

THE CHRISTIAN LAWYER®

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“Follow Me”

*Honoring Christ
and Loving Others
Through the Law*

ALSO IN THIS ISSUE

- **Lawyers at Work: Making an Effort on the Path to Discipleship** *by Mike Schutt*
- **“Follow Me”** *by Brent Amato*
- **Missionary, Ambassador, Lawyer** *by Jamie Grosshans*



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IN THIS ISSUE

“Follow Me”: Honoring Christ and Loving Others Through the Law

Missionary, Ambassador, Lawyer	3
Jamie Grosshans	
Lawyers at Work: Making an Effort on the Path to Discipleship	8
Mike Schutt	
“Follow Me”	16
Brent Amato	



ATTORNEY MINISTRIES

Faithfulness in a Changing Legal Landscape	23
Renee Carlson	



LAW STUDENT MINISTRIES

Eight Ways to Pursue Sustainable Growth in Your CLS Student Chapter	26
Allison Garnett	



CENTER FOR LAW & RELIGIOUS FREEDOM

The Evolution of the New ABA Model Rule 8.4(g)	28
Kim Colby	



CHRISTIAN LEGAL AID

It Takes Jesus	35
Jaimee L. Moore	

CLS Attorney Chapters List	38
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From the President	41
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David Nammo,
Executive Director
and CEO

Discipleship?

Skeptical. It is my first response to the idea of “discipleship” in the legal profession.

“Discipleship” is a fad in evangelical circles these days. I never heard the word growing up in the church. It is a Biblical concept of course, directly from the Great Commission. “Therefore, go and make ‘disciples’ of all nations....”

So how does one make “disciples?”

I think that is easy. They come to a saving knowledge of Jesus Christ, and then are baptized in the name of the Father, the Son and the Holy Spirit – and we teach them to obey the Lord’s commands.

So what is “discipleship” in the way we define it? I think it is the teaching part. And how would one become a better “disciple?”

Spending more time in the Bible?

Spending more time in prayer?

Spending more time in community, sharpening and growing with each other?

Spending more time at church or volunteering for a ministry?

Maybe some or all of those things.

And this is where the skeptic in me begins to voice his doubts.

Do we really have more time to dedicate to any of these? If you are like me, you barely have time to sleep, work, and spend time with family. We know

we should dedicate our time to growing in Christ, more time in the Word, on our knees, and in community with other believers. But we don’t, and often our attitude is that the Lord will have to just accept your occasional prayers and occasional time in the Word as an “A” for effort.

One more thought. The reason we don’t prioritize these things in our lives is that although we say they will make a difference in our lives – we really don’t believe it will make that much difference. We sure don’t act like it. (I do acknowledge that there are those of you out there that can preach on this as you are living it. Thank you for being a great example. But most of us are not.)

In the end, I think we want to grow in Christ. But we get too busy, and these things fall to the wayside. And out of guilt or oversight, we just continue onward with the daily grind, occasionally reminding ourselves to pray a little more or read the Bible a little more. But does that really turn the ship of our lives? Not really. So we stand as an army of beleaguered, overworked, tired, individuals – claiming a fealty to Christ but at a distance so far from Him that He often seems a mirage.

So let’s be honest and not bother with becoming more Christ-like. Our salvation is assured. Our kids know Jesus (hopefully). We are too small to really make a difference, and besides, the email on my phone just chirped – I need to answer this. I’m sure it will all be okay... won’t it?

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“Follow Me”

Honoring Christ and Loving Others Through the Law



Missionary, Ambassador, Lawyer

BY JAMIE GROSSHANS

I burst into the hallway outside the courtroom, searching for opposing counsel. I was ready for a fight. After months in a bitter case and battling numerous frustrating motions, a slew of misrepresentations by the other side in court was too much for me to handle. Angry thoughts bubbled to the surface as I stormed into the hallway, but my target had already escaped. I took a few moments to breathe and muttered a verse to myself. A verse that included the words “jewels” and “swine.” Ten years practicing law and I still have moments where the frustration is overwhelming. These moments don’t come as often as they did in those early years of practice, but they still come in many forms: the difficult client, the dishonest attorney, the distracted judge.

This isn’t the life I had envisioned in my youth. As a teenager, I planned to be a missionary. I would travel the world and share Christ’s love in the far corners of civilization. In my college days, I decided I would be an ambassador. A glamorous missionary of sorts. There would be important decisions made. There would be exciting functions attended. There would be cultural experiences beyond my dreams. My focus in law school was international law and government affairs. Yet, here I am, standing in a hallway fuming over the actions of another attorney in a bitter custody dispute where two parents have lost sight of a young child struggling with a serious emotional

crisis. This doesn’t quite look like the impressive future I had imagined, but it is *my* present, *my* field, and *my* assignment.

As attorneys it’s easy to feel like we are not on the *mission field* in the traditional sense. But we have a unique calling. The mission field comes to us. The mission field hires us. As the Apostle Paul encourages, “*We are therefore Christ’s ambassadors, as though God were making his appeal through us.*” II Corinthians 5:20. We have the opportunity to deal with people at their worst. They are stressed. They are worried about the future. Sometimes that perspective can get lost in the daily frustrations of the practice of law, and it is these daily hurdles that can make balancing our roles as a follower of Jesus and a lawyer exceptionally challenging. Add in our competitive nature as attorneys, the desire to win, to be right, to control the outcome and prove our own legal abilities, and it’s easy to allow this profession to become a distraction from the fact that our calling goes beyond our profession. But once we step out of the fray, we wonder, “Doesn’t Jesus call us to more than this never-ending battle? Doesn’t He call us to a life of mercy and justice and sharing His love with others? How does a follower of Jesus in the battlefield of the law practice live in a way that sets us apart and shows the love of Christ to those around us? What really sets us apart as a light for Christ?”

A missional mindset can span all areas of practice. At the heart of the dullest legal work there is a person with a need. From the largest corporate transaction to the petty theft, the drafting of a will to construction litigation to bankruptcy. At the heart of the practice of law is constant interaction with people. Fellow attorneys, corporate executives, misguided teenagers, the clerk at the courthouse, and the law firm assistant, all of whom observe the way we respond to each day's inevitable crisis. These interactions come in various shapes and forms but at the core is the interaction of souls. Christ seeks to use us, as inadequate as we may be, in each of those quickly passing moments to make His appeal to those around us. And it is in the difficult moments, both big and small, that we are truly defined as a Christ-following attorney. How we react to opposing counsel who has treated our case with derision. How we handle the client whose phone call we dread. How we respond when faced with yet another emergency in an already full day.

How can we best make the appeal for Christ in our legal careers? Two areas resonate the most with me as I face the daily challenges of practice. The first is through the use of gracious speech. Well-chosen words and, sometimes, well-chosen silence can define us in the midst of a profession not known for reticence. This is especially true with electronic communications. It takes a good bit of audacity to tell-off someone to their face or even over the phone. But anyone can shoot off a caustic email in the blink of an eye, often with regret as soon as the send button is clicked. Our reactionary words launched in the heat of an exasperating moment are now memorialized in permanent, written form.

I have never regretted waiting to respond, but I have frequently regretted responding too quickly. My instinct is to reply to an inaccurate email immediately or to launch instantly into a verbal duel over the phone regarding my opinion on a case. Rarely have I found this to achieve anything except exacerbating a difficult situation. In fact, the emails I want to respond to swiftly are usually the very ones where I should hesitate before answering. Pause. Consider. Analyze. Respond. Emotions are called into check when we give our discernment the time to rise to the surface. My client's interests are certainly not rewarded with my knee-jerk reaction, nor is Christ glorified by a tirade. As the apostle James exhorts us, *"Everyone should be quick to listen, slow to speak and slow to become angry."* James 1:19. This isn't easy, but it is possible.

Recently, I was having a phone conversation with an older attorney who seemed confident he could convince me of a path that was not in my client's best interest. I politely declined his

offer and was rewarded with a string of cursing and frustration. He has been practicing law for forty-five years and still a moment's frustration erupted straight through the phone and onto me. I wanted to be angry back. I wanted to hang up on him (that would surely teach him a lesson). Instead, I opted for the shortest of pauses, composed my thoughts, and responded firmly but calmly to the outburst. The next day, the judge agreed with me, and we moved on. We eventually settled the case, and now I receive a hello and smile from him in the courthouse hallways. Clients should expect that their attorneys can control their own reactions to achieve the best result for the case. Even more so, Christ has commanded believers to show self-control so as to advance the Kingdom. Gracious speech sets us apart as we represent Christ to the world.

In addition to gracious speech, as Christ followers we must keep eternity in mind. When we look through the lens of eternity, we see the eternal souls that will persist far beyond not only the final judgment of a case, but also the final judgment of this world. The people we deal with even a brief, difficult moment are eternal. As the incomparable C.S. Lewis reminds us in *The Weight of Glory*, *"There are no ordinary people. You have never talked to a mere mortal. Nations, cultures, arts, civilizations - these are mortal, and their life is to ours as the life of a gnat. But it is immortals whom we joke with, work with, marry, snub and exploit - immortal horrors or everlasting splendors."* The words, actions, and practices that we utilize give these eternal beings a glimpse of Christ in us—the hope of glory.

Last week a woman wept in my office for two hours, her life racked by issues far more serious than the law could remedy. No amount of brilliant legal training could prepare me for this client's issues. Family law and criminal defense work give me a unique opportunity to help on a very personal level; however, this concept doesn't apply only to those of us who practice "down and dirty" law. A tax attorney who shines the light of Christ in his own life can have the same impact for the kingdom as an attorney that stands beside a client for a plea in criminal court.

We all know the practice of law is, at times, overwhelming, vexing, and monotonous. We are faced with issues we didn't create but are hired to "just fix." While some issues may be repaired within the confines of the legal system, many cannot. If through my actions, attitudes, and words I can point in some way to the One who can restore lives from within, then I feel I have acted as an ambassador of Christ.

It is not always exciting. It is certainly not very glamorous. I haven't traveled to the edge of the world to lead Bible studies.

I've never set foot in a consulate. But I am a missionary. I am an ambassador. I will stand for my clients' rights even when the world would consider many of their problems insignificant. I will strive to be an example of Christ's love to those who are put across my path today. I will remind myself that words, once spoken, are not easily withdrawn. I will face my mission field with grace to share His love with others. I will choose to look at people beyond their short comings and treat them with the respect that an eternal soul demands.

*Christ with me,
Christ before me,
Christ behind me,
Christ in me,
Christ beneath me,
Christ above me,
Christ on my right,
Christ on my left,
Christ when I lie down,
Christ when I sit down,
Christ when I arise,
Christ in the heart of every man who thinks of me,
Christ in the mouth of everyone who speaks of me,*

*Christ in every eye that sees me,
Christ in every ear that hears me.
~ St. Patrick*



Jamie Rutland Grosshans graduated *cum laude* from the University of Mississippi School of Law. During law school, she clerked for the Civil Rights Division of the Department of Justice in Washington, D.C., and the United States Attorney's Office for the Northern District of Mississippi. Following admittance to the Florida Bar, she served as an Assistant State Attorney for Orange County, Florida in both felony and misdemeanor divisions before founding Plant Street Law, PL where she practices family law and criminal defense. Mrs. Grosshans also serves as a Guardian Ad Litem and frequently provides pro bono representation for crisis pregnancy centers and other non-profit organizations. She is a Blackstone Fellow with the Alliance Defense Fund, serves on the Board of Directors for the Central Florida Christian Legal Society, and is an officer in the Central Florida Federalist Society. She lives in Winter Garden, Florida with her husband Joshua and their three children, Avery, Jack, and Alice.



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“The Christian attorney encourages me to diligently seek the truth, study the law, and pray for the justice that God promises.”

What is Truth?

ERIC WILBORN

Truth was a mystery to me as a kid growing up during the ‘80s. A healthy dose of MTV and the movies of that decade would challenge anyone’s grasp of reality. My mother worked for attorneys during my early childhood. Each one of the attorneys she worked for seemed confident in what they perceived to be the truth and appeared to be skilled at finding that perceived truth. Ghostbusters and a-ha music videos appeared to have less influence on how these attorneys perceived truth. I admired that trait and longed to acquire it.

Notwithstanding my early love for music, my experience with attorneys created in me a desire to become one. By God’s grace, I succeeded. As an attorney, the question “what is truth” became less challenging than the question “what kind of attorney do I want to be?” Often times the answer to the one affects the answer to the other. Fortunately, my faith provides a needed guide through this world filled with smoke and mirrors.

My professional goal is to be the kind of attorney God would hire. I am unsure what that means exactly, but I have many clues. Proverbs 23:23 directs us to “get the truth, and sell it not.” Similarly, Psalms 25:5 provides a prayer to “guide me in your truth and teach me.” In light of this, unwavering ethical standards, intense discipline in study, and, above all else, the discovery of truth are the traits and goals I believe God would want in an attorney.

I also draw upon the laws governing attorneys and their work for clues on how to achieve my professional goal. In the Preamble of the Georgia Rules of Professional Conduct, for example, attorneys are called to be competent, prompt and diligent, seeking the administration of justice and knowledge of the law. Moreover, Rule 102 of the Federal Rules of Evidence states that the purpose of the rules is to ascertain the truth and secure a just determination.

Reading these words from Scripture and law is simple. Understanding them in a manner that allows accurate and meaningful application, not so much. To assist me in finding a deeper understanding of the law and Scripture so that I may apply them accurately in life, I turn to other Christian attorneys. I continue to consider them the most valuable resource to my practice.

Throughout my practice, I am intentional in seeking out other Christian attorneys as mentors, colleagues, and friends. That is not to say I avoid all others. Indeed, I enjoy the company of believers and nonbelievers alike. In speaking with nonbelievers about using the law to discover truth, I often receive the same response Pilate gave Jesus in John 18:38: “What is truth?” In fact, in my experience, far too many attorneys default to the adage “truth is what you make it.” Perhaps I am naïve or idealistic, but I reject this adage. Rightly or wrongly, I believe most Christian attorneys reject it as well. Relying on Christian attorneys for assistance in the study of law, accountability in the way I practice law, and encouragement that I may one day achieve my professional goal has proven to be invaluable.

When I first began practicing law, many of my cases were in the area of criminal defense. I remember a particular client who was arrested for domestic violence. She had a son who was a toddler at the time. Her boyfriend was the “victim.” She and her boyfriend blamed the other for the ruckus. The police officer who responded to the call told my client that he would take both her and her boyfriend to jail if they continued to point the finger at each other. In fear of having her young son entrusted to the State, she took the fall, knowing that she could not afford bail. She was arrested while her boyfriend stayed home with the child. The boyfriend admitted to me that he started the fight, but she wanted out of jail and could not wait for a bond hearing. If she pleaded guilty to a misdemeanor, she would receive twelve months probation, terminating upon complying with its terms. If she went to trial, she would likely win her freedom. She chose to plead guilty and was released the day after.

How was I exposing the truth by letting her plead guilty to an offense she did not commit? A Christian attorney helped me come to terms with my client’s decision. He exposed her truth to me. She had no money for bond. If she remained in jail, her questionable boyfriend would be responsible for her child. She would lose her job and possibly more. By pleading guilty, she returned to her son in less than 24 hours from the time she was arrested and, on my recommendation, she ditched the boyfriend. This truth brought tears of sadness to my face, but it brought tears of joy to hers. We still keep in touch. She is doing well and now works for an attorney; bless her heart.

The greatest impediment to my professional goal to be God’s attorney, however, has not been the injustice of circumstances but rather unrealistic client expectations. Flooded with marketing that promises incredible settlements, speedy and cheap “uncontested” divorces, and estate plans that “stick it to the man,” the client has come to expect a certain outcome. I admire the approach of one my Christian lawyer mentors when he is faced with such unrealistic client expectations. He pulls out a jumbo glitter tube, referring to it as his magic wand, and proceeds to speak truth to the client.

This truth is never harsher than in the context of divorce. In this era of “no fault” divorces, it is true, no one needs justification to divorce. Moreover, I can make good money doing nothing but divorces. Divorce seems to be a fad these days. And what about an uncontested divorce or a billboard sign claiming

a divorce can cost as little as \$350? At the last question, my mentor usually begins brandishing his jumbo glitter tube.

When a potential client seeks to retain me for filing a divorce against her abusive husband, she is shocked to hear me say the abuse may be justification for prison but not for divorce. She is further shocked when I decline her offer to file for divorce on her behalf for a tremendous fee. Others are shocked that I cannot represent them in a divorce action for a flat fee of \$350, matching the billboard on I-85. I learned long ago, and my Christian mentor reinforces, the truth that marriages are holy institutions. Furthermore, each human being in those marriages is made in the image of God. They all deserve the truth.

The truth that my mentor and I tell the client, I believe, is the truth that needs to be told to all clients. The truth is that every case includes a number of factors that influence the outcome. I can anticipate, prepare, respond, advocate, and counsel, but I cannot wave a magic wand and manipulate these factors to get the perfect result for the perfect fee. The truth is that every case has facts that must be discovered and tested. The truth is that truth does exist, but it takes time and effort to find it, and injustice exists as well. The Christian attorney encourages me to diligently seek the truth, study the law, and pray for the justice that God promises.

On my wall hangs a prayer attributed to St. Thomas More:

Lord, grant that I may be able in argument, accurate in analysis, strict in study, candid with clients and honest with adversaries. Sit with me at my desk and listen with me to my client’s complaints, read with me in my library, and stand beside me in court, so that today I shall not, in order to win a point, lose my soul.

I cite this prayer daily to avoid the improper influence of unrealistic media so that I may one day be God’s attorney.

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Lawyers at Work: Making an Effort on the Path to Discipleship

BY MIKE SCHUTT

When I was growing up, my Dad liked to tell me that sleeping in the garage—no matter how often or faithfully I did it—would never make me a car. After a few years of hearing this, I finally figured out what he was trying to tell me: going to church, by itself, would not make me a disciple of Jesus. (Dad will appreciate it if I clarify that church attendance is actually helpful along the path toward discipleship in a way that garage sleeping cannot move one toward becoming a car. Metaphors do have their limits.) In short, he was telling me that I would not become a disciple by osmosis. I had to *do something*.

For evangelicals especially, the idea that the Christian life requires work is sometimes a troubling one. We spend so much time saying that “the Christian life isn’t about works” that we forget that the Christian life is, actually, about works.

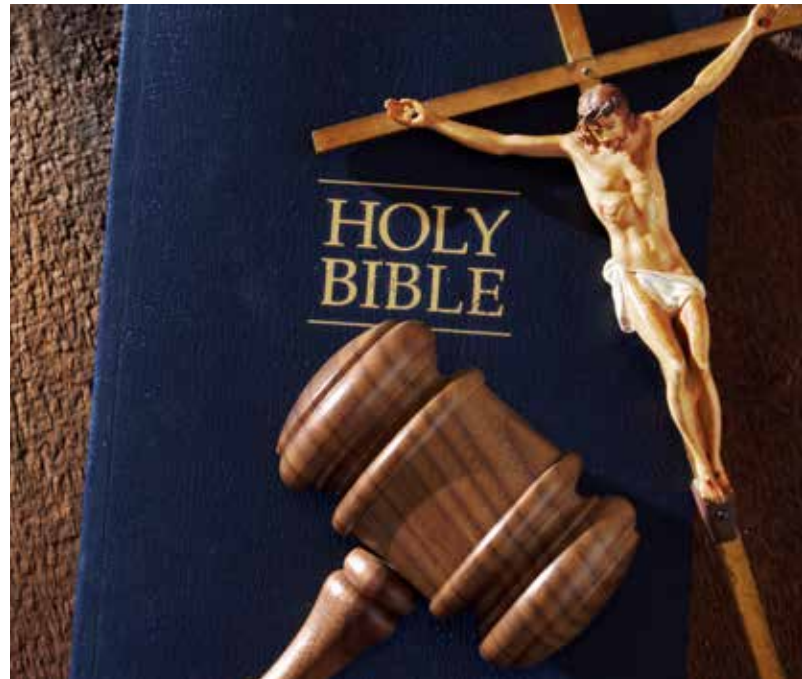
Indeed, Paul tells the Colossians, on the heels of reminding them we are “saved by grace, through faith, and not the result of works,” that: “We are His workmanship, created in Christ Jesus to do good works, which God prepared in advance for us to do.” We were created—and saved—for works.

Or perhaps more to the point, Scripture commands that we “work out” our own salvation “with fear and trembling, for it is God who works in you, both to will and to work for His good pleasure.” As the late Dallas Willard liked to say, “Grace is opposed to earning, not *effort*.”³

The point is that becoming a disciple of Jesus takes work, and it happens not by accident, but rather by the intentional pursuit of a particular path. If I desire to be a disciple, there are things I will do and things I will not do. There are things I will pursue and things I will not pursue. But “discipleship” will not just happen to me without the application of my heart, my hands, and my head to the task of following the Master.

Which brings me back to my Dad.

“You’re not applying yourself!” was his favorite exclamation each quarter when grades appeared throughout my storied and illustrious⁴ secondary education. I did not realize it until I had been practicing law for a couple of years, but what he meant by that was that I was not “pushing into” the subject at hand, that I was not engaging it with my whole “self.” Instead, I was



halfheartedly—and mostly mindlessly—doing only what was necessary to get by. Rather than apply my mind to engage the subject, my hands to practice it, and my heart to be motivated to do both, I simply stood aloof, with no “application” of my “self” to the topics at hand.⁵

Applying Ourselves

Dallas Willard spent his career exploring the importance of “applying oneself”—especially through the spiritual disciplines (such as fasting, prayer, celebration, and silence)—to the work of becoming a disciple. He viewed the disciple primarily as an “apprentice” to the Master, a student that followed by imitation. This requires that we be both *students* of Jesus and *participants* in practices that help us cooperate with His grace. This involves our desires, our plans, and our actions:

We should not only want to be more merciful, kind, unassuming, and patient persons but also be *making plans* to become so. We are to find out, that is, what prevents and what promotes mercifulness and kindness and patience in our souls, and we are to remove hindrances to them as much as possible, carefully substituting that which assists Christ-likeness.⁶

Similarly, Jamie Smith recently has argued that we are mistaken if we believe that becoming this sort of virtuous person—becoming a disciple—is simply a matter of gaining knowledge. Disciples are not primarily learners, but “lovers,” he says, so the task of discipleship is to “aim our loves” properly.

I can't just think my way into virtue. . . . Laws, rules, and commands specify and articulate the good; they inform me about what I ought to do. But virtue is different: virtue isn't acquired intellectually but affectively. Education in virtue is not like learning the Ten Commandments or memorizing [Bible verses]. Education in virtue is a kind of formation, a retraining of our dispositions. “Learning” virtue—becoming virtuous—is more like practicing scales on the piano than learning music theory: the goal is, in a sense, for your fingers to learn the scales so they can then play “naturally,” as it were. Learning here isn't just information acquisition; it's more like inscribing something into the very fiber of your being.⁷

Smith elaborates that acquiring virtue comes through imitation and by practice:

Thus philosophers and theologians from Aristotle to Aquinas have emphasized two aspects of virtue acquisition. First, we learn the virtues through *imitation*. . . . “Follow my example,” Paul says, “as I follow the example of Christ” (1 Cor. 11:1).

Second, acquiring virtue takes *practice*. Such moral, kingdom-reflecting dispositions are inscribed into your character through rhythms and routines and rituals, enacted over and over again, that implant in you a disposition to an end (*telos*) that becomes a character trait—a sort of learned, second-nature default orientation that you tend toward “without thinking about it.”⁸

So where does that leave us as lawyers, judges, and law students (and men and women and spouses and friends and children and parents) who seek the path of discipleship?

Imitation and Practice

First, because being a disciple of Jesus involves imitation, we need to identify what sorts of habits and practices are pleasing



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to God in lawyers, law students, and judges. What would Jesus have done had he practiced law in my specialty? What do godly men and women in my field do? How does a disciple of Jesus view this area of the law?

This is not an easy task, as role models are often hard to find. Yet Scripture is an important and reliable guide, and much has been written in recent years about thinking faithfully about ordinary work and about law and law practice. Diligent study of the Bible and Christian writers in the field are central to the imitative task. In addition, this is a task to be pursued with the help of others. A community of faithful Christian lawyers or law students seeking to find out what is pleasing to God in law practice is invaluable.⁹

Second, we need to “make plans,” as Willard would say, to actually follow through and *practice those things*. This means that we also need to seek to understand what prevents and what promotes the practices that Jesus requires of us. We then work to remove hindrances to good practices and to substitute behaviors that will assist us in pursuing them.

This planning, if Jamie Smith is right, will involve an effort to discern the ways that law school and law practice have shaped us—how they have “aimed our loves” in a way that hinders Christ-like practices. This requires thoughtful reflection about our lives in the law. We seek out, in Smith’s language, those “rhythms, routines, and rituals” that form us—positively or negatively—over time. And then we’ll need the courage and creativity to address the disordered loves in our lives.

Easy, right?

The Shaping Power of Law School and Practice

It is not hard to begin to brainstorm all the shaping influences of the legal academy and law practice. Our analytical habits that help us cross-examine our spouses, our warped view of time, our easy devil’s advocacy, our cynicism, and even a touch of competitiveness are pressed into us by the waters in which we swim as trained legal professionals. That is not to say that we are somehow fated to succumb to these influences or that



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they are irresistible or unredeemable. Nor am I saying that there are no positive shaping influences from our education and practice. But a moment's reflection will reveal that we are subtly shaped by our work, often in ways that we would resist if the shaping were more overt.

In short, if we are faithfully to apply our heads, hearts, and hands to the good works of true disciples in the law, we must embrace “rhythms, routines, and rituals” that push us toward them and also resist—on purpose—those routines and rituals that hinder us. Discipleship happens on purpose. If we do not “make plans” to follow Jesus in our law practice and study, we will not.

Two Examples

In closing, and by way of example, I want to examine just two of the many “rhythms, routines, and rituals” that press in on us as lawyers, trained in the legal academy and the law office, and brainstorm a range of possible responsive routines for each.

Time

It would not surprise anyone if it turned out that people who keep track of their workday in six-minute increments develop a warped view of time. Billing practices and the habitual tracking of billable hours are major shapers of lawyers' lives. Time becomes money. Every minute is precious—as long as it is billable. Is every minute that is not billable wasted? Of course not, but we often live as if this were true.

Ask yourself what this routine has done to you.

How do you treat interruptions at work? Phone calls from home? Unplanned visitors? Church business? Chatting with a colleague? Recreation? Do you believe that time is money, really? What other subtle time-related side effects do you sense?

Even though I don't technically bill hours for a living any more, I have found that my mind continues to distinguish between “billable” and “non-billable” tasks. When someone drops by

In short, if we are faithfully to apply our heads, hearts, and hands to the good works of true disciples in the law, we must embrace “rhythms, routines, and rituals” that push us toward them and also resist—on purpose—those routines and rituals that hinder us.

my office just to say “hello” or to ask for my help in the local youth sports association, I have to intentionally resist resentment. Yet aren't these “interruptions” some of the more important events of my life?

My father-in-law is a rancher in rural East Texas. When I first started hanging around the farm and running errands with him, I was amazed. We'd drop a small motor off for repair and leave the shop a full forty minutes later, having had about two minutes of conversation about what needed to happen to the motor. Or we'd drive out of

our way to sit in a local gas station for an hour and have a cup of coffee with others “on our way” to check the farm. It would take us an hour to pick up a part at the parts store, having fully caught up on the weather, the families of all the employees, and the new models of tractors. All the while I'm thinking, “Wow, this is taking forever. We'll never be done.” But where was I going? What was the rush? And it wasn't even my farm—and I was on vacation!

When I view time more like an East Texas farmer (or an East Texas lawyer for that matter), I am a better person for it.

Although he is not writing to lawyers specifically, James Bryan Smith has suggested that there is some “soul training” in which we can engage to help re-form our warped view of time:

Walk more slowly. Drive more slowly. When you arrive at your destination a bit earlier than usual, spend the extra time to notice people and things around you. Breathe.

Intentionally get in the longest check out line when shopping.

Plan a meal to be savored with friends. Cook slowly. Linger over the meal and conversation, enjoying the blessing of both.¹⁰

There are likely hundreds of other routines and practices that we might try to resist the billable-hour-related rhythms of law practice. Be creative as you seek out your own. Again, the goal

is simply to be purposeful in pressing in with our heads, our hearts, and our hands to new routines that will lead to habits on the path to discipleship.

Cynicism

I have asked hundreds of law students over the years whether they are more or less cynical than when they started law school. It's not a trick question, but they always laugh. Not all, but a vast majority of lawyers and law students believe that a legal education builds cynicism into the human soul.

Yet lawyers are trained to be at least skeptical, if not cynical, by necessity. As Dick Keyes says, "Suspicion seems necessary to see through the triviality and the con-artistry that surrounds us." How to cross-examine, for example, without a healthy dose of skepticism? I have a friend who says that lawyers are cynical at heart because they know "there's always another side to the story, something that is hidden."

But what does cynicism do to our lives, to our relationships? Keyes quotes Henri Nouwen:

For me it is amazing to experience daily the radical difference between cynicism and joy. Cynics seek darkness wherever they go. They point always to approaching dangers, impure motives, and hidden schemes. They call trust naiveté, care romantic, and forgiveness sentimental. . . . They consider themselves realists, who see reality for what it truly is and who are not deceived by "escapist emotions." But in belittling God's joy, their darkness only calls forth more darkness.¹¹

How do we combat this shaping power in our lives?

First, we should realize that of course things are broken, trivial, and corrupt—the world is fallen. Witnesses sometimes lie on the stand. But in the same breath, we must acknowledge the hope of redemption and the ultimate reconciliation of all things to Christ. Our solution is not to deny the corrupting influence of sin, but rather to focus on the redeeming work of Christ, here and now. By way of counter-shaping routines, we might try one or more of the following:

- Engage regularly in media and social media fasts.

- Pray for the success of our enemies.
- Meditate on Psalm 51 and others like it that expose our own corruption and confess hope in God's grace.
- Engage in regular confession of sin to God and to others to whom we can be held accountable.

Our lawyerly routines and rituals that engender cynicism and hurry are just two examples of the many that will subtly shape us away from the path of discipleship. My own desire is to be better engaged in regular reflection on the routines of the law that seek to shape me.

May we all be willing to do the work necessary to cooperate with God's grace that enables our heads, hearts, and hands to follow Jesus on purpose in our law practice and study.



Mike Schutt is the director of CLS Law Student Ministries and of the Institute for Christian Legal Studies (ICLS). He is also the editor-in-chief of the *Journal of Christian Legal Thought* and the author of *Redeeming Law: Christian Calling and the Legal Profession*.

END NOTES

- 1 Ephesians 2:10 (ESV, emphasis added).
- 2 Philippians 2:12-13 (ESV).
- 3 DALLAS WILLARD, *THE GREAT OMISSION: RECLAIMING JESUS' ESSENTIAL TEACHINGS ON DISCIPLESHIP* (2006).
- 4 Some facts have been embellished slightly.
- 5 Note that even the metaphors "half-hearted" and "push into" and "mindless" speak to the role of my head, heart, and hands.
- 6 DALLAS WILLARD, *Looking Like Jesus*, in *THE GREAT OMISSION* 29 (2006).
- 7 JAMES K. A. SMITH, *YOU ARE WHAT YOU LOVE: THE SPIRITUAL POWER OF HABIT* 17-18 (2016).
- 8 *Id.*, at 18-19.
- 9 This is one big reason that Christian Legal Society exists. To find a group of attorneys that meets near you, visit the CLS website: www.ChristianLegalSociety.org. To find out what's happening on your law school campus, contact Law Student Ministries at lsm@clsnet.org.
- 10 JAMES BRYAN SMITH, *THE GOOD AND BEAUTIFUL GOD* 190-91 (2001).
- 11 HENRI NOUWEN, *Return of the Prodigal Son* 117 (1994), in KEYES, *SEEING THROUGH CYNICISM*, at 221.

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“CLS discipleship was a rich season of deep fruitfulness, for which I am so thankful.”

Journeying Together

BY SALLY WAGENMAKER

Discipleship can come in a variety of shapes and sizes. At its heart, discipleship is all about *relationship*—between believing Christians, seeking to deepen their relationships with God and each other.

For me, discipleship has included the privilege of journeying together with other Christian attorneys and law students through an agreed-upon season of meeting together, typically every other week or so. Sometimes I’ve discipled others one-on-one, and other times as part of a group. Sometimes I’ve much anticipated our meetings, and sometimes I’ve frankly viewed them (beforehand) as an interruption to my work responsibilities (but never afterwards!). Always, discipleship has ultimately been a great joy and cause for thanksgiving. Here’s why ...

Seemingly simple, but deeply important questions frame our discipleship time together: “How was your week?” “What’s on your mind today?” “How can I pray for you?” We care for each other, in a growing friendship grounded in Christ. We check in on our week so far, our pending work projects, whatever is on our minds. Through CLS discipleship, we connect as fellow legal professionals—keeping our time together flexible but focused.

Like good lawyers and law students, we do our discipleship homework. Studying God’s Word together becomes all the richer when we first study and pray over it on our own. Additional tools can be helpful too—like Henry Blackaby’s *Experiencing God* workbook, Cynthia Heald’s many books with provocative questions to stir one’s mind and heart, and Bible study methods that equip Christians to appropriate and then communicate Scriptural truths to others.

During one season of group discipleship, we dug into the Gospel of Mark together, dissecting each passage and using homiletics—like lawyers evaluating a legal case, marveling together at Jesus’ audacious responses to followers and challengers alike, and considering the many examples of Jesus’ call to bold action. For each session’s homework, we read an assigned passage and then developed a paraphrased version, a summary sentence for each key section, a distilled comprehensive summary for the entire passage, an “aim” for applying the passage to our lives, and distinct application questions for implementing the spiritual truths. That’s plenty of food for thought—and action!

We then came together and shared—and it was always fruitful. The Book of Mark is chock-full of “all in” living for Christ. Encouraging one another through our Mark study—and conversational time together—provided countless treasured opportunities for learning and growing. We explored much common ground together: “How does one balance work and personal priorities?” “How does God want me to respond to difficult issues like whether to pursue a new job or not?” “How should I treat my spouse (or my brother, my roommate, my classmates, my co-worker) in light of what I’ve learned this week about God?” “How can I better stand up for Christ in an increasingly hostile world?”

One of my favorite discipleship sessions centered on Mark 8, with Jesus's miraculous feeding, the contentious Pharisees, a blind man healed, and Jesus' invitation to deny ourselves, to take up the cross, and to follow him. In the midst of all this drama, the seemingly hapless disciples are trying earnestly to figure when Jesus is speaking metaphorically and when he is speaking literally. After Jesus feeds bread to the 4000, the disciples head out with Jesus in the boat and begin anew to worry about bread: "And they began discussing with one another the fact that they had no bread." (Mark 8:16). Our discipleship group chuckled together at the disciples' confusion—Jesus showed himself to be the source of all bread, literally and as spiritual food. Like Jesus' disciples, we too can get overly caught up only in what we can physically see, or wonder about signs, and not see Jesus right in front of our eyes—through each other as God's agents and through the Godly wisdom that He promises to each of us!

From the Mark 8:1-10 passage, we learned together that Jesus compassionately invites us to participate in His gracious and abundant provision, healing, and teaching. It's all the richer—and deeper—for learning this critical truth together. And for asking the probing questions together too: "Where am I (and you!) hungry—even intensely so—for Jesus' feeding?" "Where, in what, and how has Jesus taught us, and I am feeding/receiving?" "With whom shall I share?" "And what do I do with the 'leftovers'?" Jesus invites us to participate, to eat, to feed hungry people (physically and metaphorically) through CLS discipleship and, of course, much more.

More questions developed from the rest of Mark 8: "Will I (and you!) remember to ask for reminders of God's abundant provision?" "How can I help others to remember and to see beyond 'bread,' that is, beyond our own limited vision?" "Will I ask God to help us *expand* our vision—within our discipleship group, and beyond?" Even as we struggle, Jesus remains compassionate throughout. And God provides the gift of each other, and His word, so that we can learn that truth. But like food, we desperately need these reminders daily and in community.

Does CLS discipleship sound hard? It wasn't really. I started my first arrangement somewhat reluctantly, willing to disciple an international law student whom I hadn't known beforehand but wondering how I would fit this new commitment into my

Through CLS discipleship, we connect as fellow legal professionals—keeping our time together flexible but focused.

already hectic schedule. I asked her what she would like to study, and she picked a Bible study aid that I had already done. I figured at that point that CLS discipleship was going to be mostly for her benefit. Boy, was I wrong! God used that season to help her think and pray through key questions as she was starting her legal career and considering related personal choices. He also helped me to reevaluate the same questions but through a different lens of being mid-career and in the midst of a growing family. God is good—all the time! It was a rich season of deep fruitfulness, for which I am so thankful (particularly that we didn't give up meeting together!).

Should you disciple or be discipled? We are always on a journey with God, and He invites us to journey together with others, whether informally or formally through opportunities like CLS discipleship. As I have prayed for others within CLS discipleship arrangements, I pray now for each reader—that you could connect more through CLS, as lawyers, law students, or others connected to the legal profession, and that we all may be able to laugh and celebrate and pray together as brothers and sisters together in Christ.

Sally Wagenmaker is a partner at Wagenmaker & Oberly, a law firm serving non-profit organizations across the nation with offices in Chicago and Charleston. She provides legal counsel in corporate, tax, employment, and real estate matters for clients including churches and other religious organizations, social service providers, and schools. Sally speaks regularly on non-profit legal issues and writes through her law firm's blog (www.wagenmakerlaw.com). She has authored numerous articles on tax-exempt topics including religious liberty issues, state exemption, governance, and political advocacy. Sally is actively involved with Christian Legal Society and is a member of the Illinois and Georgia bars.

“Follow Me.”

BY BRENT AMATO

Imagine it was the summer of 65 A.D. Imagine you were living on the island of Crete. Imagine you were a lawyer, a junior partner in the largest law firm on the island, “The Crete Counselors for Christ.” Imagine your name was Zenas. (The Apostle Paul wrote a letter to Titus, one of his prominent young Christian associates, who was placed in a position of spiritual authority over Christians in Crete. The letter stated in part, “Diligently help Zenas the lawyer on his way so that nothing is lacking for him.”)

Imagine, one day sitting in your law firm office, in walked someone you didn’t recognize, who appeared in a blinding light. Unable to look at the figure, you fell to the floor. “Who are you?” you asked with great fear and trembling. The figure answered, “I am Jesus.” You recalled Titus telling you and the other Christians about Paul’s encounter with Jesus on the road to Damascus and you just knew it was Jesus.

Imagine that after a few minutes, Jesus broke the silence and said, “Follow Me.” Certainly not words you expected. You were frozen in the blinding light, but imagine what was going through your mind and heart. Beyond your senses, beyond belief, but very real. Your mind racing, thinking about the original disciples and those words to them: “Follow Me.” Embarking on the greatest adventure ever, following Jesus! Turning the world upside down for the Gospel of Jesus Christ and now those same words are directed to you!

But then your lawyer’s analytical, logical mind kicked in, spurring your thoughts: “Wait a minute! Those fishermen left everything. Immediately. Family, boats, nets.” Then you considered your circumstances: One year away from full partnership. A robust stable of clients. Respected by firm management. “I’m so far from any exit strategy. How could I leave this law practice? What would others say? And the incredible cost!”

You stayed on the floor avoiding the light and the invitation.

But then, imagine, after some moments of spiritual reflection (you could only call it a miracle), you, like the prodigal son in the pig sty, came to your senses. You heard yourself say to Jesus, “Count me in. I’ll follow you!”

Then, imagine you got up and started to walk to Jesus, ready to follow him anywhere and you heard two new words that stopped you in your tracks. He repeated, “Follow Me” and then said, “Stay here.”



And then imagine, just like with the two men on the road to Emmaus, He vanished from your sight.

From that point forward as a junior partner of CCC, there would be two basic questions: (1) Would you be ready for that encounter and that call? and (2) If you chose to follow that call, how would you change?

What about Paul, that Pharisee of Pharisees, on the morning he set out on the Damascus road to continue on what he thought was his mission from God? Was he ready? Would you be ready? Let’s first consider some prerequisites to the call:

- Shedding. Removing any idols and escaping the “jealous mistress” (1 John 5:21) and putting aside any rational and logical excuses not to follow Jesus (Luke 9:59-62)
- To the extent necessary, recapturing your “first love” (Revelation 2:2-5, 7a)
- Seeking things above (Colossians 3:1-2)
- Submitting to God (Proverbs 16:9)
- Being filled with the Holy Spirit (Ephesians 5:15-18)
- Pressing forward (Philippians 3:12-14)
- Being flexible for changing from one “season” to another (Ecclesiastes 3:1-8). Changes in life are (i) inevitable (Ecclesiastes 3:1b-8) and (ii) “appointed” (Ecclesiastes

3:1a, 11a). Change can dislodge people from very comfortable places to far better places.

- Fixing your eyes on Jesus (Hebrews 12:1-2a)

Are you ready for the call?

Second, how would you change? While no one can be expected to fully comprehend this call, let's imagine three aspects of a lawyer's practice following Jesus.

First, following Jesus *completely*: "...So that He Himself [Jesus Christ] might come to have first place in everything" (Colossians 1:18). "Completely," in this context, means the absence of any competition. The challenge of idolatry, placing anything above God the Father and His Son always lurks in all of our lives. It is addressed in the First of the Ten Commandments (Exodus 20:1-5a) and the warning the Apostle John leaves us at the end of his first Letter (I John 5:21). Idolatry can lurk in one's law practice or any portion thereof, no matter how good, small or justifiable the idol.

"Completely" draws us to our agenda, both short and long term. How do you start your day? What drives your agenda? Are you driven by your agenda? How do you end your day? What are your goals? What do you want written on your epitaph? What will be your legacy? Is your practice of law "all to the glory of God" (I Corinthians 10:31)?

"Completely" focuses on whom you practice law for, both externally with clients and internally with your firm's or company's management. Many lawyers have earthly "masters." Are you working "as for the Lord, rather than for men..." (Colossians 3:23)? Are you mindful that "it is the Lord Christ whom you serve" (Colossians 3:24b)? Are you following Jesus completely?

Second, following Jesus in *truth*: "I am the way and the truth..." (John 14:6).

"In truth" means with integrity before God, who knows your every thought, feeling, attitude and motive. While this prospect might appear daunting to many, to the one who follows Jesus closely, it is a great encouragement. I am comforted that integrity preserves and upholds me (Psalm 25:21, 41:12).

"In truth" means with integrity before others in your legal community and with clients. (Paul told Titus that one of the Cretan prophets said "Cretans are all liars" (Titus 1:12).) Can you imagine practicing law in that world? Are you impacting the "environment" of your legal practice world or is it impacting you, "squeezing you into its mold" (Romans 12:2a)?

"In truth" means practicing law in accordance with God's truth and not your own understanding (Proverbs 3:5-7). We lawyers know so much. We lawyers are such good communicators. All this tempts us to lean on our own skill set, our own logic, and our own earthly and conventional wisdom. All this leads to pride, which can blind us from the Truth.

Are you following Jesus in truth?

Third, following Jesus *compassionately*: "*But a certain Samaritan, who was on a journey, came upon him; and when he saw him, he felt compassion, and came to him and bandaged up his wounds, pouring oil and wine on them; and he put him on his own beast, and brought him to an inn, and took care of him. And on the next day he took out two denarii and gave them to the innkeeper and said, 'Take care of him; and whatever more you spend, when I return, I will repay you.' ... Go and do likewise*" (Luke 10:33-35, 37b).

Compassion requires time. Lawyers pride themselves on how busy they are and sometimes their billable hours measure their self-worth. Henry Blackaby in his devotional book *Experiencing God Day-To-Day* writes: "If anyone could understand the temptation to let busyness distract Him from the Father's activities, Jesus certainly could.... It's easy to become so busy that you are oblivious to those in need. Your schedule can become so full of accomplishing good things that you are of no help to the people around you...God may ask you to interrupt your day long enough to join him as he ministers to others. Nothing on your agenda, no matter how pressing, is reason enough to ignore the voice of God when he tells you to stop and help." Busyness is the enemy of compassion.

Compassion does not discriminate. Lawyers all serve clients. But examine your clientele. Is there room in your law practice for those who are "hungry, thirsty, a stranger, naked, in a 'prison'?" Jesus called these people "the least of these" (Matthew 25:35-40). Are your clients prioritized based on familiarity, revenue stream, benefit, position or power or are you an "equal opportunity attorney"?

True compassion is costly. What does your compassion for your clients cost you? True value is defined by true cost. Does the cost of compassion sometimes shape or become a deterrent to whom or how you serve? For the One we are to follow, His compassion cost him His life on a cross.

I'm challenged that in Micah's short but profound description of what God requires of man, he links justice with loving mercy (Micah 6:8).

Are you following Jesus compassionately?

“Follow Me” were words uttered by Jesus Christ to a diverse group of people recorded in all four Gospels at the beginning of his ministry (Matthew 4:19, Mark 2:14, Luke 5:27, John 1:43), the end of His ministry here on earth (John 21:19), and presumably throughout His ministry. These words require our attention. They also require our obedience.

The vast majority of lawyers have also heard those other two words: “Stay here.” That’s okay. The majority of us does not often “mount up with wings like eagles” or even “run,” but rather just spends a lot of time “walking” (Isaiah 40:31). But those words also require our attention and our obedience. Your law office certainly has less sizzle than following in the footsteps of Jesus throughout “Judea, Samaria and even the remotest parts of the earth,” but your law office desk and chair are just as important in following Jesus.

Granted, we are all a work in process, but hopefully we are all growing spiritually. Part of that growth is learning to grow in the knowledge of Jesus Christ (II Peter 3:18). Part of that knowledge is learning to follow Jesus, wherever He calls us and not “from a distance” (Mark 14:54) cautiously in our comfort

zones, but up close and personal, “reclining on Jesus’ breast” (John 13:23) to hear His heartbeat.

In my study, in front of me when I sit at my desk is a picture of a lawyer sitting in his office. Sitting next to him is Jesus. Jesus is talking; the lawyer is listening, “following Jesus.”

While following Jesus more closely means different things to different people, it should always include following Him more completely, more in truth, and more compassionately. That path, that Person to follow, is priceless!



Brent Amato practiced business/corporate law in the Chicagoland area since 1976 and as of December 31, 2014 retired as Vice-President, General Counsel for a publicly-traded company.

Brent has been active for over 40 years with Christian Legal Society, serving as former President and Board member, primarily in law student and attorney ministries. As of January 1, 2015, Brent has served as a part-time staff member with Christian Legal Society, working with lawyers and law students. Brent and his wife Sherrie (who he met through CLS) have two adult married children and 5 grandchildren.

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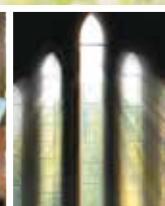
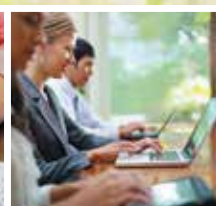


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“Everyone,
without exception,
who comes into
my office, if they
are willing, will
hear about Jesus.”

My Office, My Mission Field

BY PAUL BUZZI

My life was a mess, even after a quality education in religious schools from first grade through graduate school. I had more degrees than a thermometer. I was a well-educated corpse. I was religious but headed for Hell. And I had a blinded mind.

August 10, 1979 ... in a living room, not a church, at the age of 38, a lost man bowed his head and prayed the sinner’s prayer with a godly man who believed that his business, his leisure life, his entire life was his mission field. He was the first “layman” or anyone for that matter who knew God’s Word and was not ashamed to share it with this know-it-all lawyer. He knew where I was headed, even if I didn’t, and he had compassion for me.

Six days later, as I was leaving the courthouse after the judge had sentenced my 18-year-old-client, Stephen, to prison, I heard a voice say, “I want you to go back and tell that young man about Me.” I stopped dead in my tracks and said, “What?” The Lord repeated, “I want you to go back and tell that young man about me.” I turned and headed for the jail, which was next door to the courthouse. “You’re not a preacher, you’re a lawyer,” I thought. And I turned to go to my car. At least three times the Lord told me to go tell that young man about Himself. Finally, I went.

“Stephen, don’t get into any trouble in prison, and in thirty days I’ll file a motion for shock probation,” I said.

“OK,” he said.

“By the way, have you ever read the Bible?” I asked him.

“A little,” he answered.

“Do you want to talk about it?” I asked.

“OK,” he said.

Being only six-days-old myself I really didn’t know much so I told Stephen how I had accepted Jesus after a Bible study in a living room.

“It all boils down to one thing,” I said. “Do you know Christ personally?”

“No,” he said.

“Do you want to?”

“Yes.”

“When?”

“Now.”

“NOW?”

“Yea, now.”

“What do I do now, Lord?” I thought. I didn’t hear any voice at first but then God said, “What did Fred do?”

“Can you ask God to forgive all the sin in your life?” I asked Stephen.

“Yes,” he replied.

“And can you tell God that with His help you are willing to turn away from sin?”

“Yes.”

“And can you ask Jesus Christ to come into your heart to be your Lord, your Boss?”

“Yes!”

We bowed our heads there in the middle of a jail cell, and Stephen passed out of death and into life, tears streaming down both our faces. What a joy! And, just like that, Fred had become a “grandfather.”

A little more than a month later, I had the privilege of leading my father, the best man I have ever known, to Christ. And my father, in the days to come led his neighbor to Christ, my father-in-law to Christ, and even his nurse in ICU to Christ.

The Mission Field

Space does not permit me to share all of the many incredible stories resulting from my using my profession or my office, as my mission field. But know, and to God be the glory, I have had the privilege of seeing in excess of 3,000 people come to Christ. Everyone, without exception, who comes to my office, if they are willing, will hear about Jesus.

Clifford’s mother came to my office and placed \$1,500 on my desk asking, “Will you represent my son?”

“Of course.”

Clifford turned out to be a three-time loser, and there was little I could do for him. In our initial interview, I told Clifford that.

“The only thing I see to help you, Clifford, is to tell you about Jesus. Do you want to hear it?”

“Yes.” I guided Clifford through John 3, Romans 3, and Romans 10. “Can you ask God to forgive you for all the sin in your life?” I asked.

“Yes.”

“And can you tell God you are willing to turn away from sin?” Again, the answer was yes.

“And can you ask Jesus to come into your heart to be Lord of your life?” Another yes.

“What does ‘Lord’ mean?”

Clifford felt that it was a title for God, so I explained to him that today we would probably say “Boss.” Clifford bowed his

head, repented of the sin in his life, and asked Jesus to take control of his life. Clifford passed out of death into life!

Two weeks later at a pretrial, I asked the judge to put Clifford on probation even though he had been to prison three times and in just about every program available. I explained to the judge that man could not help Clifford but Jesus could. I told him Clifford had a personal relationship with Jesus and that I knew that not because Clifford told me so, but because I was there when he did it. The prosecutor looked at me like I was crazy but said nothing. The judge looked down at the paperwork on his desk, looked up, and put Clifford on probation. Clifford’s mother came in to the office the next day, tears streaming down her face, and told me she didn’t know what I had said to her son but she had never seen anyone change like that. Clifford had five brothers, all of which were in prison. Two years later, I had the privilege of leading one of Clifford’s brothers to Christ.

Judge James Barbuto, who was disgraced nationally, pled guilty to a felony and was sentenced to prison. I asked his attorney if I could have the judge’s unlisted telephone number. A short time later I found myself in the judge’s living room where he and his wife both prayed to receive Christ! His attorney asked me what I had said to Judge Barbuto because when he asked the judge how he felt about the upcoming sentencing, the judge said whatever God’s will was was okay with him. After a short prison term, the judge came to my home to participate in a Bible study.

Learning or Love

I want to be like Jesus, we say, yet we sit in the pew to be ministered to, unwilling to step out of our comfort zone. It’s not the man with the gift that wins souls; it’s the man with the guts and the compassion. John 4:34-38.

A Lost Opportunity

Some years ago a friend of one of my clients called me late Friday evening to ask a question. The Lord said, “That’s a spiritual call,” but I put him off until Monday. Saturday morning I open the newspaper and read that he was dead. I wept for months! I’ve told the Lord that I will never say “wait.” I will never say “no” again, never!

How many of us fail to respond to the Holy Spirit’s urging and never know the consequences of our failure? Maybe it’s merciful not to know. I didn’t have enough compassion for that young man to set aside my own selfish interests. Jesus, please

forgive me. I know I broke your heart. Help me to never ever let that happen again.

If You Are Willing, They Will Come

While attending a Promise Keepers-type meeting at our church a fellow “promise keeper” asked if I would talk to his uncle. I was informed that the man was unsaved and was at hospice.

Immediately I excused myself and went to hospice to see him. Upon entering the room, I went over to the bed and told the uncle why I was there. He reached over, took my hand in both of his and said, “Thank God you came! I’ve been praying that someone would come and tell me about Jesus.” With tears streaming down his face, his daughter’s face, and my face, he prayed to receive Christ. He passed out of death and into life. He became a new creature, clean and acceptable to God Himself, ready to go into the arms of Jesus, there to spend eternity. Hallelujah!!

Was it training that brought Stephen to Christ? Was it vast Biblical knowledge? No! It was the Holy Spirit and a willing man. Was it a seminar that sent a man to hospice? No. It was COMPASSION. It was remembering being lost and a man willing to share his faith with that lost man. It was the love of a Savior willing to shed His blood that a lost world might be set free, one person at a time. It was the memory of a newspaper article telling of a death.

What About You?

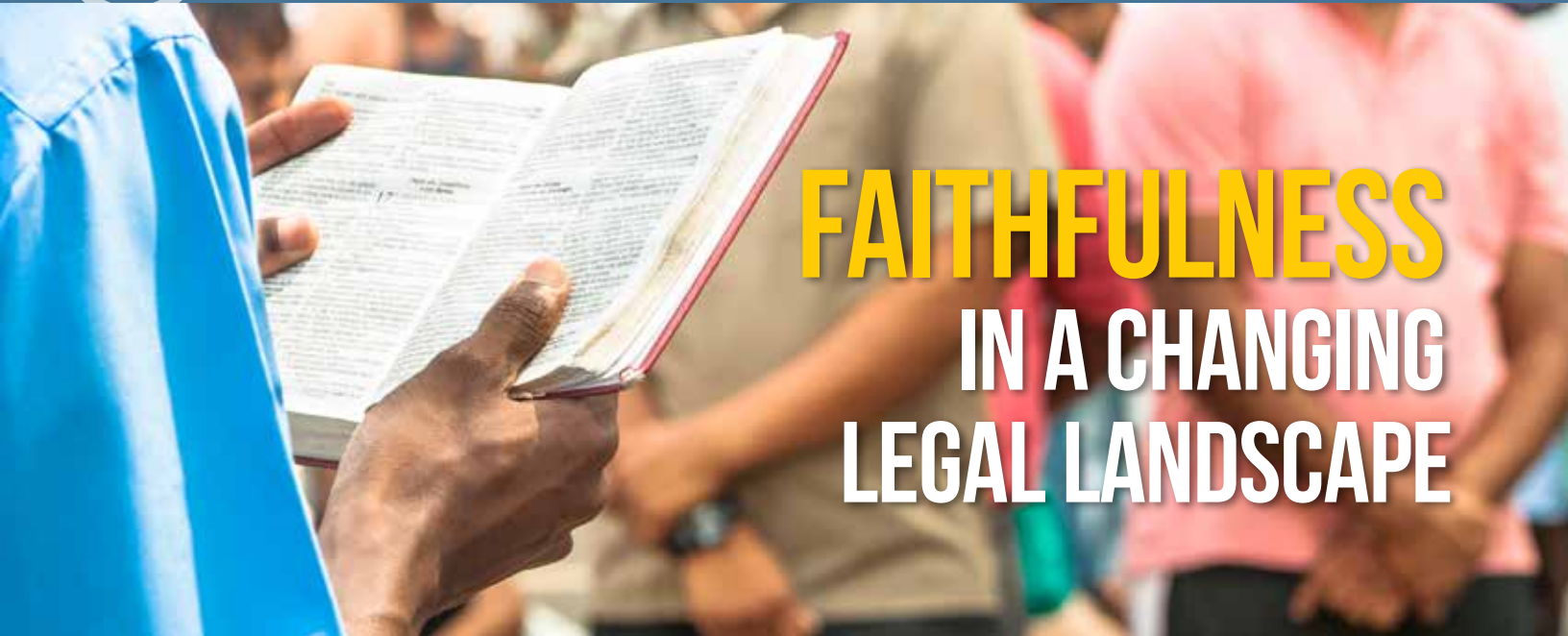
Sheep beget sheep. Shepherds take care of them. God has chosen to use such as us to further His Kingdom. Dare we say, “Hold me excused”?

Has the Holy Spirit spoken to your heart? Do you want to be a soul winner? If you do, say this little prayer:

Heavenly Father, search my heart and reveal any wicked way in me. Give me a repentant heart and forgive me that I might come before You with clean hands, ready and willing to do Your will. Holy Spirit, grant me a Holy Boldness to use the talents I have been given for Jesus. Give me a compelling compassion for the lost and let me see that my profession, my office is my mission field. My I see many come to a saving knowledge of the Savior, Jesus Christ. Amen.

Paul F. Buzzi, who is nearing the end of his fifth decade of law practice, owns Buzzi Legal Services in Akron, OH, where he lives with Kathryn, his wife of 53 years. Paul is a graduate of Dayton University, Xavier University and Salmon P. Chase College of Law. He is a home Bible study leader and has spoken all over the world on evangelism. You can hear Paul tell some of his story on Episode 57 of the Cross & Gavel Audio podcast, available on iTunes.

Find a **CLS Chapter** near you today.
New chapters recently established.
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FAITHFULNESS IN A CHANGING LEGAL LANDSCAPE

BY RENEE CARLSON

Over the past year, I have encountered facts making it very obvious that the world around us is quickly changing:

- Recently, a pastor in my state was charged with a misdemeanor for street preaching at an abortion clinic. And although he was charged with a crime based on a zoning ordinance related to his amplifier, he was treated like a hardened criminal. He was actually *taken into custody*, escorted by two officers, with his hands secured behind his back, and put into a squad car.
- Months earlier, I had been approached by a non-profit Christian school. They were no longer getting important correspondence from the IRS, and their tax-exempt status was curiously revoked.
- The State High School League in our state, despite thousands of emails, letters, and personal testimonies from their members, decided to impose a new policy on all member schools. The policy grants males who identify as females access to female locker rooms and shower facilities, and females who identify as males access to male locker rooms and shower facilities, based on nothing but the student's own assertion of gender. This decision came before the Obama Administration's recent Title IX mandate. I have been working with like-minded lawyers to protect the rights of parents and students whose safety and dignity are at risk because of this policy.

- And currently, we have had at least two states in the country who have declared churches subject to SOGI laws as public accommodations under their human rights provisions. Churches may be subject to criminal punishment for maintaining sex-segregated facilities in accordance with their faith, while opening their doors as a ministry to the public.

What once was sacred is no longer.

Despite my involvement in these matters as an attorney, it did not entirely impact me personally. This changed when the ABA adopted a revision to the Model Rules of Professional Responsibility, ignoring in the process a myriad of logical and thoughtful comments by hundreds of dues-paying members and even concerns voiced among their own leadership. Admittedly, until that point it all seemed distant – religious liberty is something that you take away from students, pastors, teachers, employers, but not lawyers! Hearing the news of the ABA action, I felt a heavy weight and not just emotionally, but also physically in my body. Sometimes I wonder if I am the only one who feels this burden. As I look around, the world keeps turning – people are casually drinking lattes, and I feel as if the sky is falling. I wonder if anyone else feels like their innermost being, which was once protected under the First Amendment and a host of other long-standing legal precedent, was just ripped out of their chest.

All it takes is a vote from a city council, a mandate from an unelected government official, or a decision by some board, committee, or district court judge. *Fort Des Moines Church of Christ v. Jackson* is a good example. I was first made aware of this issue by a colleague last March, who informed me that the Iowa Human Rights Commission published a question and answer brochure stating that churches may be considered a public accommodation and, therefore, subject to SOGI laws, for example, “a child-care facility operated at a church or a church service open to the public.” The Commission has since revised its brochure, but it isn’t much better, stating that places of worship will be “generally exempt” from the law, aside from cases where the church is engaging in non-religious activities open to the public. There is not only a chilling effect on speech and religious expression and exercise, but also grave consequences for violations and, in some instances, a threat of criminal charges.

I find myself asking, how did this happen? And how should the Christian legal community respond? To the first question, I believe Ecclesiastes 1:9 provides the answer: “*There’s nothing new under the sun...*” As a Christian, when I consider the current cultural landscape, this verse is a steady reminder. It can feel disheartening and even overwhelming at times to ponder the obstacles that now face us as the secular agenda advances in both law and personal human perspectives. Everything is a distortion of God’s original intent because everything – whether the events and decisions we see being made today or in the circumstances of generations gone by – is a reminder that our adversary is still the same.

The Scriptures tell us that Satan disguises himself as “an angel of light.” Throughout the history of mankind, Satan has strategically disguised himself to whatever audience he can most effectively influence. A chronology of historical accounts proves this true. Today, Satan’s disguise is not in the form of an angelic light, but rather now comes to us in the form of secular humanism, which ultimately manifests in the religion of self. Each person determines his or her own destiny, regardless of the effect it may have on others. Satan, as a thief, comes to “steal, kill and destroy.” Jesus tells us in John 8 that Satan’s very nature is a liar. When the foundation and guiding truth of God’s Word is replaced by the religion of relativism and current culture, we must not be surprised at what we see before us today.

There is an honest wrestling inside of me related to the answer to the second question. How do we respond? I am reminded of 1 Peter 3:14-17:

Now who is there to harm you if you are zealous for what is good? But even if you should suffer for righteousness’ sake, you will be blessed. Have no fear of them, nor be troubled, but in your hearts honor Christ the Lord as holy, always being prepared to make a defense to anyone who asks you for a reason for the hope that is in you; yet do it with gentleness and respect, having a good conscience, so that, when you are slandered, those who revile your good behavior in Christ may be put to shame. For it is better to suffer for doing good, if that should be God’s will, than for doing evil.

While this is no easy task, it is convicting. Quite simply instructed, I’m called to have a ready defense that transcends both personal and professional spheres.

Even more, 2 Timothy 1:7 states: “*For God hath not given us the spirit of fear...*” So why should we be reactive instead of proactive? Religious liberty extends to all faiths. John Leland, the eighteenth-century abolitionist and pastor, penned it best:

Every man must give an account of himself to God, and therefore every man ought to be at liberty to serve God in that way that he can best reconcile to his conscience... It would be sinful for a man to surrender that to man which is to be kept sacred for God.

With God’s grace and strength, we have the ability to use our skills in a very practical manner. Not only that, but much of the law *is* on our side, and we shouldn’t be ashamed or embarrassed to make those arguments.

Consider Title IX and its application to restrooms and locker rooms. We do not need to feel intimidated for asserting that Title IX should be interpreted to mean that locker rooms and restrooms should be used in consistency with one’s biological gender. We can confidently argue that interpreting Title IX to mean otherwise is completely outside the scope of any Executive action, is inconsistent with legal precedent and the right to privacy, and, quite practically, is a significant harm to women, the very class of people the law was designed to protect. Is this not evident by the myriad of Title IX law suits against the Federal Government? We have the knowledge, the credentials, and the skill set to enter into the legal arena and to equip and inform individuals to stand up for themselves under the law. If we have the Spirit of the Risen Christ within us, why do we feel stifled? Think about the possibilities if not only we lawyers but also other believers acted in concert with this Truth!

Ephesians 1:4 tells us that we have been chosen by God from “before the foundation of the world.” I believe that sovereignty extends to our law offices, the courtrooms in which we speak, and our clients. Based on your specific practice area and firm policies, I realize that engagement in these cultural battles may look different for each of us. I recall my experience as a criminal prosecutor, feeling handicapped by the inability to practice law according to the dictates of my conscience. I didn’t dare mention God to parents who lost children in a vehicular homicide or ask to pray for a victim of sexual abuse because I couldn’t afford to lose my job. But in my quiet off hours, I prayed for them, my co-workers, and the judges. The fruits of my experience inform me that I was engaging, and I didn’t even need words. When I finally realized that God could use me in that place, He swiftly took me out of the government and into private practice. As a result, I have been able to directly interact with ministries, para-church ministries, pastors and churches, Christian employers and employees, and even politicians through lobbying and legislative testimony.

The tidal wave of tolerance only seems to yield stronger affection for intolerance to people of faith and, hence, the need for highly competent Christian lawyers in all areas of practice. I believe this to be true for a few reasons. First, I have noticed a common denominator among my own Christian clients. There is a general misconception of legal rights related to basic Constitutional rights and religious liberty. I find that even if a client disagrees with the law, many are too intimidated to question it or assert their rights. Others simply do not realize what they do not know. For example, I was reviewing some internal organizational documents for a Christian school client and was surprised to read their non-discrimination disclaimer. As I read it, I noticed the school had acquiesced to language that may have precluded them from asserting their ability to hire and fire based on religion. The school’s response was that they thought such language was required to maintain non-profit, tax-exempt status. I explained to them the origin of this disclaimer in the tax law and, further, why current law does not require them to relinquish their religious freedoms to obtain tax-exemption. I explained that the requirements were directed at racial

disparagement, not religious practices or even gender discrimination. How many other schools or tax-exempt Christian organizations are in the exact same position? No doubt, many have been given an inaccurate interpretation of the law, and we can offer them accuracy because such details matter.

In my practice, I have also encountered a denial or a pleasant distraction from the current reality of the attack on religion and, in particular, Christian faith. Some find it is easier to ignore the issues than to face them head on. Ministries in particular need to be told the truth. Yes, God is a hedge and our protection, but that does not mean that ministries are immune to legal vulnerabilities and litigation. This comes in a variety of ways, but most common practice seems to be in poor development and implementation of policies, procedures and bylaws, and other governing documents, in addition to the need for clear governing authority and statements related to views on sexuality and human life. Often times I find Christians feel that memorializing these directives into a formal policy is bureaucratic and, therefore, ungodly or unwelcoming. To which I reply, God created the world in seven ordered days; policies and procedures are a product of wise stewardship. Whether it is a encountering UBIT (unrelated business income tax) or a Christian navigating his rights in this unchartered legal territory, there is a need for us.

My hope and prayer is that you find encouragement in both the resources of our legal education and the eternal Word of God. Let us never forget Romans 8:31: *“If God us for us, who can be against us.”*



Renee Carlson is an attorney in private practice. She enjoys serving non-profit ministries, private schools, churches, businesses, families in adoptions, and some criminal matters. Renee is also a regular speaker on various matters related to her practice and in particular to ministry groups and churches. She is a member of CLS, an Allied Attorney and Blackstone Fellow with ADF, and a founding member of the North Star Law and Policy Center. She is involved in her local Bar association and risk management committee at her church.



Eight Ways to Pursue Sustainable Growth in Your CLS Student Chapter

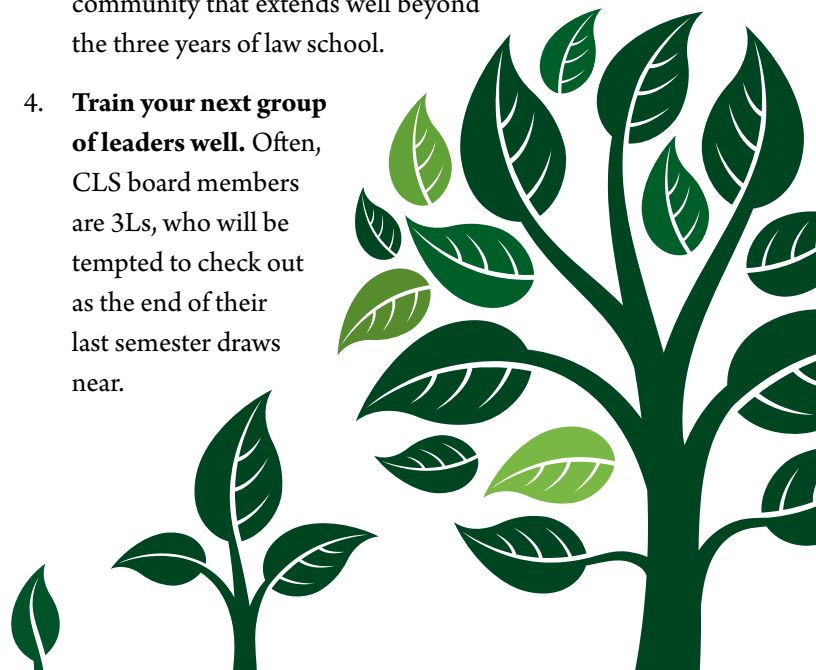
BY ALLISON GARNETT

There are few academic experiences more intimidating than the first days of law school. No matter what school you attend, we have all dealt with some level of fear as our professors, fellow law students, and career services offices stress to us the importance of being the best and securing the best possible employment. In the midst of this potentially toxic environment, where success is king, Christian Legal Society has provided a respite for me as a place to put things into perspective and experience spiritual renewal. This year, our board has inherited one of the largest CLS student chapters in the country, an inheritance that was built up through the wisdom and effective leadership of several presidents before me. Based on their advice and my observation of their success, I've put together a list of several principles that have been foundational for us in sustaining long-term growth as a chapter:

1. **Be a good steward of your meeting time.** Law students (especially 1Ls) have an incredibly limited amount of time to spend on extra-curricular activities, and they will have potentially dozens of options for how to invest that time. One way to make CLS a front-runner among those options is to make your meetings efficient and intentional. Keeping administrative items to a minimum and focusing on substantive spiritual encouragement helps members to feel that their time has been well-spent. Quality definitely trumps quantity, and we have recently dropped from six meetings per semester to four meetings per semester, so that we can devote more resources to excellent speakers and food. Being respectful of your members' time means planning high-quality meetings that will serve as an opportunity for refreshment and renewal, rather than another item on their to-do list.
2. **Use your financial resources efficiently.** If you can provide lunch at your meetings, that will always draw students, but many CLS chapters are either unfunded or

receive very little funding from their institutions. One way to maximize funds is by asking a local church to sponsor a lunch meeting by providing food or providing funding to purchase food. We've also saved some money by having potlucks for our beginning and end-of-the-year events, where students each bring a small portion of the overall meal. Also, we require anyone interested in running for or voting in our officer election to be a dues-paying member (\$10 a year). This fee isn't our primary source of revenue, but it does help to off-set our costs. Even on a minimalistic budget, student chapters can still provide enriching community and experiences for their members.

3. **Commit to holistic engagement of your members.** Law students need community, and it will be difficult to develop a thriving community from just a few meetings per semester. We have implemented several programs that seek to engage our members outside of our meeting times, including a mentorship program between 1Ls and upperclassmen, weekly prayer meetings, and sessions on faith-based summer internships. By investing in our members and their future careers, we hope to form a community that extends well beyond the three years of law school.
4. **Train your next group of leaders well.** Often, CLS board members are 3Ls, who will be tempted to check out as the end of their last semester draws near.

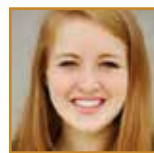


It is so important that we resist this urge and invest in the next year's board, to encourage continuity and ensure the most fluid transition possible. It's also essential to keep detailed notes of organizational procedures and decisions throughout the year, so that the next group of leaders is fully equipped and doesn't have to start from scratch. In addition to thorough notes, we have an end-of-the-year transition meeting, where we outline the responsibilities and roles of each position and answer any questions that the upcoming board may have. This vision-sharing and investment in the next group of leaders has been one of the foundational reasons that our chapter has experienced such growth in the past four years.

- 5. Foster good relationships with other organizations.** Partnering with public interest groups, BLSA, and other student organizations can be a great way to save funds on events and get better connected to the student body. CLS should be an organization that not only encourages believers but also engages the entire student body, and co-hosting events is a great way to demonstrate a desire to connect with a broader audience. This is a new goal for our chapter this year, and we hope to be involved in co-hosting several community service projects and a speaker series on racial reconciliation and Christianity. One caution with this approach is to be careful about aligning yourself through events with a political group like Law Republicans or Law Democrats, as that could alienate potential members and narrow your ministry's impact.
- 6. Engage with your local CLS attorney chapter.** Our hope is that our law students will go out into the workforce and remain connected with CLS as attorneys. One way to foster this connection is by introducing students to members of our local CLS attorney chapter. We do this primarily by inviting speakers who are members, but one of our goals for this year is to co-host events that give our members greater access to attorney members for professional development and mentorship opportunities. Your level of interaction with your local attorney chapter will somewhat depend on its size and level of interest in connecting with students, but if you are willing to do the majority of the work in organizing and promoting an event, we've found that attorneys are usually very happy to at least attend and get connected with students. One way to sell these events to attorneys is to remind them that many of these students will serve as their summer associates and potentially new associates in the near future, and that this is a great way

to get a head-start on making connections. In fact, our chapter has developed a position on our board called an "Outreach Coordinator," a student (usually from the area) who is tasked with reaching out to and maintaining a good relationship with our local attorney chapter. If there is no CLS attorney chapter in your city or nearby, check with your faculty sponsor or your pastor to get some ideas about who you could contact in your community.

- 7. Maintain an alumni list.** This is another one of our chapter's newest goals, and we think it will be beneficial to our group in several ways. Former members make great speakers for our meetings, and they are also a great source for networking opportunities for our students. Further, having an updated alumni list allows us to do targeted fundraising for events currently outside our budget, like sending some of our board to the CLS National Conference each year. Finally, keeping in touch with alumni allows them to stay connected with our work as a chapter and hopefully encourages them to get involved with their attorney chapter.
- 8. Make long-term and short-term goals for your organization and continue to pursue new ways to grow.** Our chapter has, by God's grace, continued to experience steady growth over the past four years. This did not happen overnight, nor was it the result of some huge budgetary windfall. Our board members for the past several years have instead set reasonable goals, made adjustments to our organizational structure as needed, and prayed for wisdom in prioritizing needs. At one of our weakest points about four years ago, the short-term goal was just to have enough members to run for officer positions, but now, we are able to adjust our perspective into more long-term goals of developing an alumni network and building bridges with other student organizations. Each CLS student chapter will look slightly different, but if we can remain true to our larger goal of honoring Christ and providing space for our members to experience spiritual rest, the smaller details will fall into place.



Allison Garnett is a third-year law student at the University of Alabama. She received her B.A. in English and Political Communication from Bryan College in Dayton, TN. Allison serves on the Managing Board of *Alabama Law Review* and as the President of Alabama Law's CLS chapter.



The *EVOLUTION* of the New ABA Model Rule 8.4(g)



BY KIM COLBY

On August 8, 2016, the American Bar Association's House of Delegates adopted a new disciplinary rule, Model Rule 8.4(g), making it professional misconduct for a lawyer to knowingly engage in harassment or discrimination in conduct related to the practice of law on the basis of eleven protected classes.¹ After careful consideration, Christian Legal Society (CLS) opposed the adoption of the broad new rule for a number of reasons spelled out in a letter² submitted to the ABA on March 10, 2016. Additionally, CLS proposed alternative language if the ABA chose to adopt such a rule.

In adopting the rule, the ABA largely ignored lawyers' rights of speech and religious exercise. Influential First Amendment scholar, Professor Eugene Volokh of the UCLA School of Law, has described the new rule as a speech code for lawyers.³ At best, the new rule will chill lawyers' expression of disfavored political and religious viewpoints on controversial contemporary issues. At worst, it will punish dissenters from the current orthodoxy on various social issues.

In March 2016, the ABA received over 450 comment letters,⁴ most opposed to the rule change. The ABA's own Standing Committee on Professional Discipline filed a comment letter⁵ questioning whether there was a demonstrated need for the rule change and raising concerns about its enforceability (although the Committee dropped its opposition immediately prior to the August 8 vote).

In July, CLS suggested its members make their views known to the members of the ABA's House of Delegates, who would vote on adoption of the proposed rule in August at the ABA's annual meeting. The *New York Times* and other media outlets noted CLS's opposition.⁶

Five days before the scheduled vote, the language of the proposed rule was again modified. While the rule as adopted was an improvement over the original language sent to the House of Delegates, the new rule failed to adequately address the First Amendment concerns that were a constant theme of the feedback previously received by the ABA.

The comments from CLS and its members almost certainly improved the final rule's language, but the language continues to pose a threat to all lawyers' freedoms of speech and religion. For that reason, CLS will continue to serve as a resource to its members as their state bars determine whether or not to adopt the new rule.⁷ According to the ABA, twenty-three states and the District of Columbia have black-letter rules dealing with "bias" issues, but most of these rules are far narrower than the new Model Rule 8.4(g).⁸ Thirteen states have adopted a comment but not a black-letter rule addressing bias issues, while fourteen states have not adopted a rule or comment addressing bias issues.

To assist lawyers in understanding the new rule, I thought it would be helpful to trace the evolution of Model Rule 8.4(g), as adopted on August 8, 2016, from its origins as Comment [3] accompanying Model Rule 8.4(d) to its final form.

Comment [3] to Model Rule 8.4(d) added in 1998

Model Rule 8.4(d) made it professional misconduct for a lawyer to “engage in conduct that is prejudicial to the administration of justice.” Comment [3] to Model Rule 8.4(d) was added in 1998 and stated:

[3] A lawyer who, in the course of representing a client, knowingly manifests by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, violates paragraph (d) when such actions are prejudicial to the administration of justice. Legitimate advocacy respecting the foregoing factors does not violate paragraph (d). A trial judge’s finding that peremptory challenges were exercised on a discriminatory basis does not alone establish a violation of this rule.

Language comparison:

- Rule or comment: *comment*
- Scope of attorney’s role: “*in the course of representing a client*”
- Mens Rea: “*knowingly*”
- Prohibited conduct: “*knowingly manifests by words or conduct, bias or prejudice*”
- Specific demonstrated harm: “*when such actions are prejudicial to the administration of justice*”
- Protected classes: *eight classes, including “race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status”*
- Enumerated exceptions: *1) legitimate advocacy; and 2) some peremptory challenges*

July 2015 Working Discussion Draft released by the ABA Standing Committee on Ethics and Professional Responsibility

On July 16, 2015, the ABA Standing Committee on Ethics and Professional Responsibility proposed the following language for discussion:⁹

It is professional misconduct for a lawyer to . . .

(g) knowingly harass or discriminate against persons, on the basis of race, sex, religion, national origin, ethnicity,

disability, age, sexual orientation, gender identity, marital status or socioeconomic status, while engaged [in conduct related to] [in] the practice of law.

Comment [3] Conduct that violates paragraph (g) undermines confidence in the legal profession and our legal system and is contrary to the fundamental principle that all people are created equal. A lawyer may not engage in such conduct through the acts of another. See Rule 8.4(a). Legitimate advocacy respecting any of these factors when they are at issue in a representation does not violate paragraph (g). It is not a violation of paragraph (g) for lawyers to limit their practices to clients from underserved populations as defined by any of these factors, or for lawyers to decline to represent clients who cannot pay for their services. A trial judge’s finding that preemptory [sic] challenges were exercised on a discriminatory basis does not alone establish a violation of paragraph (g). Paragraph (g) incorporates by reference relevant holdings by applicable courts and administrative agencies.

Language comparison:

- Rule or comment: *new rule and revised comment*
- Scope of attorney’s role: “*while engaged [in conduct related to] [in] the practice of law*”
- Mens Rea: “*knowingly*”
- Prohibited conduct: “*knowingly harass or discriminate, with the Comment including “conduct through the acts of another” and adding that the rule “incorporates by reference relevant holdings by applicable courts and administrative agencies”*
- Specific demonstrated harm: *deleted “when such actions are prejudicial to the administration of justice”*
- Protected classes: *added three protected classes “ethnicity, gender identity, marital status”*
- Enumerated exceptions: *none in the rule, but the Comment excepted 1) legitimate advocacy respecting any of the factors but noted that it added the qualifier “when they are at issue in a representation;” 2) limiting practice to clients from underserved populations as defined by any of these factors; 3) declining to represent clients who cannot pay for their services; and 4) some peremptory challenges*

December 2015 Draft Proposal to Amend Model Rule 8.4 of the Standing Committee on Ethics and Professional Responsibility

On December 22, 2015, the ABA Standing Committee on Ethics and Professional Responsibility invited comments on the following proposed language:¹⁰

It is professional misconduct for a lawyer to: . . .

(g) in conduct related to the practice of law, harass or knowingly discriminate against persons on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status.

Comment [3] Paragraph (g) applies to conduct related to a lawyer's practice of law, including the operation and management of a law firm or law practice. It does not apply to conduct unrelated to the practice of law or conduct protected by the First Amendment. Harassment or discrimination that violates paragraph (g) undermines confidence in the legal profession and our legal system. Paragraph (g) does not prohibit lawyers from referring to any particular status or group when such references are material and relevant to factual or legal issues or arguments in a representation. Although lawyers should be mindful of their professional obligations under Rule 6.1 to provide legal services to those unable to pay, as well as the obligations attendant to accepting a court appointment under Rule 6.2, a lawyer is usually not required to represent any specific person or entity. Paragraph (g) does not alter the circumstances stated in Rule 1.16 under which a lawyer is required or permitted to withdraw from or decline to accept a representation.

Language comparison:

- Rule or comment: *new rule and revised comment*
- Scope of attorney's role: *"in conduct related to the practice of law" with the Comment adding that the rule "applies to conduct related to a lawyer's practice of law, including the operation and management of a law firm or law practice" but adding that the rule "does not apply to conduct unrelated to the practice of law or conduct protected by the First Amendment"*
- Mens Rea: *"knowingly" modified "discriminate" but not "harass"*
- Prohibited conduct: *"harass or knowingly discriminate"*

- Specific demonstrated harm: *deleted "when such actions are prejudicial to the administration of justice"*
- Protected classes: *added three protected classes "ethnicity, gender identity, marital status"*
- Enumerated exceptions: *none in the rule, but the Comment excepted 1) conduct unrelated to the practice of law; 2) conduct protected by the First Amendment; 3) referring to any particular status or group when such references are material and relevant to factual or legal issues or arguments in a representation; 4) usually not required to represent any specific person or entity; and 5) the circumstances stated in Rule 1.16 under which a lawyer is required or permitted to withdraw from or decline to accept a representation.*

May 2016 Draft Proposal sent to ABA House of Delegates

After the comments were received by the ABA, new language was announced in April 2016. It became readily apparent that the ABA had ignored most of the comments, including concerns expressed by the ABA's own Standing Committee on Professional Discipline. The language sent to the House of Delegates read as follows:¹¹

It is professional misconduct for a lawyer to: . . .

(g) harass or discriminate on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This Rule does not limit the ability of a lawyer to accept, decline, or withdraw from a representation in accordance with Rule 1.16.

Comment [3] Discrimination and harassment by lawyers in violation of paragraph (g) undermines confidence in the legal profession and the legal system. Such discrimination includes harmful verbal or physical conduct that manifests bias or prejudice towards others because of their membership or perceived membership in one or more of the groups listed in paragraph (g). Harassment includes sexual harassment and derogatory or demeaning verbal or physical conduct towards a person who is, or is perceived to be, a member of one of the groups. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature. The substantive law of antidiscrimination and anti-harassment statutes and case law may guide application of paragraph (g).

Comment [4] Conduct related to the practice of law includes representing clients; interacting with witnesses, coworkers, court personnel, lawyers and others while engaged in the practice of law; operating or managing a law firm or law practice; and participating in bar association, business or social activities in connection with the practice of law. Paragraph (g) does not prohibit conduct undertaken to promote diversity.

Comment [5] Paragraph (g) does not prohibit legitimate advocacy that is material and relevant to factual or legal issues or arguments in a representation. A lawyer does not violate paragraph (g) by limiting the scope or subject matter of the lawyer's practice or by limiting the lawyer's practice to members of underserved populations in accordance with these Rules and other law. A lawyer may charge and collect reasonable fees and expenses for a representation. Rule 1.5(a). Lawyers also should be mindful of their professional obligations under Rule 6.1 to provide legal services to those who are unable to pay, and their obligation under Rule 6.2 not to avoid appointments from a tribunal except for good cause. See Rule 6.2(a), (b) and (c). A lawyer's representation of a client does not constitute an endorsement by the lawyer of the client's views or activities. See Rule 1.2(b).

Language comparison:

- Rule or comment: *new rule, revised Comment [3], two new comments [4] and [5]*
- Scope of attorney's role: *"in conduct related to the practice of law" with Comment [4] stating that "includes representing clients; interacting with witnesses, coworkers, court personnel, lawyers and others while engaged in the practice of law; operating or managing a law firm or law practice; and participating in bar association, business or social activities in connection with the practice of law"*
- Mens Rea: *none*
- Prohibited conduct: *"harass or discriminate" with Comment [3] stating that "discrimination includes harmful verbal or physical conduct that manifests bias or prejudice towards others because of their membership or perceived membership in one or more of the groups listed." Comment [3] stated that "[h]arassment includes sexual harassment and derogatory or demeaning verbal or physical conduct towards a person who is, or is perceived to be, a member of one of the groups. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct*

of a sexual nature." Comment [3] further explained that "[t]he substantive law of antidiscrimination and anti-harassment statutes and case law may guide application" of the rule. (Emphasis added.)

- Specific demonstrated harm: *deleted "when such actions are prejudicial to the administration of justice"*
- Protected classes: *added three protected classes "ethnicity, gender identity, marital status"*
- Enumerated exceptions: *[rule had one exception that it did not] "limit the ability of a lawyer to accept, decline, or withdraw from a representation in accordance with Rule 1.16." Comment [4] excepted "conduct undertaken to promote diversity." Comment [5] excepted 1) "legitimate advocacy that is material and relevant to factual or legal issues or arguments in a representation;" 2) limiting the scope or subject matter of the lawyer's practice; 3) limiting the lawyer's practice to members of underserved populations;" 4) charging and collecting reasonable fees and expenses for a representation; and 5) "representation of a client does not constitute an endorsement by the lawyer of the client's views or activities."*

Model Rule 8.4(g) and comments adopted by ABA House of Delegates on August 8, 2016

Apparently in response to growing opposition, revised language was sent to the House of Delegates five days before the scheduled vote by the House of Delegates. On August 8, the House of Delegates passed Revised Resolution 109, thereby adopting new Model Rule 8.4(g) and its three accompanying comments:¹²

It is professional misconduct for a lawyer to: . . .

(g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline, or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these rules.

Comment [3] Discrimination and harassment by lawyers in violation of paragraph (g) undermines confidence in the

legal profession and the legal system. Such discrimination includes harmful verbal or physical conduct that manifests bias or prejudice towards others. Harassment includes sexual harassment and derogatory or demeaning verbal or physical conduct. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature. The substantive law of antidiscrimination and anti-harassment statutes and case law may guide application of paragraph (g).

Comment [4] Conduct related to the practice of law includes representing clients; interacting with witnesses, coworkers, court personnel, lawyers and others while engaged in the practice of law; operating or managing a law firm or law practice; and participating in bar association, business or social activities in connection with the practice of law. Lawyers may engage in conduct undertaken to promote diversity and inclusion without violating this Rule by, for example, implementing initiatives aimed at recruiting, hiring, retaining and advancing diverse employees or sponsoring diverse law student organizations.

Comment [5] A trial judge’s finding that peremptory challenges were exercised on a discriminatory basis does not alone establish a violation of paragraph (g). A lawyer does not violate paragraph (g) by limiting the scope or subject matter of the lawyer’s practice or by limiting the lawyer’s practice to members of underserved populations in accordance with these Rules and other law. A lawyer may charge and collect reasonable fees and expenses for a representation. Rule 1.5(a). Lawyers also should be mindful of their professional obligations under Rule 6.1 to provide legal services to those who are unable to pay, and their obligation under Rule 6.2 not to avoid appointments from a tribunal except for good cause. See Rule 6.2(a), (b) and (c). A lawyer’s representation of a client does not constitute an endorsement by the lawyer of the client’s views or activities. See Rule 1.2(b).

Language comparison:

- Rule or comment: *new rule, revised Comment [3], and two new Comments [4] and [5]*
- Scope of attorney’s role: *“in conduct related to the practice of law” with Comment [4] explaining that “includes representing clients; interacting with witnesses, coworkers, court personnel, lawyers and others while engaged in the practice of law;*

operating or managing a law firm or law practice; and participating in bar association, business or social activities in connection with the practice of law” (remains the same as the May 2016 version)

- Mens Rea: *“knows or reasonably should know” (the May 2016 version had no mens rea requirement)*
- Prohibited conduct: *“conduct that . . . is harassment or discrimination” with Comment [3] explaining that “discrimination includes harmful verbal or physical conduct that manifests bias or prejudice towards others.” Comment [3] further states that “[h]arassment includes sexual harassment and derogatory or demeaning verbal or physical conduct. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature.” Comment [3] states that “[t]he substantive law of antidiscrimination and anti-harassment statutes and case law may guide application” of the rule. (Emphasis added.) (largely the same as the May 2016 version except that the phrase “towards others because of their membership or perceived membership in one or more of the groups listed” is deleted in the comments.)*
- Specific demonstrated harm: *deletes “when such actions are prejudicial to the administration of justice” (same as May 2016 version)*
- Protected classes: *adds three protected classes “ethnicity, gender identity, marital status” (same as May 2016 version)*
- Enumerated exceptions: *Rule provides two exceptions: 1) the ability to accept, decline, or withdraw from a representation in accordance with Rule 1.16; and 2) “legitimate advice or advocacy consistent with these rules.” (Emphasis added.) (The May 2016 draft rule had the first exception but did not include the second exception in the rule. The May 2016 version excepted in a comment “legitimate advocacy that is material and relevant to factual or legal issues or arguments in a representation.” The qualifier in the adopted rule that it protects “legitimate advice or advocacy consistent with these rules” seems circular and inadequate to protect First Amendment concerns). Comment [4] excepts “conduct undertaken to promote diversity and inclusion . . . by, for example, implementing initiatives aimed at recruiting, hiring, retaining and advancing diverse employees or sponsoring diverse law student organizations.” Comment [5] excepts 1) some peremptory challenges; 2) limiting the scope or subject matter of practice; 3) limiting practice to members of underserved populations;*

4) *charging and collecting reasonable fees and expenses for a representation; and 5) “representation of a client does not constitute an endorsement by the lawyer of the client’s views or activities.”* (The exceptions remained essentially the same as the May 2016 version, except that the “legitimate advocacy” exception was arguably broadened and moved into the rule, and the exception for some peremptory challenges was restored after being omitted in the May 2016 version.)



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Supreme Court, as well as dozens of amicus briefs in federal and state courts. She was also involved in congressional passage of the Equal Access Act in 1984.

ENDNOTES

- 1 American Bar Association Standing Committee on Ethics and Professional Responsibility, Section of Civil Rights and Social Justice Commission on Disability Rights, Diversity & Inclusion 360 Commission, Commission on Racial and Ethnic Diversity in the Profession, Commission on Sexual Orientation and Gender Identity, Commission on Women in the Profession, Report to the House of Delegates accompanying Revised Resolution 109, Aug. 2016, http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/final_revised_resolution_and_report_109.authcheckdam.pdf.
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- 4 American Bar Association website, Comments to Model Rule 8.4, http://www.americanbar.org/groups/professional_responsibility/committees_commissions/ethicsandprofessionalresponsibility/modruleprofconduct8_4/mr_8_4_comments.html.
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- 6 Elizabeth Olson, “Bar Association Considers Striking ‘Honeys’ from the Courtroom,” *The New York Times*, Aug. 4, 2016, <http://www.nytimes.com/2016/08/05/business/dealbook/sexual-harassment-ban-is-on-the-abas-docket.html?action=click&contentCollection=DealBook&module=RelatedCoverage®ion=EndOfArticle&pgtype=article>.
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- 8 Anti-Bias Provisions in State Rules of Professional Conduct, App. B, ABA Standing Comm. on Ethics and Professional Responsibility, Working Discussion Draft Revisions to Model Rule 8.4, Language Choices Narrative, July 16, 2015, http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/language_choice_narrative_with_appendices_final.authcheckdam.pdf.
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- 11 Report to the House of Delegates accompanying Resolution 109, Standing Committee on Ethics and Professional Responsibility, Section on Civil Rights and Social Justice, Commission on Disability Rights, Diversity & Inclusion 360 Commission, Commission on Racial and Ethnic Diversity in the Profession, Commission on Sexual Orientation and Gender Identity, Commission on Women in the Profession, May 2016, http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/scepr_report_to_hod_rule_8_4_amendments_05_31_2016_resolution_and_report_posting.authcheckdam.pdf.
- 12 See note 1.



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It Takes JESUS

“If my people who are called by my name would humble themselves and pray, seek my face and turn from their wicked ways, then I will hear from heaven and I will forgive their sin and will heal their land.”

2 CHRONICLES 7:14

BY JAIMEE L. MOORE, ESQ., LL.M

Our country is in a state of unrest. Every week there is another story about an encounter between police officers and African-American men and women. Lines have now been drawn in the concrete. Protesters are marching with “Black Lives Matter” signs, while others are holding “All Lives Matter” signs. Police officers are terrified of what may happen to them while they are on duty, while members of the African-American community are fearful that a routine traffic stop might result in their arrest or death. Montrell Jackson, an African-American police officer and one of the three officers killed in Baton Rouge, revealed his conflicted position in a Facebook post shortly after police officers killed Alton Sterling and Philando Castile. He shared that when he is in uniform he receives glares, and when he is not in uniform he is seen as a threat. There are undeniable strong tensions in the black community between law enforcement and other people of power. We are seeing these tensions play out on our streets, on the news, on social media, and especially during encounters between African Americans and police officers.

Where did these tensions begin? Did they begin in February 2012 with Trayvon Martin, an unarmed African-American teen shot and killed by a volunteer member of a local town watch in Sanford, Florida? Did it begin in August 2014 on the

streets of Ferguson following the shooting death of Michael Brown, an unarmed African-American teen who was shot to death by a Ferguson Missouri police officer? Did they begin in April 2015 with the death of Freddie Gray, an unarmed African-American man who was critically injured while being transported by the Baltimore Police Department?

Or did they begin before any of these events, at the very fall of man?

We live in a broken and fallen world. Sin is real. The sinfulness of man’s heart is deep. The effects of man’s sinful ways are destructive. Today, these effects seem to be felt more by the black community. This isn’t because black people are more sinful and depraved. It isn’t because black people are less civilized or more criminal minded. To understand this we have to be open to honestly examine the history of this country. The perspective and viewpoints that I share in this article may radically differ from others, but I ask that you read through this entirely to hear my heart on this delicate, yet very important matter.

Historical backdrop. It is often said that America was built on the word of God and that the founding fathers were Christian. It is not my place to question anyone’s relationship with the

Lord; however, a series of events took place during the founding of our nation that do not line up with God's precepts.

In 1776, members of the Continental Congress signed the Declaration of Independence, at a time when slavery was still legal in all 13 colonies and would continue to grow and remain legal for nearly another century. In 1787, as a part of the drafting of the U.S. Constitution, the delegates embarked on "The Great Compromise," which marks the agreement between the North and the South to have "other people" (slaves) counted as three-fifths of a person for purposes of taxation and representation. It is no secret that these "other people" were treated as far less than people. They were physically, mentally, and emotionally abused. Their families were torn apart; women were raped; men, women, and children were whipped to the brink of death and then forced to continue with their assigned labor. They were hunted by bounties and abused by law enforcement.

Even after the Civil War ended, the Emancipation Proclamation signed, and the 13th, 14th, and 15th Amendments ratified, freed African Americans were still treated as less than human. Black Codes during post Civil War reconstruction, Jim Crow laws, and de facto segregation all served to reinforce stereotypes about African Americans. They also served to foster a distrust of law enforcement personnel. For nearly a century, police officers helped to enforce segregation and the dehumanization of African-American people.

At the turn of the twentieth century, up to the passage of the Civil Rights Act of 1968, many African Americans, especially in the South, could not find protection from police officers. Lynchings were widespread and the arrest of members of these lynch mobs were basically non-existent. Police officers hosed, battered, and released their dogs on non-violent civil rights protestors, all the while the seed of distrust was further nurtured and watered.

The 1980's brought the war on drugs and the increased policing of poor urban neighborhoods. Neighborhoods were strategically constructed through government-issued, race-based housing codes, which confined African Americans to slums, projects, and decaying sections of cities. The increase in the policing of these predominantly African American neighborhoods resulted in an increase of contacts between African Americans and police officers. This increased the number of aggressive encounters African Americans had with police officers.

All of this is to say that the problem is always deeper than what meets the eye. I didn't write this article just to give a history

lesson or to show that the distrust that African Americans have for police officers is deep seated. I agreed to write this article because I believe there is a solution to this problem.

Choosing Jesus. I have struggled since I was a child to reconcile certain racial issues. My father has always made me appreciate my African-American heritage and encouraged me to take pride in it. I noticed at a young age, however, that the world around me did not see me or my friends and family the same way my father did. The vestiges of slavery and superiority/inferiority issues still lingered. This made me take greater pride in my heritage.

While writing this article I had to ask myself: What does it mean to be African American in 2016? In a time when we have an African-American president. In a time when African-American women are setting records and destroying stereotypes in the Rio Olympics. In a time when my African-American peers and I can accomplish our dreams of being attorneys. In a time when unarmed African-American men and women are being killed by terrified police officers. In a time when angry militant African-American men are killing police officers in a fruitless effort to exact revenge. In a time when everyone believes OJ Simpson "did it" and so many believe that George Zimmerman got away with murder. In a time when African-American babies are being shot in the middle of turf wars and self-hatred is still an issue in African-American communities. In a time where inner city classrooms are no longer oases of knowledge, but rather components of the cradle-to-prison pipeline. In a time when African-American mothers have to prepare their sons for a world that will not always respect them, no matter the level of success they achieve. In a time where people are arguing over whether "black lives matter" or "all lives matter," when in reality they both ought to mean the same thing.

In a time where I, as a Christian, African-American woman attorney from Philadelphia, am still considered an anomaly. For me, being African American in 2016 calls for me to be even more God-dependent. My survival in this society rests solely on the Lord.

Recently, my boss, the executive director of Christian Legal Clinics of Philadelphia, led a devotion on the Sermon on the Mount. He talked about turning the other cheek and loving your neighbor. As we discussed this passage, I struggled with the injustices faced by black people, the disrespect I face as a black female, and Jesus' command to love our neighbors in spite of the way they treat us. I struggled with my desire to vindicate myself and to prove that I am a force to be reckoned with. I felt vulnerable. I wanted to be more like Christ, but the

vestiges of injustices of this country that leave me at a disadvantage, simply on the basis of my race and sex, compel me to take matters into my own hands. So I was left with a difficult choice, take Jesus at His word, or cling to my “right” to vindicate myself as an African-American woman. With tears in my eyes and a repentant heart, I chose Jesus. It wasn’t easy, but it was necessary.

Choosing Jesus does not erase my identity as an African-American woman. Choosing Jesus refines and gives strength to my identity. It causes all that is in me to be covered and shaped by Christ. He becomes the lens through which I see myself. Choosing Jesus does not erase the circumstances that I face as an African-American woman. Choosing Jesus gives me the freedom to not be moved and controlled by my circumstances. He becomes my Vindicator, Advocate, and Warrior. This isn’t easy. I still struggle, and there are times where I don’t make the Jesus choice. Yet He is gracious, merciful, and ready to forgive and restore.

This country has a messy race relations history. The misconceptions and prejudices of the hearts of man helped shape the laws of the land. Hurt, hatred, and bitterness have been passed down from generation to generation. African American people have been taught to hate themselves and everything that is naturally beautiful about them. The African American community is hurting, angry, and tired of being devalued, and the recent killings of unarmed African-American men by police officers have just served to bring to the surface what has been brewing for centuries.

This in no way serves as a justification for anyone taking the life of another. This is merely the identification of a problem that is too big for any group of people to solve. It is a heart problem that is present throughout this country. It is one that only Jesus can fix. But before we can fully live out Jesus’ call, we must allow Him, through His Word, to be the lens through which we see ourselves and our country. We must allow Him to be the filter through that which we examine our hearts and actions. We must understand and acknowledge the injustices that are present, the biases that are in our hearts, and the stereotypes that we feed. Then and only then can we truly repent and fully embrace what Jesus wants to do through us in this nation. Then and only then can we be agents of change, sources of reconciliation, conduits of the love of Christ, salt and light in a broken and hurting nation. This is not something that can be done on our own strength. We need Jesus to help us, and He will—if we let Him.

This country’s race relations are clearly in turmoil. But the problem is not—or should not be—an “us versus them” problem. It is a problem of turmoil within each of our hearts. We as Christians of all races can be agents of peace, but only if we give full reign to the Prince of Peace, individually and collectively.



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Jennifer Patrick
President and
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In this issue of *The Christian Lawyer*, we explore the role of discipleship in the calling of the Christian lawyer. In the mainstream, the concept of attorney discipleship remains an anomaly. We are far more likely to read about *disciplined* lawyers than *discipled* lawyers. Yet the enduring and rewarding practice of discipleship in the life of the Christian lawyer has long been an integral component of CLS and remains one of the most fulfilling personal relationships of spiritual and professional growth within the legal arena.

I read recently about two men who fell off a cliff while chasing a Pokemon character. Eyes glued to their mobile devices, they followed their imaginary treasure right off the edge of the cliff, plunging 50 to 100 feet. Both were rescued, but their story led me to consider what I spend my time so passionately and diligently pursuing. How often do we evaluate what we are following on a daily basis, even if it's just our Twitter feed? Am I first and foremost a disciple wholeheartedly following Jesus, such that I may assist and disciple a fellow lawyer to follow Him too?

Jesus cares deeply about discipleship, and He spoke a great deal about what it means to be His disciple. His call to pick up our cross and follow Him can be difficult for a lawyer spending every waking hour struggling to stand up under the daily grind of practicing law. He said in Luke 14:27, "*Whoever does not bear his own cross and come after Me cannot be my disciple.*" Yet even when we do, the personal path of discipleship for the Christian lawyer can be a landscape riddled with hidden landmines. Challenges appear from every direction, and not just from opposing counsel. Even good objectives can distract us from God objectives when we begin to pursue our personal goals more passionately than we pursue God.

Fruitfulness is another distinguishing mark of personal discipleship. In John 15:8, Jesus said, "*By this My Father is glorified, that you bear much fruit and so prove to be My disciples.*" Lawyers are known for our capacity to maximize our time being "busy" and "billable," but being busy is not the same as being fruitful for His kingdom. The stresses and pressures of daily practice chip away at the Christian lawyer. Yet it is through these peak and valley experiences, when we find ourselves drawing deeper into Jesus and feeling His presence and His peace in the midst of our trials, that we are ready to share what He has done in our lives by walking alongside a fellow attorney who will inevitably encounter similar trials.

Fortunately, Christian Legal Society provides an array of discipleship resources and has made them available on the CLS website for all who are willing to invest in the life and practice of a fellow lawyer or law student. Created by and for practicing CLS attorneys, this growing library of discipleship resources offers discipleship plans for both one-on-one discipleship and entire CLS chapters ready to begin purposefully pairing seasoned attorneys with newly-practicing attorneys and with law students. Many chapters already have a discipleship coordinator, and others are just beginning the process. CLS offers step-by-step instructions for crafting a personalized discipleship plan, from suggested Bible studies to recommended books and spiritually-themed movies uniquely suited to assisting the Christian lawyer or law student to keep Jesus at the forefront in our lives and our practice of law.

Jesus' commission to "go into all the earth and make disciples of all nations" begins with our own personal circle. We won't need to follow anyone to the edge of a cliff. After all, Jesus has already equipped us to carry His good news to the uttermost ends of the earth.

SAVE — THE — DATE

CHRISTIAN LEGAL SOCIETY 2017 NATIONAL CONFERENCE

Newport Beach Marriott Hotel & Spa
Newport Beach, California
October 26-29, 2017

