1989, he taught at Calvin College. Together with Alvin Plantinga, Wolterstorff is widely recognized as bringing the rigor of analytic philosophy to the fields of philosophy of religion and the philosophical implications of Christianity specifically. He describes his reasons for writing *Justice* in personal terms. At a conference sponsored by a leading Reformed, Christian university in South Africa in 1976 Wolterstorff observed, in the responses of Afrikaner scholars to wrongs identified by blacks and “coloreds,” how appeals to examples of individual love and charity could be tools of oppression. From that time Wolterstorff increasingly realized that the concepts of justice and injustice were as equally fundamental as those of love and mercy. And he increasingly observed how the rich and powerful used appeals to love to blunt if not avoid legitimate claims of the wronged to justice.

Justice is a book of narrative and analytic philosophy, eminently readable but quite rigorous. Rejecting “methodological atheism,” Wolterstorff announces early in his Preface that he seeks to “develop a theistic account, specifically, a Christian account” of primary justice.

Wolterstorff anticipates objections to importing religious ideas into analytic philosophy by observing that “once upon a time” philosophers assumed that philosophy and religion had to be grounded in a few foundational and rational certitudes, excluding by practice if not definition concepts such as God and revelation. Foundationalism, however, has faded as the presupposition of analytic philosophers. In its place he suggests the contemporary paradigm as one of “dialogic pluralism” in which only the goal of the academic enterprise (rather than its starting point) is agreement so that along the way the philosopher is free to appropriate things from folks of various persuasions.

Beginning with biblical exegesis, Wolterstorff observes that the Old Testament has much to say about just and unjust actions, and also quite a bit about the role of justice in God’s relationship to his people (and humans in general). He conducts a lengthy analysis of the Old Testament Scriptures and correctly concludes that there are passages in which the Hebrew word *mishpat* [מִשְׁפָּט] (commonly translated as “judgment”) “is unambiguously used to refer to primary justice,” (73), not merely a well-ordered judiciary.

Wolterstorff next turns to the question of the proper role of justice in the gentile “nations.” Even though the nations did not have God’s Torah, the book of Amos makes it clear that the nations knew (or should have known) better than to do that for which they were condemned. Whence this knowledge? Hard to know for sure but Wolterstorff cites with approval Michael Novak’s *Natural Law in Judaism* at this point. Wolterstorff then proceeds to demonstrate the centrality of justice in the New Testament.

Moving from exegesis to philosophy Wolterstorff asks: Are rights grounded in duties? Or vice versa? More broadly, what accounts for rights and duties anyway? First, Wolterstorff addresses and rejects the divine command theory that posits that duties (the results of God’s commands) are fundamental and

מִשְׁפָּט

judgment or justice

**‘WHILE READING
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thus rights are derived from obligations. What the divine command theory lacks is an explanation of *why* commands—even divine commands—create moral duties (or rights, for that matter). Any persuasive theory of rights must presuppose something by virtue of which commands create obligations rather than constitute mere verbal acts.

What is this presupposition? What is the ground of moral obligation? Wolterstorff posits the existence of general “standing rights” and correlative obligations that under gird the ability of specific commands (or promises) to create specific moral obligations. The standing relationship creates the normative context which turns properly issued commands and promises into moral obligations.

Wolterstorff’s claim about standing rights and obligations entails something that many Christians might find unacceptable: that the human–divine relationship includes not only a normative context within which humans have a standing obligation to obey God (which forms the foundation for specific divine commands that create specific moral obligations) but that the same standing relationship forms the matrix within which human beings can have rights against God. He argues that if this were not the case then God’s promises (or set of promises, commonly called a covenant) would not create a moral obligation on the part of God. And if God had no moral obligation to keep His promises, humans would have no moral right to God’s performance of His promises.

Finally, Wolterstorff progresses to the question, how do rights work? Citing Ronald Dworkin for coining the phrase, Wolterstorff characterizes rights as *trumps*. Unlike boosters that add some points to a utilitarian calculation, one who plays the trump card of a right takes the hand: “If I have a right against you to the good of some action on your part, then your performing that action is to take precedence for you over whatever balance of life–good and evils might ensue . . .” (291)

So what accounts for attaching certain rights to the status of being human? The image of God in man [Genesis 1:26–27; 9:6] is the standard starting place for Christian theistic accounting for human rights. But just what is the image of God? Wolterstorff ties the image of God to the dominion mandate (or blessing). In other words, of all the ways in which human beings might be said to reflect or image God, that set that is “necessary for receiving and exercising the blessing or mandate of dominion” ties together those that are in fact used by ancient Hebrew writers when they expound on the idea of the image of God in man. (347)

But for Wolterstorff belief in human nature rooted in the image of God is not enough to account for human rights.

Why not? For the same reason belief in human nature rooted in the capacity for rational agency isn’t enough: it doesn’t matter that someone else has the set of capacities tied to the image of God; if I don’t have them (because I’m profoundly mentally handicapped, in a persistent vegetative state, or suffering late-term dementia), I’m not due the respect that such capacities deserve. Dominion-related human nature resembles God but that doesn’t mean every human being does.

Wolterstorff doesn’t give up the quest for a Christian theistic account for human rights and next asks if there is “some worth–imparting relation of human beings to God that does not in any way involve a reference to human capacities”? (352) He concludes there is and that relationship is one that should be familiar to economists: it is one of bestowed (or imputed) worth. All human beings are respect–worthy—even those who cannot exercise the capacities associated with being in the image of God—because God loves them. Thus, God’s love is the foundation for human rights.

A criticism and a commendation: First, “image of God” is more basic than God’s love. In other words, how could God not respect something in his own image? Put theologically, the relationship of covenant accounts for God’s love; covenant has lexical priority over love. And the prior covenant relationship (between God and humanity) is founded in Adam’s (and his posterity’s) status as images of God.

A strong commendation: While reading Wolterstorff is not for the lackadaisical, it is an excellent resource for Christians in the legal academy. Wolterstorff is well acquainted with the legal theory and it’s enjoyable to see him deal with it masterfully. This book can supply law students (and others) with the tools to criticize the standard attacks of naturalistic legal realism and post–modern critical theory as well as to articulate a positive Christian response to the question of the foundation of human rights.



C. Scott Pryor, Professor of Law at Regent University School of Law since 1998, was previously a Shareholder in the firm Howard, Solocheck & Weber in Milwaukee, WI. He received his J.D. from the University of Wisconsin, his M.A. from Reformed Theological Seminary and his B.A. from Dordt College. He has been a member of CLS since 1989.

Marketing Strategies for the Christian Lawyer:

A White Paper from Raising the Standard

By Steve Hoeft

Marketing strategies for the Christian lawyer are the purposeful by-product of three initiatives: a competitive analysis of more than 100 law firms; research on best marketing practices in all industry segments; and insights on the impact of Christian values to achieve success.

These competitive insights will guide Christian lawyers in the following situations:

- a professional within a law firm where faith is not discussed
- a professional within a law firm where faith may be perceived as a hostile concept that is at odds with the firm's core mission
- a shareholder who wants to instill best marketing practices in their firm (any size firm)
- a small Christian law firm wanting to walk the walk

The key to law firm success is client relationships. Your practice is best when relationships are the best. The best business-building strategy is always a people strategy. These are easy conclusions once a relationship is underway, but the key question is how do you genuinely communicate who you are to the people you want to talk to, when they don't even know you? How do you rise to the top when a company or person is conducting due diligence? How do you make your web site's home page so powerful that an instant connection is made and people sense your value?

Answers to these questions are best answered in the context of a framework for marketing success:

Competence + Character + Communications = Conquering Your Competition

Competence: *"As companies lose the ability to differentiate on functional attributes, they must deliver a differentiated brand promise and focus on process or relationship benefits."* McKinsey & Company

Except for one law firm, everyone else is larger than you are. But that's not the point. When someone is conducting online due diligence, think about their search results. Who will stand out among the many law firms who appear to have similar credentials but fail to differentiate?

STRATEGY: From our research study, 80% of law firms use competency-based words or statements like "investment; competent; one firm; to be the leading global law firm; deep credentials; and professional development" to set them apart. They are talking to themselves. Relevance, simplicity and humanity will distinguish your law firm. Less than 23% of law firms stated their competency through a vision statement that articulated their fundamental reason for existence beyond making money. Use character-based attributes (think Christian-based attributes) that communicate your process or relationship benefits and allow people to sense who you are in what you do, and the difference it means to them. Some examples are:

- "The difference is the process we have in place...things like responsiveness, efficient work habits, returning phone calls, caring about a client's cost restraints. Communicating is the most important thing that clients want. No surprises." Morgan Lewis
- "Paul Zamora endeavors to provide each of his clients with legal counsel that will not only resolve their legal matter at hand, but will genuinely enable them to lead richer, more meaningful lives." Paul D. Zamora

Whenever you seek to convey your competence, use a Vision Statement that answers the following questions: is it what we stand for; it is authentic to who we are; are we passionate about it; do we practice it; will it become our legacy; do clients benefit from it; and does it communicate our humanity (who wants to work with an attorney or law firm with no heart)?

Character: *"Law firms no longer compete on competence alone, but on character attributes that provide true differentiation"*

As clients assess your 'relationship value,' they want to know your values. Every Christian attorney should articulate their values for the benefit of the constituencies they serve. Why? Values represent your articulation of truth. They represent how you and your people uniquely make decisions (your process) and build relationships (client benefits).

Southwest Airlines says their most powerful organization competency—the secret ingredient that makes them so

distinctive—is how their people relate to one another. It is something competitors can't copy because they are their values for their people.

Ken Blanchard, renowned author of many best selling business books says, "less than 20% of organizations around the world have clear, written values. Values are important because they drive people's behavior."

STRATEGY: Law firms are in the relationship business but in our research of 100 Law firms only 32 had values that appear on their website. Core values describe your law firm's process and client relationship benefits. Some great Values Statements include:

Polsinelli, Shalton, Flanigan, Suelthaus, P.C.

- Client Focus - our course of action will always align with your business goals, philosophies and values.
- Fresh Ideas - our innovative approach illuminates the often-overlooked or unthought-of option.
- Energetic Service - Our whatever-it-takes approach means you get all-out effort, all the time.

Pillsbury Winthrop Shaw Pittman

- Exceptional Performance
- Authentic Interactions
- Collaborative Work Style
- Unwavering Commitment
- Ethical Foundation
- Strategic Vision

"Core values are essential for enduring greatness...you must know what they are, build them explicitly into your organization and preserve them over time." Jim Collins, Good to Great

Communications: *"Your competency and character mean nothing, absent a plan to align it in your culture and communicate it to others."*

Your goal is to create awareness, and then continually sustain impact resulting in new clients, new growth and incremental revenues. The following strategies represent best practices in law firm

Vision & Values Statements Strategy: As discussed above, these statements will guide and hopefully inspire employees in pursuit of what you are building. Done well, they will be genuine and come alive in everyday actions to impact your success. If your values truly guide your firm, think about publishing a continuity series to share real stories or life lessons (external to your firm is fine) where the values had a positive impact. These white papers can inspire employees, associates, family, friends and clients.

TAG LINE STRATEGY: Your tag line communicates your primary message...it says, "if you get nothing else, get this." A tag line is often a prospective client's first impression of your law firm. Done well and a prospective client will think, "that is what I want. I would like to meet with them." Christian

lawyers who own their own practice have the opportunity to differentiate themselves in their tag line.

CLIENT PROMISE STRATEGY: Law firms with a client pledge differentiate themselves from the competition in a compelling way. It says, "What our Clients can Expect From Us." A great client pledge statement means something to your clients and can influence employee commitment, motivation and performance. Less than 10% of the law firms researched have a client pledge. Christian lawyers can set the expectation for something positive that comes from doing business with them, in ways that are very real and relevant to clients. On June 4, 2008 Thompson Hine LLP received one of eleven World Class Customer Service Awards sponsored by Smart Business magazine. As you read their statements, consider how many speak to client benefits and the client experience. As you might expect, their client service pledge is front and center on their website at www.ThompsonHine.com

LOGO & IMAGERY STRATEGY: What is wrong with a litigation firm displaying a conference room on their website's home page? For some, it could communicate a desire to settle rather than litigate. Your logo and visual images are not about winning awards, but making communications simpler, memorable and meaningful. People remember visuals more than bullet points.

INTEGRATED e-NEWSLETTERS/ ANNOUNCEMENTS/INVITATIONS STRATEGY:

One deadly sin is appearing static and stagnant, not current and not engaged in the world around you. Your law firm changes daily and technology provides the tools for communicating like never before to connect with employees, clients, and prospective clients.

WEBSITE: All of these strategies discussed come together in your website to impact mindsets and drive behavior. Your website is your #3 lead generation opportunity (behind client cross-sell and client referrals). Your strategy for an effective website is engagement. You want to facilitate dialog (think of an ongoing conversation), to allow every single new business opportunity. You want people to download your client service pledge, read your latest news, click on your blog or e-brochure, respond to an e-invitation with a link to a real person, sign on for a seminar or white paper series, etc. Beyond anything else, you want them to sense that your competence and character are authentic and that you care to help them.



Steve Hoeft is the president of Raising The Standard, LLC, in St. Louis, MO. He is a member of the Christian Legal Society and will lead a workshop at our 2009 National Convention. His passion is helping law firms achieve their goals through an integrated marketing approach. During his presentation he will share best-in-law firm marketing examples that illustrate the strategies in this white paper.

LAW STUDENT MINISTRIES



The Unknown Christian Law Student

By Brent L. Amato



Her resume, like many others, crosses my desk, capturing only a casual glance and then dispensed to the “no” file. I am introduced to him by a mutual friend at a church in another state, having only a brief moment of cursory conversation and then he’s gone. I read about them, challenged, if not persecuted, on a law school campus. There are hundreds of them at five law schools within an hour’s drive. At times, I wonder about them. How did they get to law school? What is law school doing *for* them? What is law school doing *to* them? What are they thinking? How are they feeling? Are they hopeful or hopeless? Are they delighted or depressed? What do they want to do if they graduate? Where will they end up? What will be their story? What will be their legacy?

They are all “The Unknown Christian Law Student.”

After three years of law school and over thirty years of law practice, I am surrounded by Unknown Christian Law Students – physically, mentally, emotionally and spiritually. Maybe that’s why I am on the Christian Legal Society Board of Directors and its Law Student Ministries Committee. Questions fill my mind and heart. What about them? Should I know them? Should I be known by them? If Paul wrote Titus and told him to “diligently help Zenas the lawyer ...on his way so that nothing is lacking for him” (Titus 3:13), wouldn’t Paul also hope that someone should be helping Zenas the law student on his way so that nothing is lacking for him? What

‘WE LOVED YOU SO MUCH THAT WE WERE DELIGHTED TO SHARE WITH YOU NOT ONLY THE GOSPEL OF GOD BUT OUR LIVES AS WELL, BECAUSE YOU HAD BECOME SO DEAR TO US.’ — 1 THESSALONIANS 2:8 (NIV)

is “lacking for them?” Does a lawyer have some kind of stewardship for these law students?

But then rationality returns! “How can I even identify, much less nurture, all those Unknown Christian Law Students?” “You think this is on my ministry radar screen?” “What makes you think Zenas needs me?” “Sorry – no time, no resources, no thank you!”

But just for a hypothetical moment, let’s assume that there is one Unknown Christian Law Student [who has always been known by God (Psalm 139:13-16)] that you could know, that needs to be known by someone, for some purpose, right now. Would you remove that student from the “unknown?”

Consider this modest Scriptural proposal, modest in terms of resources and

time (both of which are limited for the average attorney):

1. Call or e-mail Dan Kim at CLS Headquarters (703-642-1070; dkim@clsnet.org) and ask for the name and contact information for one law student in your close proximity (Matthew 7:7a) (pennies; less than two minutes)
2. Contact the law student by phone or e-mail and introduce yourself (Romans 16:3-16) (pennies; less than five minutes)
3. Invite the law student for a meal (Acts 2:46) (less than \$10.00 for the meal and nominal transportation cost; less than a hour and a half)
4. Pray for the law student (James 5:16) (zero cost; less than a minute)

5. [Optional] Invest yourself in the law student (1 Thessalonians 2:8) (priceless; timeless)

I wonder if anyone will call Dan. Won't you?



Brent is a family man, married to Sherrie since 1976 and father of two adult children, Jason and Kristin. While he has practiced business/corporate law in the Chicagoland area since 1976 and currently as a partner with Plumert, Piercey, MacDonald & Amato, Ltd., he has journeyed on a parallel ministry path for over thirty-five years. Brent has served his local and other churches and through the Christian Legal Society and Peacemaker Ministries.

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CHRISTIAN LAW STUDENT FELLOWSHIPS

As of the publication date, the following law schools have active groups of Christian law students meeting on campus. Law students: if you don't see your school listed, please contact Law Student Ministries, dkim@clsnet.org, and let us know how we can serve you on your campus.

Lawyers, if you don't see your alma mater or local school listed and would like to help CLS to find students at your school, please contact us.

Appalachian School of Law

Arizona State University

Arizona, University of

Benjamin N. Cardozo – Yeshiva U.

Boston College

Brooklyn Law School

Univ. of California – Davis

Campbell University

Capital University

Chapman University

Chicago, University of

Chicago Kent College of Law

City U. of NY SOL at Queens Coll

Cleveland State University

Colorado, University of

Connecticut, University of

Cornell University

Denver, University of

District of Columbia, the Univ. of

Drexel University

Duke University

Duquesne University

Emory University

Florida, University of

Florida A & M University College of Law

Florida Coastal School of Law

Florida State University, The

George Mason University

George Washington University

Georgetown University

Georgia, University of

Hamline University

Harvard University

Houston, University of

Howard University

Indiana University – Bloomington

Indiana University – Indianapolis

Iowa, University of

Jones School of Law

Kansas, University of

Lewis and Clark Law School

Loyola Law School, – Los Angeles, LMU

Marquette University

Maryland, University of

McGeorge, Univ. of the Pacific

Miami, University of

Michigan State, Univ of

Michigan, University of

Minnesota, University of

Missouri-Columbia, University of

Nebraska, University of

New York University

Ohio Northern University

Ohio State University, The

Oklahoma, University of

Pepperdine University

Puerto Rico, University of

Regent University

Rutgers University – Newark

Samford Univ. – Cumberland

San Diego, University of

Seattle University

South Carolina, University of

Southern California, University of

Southern Methodist University

Southwestern University

St. Thomas School of Law, University of
(Minnesota)

Stetson University

Temple University

Tennessee, University of

Texas Tech University

Texas, The University of

Thomas M. Cooley Law School

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Law School in HIS-Story

By Sam Ericsson

*All the days ordained for me –
including those in law school –
were written in your book before
one of them came to be.*

PSALM 139:16

Relationships nurtured in law school have often been used by the Author of His-Story in preparing lawyers to do justice with compassion nationally, regionally and globally. Let me share a few examples of how law schools have been the opening chapter for many lawyers in building Christ's kingdom.

AFRICA: The Student Fellowship of the Christian Lawyer Fellowship of Nigeria (CLASFON) links 2,000 students each year. The Student Fellowship may be the only Christian law student group in the world that owns its own HQ building and publishes a magazine. Bayo Akinlade, who has served as Advocates International's Liaison to Advocates Africa since 2003, was active with the Student Fellowship during law school and served as CLASFON's Field Representative for several years before joining the AI staff. He draws on his former classmates for help on freedom, faith and family issues not just in Nigeria but throughout Africa.

ASIA: Handong International Law School (HILS) in Korea is grounded in a Christian world view. Its first Dean, Lynn Buzzard, served as AI's Chairman for seven years. Among HILS's 200 students are those from a dozen nations in AI's network. In 2004, HILS launched the first Advocates International Law School Chapter and soon thereafter launched a Global Student Prayer Calendar. HILS sent 25 delegates to the 5th Global Convocation in October

2008, some of whom led the worship and won Moot Court awards. While she was an HILS student, Bulgaria's Diana Daskalova continued to write AI's Weekly Prayer Calendar, which she has done since 2002. Imagine God using a Bulgarian student at a South Korean law school to be the "glue" keeping AI's global network together!

In Mongolia, Baasankhuu Octybari, the Director of the Rule of Law Institute, has mentored many law students since 1997. They have become salt and light in their profession in a nation where there may not have been one native follower of Jesus until 1990. Today there are about 50 Christian lawyers serving over 200 churches and 80,000 believers.

EUROPE: Latcho Popov, Chairman of Bulgaria's Rule of Law Institute and President of Advocates Europe has mentored scores of Bulgarian law students since 1994. Today many of these graduates are placed in key government positions, as well as in private practice. Several have become judges. Many still meet together for study and prayer throughout Bulgaria advocating for freedom, faith and family.

LATIN AMERICA: In Peru, AI's Coordinator for Advocates Latin America (ALA), Law Professor Nina Balmaceda, has taught human rights and religious liberty law at Peru's leading law schools. Nina was a Fulbright Scholar and received her PhD from Notre Dame University in 2008. She has mentored students in Lima who are now serving Christ in Peru advocating for human rights for the poor.

NORTH AMERICA: CLS/USA has student chapters at over 120 law schools linking at least 3,000 students. While I was a student at Harvard Law School (1966-69) there was no Christian presence there.

Things changed in the 1970s when the Harvard Christian Law Student Fellowship (HCLF) was organized. It has had as many as 100 members some years. Let me share how three friends who met through HCLF had a great impact on religious freedom in the US.

In the early 1960s, the U.S. Supreme Court placed limits on the role of religion in public schools. It ruled that teachers could not lead students in devotional exercises. But fund-raising by groups on the left and the right muddied the waters by misstating the decisions, asserting that students could not pray on campus. In 1975, CLS launched its Center for Law & Religious Freedom (CLRF) to protect the rights of public school and university students.

In 1980, our family moved to the Washington, DC area to plant the flag for CLS. I became the Director of CLRF. The school prayer controversy was at the top of the agenda. On September 18, 1981, CLS held a meeting with several evangelical leaders who wanted to amend the U.S. Constitution to restore student prayer. But amending the Constitution is costly, difficult and time consuming. CLS believed Congress could accomplish the same goal under the Freedom of Speech Clause by allowing student-initiated and student-led Bible clubs to have equal access to rooms like chess clubs. The leaders liked the idea.

Soon after, two Harvard grads who had met through HCLF joined the equal access story. The first was Steve Galebach who graduated in 1979 and had been an editor on the Harvard Law Review. He was working for a blue-chip Washington, DC law firm, Covington & Burling. I had invited Steve to the September 18 meeting. He became excited about the equal access idea, quit his firm and joined CLS' staff.

‘IMAGINE GOD USING A BULGARIAN STUDENT AT A SOUTH KOREAN LAW SCHOOL TO BE THE “GLUE” KEEPING AI’S GLOBAL NETWORK TOGETHER!’

At the same time, Kim Colby, a 1981 Harvard grad, stopped by my office and offered to be a full-time volunteer. In a very tight job market, Kim’s job offer had fallen through. She and her husband, Bob, who had also been in HCLF and graduated in 1980, decided that Kim should devote her time and talent at CLS.

Steve and Kim began their research and wrote a memo on equal access for Senator Mark Hatfield, an evangelical from Oregon. Shortly before the memo was finished, Steve got a call from a friend at the White House who also had been on the Harvard Law Review. Steve was invited to join the White House Office of Legal Counsel. That invitation came from his friend, John Roberts, who would become the US Chief Justice 23 years later.

Lowell Sturgell replaced Steve the day Steve left. Lowell had just graduated from

Georgetown Law School in Washington, DC. Providentially, Lowell had written a law review article on equal access after hearing me speak on the topic six months earlier at the CLS student chapter meeting at Georgetown. God had prepared Lowell for the task. The Galebach/Colby/Sturgell memo was put in the Congressional hopper by Senator Hatfield on June 2, 1982.

The third member of the HCLF trio who knew Steve, Bob and Kim and would play a key role in Equal Access was Ed Larsen. Ed graduated from Harvard in 1980 and clerked at CLS while working on a doctorate in law and medical ethics. In the spring of 1983, Ed joined the staff of the House Education & Labor Committee, whose powerful Chairman, Carl Perkins, was the lead sponsor of the Equal Access Act in the House. Ed played a key role in fine-tuning the Act.

After a very tough two-year battle, Congress passed the Act 88-11 in the Senate and 337-77 in the House. President Reagan signed the Act on August 11, 1984. The Supreme Court upheld the Act on June 4, 1990. More than 10 million public school children have benefited from the Act since 1984. The Supreme Court decision has also been a tool to protect CLS student chapters in law schools.

And in September 2009, Kim Colby returns to CLS fulltime as a Senior Counsel for the Center. Clearly, law school can make a difference for Christ’s Kingdom.



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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Students Giving Back: Restoring Hope

By Keith Bartsch

Keith Bartsch (JD '08) spent 23 years in the United States Air Force and had the opportunity to see the world. He saw some of the best things humanity had to offer and also witnessed some of the worst.

When he retired as a lieutenant colonel on Oct. 1, 2005, Bartsch knew he still wanted to serve the greater good and recognized the law as an effective way to protect the disenfranchised.

“When I was in the service, I went to some really exotic places and some downright nasty places.” He said. “And the one thing I found the nasty places had in common was that those countries didn’t follow the rule of law. I’ve seen that adhering to the rule of law is essential for the protection of human rights.”

During fall 2005, Bartsch had a conversation with Steve Whitaker, executive director of the John 3:16 Mission in Tulsa, that sparked his interest in the project designed to help the rule of law raise up one of the city’s most underserved groups—the homeless and indigent.

“Steve Whitaker happens to be one of my Sunday school teachers. We were chatting one day, and he mentioned to me one of the things he always wished they could have at the mission was some sort of free legal service,” Bartsch said. “The Constitution provides legal counsel for anyone being prosecuted, but there is no provision for representation for civil matters.”

With the need for a pro bono clinic identified, Bartsch took it upon himself to make Whitaker’s idea a reality. In order to provide the licensed legal help the clinic would need, Legal Aid Services of



Keith Bartsch (right) receives an award for volunteer service from Steve Whitaker, executive director of the John 3:16 Mission in Tulsa, at the mission’s annual banquet.

Oklahoma (LASO) was recruited as a partner. To handle intake and client interviews, Bartsch enlisted the help of his fellow law students beginning with the Christian Legal Society.

“One of the coolest things is how many students came out to help,” Bartsch said. “LASO comes out each semester and gives the students who wanted to volunteer a primer on poverty law. Basically, it’s a quick view on the state of the law on the sorts of issues we routinely see.”

As the clinic became a staple of the mission’s services, Bartsch remained active while he was a student and continues to volunteer while working at Tulsa law firm Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile.

The clinic is open on the third Saturday of every month at 10 a.m., no exceptions, according to Bartsch.

“We’re there, rain or shine, during football season, Christmas season, whatever because these people’s needs don’t take a break,” he said.

For his dedication to service, Bartsch was recognized with the Marcy Lawless Service Award at TU’s 2007 winter commencement ceremonies.

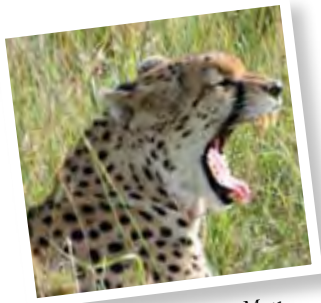
“Frankly, it has been embarrassing to me in a lot of ways that the University and community have seen fit to give me accolades because all I did was see a need and try to figure out a way to remedy it,” he said.

A few unanticipated moments in the limelight have not weakened his commitment to service. In fact, he plans to continue engaging in pro bono work and hopes to see many in his profession doing the same.

“I was fortunate enough to get a position at a great firm that supports what I do in regard to helping those folks in the context of the public service opportunity,” he said. “If ‘equal justice under the law’ means anything more than words on a bumper sticker, we need to have a system in which people who have complaints can make them regardless of the amount of money they have. The way we do that is by people in the private bar stepping up and agreeing to help out.”

This article was first published in the Fall 2008 University of Tulsa College of Law Magazine. Keith Bartsch, a CLS member from Tulsa, OK, practices civil litigation, insurance defense, personal injury and Indian law. As a law student, he helped launch the Christian Legal Aid clinic at the John 3:16 Mission.

‘ONE OF THE COOLEST THINGS IS HOW MANY STUDENTS CAME OUT TO HELP.’



Cheetah on Masai Mara

Executive Director Musings

By Fred L. Porter

This summer my wife, Mertie, and I had the privilege of serving with a medical mission team in Africa. 1,000+ Kenyans were seen in the team’s dental, HIV-AIDS education, and eyeglass clinics. It was a joyous experience which enlarged our appreciation for the Body of Christ and His creation.

We also heard first-hand the joys and challenges faced by our brothers and sisters in the Kenyan Christian Lawyers Fellowship (KCLF) as their country recovers from the tumultuous outbreaks of historic tribal rivalries a little over a year ago. There, thin veneers of widespread nominal Christianity (“a mile wide and ¼” deep” in the words of one observer) and attempted model democracy strain under the weight of changing times and past government corruption.

KCLF legal aid lawyer **John Swaha** and others screen 100’s of new detainees each week to triage among (i) presenting important constitutional issues, (ii) providing formal representation and (iii) giving tips to streamline proceedings for detainees and the overloaded judicial system. It was evident in our brief visit with the head of a large prison facility that KCLF lawyers are highly regarded. KCLF’s executive director **Joyce Kabaki** and board chair **Anne Mbugua** are working to encourage their colleagues both in their individual practices and as KCLF members seek to influence their country for justice during this pivotal time in its history.

In Seattle, WA, CLS member attorney **David Mace** carries a similar staggering caseload. There he and his small team at Open Door Legal Services are the “go to” resource for homeless law expertise both for those in his program and throughout the greater Seattle area. Needs are exacerbated by the challenges in the U.S. economy and overloaded public systems.

A principle of Biblical hermeneutics advanced by some conservative scholars is that God’s written word, the Bible, correctly understood, contains teachings true in all cultures for all time. It is clear from scripture that Our Heavenly Father has an abiding concern for justice generally and for the poor and needy in particular. Current events demonstrate that truth in settings as diverse as urban Seattle and rural Kenya. The committed CLS purpose of *Seeking Justice with the Love of God* reflects a high calling, indeed, whether in constitutional law advocacy, in defense of rights of conscience and religious liberty, in service to the poor and needy, or working out the practical application of our faith in the daily practice of law.

Wikipedia’s description of Biblical hermeneutics makes no mention of this principle, although it concludes with a section on “Trajectory hermeneutics,” which some might argue is not Biblical hermeneutics at all but rather an expression of postmodern relativism. Indeed the fact that Wikipedia, with content developed by consensus, has largely supplanted prior print encyclopedias purportedly written by scholarly researchers may itself be an example of our culture’s changing understanding of “truth.” This brings us to “Wikilawyer” a self-described “pejorative term which describes various questionable ways of judging other Wikipedians’ actions.” There is no term for Wikidoctoring or Wikiaccounting (“Did you mean: *witchunting*?” . . . but then maybe given the multiple financial institution investigations underway that is what one meant!).

CLS is interested in cultivating not Wikilawyer but the highest forms of lawyering, as exemplified by our colleagues **John and David**. To that end, we gather in San Diego in mid-October to encourage one another around the theme of “The Lawyer as Disciple: Integrating Faith in the Practice of Law.” It promises to be a great conference focused on a critical need for the current times – see you there!



Fred & Mertie Potter at Daystar University near Nairobi, Kenya

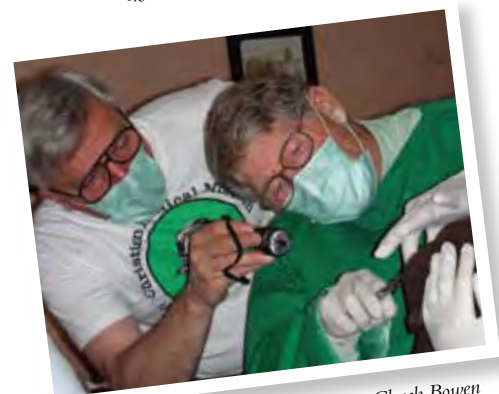


Mertie in Eye Clinic screening

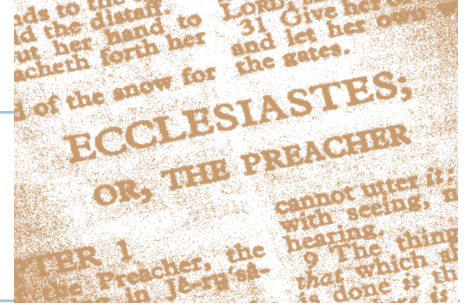
‘CLS IS INTERESTED IN CULTIVATING NOT “WIKILAWYERING,” BUT THE HIGHEST FORMS OF LAWYERING.’



Fred with Joyce Kabaki, Anne Mbugua, John Swaha and other KCLF members



Fred assisting team’s oral surgeon, Dr. Chuck Bowen



ECCLESIASTES 1:9

“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.

The Desert Years

By Lynn Buzzard



We are influenced, pressured, attracted, and seduced by the whole milieu around us. The “psycho-environment” is intense and powerful. Sometimes we are keenly and joyously aware of what is happening to us, how we are changing, what we are gradually choosing to be. Perhaps more often, it is unconscious, subtle, subliminal. Individually, little choices and decisions do not seem critical and life changing, but their aggregate effect shapes us. Consciously or unconsciously, it is a process that touches the depths of our being.

There are also major life-determining decisions which are made in the context of higher education and the university. Vocational decisions and marriage choices are two very central commitments which often come to focus in these years. And the impact of these decisions can hardly be overestimated.

All of this seems simply to the point to the profound impact the years spent in higher education have on the whole person. They are certainly among the most crucial years of our lives.

And yet it is precisely at this point that a major disturbing fact emerges. Namely, that right in this period of life when we are being so profoundly shaped, and choosing major values, and making decisions likely to affect our whole life—we are often *spiritually impoverished*. More so than at any other time in life.

Often these are years when we have neglected spiritual disciplines, failed to nourish our *whole* being, been out of touch

The years spent in higher education are exciting. New ideas and new perspectives are stimulating. Intellectually we mature, often gaining a more holistic and balanced perspective on life's issues. Our cultural provincialism in politics, philosophy, and other areas gets seriously challenged. Horizons are broadened, tastes are refined and capacities for critical judgment emerge.

Also, new friends become part of our lives. We are shaped by those who we care for and who care for us. Deep relationships with persons are often one of the most

cherished aspects of the university experience.

There is little question that this whole educational phase of life is critical to the maturing process. Identities are formed. Life styles are chosen. Behavior patterns are tested, experimented with and shaped. Old patterns are broken. Prejudices and values alike are challenged, debated and justified.

Our whole lives become profoundly shaped by these experiences. It is a critical time in our lives. Sometimes gently, sometimes harshly our lives are molded.

**‘WHAT IS ESSENTIAL IS THAT AS CHRISTIANS WE NURTURE THE
SPIRITUAL RESOURCES WHICH CAN INFORM, AND GIVE PERSPECTIVE TO
THOSE CHOICES AND DECISIONS.’**

with deep Christian fellowship. For some these are years of equally profound, but more quiet reassessment of spiritual roots, beliefs and commitments. For still others, they are years when, though holding the faith, it becomes a secondary priority to the academic pursuit. Spiritual things are shelved and tabled to be pursued at a later time.

Such a move is, of course, devastating to the spiritual capacity and resources of life. The implications of such failure to develop the spiritual life and our relationship to Christ when we are in the midst of the university learning experience are catastrophic. It means we are making these major decisions, and being profoundly shaped, and developing our life style and priorities in the context of spiritual poverty. We do not have available the necessary resources to assist us in those critical areas of life. We are left to wrestle through these urgent issues spiritually alone and anemic.

Is it any wonder then that for many Christians life does not seem whole and integrated? Faith and life seem so disconnected. Professional life seems to emerge independent of spiritual values and Christian commitment. Marriage and other personal relations seem to lack the qualities of relationships which ought to mark the Christian.

It would seem imperative therefore that Christians both personally and corporately take with renewed seriousness the task of spiritual development in the context of the university and professional school. These are not years for a spiritual preadolescent status quo—rather they are times which demand of students growth—the deepest and most profound challenges to openness to the gospel, centeredness on Biblical perspectives, and personal closeness to Jesus Christ. It demands that the Christian exercise vigorously the disciplines of prayer and study—seeking the Spirit’s renewing and shaping, judging and informing, so that

these years might be shaped not only by the external environments, but by the power of the Holy Spirit as well. It is not a matter of resisting the shaping power of these years of educational endeavor. Indeed change, decision and choice are part of God’s plan for our lives. What is essential is that as Christians we nurture the spiritual resources which can inform, and give perspective to those choices and decisions. The growing of awareness, deepening of understanding, personal maturing and value clarifying must include not only the intellectual faculties, but the moral and spiritual as well.

Let the growth come—let those years be rich and full—vibrant and stimulating—but let that occur in the midst of a vital fellowship with Christ and His people. Let it occur with full resources available.

And let that growing, maturing, expanding occur not only in a few dimensions of our being—but in the *whole* person.



*Lynn Buzzard served for fifteen years as executive director of the Christian Legal Society and Center for Law and Religious Freedom before joining the Campbell University School of Law faculty in 1985. He has written extensively in areas of church-state law and religion and law, including *The Battle for Religious Liberty, Holy Disobedience, and Church Discipline and the Courts*. He is founding and continuing editor of the *Religious Freedom Reporter*.*

This article was first published in 1975 in *THE CHRISTIAN LAWYER*.



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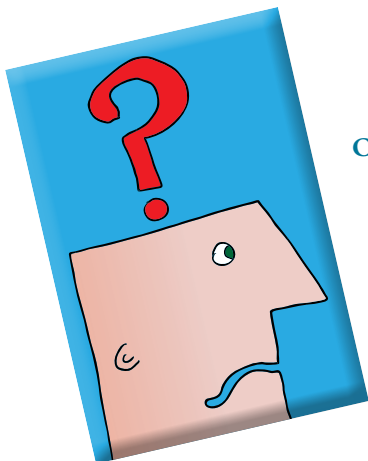
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‘ALTHOUGH THE ANSWERS TO LIFE’S
QUESTIONS WILL BE DIFFERENT FOR EACH
OF US, GOD’S WORD PROVIDES ONE ANSWER
THAT CAN HELP US ALL.’



Questions, Questions, Questions

By Brent McBurney

*“Daddy, why do you have
to go to work?”*

That was the question uttered by my 3-½ year-old daughter Sarah as I prepared to leave the house this morning. “Daddy, come to my room and play instead.” Honestly, a very tempting request from one of my favorite people. If you are a parent, you’ve probably heard these very same questions and wished that you could just play hooky from work. But what about the questions we ask ourselves when life gets complicated?

As a law student, your questions might look like this:

- “Why am I in law school?”
- “Is the practice of law really for me?”
- “Is this really worth it?”
- “What kind of law practice do I want to do?”

As a lawyer, your questions might change:

- “How am I going to get that brief done by the deadline?”
- “How are we going to pay our vendors?”
- “Will our clients ever pay us?”
- “Will I be able to find a new job in a tight job market?”

No matter who you are, there are always

questions. Questions torment us because they represent unknowns. . . . And we don’t often know where to begin looking for trustworthy answers.

You may be in the midst of a trying time, with the busyness of law practice or a full load of classes, extracurricular activities and family pressures [See my story, as told in *Grad-School Survival* on p. 8]. And although the answers to life’s questions will be different for each of us, God’s word provides one answer that can help us all.

In his letter to the Philippians, Paul reminds us to “Be anxious for nothing, but in everything by prayer and supplication with thanksgiving let your requests be made known to God. And the peace of God, which surpasses all comprehension, will guard your hearts and your minds in Christ Jesus.” Phil 4:6-7 (NAS). What an encouraging word to those of us who too often live our lives on overload.

Despite the worries reflected in those questions above, God instructs us to “be anxious for nothing,” and to bring our requests to Him—with thanksgiving. While it may seem easier said than done, I know that when I have set aside my pride and remembered to pray with a grateful heart, God’s answer has truly been “to guard my heart and mind in Christ Jesus” with a peace that “surpasses all comprehension.” And the answers to some of those questions I asked were clear and obvious: God’s grace in the midst of confusion could not have been more evident.

I pray that as you have read the articles in this issue, God has spoken to you in some small way through this one or that one. And if you’re reading this magazine like my wife does (backwards), that you take the time to think about the questions raised and answered in these pages. Most importantly, however, I hope that you are encouraged to know that God promises to give us his peace that surpasses all understanding. I know that God has called me for this season to this wonderful ministry to lawyers and law students, a work that I truly enjoy, but I’m blessed to know that tonight when I get home, I’ll be able to play in my daughter’s room and be blessed by her questions: “Daddy, guess what?”



Brent McBurney is the director of Legal Aid Ministries and Attorney Ministries for the Christian Legal Society. He is also dad to two very inquisitive children, Ian (6) and Sarah (3-½).



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