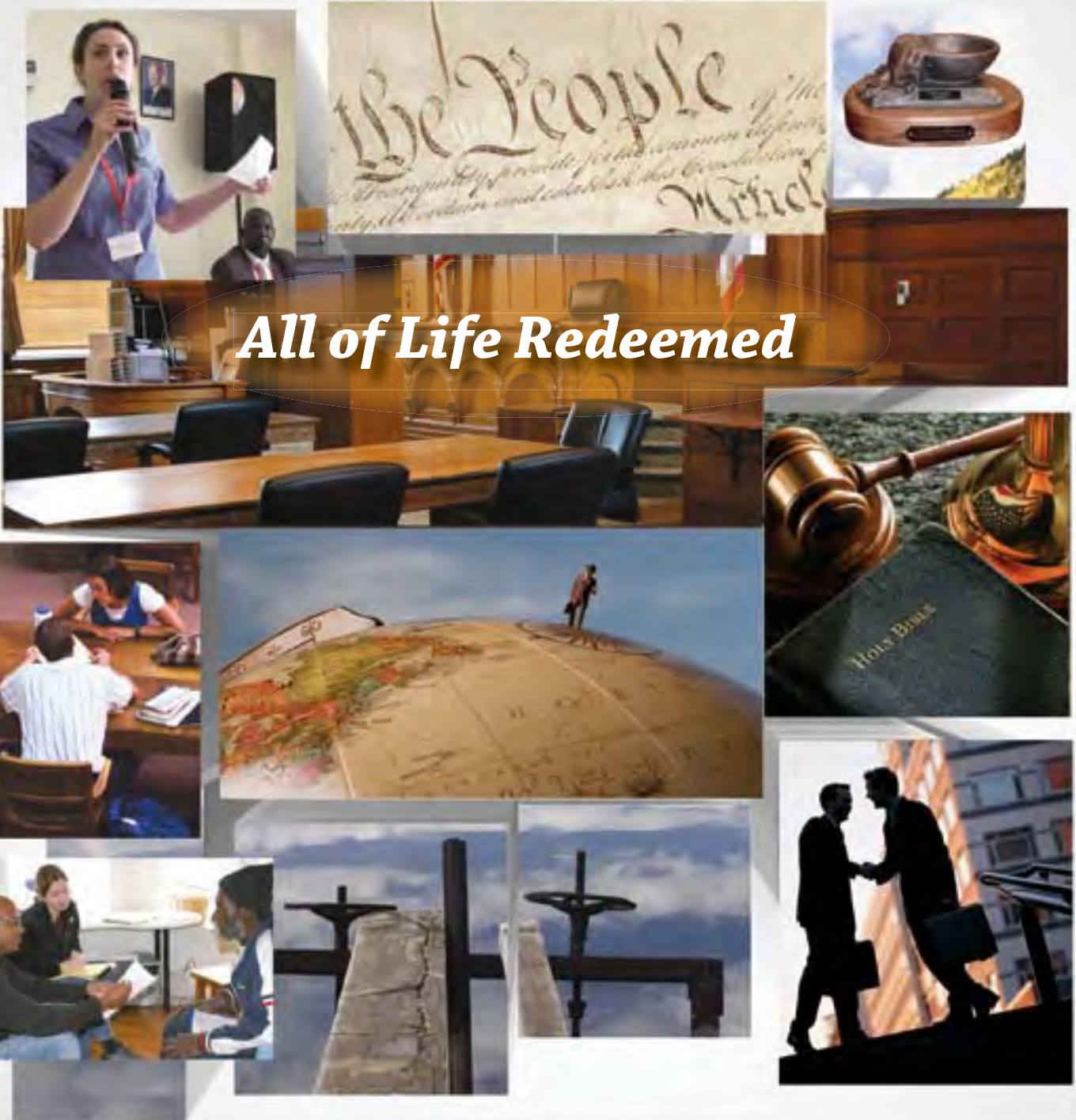


THE CHRISTIAN LAWYER®



All of Life Redeemed

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do it all for the glory of God”***

1 Corinthians 10:31



CHRISTIAN LEGAL SOCIETY

Seeking Justice with the Love of God

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The Christian Legal Society (CLS) is a membership organization of Christian legal professionals, law students, and other individuals dedicated to serving Jesus Christ through the practice of law, the defense of religious freedom, and the provision of legal aid to the poor and needy.

Working collaboratively with thousands of lay people, CLS runs programs in hundreds of cities throughout the United States. CLS receives no government funds and is entirely supported by membership dues, foundations, partner organizations, and individual donations.

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Executive Director
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WHOLEHEARTED

While visiting the world headquarters for Campus Crusade for Christ (or Cru) this past week, I was challenged by a quote on the inside of one of their elevators. The quote reads, "A radical disciple, wholeheartedly devoted to Jesus Christ and recklessly abandoned to the will of God."

The greatest commandment (Matt 22:37) calls us to "love the Lord your God with all your heart and with all your soul and with all your mind." To what or whom in our lives can we say we are truly wholeheartedly devoted? Our marriage? Our children? Our job? Our schooling? The Lord? And although we may desire to be wholehearted, do we live as if we are wholeheartedly dedicated? Do others see us having that "radical" devotion?

The Abraham Kuyper quote, upon which the theme of this issue is based, reads: "There is not a square inch in the whole domain of our human existence over which Christ, who is Sovereign over all, does not cry: 'Mine!'" Anything less is unacceptable. In His plan to save mankind, the Lord wholehearted gave Himself for us. In return, He claims all – our lives, our jobs, our families, us.

As lawyers, the Lord also wants every part of our vocation, whether it is advocating religious liberty, drafting estate plans, or wading through piles of discovery. According to Martin Luther, vocation is the "mask of God." He is hidden in the vocation of the lawyer, law student, doctor, and milk maid. God is present and active in what our vocations accomplish for our neighbors in God's providence.

Too many of us live "disintegrated" lives – where our wholehearted devotion to the Lord only happens on Sundays or when we are doing something characteristically "Christian." The Lord, however, wants us to live integrated lives. He wants to be Lord of all of our lives. Does He have all of your mind? Does he have all of your soul? Does he have all of your heart? Why are we afraid of letting Him into all the aspects of our lives, especially our jobs? Why are we ultimately afraid of "losing control" to Him?

Personally, my fear of being wholehearted is wrapped up in my fear of where He might call me. I am afraid of what He might call me to endure. And in a purely futile attempt, I actually try to avoid true abandonment to Him by denying parts of my life to Him. Are you the same way?

Since taking the CEO role the Christian Legal Society in June, I have had the privilege of visiting CLS members and chapters, where I witnessed a thread of that wholehearted abandonment to the Lord. I have heard stories about the lawyer who led a law student to Christ while speaking to a law student chapter; about a chapter leader who wants chapter members to take a more active role for Christ in local and state bar functions; about the a young lawyer who desires to start a legal aid clinic; and so much more.

The Christian Legal Society is and will always be a society of Christian lawyers and law students called to be the salt and light of Jesus Christ in the legal community, through fellowship, legal aid, mentoring, and advocacy. As the CEO, I am wholeheartedly dedicated to the four ministries of CLS that accomplish these things: Attorney Ministries, Law Student Ministries, Christian Legal Aid, and our Center for Law and Religious Freedom. I invite you to join me as we continue to be the salt and light where Christ has called us in the legal community . . . with all of our HEARTS, our souls and our minds.

LETTERS TO THE EDITOR

Dear Editor,

As a follower of Jesus and a Democrat, I confess I'm not "feeling the love" from Christopher Williams' piece on *Why (He) is a Republican* in the Spring 2012 issue *The Christian Lawyer*. He starts out calmly enough, accurately referring to the faith of our Founding Fathers, concluding, "The moral character of a people molded through faith in God is most essential in a nation...." Amen to that.

But, then he gets self-righteously worked up, starting with the "L" word, and "the policy excess of 'liberal' Democrats." His arguments degenerate quickly into labels/name-calling... in praise of "virtuous" Republicans and against... well... against anything and anybody non-Republican. Williams claims non-Republicans are at best "indifferent" to the principles of our nation's Founders, and more accurately, according to Williams, "even hostile to liberty itself..." and are "scheming" to destroy all that is good in the USA, "Big Brother approach" to governance, which reminds the author of "dictator concept" "reckless, irresponsible, and liberal excesses" which amount to a "full assault to diminish our personal liberties" "a dangerous experiment" threatening "our way of life." The article goes on and on with the Good and Evil dichotomy.

Williams needs to get the log out of his own very partisan eye. Republicans do not have a lock on Holiness, and Democrats are not all going to Hell. Williams would be more persuasive if he could accept the possibility that he could be wrong... a helpful test of humility for both parties.

Here's what Wilson, Republicans, and even the Tea Party gets right; there is (1) too much government, especially federal government, (2) too many taxes, especially federal taxes, (3) too many entitlements, which are bankrupting our country, discouraging self-respecting, self-supporting workers. They are also correct that Democratic party has contributed more than its share to all that.

Where they go wrong is thinking that: (1) all Democrats and their policies are bad/evil, (2) all Republicans and their policies are good/virtuous, and therefore (3) their goal is to oppose all things Democratic. Republicans are generally blind to their own faults and hypocrisy; against all debt increases, unless it occurs during a Republican administration supporting expenditures they like; against government handouts, unless it's to bail out financial institutions who are failing from the unregulated greed of rich Fat Cats therefore causing a "job-killing" blow to our economy. That's right, Republican policies, removing the regulations that were in place to protect our country from financial disaster, have killed more jobs than any Democratic administration. Williams is against "over-reaching central authority," unless they are putting in place tax breaks that only benefit the wealthy. Where's the "personal responsibility" in any of that?

Williams distinguishes "liberty" (*his beliefs*) from "license" (*other beliefs*) and "legitimate" (*his beliefs*) from "tyrannical" (*anything he opposes*) government. To Williams, Republican policies are based upon "fact" from "the archives of history and empirical data of science." Non-Republican thinking is based upon "superstitious beliefs, assumptions, thoughts or feelings."

Voters and political leaders need to rise above this name-calling. They need to respect and listen to those with whom they disagree. They need to practice the Golden Rule of politics, and listen and treat the other party the way they want to be treated.

If Republicans fail to acknowledge and learn from their mistakes, they are destined to repeat them. Same for Democrats. Oppose incorrect policies, not parties. Promote correct policies, not parties. The failure of both parties to recognize this is crippling our ability to govern. The Republican leadership is so blind and partisan that they oppose President Obama, even when he is trying to move ahead with policies they have proposed. They want him to fail, even when he's right. That's un-American and un-Christian.

I urge Williams to take to heart the admonitions of CLS President **Pete Rathbun** at the front of the Spring issue, who urges us to rise above partisan politics, "remembering that our individual interpretations are not inerrant, nor are the ideologies we are tempted to embrace. We must be on guard against the self-deception of our political affiliations." Amen to that, too.

Michael Duane Brown

The Christian Lawyer welcomes letters, comments and suggestions from our readers. We'd like to hear how God is moving in your life, law practice, CLS chapter or law school. Letters may be edited to suit the format of the magazine. Mail to: Editor, Christian Legal Society, P.O. Box 98000, Washington, DC 20090-8000 or e-mail your submissions to memmin@clsnet.org.

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ABRAHAM KUYPER'S *Calvinism and Politics*

By Dean Jeffrey A. Brauch, Regent University School of Law

“There is not a square inch in the whole domain of our human existence over which Christ, who is sovereign over all, does not cry ‘Mine!’”¹

So declared Abraham Kuyper, one of the most remarkable men of the 19th and 20th centuries. Seeing Christ’s sovereignty reflected in all of life was more than an interesting notion to Kuyper; it was the passion that drove his entire life. Indeed, Kuyper’s life seems to reflect his personal effort to bring Christ’s lordship into every aspect of society. Here are some highlights from Kuyper’s amazing resume:

- After receiving a doctorate in theology was called into the ministry
- For 45 years edited both *The Standard*, a daily newspaper, and *The Herald*, a weekly Christian newspaper
- Established the Free University of Amsterdam, in which he served both as teacher and administrator
- Served as Netherlands Prime Minister from 1901-05
- Published numerous books in the areas of systematic theology, political theory, and devotional literature

Continued on page 4

In each of these roles, Kuyper thought much about how God's sovereignty should be reflected in various spheres of human activity—as well as how those spheres should relate to each other. In 1898, he shared his thoughts in depth in a series of six lectures delivered at Princeton University. We know them today as his *Lectures on Calvinism* or the *Stone Lectures* (sponsored by the L. P. Stone Foundation).

Lecture 3, entitled *Calvinism and Politics*, is a must read for any Christian seriously looking to integrate faith and law. In it, Kuyper seeks to explain from a Christian perspective the origin of governmental power as well as necessary limitations on that power. The lecture's title reflects Kuyper's commitment to reformed theology and occasionally puts off potential readers from different theological traditions. To ignore the lecture on this basis, however, would be a mistake; the lecture actually resonates with readers across denominational lines. Kuyper makes it clear early that when he discusses Calvinism, he is not talking soteriologically. The piece has nothing to do with election or predestination. The "Calvinistic" doctrine that serves as the foundation of his piece is simply the "Sovereignty of the Triune God over the whole Cosmos."¹

So why should a Christian desiring to think biblically about law read this lecture—given over 100 years ago by a Dutch Calvinist? Because in it, Kuyper confronts issues that could not be more timely today. And he does so in a thoughtful—and thought-provoking—way. Here are three such issues.



How Should a Christian View Government?

To hear many Christians in the public sphere today, one would think that government is an evil or at least an adversary. That wasn't Kuyper's view. He insisted that government is good, an instrument of God's grace. All government authority originates from God and his



“Kuyper insists that spheres such as universities, churches, and labor unions also have God-given authority.”

sovereignty alone. Kuyper maintained that no human has the right to rule over another but for God’s grant of that authority. Such authority is not natural, and it can’t be created through some social contract.

Why would God grant such authority? Human sinfulness. Government is a check on fallen human nature. The magistrate “is instituted by God as *His Servant*, in order that he may preserve the glorious work of God, in the creation of humanity, from total destruction” (82-83). Thus, “justice bears a holy character” (83). Here, Kuyper sounds very much like Paul in Romans 13.

Are There Meaningful Limits on Governmental Power?

Kuyper insisted that viewing God’s sovereignty as the source of authority also provides vital checks on that authority. First, if magistrates rule as God’s servants, they are accountable to him and his law. And citizens who embrace God’s sovereignty can demand accountability to this higher law. God’s sovereignty “creates in us the indomitable courage incessantly to protest against the unrighteousness of the law in the name of this highest Right” (90). Kuyper argues historically that for this reason, nations built upon a belief in the sovereignty of God—nations such as England, the United States, and the Netherlands—have provided great protections for personal liberty and the rule of law.

Kuyper finds a second practical check on government in the authority of other spheres of social life. He insists that spheres such as universities, churches, and labor unions also have God-given authority. More than this, they are sovereign within their spheres and should be protected from encroachment by others, including government. Today, when government is often looked to for solutions to every social problem, this doctrine of “sphere sovereignty” for which Kuyper is justly famous, is a needed part of dialogue over government’s role.

How Should a Christian View Philosophies that Reject a Higher Law?

While belief in a higher law may still have been the dominant view in Kuyper’s day, it is no longer so. Legal realism, law and economics, various forms of deconstructionist theory, and legal positivism have largely displaced higher law thinking since Kuyper’s death. Kuyper’s lecture, however, addressed the rise of competing legal theories and did so in ways that instruct today.

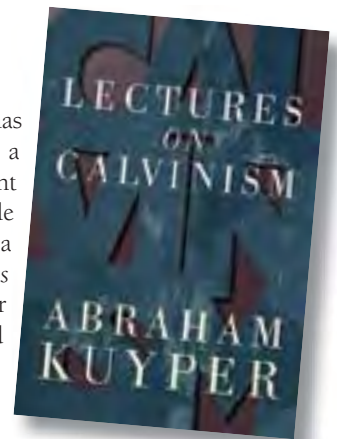
Kuyper directs a particularly strong attack against positivism, which he labels “state sovereignty” (85). As if envisioning the rise of powers like Nazi Germany that would embrace positivism and justify tremendous injustice in the name of state sovereignty,

Kuyper argued eloquently that personal liberty could not survive in a world where the state is the ultimate authority and is not accountable to God or any higher authority. “[A]ll transcendent right in God, to which the oppressed lifted up his face, falls away. There is no other right but the immanent right which is written down in the law. The law is right, not because its contents are in harmony with the eternal principles of right, but because *it is law*. If on the morrow it fixes the very opposite, this also must be right” (89).

Conclusion

To be sure, Kuyper’s lecture has weaknesses. In it Kuyper expresses a sometimes troubling view of different races and cultures. In addition, while he founded a university, he was not a philosopher. And *Calvinism and Politics* was a speech, not a treatise. Kuyper left unanswered certain questions and unexplored the implications of certain positions.

Still, Kuyper’s lecture is well worth the read and serious consideration. In a world where government seems omnipresent and one wonders whether there are any limits to its reach or how much room exists for other civil societies, Kuyper offers encouragement and possible alternatives. Above all it is a joy to explore the mind of a man who refused to live a fragmented, compartmentalized life—who was dedicated to engaging his world with the implications of God’s sovereignty over all of life.



ENDNOTES

- 1 Richard J. Mouw, *Current Religious Thought: Abraham Kuyper: A Man for His Season*, CHRISTIANITY TODAY (Oct. 26, 1998, 12:00AM), <http://www.ChristianityToday.com/ct/1998/October26/8tc086.html>.
- 2 ABRAHAM KUYPER, *LECTURES ON CALVINISM* 79 (Eerdmans 1931).



Jeff Brauch is the dean of Regent University School of Law. He received his J.D. from the University of Chicago Law School and has published two books, *A Higher Law* (2008) and an earlier edition, *Is Higher Law Common Law* (1999). He has also published twenty-two articles on topics related to international human rights, integration of faith and law, and ERISA litigation. Brauch and his wife Rebecca have four children.

ABRAHAM KUYPER'S *Sphere Sovereignty*

By James A. Davids, J.D., Ph.D.

Think you are busy? Abraham Kuyper earned a doctorate in theology, pastored churches for eleven years, organized and chaired a political party that he led in thirteen national parliamentary campaigns, served as a member of parliament, founded and edited a Christian daily newspaper, wrote 4700 editorials, organized a Christian school movement, helped found the Free University of Amsterdam, and helped found and lead a new religious denomination known in the U.S. as the Christian Reformed Church. These all occurred *before* his capstone work, the multi-volume *Stone Lectures at Princeton Theological Seminary*, which preceded his service as Prime Minister of the Netherlands.

‘Why is sphere sovereignty relevant to a busy Christian lawyer?’

Kuyper achieved electoral success as leader of the Anti-Revolutionary Party that rejected the principles of the French Revolution, the Enlightenment and its denial of the supernatural, its rampant individualism, and its rationalism. Kuyper’s “Neo-Calvinism” combined Reformed theology, personal piety and political activism. This political activism distinguished Neo-Calvinism from the Fundamentalist movement that was growing in America at roughly the same time as Neo-Calvinism blossomed in the Netherlands. In Fundamentalism, personal piety drove adherents away from public life whereas Kuyper’s underlying premise that God is sovereign over all creation compelled Neo-Calvinists into public life.

Kuyper saw public life as necessarily pluralistic. Since there were not enough Neo-Calvinists in the Netherlands to win an election, Kuyper reached out to other groups. His best and most consistent ally was the Catholic Party into which the Anti-Revolutionary Party would eventually merge decades later. Yet even the Neo-Calvinists and Catholics together needed additional electoral support that Kuyper sought from non-Christians. Kuyper believed that God has given common grace to all so there is common ground to seek the common weal, “For he makes his sun rise on the evil and on the good, and sends rain on the just and on the unjust,” (Matthew 5:45). To Kuyper, Christianity was more than simple theology. It was a “life-system,” a worldview with four underlying principles; God created the universe and its laws, man is sinful by nature, Christ redeemed man from sin, and God gave dominion of earth to man and therefore it is man’s duty to attempt to restore nature to a pre-fallen condition. While we know this is in fact unachievable because of sin, it remains the standard nonetheless.

God created man and gave him work to do, like Adam gathering his own food and categorizing the animals. He created man in His own image with rights as well as duties. God also created the family with certain rights and duties such as having and educating children. The church also has certain rights and duties. Each of these spheres – individual, family, and church – is created by and must answer to the sovereign God.

The state is another sphere answerable to God and ordained as the result of sin, “Let everyone be subject to the governing authorities, for there is no authority except that which God has established” (Romans 13). God established the authorities that exist and gave them the power of the sword to punish evil, promote good, and preserve order; therefore it is imperative that the state understands the difference between good and evil. Holding the power over life and death, this can easily become the most monstrous of the spheres and therefore must be kept in check.

According to Kuyper, the state is to preserve each sphere’s boundaries, and protect the independence and autonomy of each to ensure no encroachment. For instance, the state does not allow individuals or families to enforce law through vigilantism, and will not educate children against the wishes of the parents while also allowing parents to delegate this responsibility to the state. The

state must also defend the weak and vulnerable, and zealously guard against its meddling in the affairs of the other private spheres.

This results in a decentralized society with many institutions exercising power, independent judgment, and divinely granted authority within their proper sphere of operation. Kuyper’s vision of a just social order, therefore, was a free church, free schools, and free local and state governments, all within a free society. His emphasis on freedom is surely evident in the name he chose for the university he founded! Yet this liberty was not as the French Revolution intended, with every person being “free” *from* God. Rather, liberty gave every man freedom to serve God according to his own conviction and conscience. This freedom of conscience compelled a rejection of the state-supported church that existed in Kuyper’s lifetime. The church and state were separate co-sovereigns, with the church being able to expel a person it considered detrimental, and the state being unable to compel a person to remain in a church against his conscience.

So what? Why is sphere sovereignty relevant to a busy Christian lawyer? The answer is simply that your life’s calling necessarily involves our society’s structure, its laws, and the relationship between people and the state. You not only deal with law to earn a living, but others look to you for informed opinions on what law should be. Kuyper’s sphere sovereignty approach ensures a weaker national government that allows individuals, families, churches, and community groups increased freedom and responsibilities. With the national government grabbing ever more power in our society, Kuyper’s political theory provides continued relevance to God-created institutions.

Kuyper’s model does require more work for Americans. Rather than simply relying on government to take care of the poor through tax dollars, we must step up in every sphere of life. Individuals must become more self-reliant and self-regulating, considering the effects of their moral choices. Families must care more for their own, showing compassion in some situations and “tough love” in others. Similarly, Kuyper’s model requires churches to respond actively to the spiritual and material needs of members and the general public. More responsibility and less personal leisure is, of course, a formula designed to exhaust already busy Christians. However, are not strengthened families, churches and individuals worth the effort? Besides, are you truly busier than Abraham Kuyper?



Jim Davids is Assistant Professor of Law & Government at Regent University. He is a former President of CLS and a former Deputy Director and Counsel of the U.S. Department of Justice’s Task Force for the Faith-Based & Community Initiative. Jim is a graduate of the Duke University School of Law and has a Ph.D. in Higher Education Administration.

PRACTICING LAW IN LIGHT OF GOD'S SOVEREIGNTY: A FEW PRINCIPLES FOR PRACTICE

By Scott J. Ward

prayer

people

principles

practice

The Dutch statesman and Christian theologian Abraham Kuyper famously proclaimed “No single piece of our mental world is to be hermetically sealed off from the rest, and there is not a square inch in the whole domain of our human existence over which Christ, who is Sovereign over all, does not cry: ‘Mine!’”¹ This declaration of God’s sovereignty brooks no exceptions – and Kuyper would not have it any other way. God’s sovereignty over all of life means that He is sovereign over our work, our lives, and our identities as Christians who have been called by God to the practice of law.

What does it mean to practice law in light of God’s sovereignty? I humbly offer six principles gleaned from reflections about Scripture and my own experiences.



1 Worship Precedes Work, Prayer Precedes Practice.

A starting point for reflecting on God’s sovereignty in our practice of law is the great truth that God is *prior* – prior to our work, ourselves, to everything. God is the Alpha and the Omega, the First and the Last, the Beginning and the End (Rev. 22:13). The very structure of all Creation reflects God’s priority. God was at work creating the universe – and it was “good” – before He created humanity. As Eugene Peterson has suggested, the account of Creation in Genesis 1 and 2, and the concept of the day in the Old Testament beginning in the middle of the night while we sleep, establish a rhythm to God’s work and our work. God is always at work before us – before we awake, before we reach the office, before we take on a client or draft a brief. As faithful Christians, we do not initiate work of our own devising, but rather we open our eyes to see what God has been up to and to find out how we are to join in the good works that He has already begun.

There are two foundational ways to join our meager efforts to God’s great work: worship and prayer.

When we worship, we proclaim God’s priority and preeminence – that He is first in time and in position. We recognize that He alone is worthy of all praise, honor, and glory. We live into the truth that, at the end of time, every knee shall bow and every tongue shall confess that Jesus Christ is Lord, to the glory

of God the Father (Phil. 2:10-11; Rom. 14:11). We will spend eternity joyously worshipping God together – why not start now? As Chesterton noted, “praise should be the permanent pulsation of the soul.”² But beyond that, worship shapes us as Christians and attorneys to join in the good that God is doing in our world. “Worship is the primary means for forming us as participants in God’s work.”³ Prayer similarly reminds us that God is always first. “Prayer is answering speech. The first word is God’s word.”⁴ God’s Word is the creative means by which everything comes into existence (Genesis 1-2; Ps. 33:9), by which His work of redemption is brought about (John 1:1-14), and by which we understand and order our lives. When we pray, we show our utter dependence upon God, and His complete dependability – His great faithfulness – to us. As a former pastor of mine often exhorted using Nehemiah, the Old Testament government official (and almost a lawyer), “all godly action begins with prayer.”

Prayer and worship should permeate our daily practice of law. The example of the prophet Daniel is instructive and convicting. His adversaries could find no ground to accuse him; they could only hope to trap him by relying upon his faithfulness to “the law of his God” (Dan. 6:4-5). After they obtained enactment of a decree banning any petition other than to the king, Daniel “continued kneeling on his knees three times a day, praying and giving thanks before his God, as he had been doing previously” (Dan. 6:10 NASB, emphasis added). In other words, Daniel’s faithfulness in praying to God throughout each day was not a new protest against a recent unjust law but simply his continued and consistent act of worship.

Like Daniel, several friends have provided encouraging examples of worship and prayer preceding legal practice. One colleague redeems a long commute to our offices by using that time to mentally pray her way down our halls, office-by-office, cubicle-by-cubicle, lifting up and interceding for each person. Another colleague has met weekly with whoever currently serves as Managing Shareholder of our firm to pray for that person and for the firm. Two close friends have each, during separate seasons of life, met with me regularly to pray for one another, for our callings and practices as lawyers, and for particular cases we have been handling. Their kind accountability has kept me faithful in prayer.

Several colleagues and I have found prayer together to be vital, and even decisive, in handling challenging litigation matters. In one instance, two colleagues and I can trace the turning point in a case that had been filled with repeated setbacks to the very moment when, during an intense several weeks of summary judgment briefing and trial preparation, we realized we had been lagging in prayer. We stopped to humbly ask the Lord’s forgiveness, grace, and help. After that, our hard work began to result not in frustration but in fruitfulness – favor with the court, summary judgment in our favor, and even an attorneys’ fees award. Our prayers may not always result in such tangible *legal* results, but in my experience, authentic prayer always leads to tangible growth in our walk with Christ and in practicing law to God’s glory. As Wesley famously said, “prayer always changes things – beginning with us.”

Continued on page 10

Beginning with worship and prayer makes us more, not less, engaged with our practice of law. When I proceed from worship and prayer into my work; I find that I am more grounded, more alert, and more engaged with clients, with other lawyers, and with the law. God is at work not only when I am working, but (perhaps even more) when I am waiting on Him.

2 God's Sovereignty Means There Are No Surprises – to God.

God's sovereignty also means that God is not surprised by anything we encounter in our legal practice and in our lives. There are no accidents in God's economy. Unlike NFL quarterbacks, God is never forced to scramble, never sacked.

But this does *not* mean that there are no surprises *for us*. God's ways are not our ways (Is. 55:9), and both Scripture and history overflow with examples of the surprises – often quite difficult and painful – that God's people have faced when faithfully following Him. We must always remain open to the possibility that His sovereign will for us may involve disappointments, disruptions, dispersions, even death, just as the early church encountered in the Book of Acts. The "Faith Hall of Fame" in Hebrews 11 includes not only triumphant victors but also suffering martyrs.

There are no statistics to verify this perception, but it often feels as though we lawyers endure a much greater than average share of difficult surprises in our daily work. God's sovereignty means that we receive all such difficult surprises with the firm assurance that God has not been surprised in the least, but rather that even these challenges are part of His loving and wise plans. The disruptions, dispersions, and deaths in the Book of Acts led to discoveries about and displays of God's great power and gracious plans, particularly evident in the outward spread of the Gospel and growth of the Church throughout the world. Former CLS Executive Director Sam Ericsson's frequent reminder that "our disappointments are His appointments" should ring in our ears.

The Apostle James tells us to "count it all joy when you encounter various trials" (James 1:2). When I am on a tight deadline trying to finish a brief, a client phone call may sometimes feel like an interruption, but it is actually a gift. Such "interruptions" in fact are the very work that God generously provides. If my life were as peaceful as I dream, my family might go hungry. But for us as lawyers in whom God's Spirit dwells, such troubles are also among our greatest opportunities to share the grace and love of Christ in times of great need and increased openness to God.

Not only is God not surprised, but usually it is God Himself doing the surprising, to use us in His service and to advance His purposes in our lives. As Dietrich Bonhoeffer explained:



We must be ready to allow ourselves to be interrupted by God. God will be constantly crossing our paths and canceling our plans by sending us people with claims and petitions. We may pass them by, preoccupied with our more important tasks, as the priest passed by the man who had fallen among thieves, perhaps – reading the Bible. When we do that we pass by the visible sign of the Cross raised athwart our path to show us that, not our way, but God's way must be done. It is a strange fact that Christians and even ministers frequently consider their work so important and urgent that they will allow nothing to disturb them. They think they are doing God a service in this, but actually they are disdaining God's "crooked yet straight path. . . ." They do not want a life that is crossed and balked. But it is part of the discipline of humility that we must not spare our hand where it can perform a service and that we do not assume that our schedule is our own to manage, but allow it to be arranged by God.⁵

3 Human Relationships Are Primary, Not Secondary.

Lawyers often view others primarily for their instrumental value, for what we can get out of them. But our awareness of God's sovereignty should free us from such delusions. Every person is God's unique creation, bears God's image, and lives under God's sovereign authority.

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 that we joke with, work with, marry, snub, and exploit -- immortal horrors or everlasting splendors. . . . Next to the Blessed Sacrament itself, your neighbor is the holiest object presented to your senses. If he is your Christian neighbor, he is holy in almost the same way, for in him also Christ *vere latitat* – the glorifier and the glorified, Glory Himself, is truly hidden.⁶

principles

God's sovereignty means that we must treat everyone – colleagues, staff, clients, opposing counsel, cleaning people, *everyone* – with respect, dignity, and grace. How we treat others reveals whether we truly believe that God is sovereign.

People are ends and not mere means. But because God is sovereign, we can also trust that He is at work in positioning us to serve, that we are instruments in His hands. He so structures His body of believers, large and small, that the total is far greater than the sum of the parts. I have seen in my own firm how God has brought very different people together so that our respective gifts will work in complementary ways. God's work in shaping our character and making each of us more like Christ occurs primarily in talking, working, and living with one another, far more than in the drafting of briefs or memos. Our differences can at times be challenging to navigate, but they consistently operate for our mutual good and that of our clients. For example, I think of my friend who co-labors with me in directing our litigation practice. We joke that he is mostly “fast-twitch” muscle fibers and I am mostly “slow-twitch,” that he prefers to run sprints and I to run marathons. But we have learned to value each other's gifts and to work together in ways that make the most of those complementary abilities. We have had great fun in “tag-teaming” hearings or meetings where our differing styles have worked together to persuade the judge or serve the client in ways that neither of us could have accomplished on our own.

The image this brings to mind is of a great symphony conductor combining multiple disparate instruments into beautiful harmonies. Our Sovereign God makes transcendent music as we present ourselves to Him as living instruments (Rom. 12:1-2).

God's sovereignty also means that He is always at work in all of our relationships – with colleagues, clients, and others. People do not move in and out of our lives randomly. Rather, God decides whom He will bring in and whom He will lead out, and when and how He will do so.

The story of the founding of my law firm, Gammon & Grange, over thirty years ago reflects the gracious hand of Providence far more than the planning or foresight of the late Jim Gammon or of Chip Grange. Only God could have brought them together, and He did so through what looked like setbacks in Chip's life and an unexpected Holy-Spirit-inspired phone call from Jim to Chip. This is true of clients as well as colleagues. Over the years, my colleagues and I have often prayed for God to bring us those clients whom He would have us serve, and to keep away the clients He would not have us serve. He has been faithful to do so. Although only God knows how He has spared us from clients He has not brought our way, we often rejoice in thinking of those clients He has blessed us with. We are grateful for the opportunities to serve and for the deep friendships that have grown. And we have seen the Lord work transformationally even in those rare relationships that have occasionally been more challenging.

4 Falleness and Forgiveness Are Familiar Facts of Life Together.

God's sovereignty in our human relationships has important corollaries. Among them, our falleness and continuing need for forgiveness are familiar facts of our daily life together as Christians called to the practice of law. News flash: we are all sinners in need of a Savior. We are proud, selfish, ambitious, and worse. We have rough edges that often rub each other the wrong way. But these rough edges can be honed and offenses can be transcended if we are quick to seek and quick to grant forgiveness to one another – not insincere or superficial forgiveness, but deep forgiveness from the heart.

This is easy to do . . . in the abstract, in a short article or in the quick and convenient words that we lawyers can so skillfully craft. But it is often very difficult to do in the reality of daily life. Grievances real and imagined can seize our hearts, color our thoughts, and poison our relationships. Yet Paul tells us that it is precisely because God in His sovereign wisdom has graciously chosen us to follow Him, and in His sovereign love has graciously forgiven us (at great cost to Himself), that we must love and forgive one another:

Put on then, as God's chosen ones, holy and beloved, compassionate hearts, kindness, humility, meekness, and patience, bearing with one another and, if one has a complaint against another, forgiving each other; as the Lord has forgiven you, so you also must forgive. And above all these put on love, which binds everything together in perfect harmony. And let the peace of Christ rule in your hearts, to which indeed you were called in one body. And be thankful (Colossians 3:12-15 ESV).

It is a blessing, though it often does not feel like one, to have colleagues who will inflict the faithful wounds of a friend (Prov. 27:6). It stung when two of my colleagues came to me several years ago to correct me about a billing problem that due to my inattention had become magnified. My instinctive reaction was of wounded pride and defensiveness. But we had begun our meeting with prayer and the Holy Spirit helped restrain any instinctive reactions. I needed to keep coming back to the Lord in prayer after the meeting, asking God's help to respond rightly and to overcome my natural pride. As I prayed, the Holy Spirit made me more sensitive to my failures and less sensitive to any perceived offenses. The Lord, with smiling irony, also led one of those colleagues to come to me to apologize for the pride underlying some of his rebukes. We both apologized, and both forgave deeply from the heart, and were reminded again of the great gift God has given us both in allowing us to practice law together.

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5 The End Is Not the End.

God's revelation in Scripture of Himself and of the broad course of history reminds us that what may seem in human eyes to be the end is not in fact the end. God's sovereignty means that God is not only the first word, the Alpha, but also the last word, the Omega. We lawyers jockey to get rebuttal time and to file replies and sur-replies, but God alone always gets the last word. Judges may enter "final orders" and "courts of last resort" may deny appeals but only God is truly the Final Judge. As C.S. Lewis said, "no doubt all history in the last resort must be held by Christians to be a story with a divine plot."⁷

As Christians practicing law, we may encounter what feel like staggering setbacks and crushing defeats. Our adversaries, both natural and supernatural, would have us believe that such defeats are the end of the story. But the narrative of God's sovereignty tells us differently. Scripture and church history overflow with stories of God's people led into captivity only to be led out again, of the blood of martyrs leading to the new births of hundreds and thousands of new believers, of the dead being raised to life. God's narrative never ends on the Crucifixion Friday, but always proceeds to Easter Sunday, to Ascension, Pentecost, and beyond. Setbacks and defeats may cause us to grieve, but we grieve as those who live in the reality and the hope of Christ's Resurrection and of our eventual resurrection through Him (I Thess. 4:13). "It's resurrection, resurrection, always resurrection, that undergirds what [we] do and say, the way [we] live" (I Cor. 15:30 Message).

that only God fully understands. Our attention must be focused upon Him, and our interactions must reflect the importance that each other's parts have to the whole drama, each instrument to the full symphony. "The load, or weight, or burden of my neighbor's glory should be laid on my back, a load so heavy that only humility can carry it. . . ."⁸

Finally, because we can rest in the knowledge that God is sovereign, good, and loving, and because we know from Scripture the ultimate outcome of history's divine plot, we can live and practice law with lightness and even humor. We struggle not *for* victory, but *in* the victory that Christ has already won. We know the final score and we are on the winning team. That certainly takes the pressure off as we seek to co-labor with God in building His kingdom. So we take God very seriously, and ourselves not at all. We are like the angels whom Chesterton tells us "can fly because they can take themselves lightly."⁹

The founder of our law firm, the late Jim Gammon, was a master of this. A brilliant cross-examiner possessed of a sonorous bass voice, Jim never took himself too seriously and could find the humor in any situation. Jim regularly would violate traditional elevator etiquette taboos to make eye contact and engage total strangers in hilarious conversations, making wry statements and asking provocative questions. Somehow the conversations would usually end with Jim planting a seed about Christ or caring for the person's needs in some other way. Like Jim, our play is "of that kind (and it is, in fact, the merriest kind) which exists between people who have, from the outset, taken each other seriously – no flippancy, no superiority, no presumption."¹⁰ The sovereignty of God brings us not only Lewis's weight of glory, but also the lightness and laughter of living and practicing law as beloved recipients of God's sovereign grace.

ENDNOTES:

- 1 The quote is from Kuyper's inaugural address at the dedication of the Free University of Amsterdam. Abraham Kuyper, "Sphere Sovereignty," in James D. Bratt, *Abraham Kuyper: A Centennial Reader*, (Grand Rapids, MI: Eerdmans, 1998), at 488.
- 2 G.K. Chesterton, *Orthodoxy* (1908), at 296.
- 3 Eugene H. Peterson, *Christ Plays in Ten Thousand Places* (2005), at 71.
- 4 Eugene H. Peterson, *Working The Angles: The Shape of Pastoral Integrity* (1987, 1993), at 49.
- 5 Dietrich Bonhoeffer, *Life Together* (Harper Collins 1954, 1993), at 115-16.
- 6 C.S. Lewis, *The Weight of Glory* (1949, 1975, 1980), at 19.
- 7 C.S. Lewis, *The Discarded Image* (1964), at 176.
- 8 Lewis, *The Weight of Glory*, at 18.
- 9 Chesterton, *Orthodoxy*, at 223.
- 10 Lewis, *The Weight of Glory*, at 19.

6 We Live Together with Hope, Humility, and Humor.

Because God's sovereign work centers upon the Resurrection of Christ and encompasses the resurrection of those He has redeemed, we can live and practice law with great hope. In a culture characterized increasingly by desperation and despair, we carry the hope-filled Gospel of Christ risen, redeeming, returning, and resurrecting.

Because, in God's sovereignty, history is a story with a divine plot, we must live and practice law with great humility. We each have an important part in the grand story that is being told. But our Triune God is the main character in, as well as the author of, that story. We are all supporting characters, each important, but in ways



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The Ordinary Practice of Law as a Christian Calling

By Robert F. Cochran, Jr.



It is easy to see the connection between Christian faith and some types of law practice: legal aid, human rights, religious freedom, non-profit representation, etc. But what of the vast majority of Christian lawyers who are not involved in such representation, but the ordinary matters of law and commerce? When asked about the connection between their Christian faith and law, many of these lawyers talk about the good things they can do while practicing law, rather than the practice of law itself. While at the office, they can share their faith and they can be good to secretaries, fellow lawyers, and clients. With the proceeds of their practice, they can provide a good living for their families and give to their churches. But is there something inherently good about what they do as lawyers?

In considering this question, I start with a story told by John Witte that on its face does not appear to have anything to do with the practice of law:

In 1415, a traveler came to the French town of Chartres to see the great cathedral that was being built there. He arrived at the cathedral just as the workmen were leaving for home. He asked one man, covered with dust, what he did there. The man replied that he was a stonemason. He spent his day carving rocks. Another man, when asked, said he was a glassblower, who spent his days making slabs of colored glass. Still another workman replied that he was a blacksmith who pounded iron for a living. Wandering into the deepening gloom of this unfinished edifice, the traveler came upon an old widow, armed with a straw broom, sweeping up after the day's work. "And what are you doing?" he asked her. The woman paused, looked up, and said proudly: "Me? Why, I am building a cathedral to the glory of Almighty God."¹

In order to see what this story tells us about law practice, we must first ask whether practicing law is anything like building a cathedral to the glory of Almighty God. Most lawyers work in either law or commerce, or some combination of the two. Does either give glory to Almighty God? It seems to me that the work of a lawyer glorifies God if that lawyer openly commits his or her work to God and if, on balance, that work serves the good of his or her neighbors.² Does law, does commerce, on balance, serve our neighbors?

Some lawyers build and maintain a cathedral of law: they draft legislation, try cases, argue appeals, write opinions, and counsel clients regarding the law. There are many of our laws with which others and I strongly disagree, but overall I think our legal system is a positive force and worthy of protection. In part, it is worthy of protection because those of us who disagree with laws generally have means to challenge and to change them. The value of law is most obvious when we look at nations that do not have a strong rule of law. The experience of Rwanda, Bosnia, Burma, and Afghanistan in recent years testifies to the value of a strong legal system, which would not be possible without the work of lawyers. Lawyers' greatest service to the law rarely comes in dramatic courtroom scenes, but in the privacy of the law office as they counsel clients to act within legal parameters.

Of course, lawyers also serve as litigators, and one may rightly criticize the excess that distorts or conceals, rather than clarifies truth. But most advocacy, most of the time, is beneficial. Legal arguments sharpen judges' and juries' thinking by providing a variety of viewpoints. I believe that lawyers' arguments increase the



possibility that truth will be discovered and that law will be just. In this way, lawyers help to build the cathedral of law. I believe that, on balance, it is a cathedral to the glory of Almighty God.

Other lawyers build and maintain a cathedral of commerce: they draft contracts, organize businesses, and put together deals. In the American commercial system, as well as in the American legal system, there are many injustices. Our commercial system produces some trashy products, but most of its products serve society in good ways. Though some workers are abused, our commercial system provides an amazing number of jobs, which enable people to feed and provide shelter for themselves and their families. Though many may not think of their work as Christian service, working within the commercial system is a means of meeting the needs of our neighbors.

Lee Hardy uses the following example: Christians wake in the morning and pray, "Give us today our daily bread."³ God gives us our bread, but generally it does not appear magically. At the very time that we pray the baker is already awake, kneading the dough and preparing the bread. The baker does God's work.⁴ In an earlier day, it was easier for people to see a connection between their work, their neighbor, and God. The baker could see the people he served which likely gave him great pleasure. Some lawyers see that individual clients and their service—drafting wills, advising clients, and representing small businesses in court—give them a realization of the good they do.

But not all lawyers who serve God and neighbor *feel* that their work is meaningful. In the Chartres Cathedral story, the stonemason, the glassblower, and the blacksmith were all, like the sweeper woman, building a cathedral to the glory of God. However, their work did not provide meaning to their lives because they focused only on the task at hand. It was a matter of perception. The stonemason, the glassblower, and the blacksmith focused on their little corner of the cathedral, while the widow saw the broader picture. She envisioned the entire cathedral, the people who would worship there, and the God it would glorify.

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The practice of law is more like working on a cathedral than selling bread to individual customers. They work on a little part of a bigger project. Today, many lawyers are far removed from the people who benefit from their work. This distance is one of the sources of the alienation that many people feel from their work. But that distance does not make their service any less a Christian calling. The lawyer who drew up the contract for the transportation of the bread and the lawyer who drew up the articles of incorporation for the supermarket chain that sells the bread should both take pride in their work. God provides bread through the hands of the baker and through the hands of the lawyers who drafted the documents necessary for its sale.

In my view, most lawyers, most of the time, should see themselves building a cathedral to the glory of God even if they only do a small part in its development and are far removed from the people who benefit from their work. Though Oliver Wendell Holmes did not express this in religious terms (indeed he sees law bringing glory to lawyers), he captures this notion of lawyers contributing to an important and worthy project when he says that lawyers' monument "is the body of our jurisprudence . . . to which the least may make their contribution and inscribe it with their names. The glory of lawyers . . . is more corporate than individual. Our labor is an endless organic process."⁵

But, of course, building a cathedral to the glory of God requires that the cathedral be *to the glory of God*. The clients a lawyer accepts and what he or she does for them is crucial. If a client is using the lawyer's services to produce a destructive product, it is hard

to argue that the lawyer is building a cathedral that glorifies God. The lawyer who wants to find meaning in work must be doing a worthwhile thing. Some lawyers need to take a critical look at the clients they represent, the projects they further, and the way that they practice. But many lawyers just need to take a look at the work they already do. They need to look up in order to see the fruits of their labor and to see that they are building a cathedral to the glory of God.

ENDNOTES:

- 1 See John Witte, Jr., *Kuyper Lecture: God's Joust, God's Justice: The Revelations of Legal History*, 20 PRINCETON THEOLOGICAL SEMINARY BULLETIN 295, 313 (1999).
- 2 *Leviticus* 19:18, *Matthew* 19:19, *Mark* 12:31, *Luke* 10:27, *Romans* 13:9, *Galatians* 5:14, and *James* 2:8.
- 3 See *Matthew* 6:11.
- 4 Lee Hardy, *A Larger Calling Still*, 32 PEPP. L. REV. 383, 384 (2005).
- 5 See Mary Ann Glendon, *A NATION UNDER LAWYERS: HOW THE CRISIS IN THE LEGAL PROFESSION IS TRANSFORMING AMERICAN SOCIETY* 92 (1994) (citing Oliver Wendell Holmes, *The Profession of the Law*, in *THE OCCASIONAL SPEECHES OF JUSTICE OLIVER WENDELL HOLMES* (Mark DeWolfe Howe, ed., (1962))).



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Studying Up on Church-School Liabilities

By Richard R. Hammar, LL.M., CPA

Each year, I review and categorize about 12,000 published and unpublished rulings by state appellate and federal courts pertaining to religious organizations and clergy. This research is laborious, but it provides invaluable data on the reasons that churches and clergy end up in court.

I have the distinct privilege this fall of speaking at the Christian Legal Society's annual conference, where I'll present the top five reasons churches wound up in court in 2011. Leading up to this appearance, I collaborated with *Christian Lawyer* for this article series. In the May 2012 issue, I explored the seventh-most common reason (property tax exemptions), followed up in this issue with the sixth-most common reason: church-run schools and preschools. After my in-depth conference presentation, I'll briefly recap the top five reasons in the November issue. It's my prayer this information enlightens and informs members and supporters of CLS, as it has me in my work with the *Church Law & Tax Report* newsletter and numerous resources.

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A Challenging Environment

According to a recent report by the United States Department of Education, there are 23,000 primary and secondary schools that self-identify as “religious.” Most are affiliated with a church. There are a number of legal issues that are associated with schools, including: the sexual molestation of children, nonsexual personal injuries, zoning status, the application of the “ministerial exception” to teachers and administrators, child abuse reporting, and the ministerial status of teachers and administrators for federal tax reporting. Each of these issues is summarized below.

(1) The sexual molestation of students

Not surprisingly, the sexual molestation of minors is a persistent threat in schools, whether religious or non-sectarian. Cases have involved the molestation of minors by teachers, aides, volunteers, custodians, bus drivers, and coaches. In most of these cases, the victim alleges that the school or church was negligent in hiring the offender without adequate screening or evaluation.

Fortunately, schools and churches can take relatively simple yet effective steps to significantly reduce the likelihood of such an incident occurring. While this topic is discussed in more detail in the next article of this series, the key precautions can be summarized as follows:

- *Require a written application form for all new employees and volunteers* that asks for the names of other youth-serving organizations in which the applicant has worked as an employee or volunteer, and a full explanation of any prior criminal convictions.
- *Contact each person and organization listed as a reference in the application*, and request a written reference. If you do not receive back the written reference forms, then contact the references by telephone and prepare a written memorandum noting the questions asked and the reference’s responses. For non-minister employees and volunteers, the best references will be from other schools, churches, or charities in which the applicant has worked with minors.
- *Research any additional legal requirements that apply in your state.* For example, a number of states have passed laws requiring church-operated childcare facilities to check with the state before hiring any applicant for employment to ensure that each applicant does not have a criminal record involving certain types of crimes.
- *Interview the final candidates.* This will provide an opportunity to inquire into each applicant’s background and make a determination as to each person’s suitability for the position under consideration.
- *For schools associated with a church, adopt a policy restricting eligibility for any volunteer position* involving the custody or supervision of minors to persons who have been members in good standing of the church for a minimum period of time, such as six months.
- *Check the national sex offender registry*, and conduct a national criminal records check.

(2) Nonsexual personal injuries

Nonsexual personal injuries are common in any school setting involving young children. Schools are held to a high standard of care in providing adequate supervision by a sufficient number of competent adults. Risk management consists of several precautions, including the following:

- Use an adequate number of adults to supervise all church activities, especially those involving minors. Also, make sure adult supervisors are adequately trained to respond to emergencies.
- Check with the American Red Cross, YMCA, the Boy Scouts of America, your local public school district, and similar organizations to obtain guidelines on the number of adults to use, the training of adult workers (based on the type of activity involved), and other safety procedures. Reliance on such standards makes it much less likely that a school or church will be guilty of negligent supervision.
- In the case of off-campus activities involving swimming, encourage parents to accompany their children; have parents sign a permission form that authorizes their child to participate in the event, and that discloses whether or not the child can swim; and go only to locations that have certified lifeguards on duty (the best choice is a municipal pool).

(3) Zoning

The civil courts often have been called upon to define the term ‘church’ in the context of zoning laws. There rarely is a question about the status of a building used by a congregation for regular worship services. However, many churches do much more than conduct worship services. Several operate a preschool, elementary school, or secondary school on church-owned property, in some cases in the church itself. The courts have reached conflicting results on the permissibility of a preschool or school on property zoned for church use.

Many zoning laws permit uses that are “accessory” to a permitted use, and several courts have ruled that a church-established preschool or school is a valid accessory use of church property. But some courts have reached the opposite conclusion.

It is imperative that church leaders contemplating the establishment of a preschool or school ensure that such a facility will be a permissible use in the church’s zoning classification. If it is not, it may be possible for the church to obtain a variance, but such an option should never be assumed.

(4) “Ministerial exception”

In 2012, the United States Supreme Court unanimously affirmed the so-called “ministerial exception” to employment discrimination laws: *Hosanna-Tabor Evangelical Lutheran Church and School v. E.E.O.C.*, 132 S.Ct. 694 (2012). This exception, which is based on the First Amendment’s religion clauses, bars the civil courts from resolving discrimination disputes between churches and “ministers.” The Court found that a “called” teacher at a Lutheran school in Michigan was a “minister” and therefore the civil courts were barred by the ministerial exception from adjudicating her disability discrimination claim.

Many church schools have been sued by teachers and administrators for various kinds of discrimination under state or federal law, and so it is important for church and school leaders to be familiar with the ministerial exception. The most frequently cited definition of “minister” applied by state and lower federal courts in the context of the ministerial exception was announced by a federal appeals court in 1985: *Rayburn v. General Conference of Seventh-Day Adventists*, 772 F.2d 1164 (4th Cir. 1985). In concluding that an “associate in pastoral care” was a minister, the court laid down the following definition: “The fact that an associate in pastoral care can never be an ordained minister in her church is likewise immaterial. The ministerial exception to Title VII . . . does not depend upon ordination but upon the function of the position. As a general rule, if the employee’s primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship, he or she should be considered clergy.”

As in the Hosanna-Tabor case, this definition is broad enough to apply to some teachers and administrators in religious schools. In the final analysis, such a decision will be based primarily on the individual’s job description.

(5) Child abuse reporting

Every state has a child abuse reporting law that requires persons designated as mandatory reporters to report known or reasonably suspected incidents of child abuse. Teachers are mandatory reporters in every state. Some states exempt ministers from reporting child abuse if they learned of the abuse in the course of a conversation protected by the clergy-penitent privilege, and some teachers and administrators who are ministers may qualify for this exception. Even if the exception applies, it is often advisable for the minister to report the abuse in order to serve the greater interest of protecting minors from harm.

Teachers and others who are designated by state law as mandatory child abuse reporters expose themselves and their employer to potential legal liability in the event that they fail to report suspected abuse.

(6) Federal tax law

Ministers are eligible for the following four special tax rules with respect to services they perform in the exercise of their ministry:

1. The housing allowance and parsonage exclusions.
2. Exemption from Social Security coverage (if several conditions are met).
3. Self-employed status for Social Security (if not exempt).
4. Exemption from income tax withholding.

These rules apply to ministers who are employed by a church school if their services constitute the “exercise of ministry.” The income tax regulations specify that “if a minister is performing service for an organization which is operated as an integral agency of a religious organization under the authority of a religious

body constituting a church or church denomination, all service performed by the minister in the conduct of religious worship, in the ministrations of sacerdotal functions, or in the control, conduct, and maintenance of such organization is in the exercise of his ministry.”

The IRS (in Revenue Ruling 72-606) has listed eight criteria to be considered in determining whether a particular institution is an integral agency of a religious organization:

1. Whether the religious organization incorporated the institution;
5. Whether the corporate name of the institution indicates a church relationship;
6. Whether the religious organization continuously controls, manages, and maintains the institution;
7. Whether the trustees or directors of the institution are approved by or must be approved by the religious organization or church;
8. Whether trustees or directors may be removed by the religious organization or church;
9. Whether annual reports of finances and general operations are required to be made to the religious organization or church;
10. Whether the religious organization or church contributes to the support of the institution; and,
11. Whether, in the event of dissolution of the institution, its assets would be turned over to the religious organization or church.

The Tax Court has issued several rulings applying these criteria to teachers and administrators in religious schools.



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Need more information? Richard Hammar provides a comprehensive, turnkey child abuse prevention program in *Reducing the Risk, 3rd Edition*. He also recaps the child abuse reporting laws for all 50 states in the downloadable resource, *2012 Child Abuse Reporting Laws for Churches*; analyzes the Supreme Court’s decision on ministerial exception in the downloadable resource, *What the “Ministerial Exception” Ruling Means for Churches*; and reviews zoning and clergy-penitent privilege laws in *Pastor, Church & Law, 4th Edition*. All are available at YourChurchResources.com.

THE GLORY OF THE LAW

by Dallas Willard¹

Part 2 of 3 — Fruits of the Law

Dr. Willard explained in the first essay (found in the last issue of *The Christian Lawyer*) how the law is a gift to mankind of peace, order, and goodness. As he further explains in Part 2 (this issue) and then in Part 3 (the next issue), the law also exists to remind us that our evil past is not irrelevant. The law ultimately points the way to the Savior who alone gives us grace to discover new life and freedom. We as ministers of the law are ministers of His peace and grace.

The purpose, therefore, of Christian lawyers and judges is not merely to interpret and apply a set of man's rules; but to partner with God in recognizing the "Glory of the Law" as His gift of peace and love and to rely on His grace.



Grace is God acting in your life to accomplish what you can't accomplish on your own.

Ed. Note: This essay is the second in a 3-part series adapted from comments by Dallas Willard to attendees at the CLS Annual Meeting in 2002. They appear verbatim, edited only for length by CLS member Forrest Latta* with accompanying introduction.

The law is an expression of the presence of God in human life, an all-encompassing expression of a good life in God. Think of that man in Psalm 1 “whose delight is in the law of the Lord, and on that law he meditates day and night.” The next verse shows what that means: “He shall be like a tree planted by rivers of water.” You probably understand that in Israel, if a tree was going to flourish, it had to be planted where its roots would go down deep into currents of water year round. And so, the Psalmist says, “He will be like a tree firmly planted by streams of water, which yields its fruit in its season.” The mark of the person who is godly is, when it is time to do what is right, they do it. They yield their fruit in their season. Now why? Because they have the *resources!*

Do you love the law? Do you *love* the law of God? If you don't, maybe you need to read more deeply about what it is. And I think that affects the work that you do, as involved in law as an institution, and as a practice in our culture.

The law is an *expression of the Kingdom of God*. The Kingdom of God is simply where - what God wants done, is done. The Kingdom of God is law in *action*. But it is also life-giving: law and life were meant to go together. It's when we withdraw *our* lives from God's life that we begin to use the law as a means of engineering our way through the world. In other words, we make it subject to *our* kingdom, not to God's kingdom.

Paul realized, and Jesus of course did too, that in their day there was a certain system of law that had been almost perfected for the engineering of self-righteousness. Jesus talked about it, and that is what Paul is addressing in Galatians. You cannot, by obeying the law, receive life.² Law itself has no resources for the giving of life. That has to come from a personal relationship with God.

Paul was dealing with Judaizers who had come to Galatia teaching that one had to be circumcised. Paul said it doesn't give you life! “The letter kills.”³ What does he mean by that? Well the letter means doing something precisely required. You hold yourself or other people to doing the things that are explicitly required by the law and don't turn to the deeper depths of *life flowing in the law*, where you stand on mercy and you stand on forgiveness and you stand on grace, not just for forgiveness but for a whole life. When you receive grace in your life and ministry, and you see things accomplished that you couldn't possibly do on your own—that's grace!

Let's say what grace is! *Grace is God acting in your life to accomplish what you can't accomplish on your own.* Of course it is undeserved favor, and we all know that definition of grace: “unmerited favor.” That is a version of it. I have heard leading ministers on national television say that “grace has only to do with guilt.” And what they have actually done is turn grace into another law! Grace is God moving in your life, far beyond any issue of

guilt—that is just the beginning. It's one thing to receive the grace of forgiveness. It's another thing to step into life as an inter-active relationship with Jesus Christ in His kingdom, here and now. Then we *begin* to experience grace.

In your profession, do you just sort of play your cards close to your chest and hope for the best? Or do you launch out to accomplish things which you couldn't *possibly* accomplish on your own!? I heard a minister say the other day, “If you're trying to do what you think is possible, you're out of the will of God.” See, that's talking grace! And one of the ways we actually *seek* the Kingdom of God is by putting ourselves in a position where, if God doesn't bail us out, we're done. Now that's life; that's beyond law! When you do that, you are not sitting around looking at the little actions that you think you might like to accomplish; you are looking at the great river of Life that you have leapt into by putting your confidence in Jesus Christ.

There is a place for the letter of the law. But it doesn't just give Life. And if you want Life, you have to go beyond the letter! The Spirit gives Life. You see, the Spirit is un-bodily *personal* power. When you step into His Kingdom you are dealing with a *person*. Not dealing with a law. Not dealing with irregularity. You're dealing with a Person who has a lot going on in this world. And we get to be a part of that, and to live with Him, and communicate with Him, and simply step into the position where “there is now no longer any condemnation for them that are in Christ Jesus.”⁴

But what does it mean to be “in Christ Jesus”? It does not mean to be on his “good list.” It means to be involved in what He is doing. In other words, you are right in there with Him. That's where He is; that's the place of discipleship. The place of discipleship is not the church building! But we could use a little more of it around the church. You don't become a disciple just when you go to church; you are a disciple *all the time*. So when I am doing what I do most of the time, hanging around universities, teaching classes, talking to students—that is the place of discipleship for me. And because I am involved in that, I don't worry about condemnation because I am in personal contact with Jesus. It isn't just that He paid for my sins. He did. But He also gave me Life! And He gives me Life day by day.

That's what Jesus meant when He said in Matthew 5, “Unless you go beyond the righteousness of the scribes and the Pharisees, you cannot enter the Kingdom of Heaven.” He wasn't talking about going to heaven when you die. He was talking about entering the Kingdom of Heaven. What does He mean? Well the righteousness of the scribes and Pharisees was a righteousness of *actions*. Now, please don't think of what Jesus says as giving more laws. You see, I've heard the Sermon on the Mount presented as, “Well Moses was mean, but Jesus was meaner.” But Jesus isn't giving new laws in the Sermon on the Mount. He is expressing the kind of Life *that flows through the law* and brings the law to fulfillment. So, when dealing with murder, He deals with the *source* of murder. What's the source of murder? Contempt and anger. That's beyond the righteousness

Continued on page 22



of the scribes and Pharisees, because you are moving down into the level of the self; where the thoughts, the intents, and the feelings all flow. It is pointless to try to control actions, because the feelings inside of us will always overwhelm our attempt to control actions. We want to become the kind of person where we don't have to worry about controlling our actions.

So, the person who has understood the limits of the law still understands how good and beautiful it is. But that person also understands what it cannot do, turns to God, and puts their confidence in Jesus Christ. That means, you really think He's the greatest, okay? What is it to have faith in Jesus Christ? It isn't just to believe that He died for your sins. It is to believe that He is the Messiah. He is the one in charge. And then He died for your sins, too. But if He hadn't been who He was, it wouldn't have mattered if He died for your sins or not. It's *who* He is that matters. It's our confidence in Him that opens up a whole world of Life to us. It makes us thankful and fills us with joy.

Now you see, if we don't understand grace this way, and open our lives to let our bodies, our social relations, and everything else just be taken over by it, then we will be constantly expressing the wrong thing that's inside. You want thankfulness to permeate your whole body. Your character is mainly expressed by what you do without thinking. We could make a big mystery out of our character, but practically: it's what we do without thinking about it.

That's what was so remarkable about Jesus. "When he was reviled, He did not revile again but committed His soul to the keeping of Him who judges righteously." But how did He succeed in not reviling again? It wasn't in His body. If it had been in his body it would have come out. So, when you are in traffic and someone flashes the one-finger salute or curses you, then you are apt to feel it coming right back out of your body, if it's there. How are you going to bless those who curse you? It's got to be in your body. Blessing has to be taken in where you live, [so that] your body and your social relations are so intimately related that they cannot be pulled apart.

Now if we want to rise above the law, we have to be taking from a life so much deeper than explicit actions that it takes over our whole being and is placed into our body as the natural response of our body. We are incarnate beings, and we have to understand that our body is a primary vehicle of the spiritual mind. It becomes that vehicle as we submit it to God. We allow the character transformation to move down into our bodies, so that the fruit of the spirit—remember Galatians 5:22—is "love, joy, peace, longsuffering, gentleness, goodness, kindness, meekness, self-control." And Paul, slightly jokingly says, "There is no law against such things!" What he is saying is that the law does not oppose

those things, and even though it can't produce them, they are what the law really glorifies: the life of "love, joy, peace, longsuffering, and gentleness and kindness, etc." These are the things that must be settled into our bodies.

This is the reason Jesus, when he was reviled, "did not revile again."⁵ I've had a terrible time learning that in my own family and with the people I love most. Imagine families that argue, but don't turn to bitter recrimination and ruthless attack. You see, Jesus didn't have that in his body. When He was reviled, he didn't revile again but committed His soul to the one who judges for righteousness' sake.

You have to be standing in the light of the Kingdom of God to do that. What can keep you from getting angry and responding back in kind? Nothing but the knowledge that, "God so loved the world that He gave his only begotten Son, that whoever believes in him should not perish, but have everlasting life."⁶ *That isn't a forgiveness verse; that is a Life verse.* That's a verse about the Life that comes from being born again and learning to live in the Spirit of God. And so, the lawyer for Christ, the professor, the doctor, whatever, takes this into their professional context and social role.

Paul's wonderful statement, "The goal of our commandments is love,"⁷ is what the commandments are all about - love. It all comes together in the life that is lived out in the Kingdom of God. "We know that the law is good, if one uses it lawfully."⁸ The law is good, *if you use it lawfully.* How do you use it lawfully? Under a life in the Kingdom of God, the Kingdom of love.

ENDNOTES

- 1 Dr. Willard is a professor of philosophy at the University of Southern California. He is the author of numerous books including *Knowing Christ Today* (2009), *The Great Omission* (2006), *Renovation of the Heart* (2002), *Hearing God* (2009), *The Divine Conspiracy* (1998), and *The Spirit of the Disciplines* (1988). Visit the author online at www.dwillard.org.
- 2 Galatians 3:21
- 3 2 Corinthians 3:6
- 4 Romans 8:1
- 5 1 Peter 2:23
- 6 John 3:16
- 7 1 Timothy 1:5
- 8 1 Timothy 1:8

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Encouragement Amidst Adversity

By Justin Gunter

Last year I served as the president of the local Christian Legal Society Chapter at Vanderbilt University. As I'm sure many readers know, in the spring of 2011 Vanderbilt created a new policy that banned any student religious organizations from asking their leaders to agree with the organization's beliefs. Despite a yearlong campaign against that policy, in May the university derecognized fifteen religious groups that refused to surrender their religious identity. Over the last year many writers have provided excellent philosophical and legal commentary on this issue. However, few have discussed the experiences of the students involved. In this article, I hope to share with you a glimpse of my experiences over the last year by relating the different encouragements that allowed me to personally persevere through the hostility in this conflict.

I still remember the first time I learned that Vanderbilt had rejected our chapter's constitution because of our religious belief requirements. Instead of being distraught, I was excited as I naively anticipated intellectually stimulating rhetorical debates. I soon realized the reality would be far different. Instead of rhetorical debates we began facing a constant stream of hostility and insults. No one was interested in arguing our beliefs, just that we were bad, hateful, and dangerous. Suddenly, people I thought of as friends were referring to me as a bigot. University administrators and professors I respected began comparing our groups to racial segregationists. Members of the public made comments that would be inappropriate to publish in this article.



Thanks to a revival of apologetics, many young Christians are well equipped to confront logical arguments against their beliefs, but not to confront ungrounded accusations of discrimination, bigotry, and hatred. Against these accusations a reasoned defense simply seems inadequate. These remarks are offensive coming from strangers, but devastating from classmates. I never once doubted whether we were correct, but the constantly hostile university culture became disheartening. Thankfully I was able to persevere by seeking encouragement from friends, the public, counselors, and ultimately, Christ.

First, my understanding friends were a great encouragement. The stifling effect of peer pressure should not be underestimated. In times of isolation and continued hostility, it becomes dreadfully easy to second guess convictions, or even worse, want to give up and "go with the flow" to be accepted.

While I wish I could confidently say I was above such influences, I honestly am not sure I would have been able to persevere without the encouragement of like-minded friends. Solomon exemplified his wisdom by counseling that "though a man might prevail against one who is alone, two will withstand him--a threefold cord is not quickly broken" (Ecclesiastes 4:12). Last summer, I participated in the Blackstone Fellowship, a program designed to train and support Christian law students. Although I learned many things that summer, the most encouraging was learning that "I was not alone." It sounds simple, and it is. However, this knowledge and a constant stream of phone calls, emails, and Facebook messages were instrumental in encouraging me to passionately defend our group.

Second, I was also encouraged by the many messages and phone calls I received from complete strangers in the public. It

seems odd even to me that a short one-line email from a complete stranger could be an encouragement; however, after spending an hour reading blog posts with comment after comment of hateful messages, it's refreshing to know that others respect and understand your stance. Because of my experience, I encourage people to send a quick email when they know of someone who may be going through a discouraging experience. Hebrews admonishes, "Since we are surrounded by such a great cloud of witnesses, let us run with perseverance the race that is set before us." We are called to be that great cloud of witnesses both by standing firm in our personal trials and supporting others in theirs.

Third, I was able to persevere through the encouragement of counselors. For students, the discouragement from respected university administrators who serve as leaders and advisors can be hard to overcome. Thankfully, the counsel of my parents and pastor counterbalanced these messages. Additionally, the most encouraging counsel came from our actual legal counselors, Kim Colby and the Center for Law and Religious Freedom. Legal advice

is essential in a situation like Vanderbilt. However, even more valuable was the spiritual accountability and advice from Mrs. Colby. The Center's focus on providing not only stellar legal advice, but also seeking to glorify Christ in everything we did was fundamental to helping me look past the political struggle and see the spiritual reality. I doubt other attorneys consider a phone call incomplete unless it includes both legal advice and prayer.

Fourth, I was able to persevere through the encouragement and example of Christ. Although it has become almost cliché in Christian circles to talk about trusting in Christ, ultimately this trust was the only sufficient encouragement to carry me through. Late in the fall semester I remember reading Hebrews 12 after a particularly stressful meeting with university administrators. "Consider him who endured from sinners such hostility against himself, so that you may not grow weary or fainthearted." The comparison was clear: if Christ could suffer so much just to bring salvation to humanity, I could not possibly grow "weary or fainthearted" for suffering so little.

Ultimately, by seeking encouragement from friends, the public, counselors, and Christ, I was able to persevere through the hostility at Vanderbilt. In fact, the hostility we faced was rather tame compared to what many other Christians experience. In light of these varied trials, it is important to remember the difference that simple encouragement can make. I'm sure for those standing on the outside it seems insignificant and unhelpful. Especially for those of us in the legal community; we want to solve a problem, not merely help others persevere through it. However, for those facing a trial, a small encouragement can make a tremendous difference.



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Navigating the Ordinary Religion of the Law School Classroom

By Michael P. Schutt

In a 1978 law review article in the *Journal of Legal Education*, Roger Cramton, then dean of Cornell Law School, set out to explore “the unarticulated (and usually unexamined) value system of legal education.” Today’s law students won’t be shocked by his findings that the “essential ingredients” of this system include a “skeptical attitude toward generalizations” and an “instrumental approach to law and lawyering.” Cramton called this “the ordinary religion of the law school classroom.”¹

We deem this system “religious” as these value assumptions are unconsciously presupposed, rather than articulated and debated: “people do not know what they are assuming because no other way of putting things has ever occurred to them.” This intellectual framework of pragmatic instrumentalism is “almost never openly articulated, but it lurks behind what is said and done.”

Today, almost 35 years later, the skeptical heart and instrumentalist soul of the ordinary religion are well entrenched in the legal academy. These presuppositions are not evil, malicious, or even surprising. However, they are contrary—even covertly hostile—to the truth about the nature of law and lawyering. Therefore, it seems critically important that law students studying in this strange temple find ways to consciously navigate the liturgies of this ordinary religion.

Counter-Cultural Liturgies

How can Christian law students resist the ordinary religion to redeem or replace its influence on campus? The goal must not be simply to survive or to make it through law school unscathed. Instead, our aim



must be to engage the culture of the legal academy, and affirm what is good and true while resisting what is bad and ugly. This leads to redemption our time and that of our colleagues.

The liturgy of the Christian church—our patterns of worship, our spiritual disciplines, our ways of relating to the world—has developed over time to both resist and engage the world. Likewise, in the context of the legal academy, we can develop “liturgies” that will do the same. As we engage in counter legal-cultural habits, we will be better able to engage the campus and our classmates.

GATHER. This should go without saying, but remarkably must be said: gather regularly with a local congregation of believers. From out of this worship, preaching, and fellowship, your work on campus flows and you participate in the global church. Meeting with a local church body will also keep you

from losing perspective, without which one simply cannot resist the ordinary religion.

In addition, be intentional about gathering with other believers on the law school campus. Your law school fellowship will be the central expression of your witness in and through the law, and the most fruitful place for you to develop your Godly calling as a lawyer. This will also be a safe place for you to process the struggles and dilemmas unique to the Christian law student or lawyer.

Our task of meeting together as believers includes the task of seeking discipleship or mentoring relationships. As law students, we need wise mentors who understand the issues we are facing and will face. This duty to “seek out” goes both ways: lawyers should actively search for law students and young lawyers to guide and counsel, while older law students should find first-years to mentor.

THINK. Second, thinking faithfully in law school is the crux of the student’s calling. This involves an intentionally counter-cultural approach to thinking about both the nature of law and the lawyer’s calling, among other things. Not coincidentally, it is also best accomplished in the context of gathering with like-minded law students and lawyer mentors.

Admittedly, asking students to dig into Christian approaches to the nature of law—such as natural theory and the works of contemporary Christian legal scholars—requires double effort. On top of all the reading in law school, is there really time for more thought, research, and study? We somehow make time for movies, video games, vacation, recreation, and

relationships. If we take our calling seriously, we will certainly have time to read, consider, and discuss works that will help us resist and engage the ordinary religion that we are immersed in.

The ordinary religion presupposes that there is no transcendent source of law and that law is merely the product of the political process or warring commercial interests. To the contrary, we know that God is the source of law, and that law itself is a working out of God's purposes in the world. Law exists in the very nature and order of the universe, wholly apart from things that human beings may decide. Of course, human beings make laws, but human law is—or ought to be—a reflection of the law that is God's will, to which all humans are subject.

The history of western law is dominated by concepts rooted in this reality. The rule of law itself, for example—think of Magna Carta as an expression of that principle—is virtually incomprehensible apart from theological truth. For example, “the law is king” because, and only because, the king is God's subject and God is the source of all true law. So to ignore the transcendent source of law is to ignore both the reality of the nature of law and an important historical reality. It simply cannot be that law is merely an instrument, a tool for social engineering. Yet that is the very heart of the ordinary religion.

In addition, it's important that we develop a vocational perspective on the lawyer's work. The instrumental approach to lawyering presupposed by the ordinary religion leads to a variety of unsavory models; including the hired gun, the shark, and other variations of lawyer-as-social-engineer. In sharp contrast, “calling” is the means through which God loves our neighbors.

This sort of faithful thinking, done in the context of Christian community, will also serve us on the practical side. As we think well about the nature and substance of the law and about our callings, we will also develop wisdom for the practical questions that beset us in law school; how to get a job, whether to focus on resume building, and how to balance work and home life.

Having the mind of Christ on these issues is not easy, and it requires an approach that is often at odds with conventional wisdom or the ordinary religion.

WITNESS. Third, a robust and winsome engagement of the law school campus should flow naturally out of our gifts and callings in the context of our Christian community. Our law fellowships should be consistently on the lookout for ways to serve and love



our campus, and to proclaim the name of Christ. While the practice of serving those around us is neither uniquely Christian nor sharply in contrast to the ordinary religion, it does open the door to relationships and shine the light of Christ in a dim—or even dark—place.

Engage your campus by identifying and debating the unspoken assumptions lurking there. Consider serving your colleagues by hosting lectures, discussions, or debates on jurisprudence, justice, or the source of human rights. Invite your colleagues to weekly gatherings where together you explore the ideas of vocation, transcendent truth, or theories of justice. Participating in the intellectual life of the campus winsomely resists the ordinary religion and redeems it with true religion.

In addition, develop a mindset of service to foster loving relationships. This alone will transform your campus community and counter the ordinary religion. This mindset should flow beyond your campus into long-term law practice and short-term missions as well. Consider together how to love the poor and needy in your town. Join in with a legal aid clinic or homeless shelter. Collect shoes or coats or fill shoeboxes when national ministries ask for local help. Search for needs that match your gifts, not just overseas, but across the street. This is the witness of Christ in the world.

Rejoice!

In closing, I want to address one byproduct of the instrumentalist presuppositions of the legal academy: this generation's cynicism toward the ability of human institutions to do good.

In the ordinary religion of the law school classroom, “substantive goals come from the political process or from private interests” and the lawyer's task, then, “is to facilitate and manipulate legal processes to advance the interests of the client.” No wonder we're cynical! If the substance of the law is only based in politics, and if the lawyers' work is only to manipulate that politically-engineered law to advance a client's claims - why shouldn't we despair of the ability of human law do any good at all? This generation of law students, on an unprecedented scale, lacks confidence in human institutions to do any good at all. But this simply capitulates to the ordinary religion and is, in fact, a sin.

A cynicism that despairs of good works in the world in the face of our fallen nature, demonstrates a lack of faith in the God who entrusts human beings with His work. This faithlessness ultimately leads to a lack of joy in the ordinary work we are called to in those ordinary—and very human—institutions. We can *indeed* be about God's work in schools, in churches, in courthouses, in factories, and in hospitals in this world. And if it is not God's hand educating, doing justice, creating, and healing; whose hand is it? Don't despair! Rejoice in your ordinary tasks and in your gifts that God will use to love your neighbors even—and especially—in a fallen world.

Joy in one's calling and a confidence in the great Author of law is an ongoing, beautiful, faithful, liturgical act to dispute and defy the ordinary religion in our law school classrooms, our lives, and our world.

ENDNOTES

1 Roger Cramton, *The Ordinary Religion of the Law School Classroom*, 29 J. L. Ed. 247 (1978).



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Every Inch Counts

By Dan Lawrence

CHRIST couldn't have chosen a more appropriate and soul-satisfying theme at this time. I've become acutely aware that I have fallen into a trap that I suspect I share with many other young lawyers: in our passion to become skilled litigators, transactional attorneys, criminal defense lawyers, community leaders, rainmakers, partners, and so on, Christ ceases to become sovereign over much of our existence. An outside observer might even conclude that Christ has been relegated to a position of minor importance, or even one of complete irrelevance.

In my case, this relegation developed slowly over the course of the past four years as I graduated law school and entered private practice. I had found God, or God found me, during law school. I joined a church and attended Christian Legal Society meetings. After law school, my wife and I moved to a new city and I took a job with the law firm I had clerked for.

It is no understatement to say that I am passionate about my job and my firm, and was a workaholic even before law school. Those and other factors drove me to work feverishly. I was eager to impress and become useful and so rarely, if ever, said no to work. My mentors and other members in the firm warned me to slow down and to work less, "Practicing law is a marathon, not a sprint – don't burn yourself out," was a typical admonishment, but I ignored them. I brought work home, I worked nights and weekends. I thought about my cases constantly. I pored over every word of every interrogatory and request for production; and drafted and re-drafted briefs as I sought the perfect turn of phrase. I rehearsed for oral arguments, and

even depositions, obsessively. Very soon, I worked seven days a week, and Sunday worship lost its cathartic quality as thoughts of work invaded my mind even there. Sometimes, I attended church reluctantly because it meant that I would have less time free on Sunday to work. On one occasion, I took deposition transcripts to worship and reviewed them as I sat in the pew. When a common childhood illness turned serious and hospitalized my four-month old son, I worked in the hospital and called opposing counsel from the pediatric intensive care unit.

Someone inclined to be charitable to me might say that I seemed to have lost my perspective on what was important in life. A more critical observer less concerned with my feelings would likely say that my obsession with trying to become a halfway-decent lawyer was invading every aspect of my life and was distracting me from Christ and my family. Both would be right.

"My discipleship to Jesus is, within clearly definable limits, not a matter of what I do, but of how I do it. And it covers everything, 'religious' or not. Our sanctification does not depend upon changing our works, but is doing that for God's sake which we commonly do for our own . . . It is a great delusion to think that times of prayer ought to differ from other times."¹

I have reason to believe that this lack of discipleship to Jesus afflicts many lawyers, at least to some degree. Considering this affliction, another lawyer made the following observations:

"Jesus said to them, 'Give to Caesar the things that are Caesar's, and to God the things that are God's.'" Here's the tough question: Whom do I serve? Whom do I worship? Let's face it; I serve many masters – clients, courts, my profession and the legal system. Not to mention money, . . . status and success. It's okay to give these things their due. But not everything is for them. *Not everything is for Caesar.* A line must be drawn. Only what is not for God is for Caesar. It is easy to get it backwards – this is for me, my career, and my client, and whatever remains is for God. But Jesus says to me, "Put first things first. Whatever I put before God . . . well, that is my god."²

So, in fact, being a workaholic is not my problem. My problem has been that I've failed to temper my attention to that work by consistently drawing a line that Prof. Allegretti prescribes, *anywhere*. So, the recent, pressing question for me has been, where should the line first be drawn for someone like myself – for a young lawyer who is in danger of allowing the practice of law to consume the rest of my life?

I realized I needed a discrete starting point - a place in my professional life where I could take a stand and make a commitment that in this place, "not everything is for Caesar." The Christian Legal Society's legal aid clinics became that place.

Today, it seems the most natural thing in the world. At the legal aid clinic, Caesar gets left at the door. For about four hours, one afternoon a month, there can be no distractions. Money, status, and success are

“There is not a square inch in the whole domain of our human existence over which Christ, who is sovereign over all, does not cry: ‘Mine!’”

not even a consideration when serving the clients who frequent the legal aid clinic. Rather, I can render my services and give of my talents freely and without hope of personal or professional gain. It is a pure act of service. And because we almost invariably pray with our clients in an explicit act of devotion, maintenance of the “great delusion” is impossible.

Pro bono opportunities abound, of course. But taking advantage of them can be difficult for a young lawyer at capacity. It can be hard to view a pro bono client as anything other than “just another case.” The legal aid

clinics provide a flexible medium in which an attorney can provide pro bono services and serve God without struggling with that cognitive burden. It is vital that we do so, not only for the benefit of the underserved in our communities who would otherwise be denied access to legal advice, but for the sake of our own relationship with God.

ENDNOTES

- 1 Dallas Willard, “The Divine Conspiracy”, at 311 (HarperCollinsReligious, 1998).
- 2 Joseph Allegretti, *A Lawyer’s Miscellany: Scriptural Resources for Christian Lawyers*, 26 Fordham Urban L. Rev. 1183, 1188 (1998).



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Perfect Timing

By Matt C.C. Bristol, Esq.



taught in law school over 45 years ago. This is, of course, true. But a Christian lawyer must take serious account of God's timing and especially His strategy of using Christ followers to take the Gospel to all ethnolinguistic groups in the world, *panta ta ethne* (Matthew 24:14, 28:19-20).

Just over two decades ago when the Soviet Union started to crumble, our dear brothers Lynn Buzzard and Sam Ericsson sensed God's call to lead Christian lawyers to engage with their counterparts in the former Soviet Union and other countries that had been under the Soviet influence. Sam, who went to be with the Lord a year before my Betty, approached CLS board members about launching a significant international ministry. When this door did not seem to open, he faithfully started Advocates International with the goal of catalyzing Christian legal fellowships all over the world to engage in strategic ways to advance the causes of religious freedom, sanctity of life, Christian family values, the rule of law, transparency, and justice for the poor and marginalized. Today there is a small global army of committed lawyers who are on the front lines in some really difficult battles. They need encouragement and fellowship with people like you.

I want to be bold and share that I believe now is the time for Advocates International, the Virginia corporation that God used to birth and nurture this global network, to come back to CLS. I believe it is time to start a new season of active cooperation, showing practical ways that busy Christian lawyers like you can link up with members of God's global network. How this might happen I cannot say. But I pray that with increased cooperation, like the wonderful global convocation we shared in October 2008

Lately I have given much thought to the subject of *timing*. I am aware that I am approaching the end of my seventh decade of this earthly life; and just this January my dear wife went to be with Jesus after a four-year battle with cancer. I know each day is a precious gift from a loving God who is not subject to what we know as *linear* time. Since my dear Betty is with Jesus, I like to think that she is no longer subject to linear time. So, just as a thousand years are as a day to God (2 Peter 3:8, Proverbs 90:4), I think

that she will not have the sense of having to wait a long time before we are reunited at the Lord's return (1 Thess. 4:16-17).

God's timing is always perfect. For Him, the past, present and future appear in a single frame (Ephesians 1:3-10). As I think of how I can best serve God for the remaining years of my life, it occurs to me that all of us who are following Jesus need to start looking at time from God's perspective. A lawyer's time is his stock in trade, so I was

“There are needs for experienced lawyers who have learned to walk in confidence with Jesus to take bold initiative and offer assistance.”

in Washington, D.C., and the upcoming annual convocation in Colorado in October; God will give many US lawyers the indescribable joy that comes with engaging with our dear brothers and sisters in areas of intense persecution. In China, India, Egypt, Syria, Sudan, Afghanistan, and so on; there are needs for experienced lawyers who have learned to walk in confidence with Jesus to take bold initiative and offer assistance. New constitutions are being drafted in many countries. Peacemakers are needed. People like Lynn who came to the aid of the Siberian Seven. People like Sam, who travelled the world making relationships with senior government officials and building bridges of understanding and trust.

Look closely at what is happening around the world. Wars, disease, earthquakes and calamities of historic proportion are a part of what we have come to know as a new

normal. Then read Matthew 24 again. Think of God's timing. When Jesus said “Yes, I am coming soon,” (Revelation 22:20), should we not seriously examine our lives and our work and ask ourselves the question: when He does come back, will He find me on the front lines, helping to advance the Gospel, keeping the doors open for God's messengers of Good News? Or will I be watching from afar, as a television spectator at a World Cup soccer game? It is time to choose whether to strategically engage. We have the experience, the resources and the freedom of action. We have the power of God at our disposal, by faith. What are we waiting for? It is time. May God bless you as you prayerfully consider the urgent needs and the claims of Christ on your life and work. Amen.

ENDNOTES

- 1 Dallas Willard, “The Divine Conspiracy”, at 311 (HarperCollinsReligious, 1998)
- 2 Joseph Allegretti, *A Lawyer's Miscellany: Scriptural Resources for Christian Lawyers*, 26 Fordham Urban L. Rev. 1183, 1188 (1998).



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FROM THE PRESIDENT

By Pete Rathbun

A CALL TO SOMETHING BETTER

Ladies and gentlemen, in this awesome century our nation . . . is struggling through a crisis. . . . [It] involves not inequality, self-interest, or justice but a *living* person . . . who once swore that he was a King and who for the sake of this royal claim gave up his life on the cross. . . . King of the Jews – i.e., *Bearer of Sovereignty* – read the accusation on top of the cross. . . . Over *this* sovereignty . . . the ruling powers . . . are as troubled today as they were in the first three centuries.”

These words ring as true today as when first proclaimed by Abraham Kuyper almost 132 years ago, at the inauguration of the Free University of Amsterdam. The response of Kuyper and his colleagues to their crisis is instructive as we discern how to respond to ours. According to Kuyper, the Free University stood as “a protest against the present environment and suggests that something better is possible.” This “something better” was the formation of institutions such as the Free University, organized under the principle of “sphere sovereignty” (discussed elsewhere in this issue of *The Christian Lawyer*), where all disciplines would be pursued in accord with a Christian worldview reflecting the overarching sovereignty of Christ. In his inaugural remarks, after presenting a carefully crafted argument that every area of scholarship should be thus pursued, Kuyper declared: “Oh, no single piece of our mental world is to be hermetically sealed off from the rest and there is not a square inch in the whole domain of our human existence over which Christ, who is Sovereign over *all*, does not cry: ‘Mine!’”

Eighty-one years later, a group of American lawyers formed the Christian Legal Society. They responded to Kuyper’s challenge to live a truly integrated life reflecting the unlimited sovereignty of Christ. And so, they sought to nurture a Christian perspective and practice of law, and recognized that they could not pursue this goal as solitary individuals but only in the company of others. Now we, today’s CLS members, are called to press on toward that goal. How well are we responding to this call?

Admittedly, it is not easy, nor is the way always self-evident. While we may intellectually agree that “the whole domain of our human existence” belongs to Christ, an objective observer might reasonably conclude that we each have carved out a fairly substantial territory over which we implicitly cry, “Mine!” Yet “every square inch” is not hyperbole. To live a life of integrity – an integrated life – we must attend to every detail so that we are not inadvertently submitting even the smallest portion of our lives to a sovereign other than the Lord Jesus Christ.

This calls for careful self-examination, with the help of those close to us, to determine where we fall short. The answer may be different for each one, and it would require an article substantially longer than this to explore all the possibilities. Nevertheless, permit me to suggest one area particularly worthy of consideration by us as lawyers – our relationships. Is our relationship with each of our clients under Christ’s rule? Do we treat each client with respect, placing their interests above our own? When we and our client disagree about how to respond to a particular set of circumstances, do we listen, humbly, to our client’s perspective and engage with them in a collaborative effort to discern what is good? Or do we attempt to impose our moral will on our client because we, of course, know right and wrong better than they? Do we take the same approach with our spouses? Do we?

Let’s be honest. Our relationships are often the last territory that we truly submit to Christ, because we are lawyers, trained to discern the truth and see others’ flaws far better than they. However, He who is truly sovereign over our relationships “did not count equality with God a thing to be grasped, but made himself nothing,” and consequently we are called to “in humility count others more significant than [ourselves]” (Phil. 2:6, 3 ESV). May the Lord grant each of us the wisdom and grace to embrace this call to something better.

Pete Rathbun is General Counsel of the American Bible Society in New York City. A CLS member since 1987, Pete and his wife Peggy believe that God has called CLS to serve and influence in the legal profession “for such a time as this.”

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