

THE CHRISTIAN LAWYER®

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A PUBLICATION OF THE CHRISTIAN LEGAL SOCIETY

SEEKING JUSTICE IN HARD TIMES

*CLS members reflect on their own
experiences of hardship*



ALSO IN THIS ISSUE

- Top Five Reasons Churches Go to Court
- Dallas Willard: The Glory of the Law, Part III
- A Call to Serve: Supporting Immigrants through Immigration Law



Our Answer to Suffering

Hard times. Our friends, children, neighbors, maybe even we personally have been navigating the hardest economy in our lifetime. This issue of *The Christian Lawyer* is less about legal principles and more about struggling through difficult times while relying on the Lord.

If we are honest with ourselves, we do not like to suffer. It is painful. It hurts in our deepest recesses. It makes us doubt whether the Lord hears our prayers. Do we firmly believe that we learn through suffering? I do. When suffering I find myself constantly reaching out to the Lord. That is the choice we make; we either draw closer to the Lord or further from Him during suffering.

Over the past several years, my employment situation has changed so that for a period of that time I became a “consultant” in Washington, D.C. A consultant, in D.C. terms, is often someone who is unemployed and is desperately taking contract work. Several months of no insurance, no steady paycheck, and no full-time job began to take a toll on my family and me. It was scary. We literally had to rely on the Lord for our daily bread – every single meal. Every evening, our family would bow their heads and pray for a job for daddy and thank Him for the miracle of food on our table.

Romans 5:3-4 says, “We rejoice in our sufferings because we know that suffering produces perseverance; perseverance, character; and character, hope.” It is a great verse, but it is hard to rejoice when you are suffering. My family learned that the Lord is faithful. Friends came around us and helped us. Someone even paid our mortgage one month. It is humbling to admit, but that was a moment of tears in our house – feeling loved at that level. We could only praise and thank God.

I know that those reading this letter range from law school grads who are still waiting to get a job to those who have lost their jobs, to those who help the poor, to those whose businesses have suffered greatly, and finally to those who have not really been affected.

Some of us shy away from those who are suffering. The CLS community should be very different. We should be reaching out to both the lawyers and law students in our community who are suffering, as well as the poor through legal aid services. Society assumes that lawyers do not need help; that is untrue. CLS, united in Jesus Christ, must be the salt and light in the legal community and the world.

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Editor-in-Chief
David Nammo

Managing Editor
Rob Smythe

Editor
Crescendo Communication

Design & Production
Perceptions Studio

Editorial E-Mail
memmin@clsnet.org

Advertising Office
Christian Legal Society
8001 Braddock Road, Suite 302
Springfield, Virginia 22151

For advertising inquiries, email
memmin@clsnet.org.

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SEEKING JUSTICE IN HARD TIMES

In this issue of *The Christian Lawyer*, we wanted to hear more about the lives of CLS members. How are you doing in these difficult times? How have you endured?

The following articles were written by men and women who have persevered through various trials. No doubt, there are countless more testimonies that could have been written, but we've included these six articles to be a source of encouragement to our readers. May they help you to "seek justice in hard times." Above all, may they lead you to a greater love for our Lord Jesus.



Trusting in the Savior's Promises

BY JOSEPH S. AGNELLO

The past few years have been devastating to our economy, and the legal industry has been far from spared. I see reports of many new attorneys with extraordinarily high student loan debt and little to no job prospects. Many veteran attorneys have likewise been affected. I would even go so far as to say that there is likely no one alive today who has ever seen such perplexity in the world occurring all at once, in so many different ways.

So my initial question is, *as Christians, what should be our response?* Secondly, *can we know what God's response is?* The answers to these questions are really simple: the first thing to do is pray, call out to God in humility, and cling to the promises God has made to us throughout Scripture. Second, wait by faith for God's protection and guidance in fulfillment of those promises.

God may not choose to spare us from calamity in the manner we want Him to, but He will certainly save us. His Word promises it, and God does not lie (Numbers 23:19, Titus 1:2). This is difficult for our mortal minds to handle, but consider that if we profess faith in an all-powerful and all-knowing immortal God, out of troubling times our faith meets reality with huge blessings. If we choose to ignore all that God promises during times where God is purposefully using the difficulty to *stretch* our faith, do we in fact trust Him at all?

Scripture teaches us: "Now faith is the substance of things hoped for, the evidence of things not seen" (Hebrews 11:1). Paul similarly describes hope, the core of faith, when he says, "For we were saved in this hope, but hope that is seen is not hope; for why does one still hope for what he sees?" (Romans 8:24). Therefore, from these two passages we can conclude that faith requires us to trust God, not because we know what lies ahead in the temporal future, but rather because we hope and trust in God's promises.

I won't pretend for a second to suggest this is an easy task. Rather, I would strongly contend that trusting in God's promises during trials is the hardest thing a Christian can endure.

However, that endurance produces something so priceless inside of us, that the other side of the trial will make it well worth the trouble (Hebrews 12:11, James 1:2-4).

Several years ago I left a comfortably secure job as a county prosecutor for that of a solo practitioner, primarily doing criminal defense and real estate transactions. I truly loved working as a prosecutor where I was born and raised, but found the prospects of a real estate practice very enticing. Of course, real estate was still going strong at the time I made that decision.

Although I heard rumors of a "real estate crash," I never imagined the reality of that crash that still plagues us. In fact, all I saw was real estate booming. So in late 2005, despite my fear of not having a steady income, and only three years out of law school, I took the plunge and became self-employed. From the beginning, my income soared above what I was earning as a county prosecutor. The overwhelming majority of my income came from residential real estate transactions, with a small percentage from criminal defense cases.

Trusting in God's promises during trials is the hardest thing a Christian can endure. However, that endurance produces something so priceless inside of us, that the other side of the trial will make it well worth the trouble.

In the early days of 2008, my practice was going so well that I started looking to hire staff. Until that point, I had been really nervous to take on more overhead than was necessary. But business was booming, and regardless of the rumors of an impending crash, I could not see it coming.

By the end of 2008, however, reality set in and my income nearly vanished. I had praised God from the beginning for always providing and increasing my business and was constantly amazed at how He guided and took care of my practice. But

then, almost in the blink of an eye, it was just about gone. The majority of my pending real estate transactions in late 2008 and early 2009 fell apart over financing. My income practically disappeared. I started hearing stories of small firm and solo real estate lawyers throughout the Chicago area closing up.

The anxiety was intense. I was recently married, had two young kids soon to enroll in private Christian school, lived in an ex-



pensive new home, and even with my wife's income, we could not see a way to afford our responsibilities. The only thing I could do was turn to prayer. That just happened to be the correct response.

When the storm first hit, what immediately came to mind was the analogy Jesus made about true saving faith being like a man who built his house on rock, versus a man who built his upon sand (Luke 6:46-49). We all know the story, the man who built upon sand was destroyed when the storms hit, but the man who built upon rock remained secure. Both men experienced the same exact storm. The same force that destroyed the foolish man's house could not move the man whose foundation was secure.

Jesus was teaching this in the context of ultimate salvation, the foundation of rock being Jesus Himself. I think, however, the scenario carries over to the general storms of life as well. Once Christ becomes our foundation for eternity, His security takes over in life also. After all, Jesus purchased us with His blood, and has promised, "I will never leave you nor forsake you" (Hebrews 13:5). He never restricted that promise to eternity only.

The Scriptures are filled with these promises, and they are freely given to those who belong to God, those who have turned from their sin in repentance and have embraced Jesus Christ by faith as their only hope for salvation. Although God still allows Christians to have difficulty, even extreme difficulty, He also promises to be in control of whatever comes into our lives (John 16:33).

Possibly my favorite verse on this is from David, who described his faith during intense stress saying, "*I would have lost*

heart, unless I had believed that I would see the goodness of the Lord in the land of the living" (Psalm 27:13). Again David writes, "*The righteous* cry out, and the Lord hears, and delivers them out of all their troubles" (Psalm 34:17, emphasis added). Another is from David's son Solomon, who wrote, "The Lord will not allow the righteous soul to famish" (Proverbs 10:3).

Yet, Jesus declared this truth even more directly when He said:

Do not worry about your life, what you will eat or what you will drink; nor about your body, what you will put on. Is not life more than food and the body more than clothing? Look at the birds of the air, for they neither sow nor reap nor gather into barns; yet your heavenly Father feeds them. Are you not of more value than they? ...

Therefore do not worry, saying, "What shall we eat?" or "What shall we drink?" or "What shall we wear?" For after all these things the Gentiles seek. For your heavenly Father knows that you need all these things. But seek first the kingdom of God and His righteousness, and all these things shall be added to you. Therefore do not worry about tomorrow, for tomorrow will worry about its own things. Sufficient for the day is its own trouble (Matthew 6:25-34).

Now, I will be the first to admit, putting this truth into practice is very hard. Nevertheless, we must push ourselves to be mindful that God has a sovereign purpose in what we experience in this life. This is why Paul exhorts, "Set your mind on things above, not on things on the earth" (Colossians 3:2). We are, therefore, not to set our sights on the storm, but rather to keep our eyes on the Savior.

Do you remember what happened to Peter in the storm at sea (Matthew 14:22-33)? Jesus, who chose to stay behind on land, sent the disciples into their boat. The wind and the waves engulf the boat. Then, in the midst of this storm, Jesus miraculously came to them, walking on the waves of the sea.

Try to imagine what must have been going on in the disciples' minds. It's the middle of the night, there is a terrible storm tossing their boat around, and all of a sudden they see the figure of a man walking towards them on the sea. These grown men must have been scared out of their minds! Then try to imagine that while wind and waves were crashing all around, these simple words from the Savior caused their fear to subside, "Be of good cheer! It is I; do not be afraid" (Matthew 14:27).

This sight caused Peter to become so emboldened by his Savior that he actually walked on water himself, *by faith*, to meet

the Lord on the sea. Yet as soon as Peter took his eyes off of Jesus and onto the storm around him, fear immediately overshadowed his faith and Peter began to sink.

The really interesting thing about this story is the fact that Jesus was in control every step of the way. Jesus was the One who directed the disciples to head into the storm. Jesus was the One who chose to miraculously come to their rescue when the disciples thought they were all alone. Jesus was the One who chose to save Peter even *after* Peter began to lose faith!

We cannot take our eyes off of Him. He loves us. He gave His life for us, not because we were such fantastic people, but rather He chose to love us *despite* our rejection of Him such that, “*while we were still sinners, Christ died for us*” (Romans 5:8, emphasis added). It is easy for us to give way to fear in the sight of all that is happening in the economy and in the world, but Paul assures us that as men and women reconciled to God by the blood of Christ, we have been delivered from fear of the things to come (Romans 8:15, 31-39). In this truly victorious passage of Paul’s exposition on the Gospel he rhetorically asks, “Who shall separate us from the love of Christ? *Shall* tribulation, or distress, or persecution, or famine, or nakedness, or peril, or sword?” (Romans 8:35, emphasis added).

We have victory in Christ, and that we can be sure of. There is no magical formula that says if we have faith, everything will come together just exactly as *we* want. These last four years have stretched my faith beyond belief. But God is faithful, and He has *always* provided my family’s needs, never leaving us nor forsaking us.

I wish I could tell you that God has blessed my practice with nonstop business, but that has not happened. By human standards my practice is still struggling. Every month is a new battle with every economic report like a fresh wave crashing upon my faith. Yet my faith is secure because the previous waves made it stronger, having seen my Savior meet me in the middle of the storm.

By God’s grace I still have my business, and through my faith, I consider it a huge success. Despite the massive downturn in the market, I have never been without real estate clients and

have more criminal defense clients than ever before. Circumstances have also taught me to cut back on overhead and unnecessary expenses, and to more willingly accept clients who bring in lower fees. Most important, I have learned to trust that God is in control every step of the way. Through that trust I have greatly expanded my pro bono practice, and I am now more willing to share my faith at work and so have seen God at work in the lives of many clients.

My brothers and sisters in the faith, times might be getting a lot tougher for us before they get better. In fact, though certain niche areas of our profession are certainly prospering right now, many signs in the global economy indicate that things will get worse and uncertainty will increase. But God is *faithful*! He doesn’t have to be faithful to us, but He promised to be, and we can trust Him. For those of you who are experiencing

prosperity, be grateful and praise God for it, but as much as it depends upon you, plan ahead for difficult times. For those of you who are going through problems from this economy, *be grateful and praise God for it!* Your Redeemer is nearby (Psalm 34:18).

God has preordained our times and our places (Acts 17:26). He is well aware of the difficulties we face (Matthew 6:8, 25-34). So count it *all* joy when you face difficulties (James 1:2) and know that God is aware of your concerns and is at work *in you* through it (Romans 8:28, Philippians 4:5-7, James 1:3). Moreover, as you grow in your own faith remind and

comfort your brothers and sisters in Christ with the things you are learning as you grow (Hebrews 10:24, 25), and pray for each other often (Ephesians 6:18, 1 Thessalonians 5:16—18). Finally, and most importantly, trust the Lord with all your heart, regardless of what you see around you, and He promises to lead you through the storm (Proverbs 3:5, 6). You are deeply loved!



Joseph S. Agnello is a sole practitioner in the Chicago area, concentrating in criminal defense and real estate transactions. He is a former Assistant State’s Attorney for Cook County, Illinois, graduated from The John Marshall Law School in 2002, and is a member of Harvest Bible Chapel in Rolling Meadows, Illinois.

Allured by God

BY BETHANY STEPHANS

I'd like to share my favorite Scripture with you – Hosea 2:14-15. After God pronounces punishment upon his people for their idolatry, He then says:

“Therefore, behold, I will allure her, and bring her into the wilderness, and speak tenderly to her. And there I will give her back her vineyards and make the Valley of Achor a door of hope. And there she shall answer as in the days of her youth, as at the time when she came out of the land of Egypt.” (ESV)

What a beautiful picture of hope and restoration. It is a picture I would not have understood apart from these difficult economic times.

All my life I wanted to be a prosecutor, and until about seven months ago I was. I enjoyed the power that comes with prosecution, but the bigger I became in my own eyes the farther I wandered from God. Eventually, I came to a place where I was always seeking purpose apart from Him, but of course I never found it. I won trial after trial. I received special title after special title. Occasionally my work gave me the purpose I so desperately wanted, but it never lasted long beyond the verdict. I sought purpose in men, money, and accomplishments, and all disappointed me.

I had always been involved in a local body of believers, but as my success grew, my church attendance became infrequent at best. My prayer life was non-existent. Eventually, the thrill of power and success wore off and I began to feel like a glorified paper-pusher. I wanted out. I hated my life and everything about being a lawyer. My dream had become a curse. I fantasized about throwing in the towel and piloting a boat on the San Antonio Riverwalk.

In the midst of loathing my profes-

sion and my life, I developed a soul-crushing, tormenting terror of losing my job. I think it began soon after I obtained my first job and bought a house. I ended up moving and renting it out three years ago, but still I lived in absolute fear of the *what if*. *What if my renters leave without warning? What if I lose my job and the renters leave? What if I cannot pay for it? What if I get foreclosed? What if I can never get credit to buy or rent another house? What if something happened to my mom so that I couldn't go back home? What if I end up living in a box under a bridge? What if? What if? What if?* I let innumerable fears steal whatever joy I had left.

Finally, after almost five years of practice I achieved a supervisory position. I could not wait get to my new office and be more important, have more purpose, and (if I'm honest) get to boss others around. Ironically, I began attending church regularly once again. But still my usual

fears of losing my job and the house were bone crushing. One night I simply could not breathe. So, for the first time in a long time I prayed. I did a lot of repenting and then I confessed, *“Jesus, I want to fear you and nothing else. I'm going to stop letting this fear consume my every thought and I am going to trust that you will always provide for me no matter what. I want you.”* Within the week, I got fired. When I asked for an explanation I was told that they did not need a reason. *“Jesus, are you kidding me? Not only fired, but fired without cause? This isn't funny.”*

During the six months that I was unemployed, I began to talk to Jesus, read my Bible, and go to church more faithfully than I had in the six years before. Unemployment in the midst of a recession became a wilderness to me, but it was in that wilderness that my Savior met me and gentled my spirit. One day, I found Hosea 2:14-15. I saw that during



Unemployment in the midst of a recession became a wilderness to me, but it was in that wilderness that my savior met me and gentled my spirit.

those years away from God I stumbled into (and sometimes dove into) a lot of sin and generally afterwards I would blame God. After all, if He would just give me what I wanted, then I would not need to sin! After finding Hosea 2:14-15, I began to understand that through my termination and unemployment, He “allured” me into the wilderness. Thankfully, He did not leave me there. It was there in the wilderness that He “spoke tenderly” to me. He gentled me and calmed me and I came to know Him more personally than I had in years. He met my spiritual needs with His presence and then He provided for all of my physical and financial needs throughout six months of unemployment.

Listen to the language of Hosea 2:14-15. Read it again. Only a lover will “allure” his beloved to a quiet place away from others where he can “speak tenderly” to her. Only a woman who is courted will begin to respond as she did when she and her lover first met. How amazing that we serve a God who courts us! Let the picture painted in Hosea 2 wash over you. It was a balm to my tired soul and it can be a balm to yours as well.

I am finally employed again as an independent contractor for another attorney while I slowly build my own practice. It is not the nice, safe salary I had hoped for, but I remember that through my unemployment God proved Himself faithful to the utmost. I can trust that He will do the same now. Because God courted me this year, I’m in church regularly and part of a regular weekly Bible study. Best of all, because He loved me enough to court me, I often cannot wait to be alone with Him. I love Him. I trust Him. I know Him. All because He used these tough economic times to allure me into the wilderness and speak tenderly to me there. I have also become content to give up the power that comes with prosecuting and help people accused of crimes navigate the system. I do not get the accolades I once did. I’m never in the news anymore. Often only



one accused person knows how hard I work to get them a good result. But I know that Jesus sees me, and after our time together in the wilderness, He is enough.

Bethany S. Stephens practices in Dallas. She lives in Garland with her two dogs and her mom.



Ashleigh Chapman, Esq. '12
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LAW IS MORE THAN A PROFESSION. IT'S A CALLING.

Rediscovering God's Love

BY PAUL GUGINO

Thousands of attorneys, including relatively experienced attorneys like myself, find themselves caught in the space between the last job and the next one. Adrift in a depressed economy, we are struggling to find even modest, full-time legal jobs that a few short years ago were available. Meanwhile, to make ends meet we are taking any work we can find, including short-term contract work for modest pay and no long-term career benefits.

Honestly, when I was asked to write about my current professional situation, I did not want to. I am an experienced attorney who has worked in law and government for about a decade. Frankly, writing an article about how I am currently struggling professionally, or “underemployed,” is just a difficult thing to do. But in the interest of using my experience for the benefit of others, and in spite of my pride, I know that it is the right thing to do.

I began my legal career as an assistant county prosecutor representing the state of Ohio on an assortment of criminal, juvenile, and family law cases. It was rewarding work and, for many years, a great way to get my feet wet in the courtroom while fine-tuning my litigation and negotiation skills. Having studied public policy and attending law school at Regent University, I hoped one day to be able to work on both legal and policy issues. I wanted the satisfaction of working on important national issues affecting every American – your typical *Mr. Smith Goes to Washington* inspired dream.

So in the summer of 2006, when an opportunity arose for me to serve as a political appointee at the U.S. Department of the Interior, my pregnant wife and I prayerfully decided that God had opened this door for us. We relocated our family to the Washington, D.C. area so I could take this dream job, and for the next two years, while my family adjusted to a new life in the nation's capital, I was blessed to be able to work with a group of like-minded professionals on national natural resource law and

policy issues. I was thankful for every minute of it. When the administration came to an end, I was fortunate to be offered an attorney position with the U.S. Department of Defense where I then worked for two years on federal *habeas corpus* litigation until 2011. Unfortunately, by all outward appearances, this is where my story took an unexpected turn for the worse. I have not transitioned into a rewarding full-time position in the law or elsewhere since. But I assure you; this is just the beginning of my story.

My most fundamental beliefs have been put to the test more than I ever thought they would. At times I have questioned God's existence, His plan for my life, His faithfulness, and His love for me and my family. My closest friends can attest

My most fundamental beliefs have been put to the test more than I ever thought they would. ...The realization that I am surrounded by family and friends that I love and who care about me has made all the difference in the world.

to this, as I have not only poured out my heart to God in prayer about my circumstances, but to them as well. And thank God they let me. I have better learned through painful experience that life, the good times and bad times, is meant to be spent in relationship with others. This realization – that I am surrounded by family and friends that I love and who care about me – has made all the difference in the world. Without their support – my wife's love and rock-solid companionship, my four children clamoring for my affection, our extended families rally-

ing around us, friends patiently listening to me say the most foolish things while also reaching out to personally tend to my family's well-being, caring members of our church – I don't know where I would be today, without this love. To tell you the truth, it blows me away just thinking about how faithful God has been to me and my family, how He has loved us and carried us when we were so weak that we did not feel like we had the strength to carry on, even to this very day.

If someone were to ask me how I am coping with professional adversity, I would say that I have realized that such “hardship” is not as hard as you might think, that I have realized, yet again, that life is so much more than the job I have, and the money

and recognition that comes with it. You see, there is something about not getting everything we want in life. I think it is so often the case that when He does this, it is His way of answering our prayers. We then realize He has given us more than we could have ever asked for or imagined. Would I like a full-time job tomorrow doing something I am professionally well-suited for and enjoy? You bet. Would I trade it for what I have right now? I'm not so sure that I would.

To love and be loved is what life is all about. It's why I became a Christian; God's love drew me to Him. And it's why I feel so encouraged today, even though I currently do not have the job that I want and at times feel like I am hanging on for dear life. But that's okay. When you realize that God is here for you – that you can fall into His outstretched arms and reach out to others around you acting as His hands and heart – then hanging on for dear life takes on a whole new meaning. This is what being a Christian is all about.

There is nothing in life like God's love. That He sent his son Jesus into this world that we would have life more abundantly is the greatest love of all, a love far surpassing any we can give or receive from another. At the same time, one of the beautiful things about accepting God's unconditional love for us is that He allows us to better love *others* in the process. When we realize that we are not capable of facing and passing all of life's challenges alone, that we need God's love and the love He provides from others, there's no hardship that is too hard to overcome, professional or otherwise.



Paul Gugino is a public-sector lawyer and policy advisor who served as an assistant prosecuting attorney in Ohio, senior advisor at the U.S. Department of the Interior, and associate deputy general counsel at the U.S. Department of De-

fense. He holds degrees from the University of Cincinnati and Regent University. He and his wife Julie have four children and reside in Arlington, Virginia.



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Hard Times at Work: Helping Clients in the Face of Injustice

BY ALAN J. REINACH

Jose was hired to work as a janitor in a county hospital. A friend at church who worked at the hospital had told him about the job opening. After three weeks of training, Jose was assigned to a schedule including weekends. Jose spoke to the supervisor of the weekday-only unit who was happy to transfer him in, but Jose would have to get the OK from his boss. Jose respectfully spoke to his boss about his religion, asked for the Sabbath off and told his boss about the available transfer. Instead of a transfer, Jose was fired on the spot.

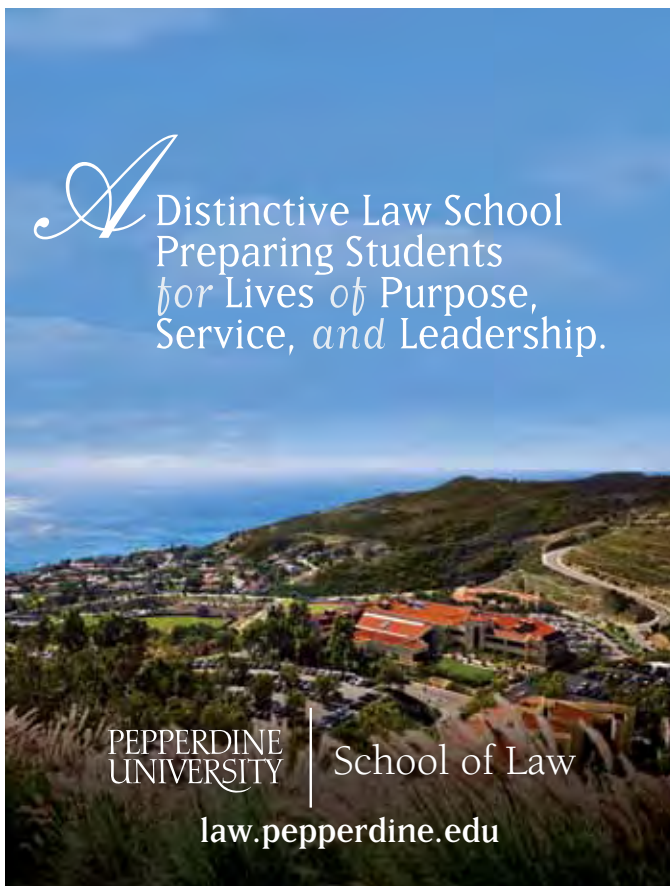
Jose lived in a humble home in the inner city, a converted garage, at least until he lost his job. After he was fired, he and his wife were homeless for two years. They kept moving from place to place, imposing upon friends and family. Jose is an elder in his church and a man of character and dignity. He is a good man. Two years of looking for work and being rejected over and over again took its toll: two years of hopelessness and helplessness. A man needs to work in order to provide for his

family, in order to feel like a man. After two years I was able to settle his case of religious discrimination and get Jose back to work. Within three weeks, he was already receiving written commendations from his supervisor for his dedication and commitment to good work.

I did case intake for a pastor's wife recently. She had been fired from her job managing a fast food restaurant because she did not work "weekends," meaning the Sabbath. When I asked her how the loss of her job impacted her life, tears began rolling down her cheeks. Her husband, the pastor, encouraged her to trust God, to have faith. Everything would be all right. She did trust God! She did have faith! So why did she feel so depressed? She felt guilty for feeling so badly. I reassured her that what she was feeling was normal, and that I would be worried if she weren't feeling so depressed.

Lynelle was fired from her position in sales for a luxury cosmetics brand at the local department store. She would not work on Sundays. It had been a growing conviction. With a young child, and wanting to avoid Sundays, she went to part-time work, with a minimum guarantee of only 13.5 hours weekly. For two years she was able to avoid work on Sundays, but then the store began to schedule her regularly for two Sundays a month. A year later, she was fired. It was an anxious year. It was a year of wondering not whether, but when, she would be fired. Her sales performance was tops. She had a large number of regular customers who looked to her for advice on how to be beautiful and glamorous. It was a heady position for an Asian immigrant whose father was a fisherman in a small village. After she was fired, the store analyzed the sales and determined that the sales did not warrant replacing her position! If the sales did not require someone to work even part-time, 13.5 hours per week, why was it so important that she work two Sundays a month? Management didn't think about that. No exceptions could be made for her. She had to work the same schedule as everyone else!

In this economy, there are many more people like Jose, and Lynelle (not their real names), and the pastor's wife. Many anonymous workers, chewed up and spit out by our marvelous free-market economy, are cast off like so much flotsam and



jetsam. It's always hard to lose a job. Termination yields a harvest of self-doubt, anxiety, and endless questions. But when you are fired for your faith, it is natural to doubt God. Why God? I'm trying to be faithful and obedient, and follow your commandments! Why do you let this happen to me? Are you still there? Are you listening? Do you care?

It is difficult to console those who are in such a furnace of affliction. Job's friends remind one to be slow to speak. Tragedy takes many forms in this life but for those who hold onto Christ by faith, there is the assurance that God will use our experience of tragedy to bless others. It won't lessen the pain. It won't make it better, or right. But there is a peace that comes when we live by faith. Lynelle is still grieving the loss of her job, even after she obtained a better job. Jose has gone through the grief process and has come out the other side. Those who do hang onto their faith through such struggles learn the lesson that the sufferings of this present age are not worthy to be compared with the glory that will be revealed in us (Romans 8:18).

Justice is difficult to obtain for workers who suffer religious discrimination. The courts have watered down the laws, which greatly favor employers. We succeeded this year in enacting the Workplace Religious Freedom Act in California, defining the "undue hardship" required of employers to justify their failure to provide a religious accommodation in terms of "significant difficulty or expense." Under Federal law, Title VII of the Civil Rights Act of 1964, the standard is "de minimus," i.e., not much of a hardship is required. California now joins New York, New Jersey and Oregon. Many states do not have vigorous protections against discrimination at all, or provide inadequate remedies.

Actually, justice is not really part of the equation in these religious discrimination cases. I bluntly inform my clients that we cannot expect a human tribunal to provide anything approximating justice. Money cannot compensate for the suffering when a worker is fired on account of their religious observance. But money is all the system can provide, and occasionally, reinstatement to one's former job. Justice in hard times? I don't think so.

So why pursue justice if it is unattainable? Why serve as voice to the voiceless, advocate for the oppressed? Because Christ expects nothing less. There is something more important than obtaining justice in this world: witnessing to the reality of the Creator, and His passionate love for humanity. "We can't control outcomes," I tell my clients, "but we can control the quality of our witness." When we file charges of religious discrimination we witness to corporations, courts and others that there is a God to whom allegiance and obedience mean more than a job and financial security.

A Christian counselor once gave me deeper insight into Christ's admonition to "turn the other cheek." The natural human reaction to conflict is "fight or flight." Turn the other cheek is neither retaliation nor avoidance. It is confronting evil, getting up in its face and calling it out. It takes courage and conviction.

It may only be an imperfect justice we can hope to obtain in this world. But there remains the promise of God's perfect justice in the end. I cling to the picture of souls crying out under the altar, "O Sovereign Lord, holy and true, how long before you will judge and avenge our blood on those who dwell on the earth?"

(Revelation 6:10). This is the hope that keeps me going: the assurance that God will one day set things right. In the meantime, we try to help people piece their lives back together so they can complete the grieving process and live again.

Not all of my clients suffer depression or homelessness. Many are greatly blessed. We intervene and help many keep their jobs, and obtain a scheduling accommodation. Through the struggles, most of my clients are drawn to a closer walk with Christ. As I see the encouragement and spiritual growth in them, I am encouraged with a deep satisfaction that the practice of law is more than a secular pursuit: it is a deeply spiritual ministry.



Alan J. Reinach is Executive Director of the Church State Council, a religious liberty educational and advocacy organization. He is co-editor of *Politics and Prophecy: the battle for religious liberty and an authentic gospel*, and the host of "Freedom's Ring," a weekly radio program about religious freedom issues. Reinach graduated from the University of North Carolina and the State University of New York.

Tragedy takes many forms in this life but for those who hold onto Christ by faith, there is the assurance that God will use our experience of tragedy to bless others.

Giving When it Hurts

BY K. CHRISTINE FONTANA

I thought I was living in the best time of my life. My husband and I had been together about five years and at twenty-five we were well settled in our careers, owned a home, and had a nice nest egg. In addition, I was accepted to law school and we were about to have a baby! Before I left on a work-related trip my husband said, "I know going to law school has been a life-long goal for you. Why don't we do the 'new parent,' thing for a year. Then, we will reevaluate our circumstances and see if you can stay at home with the baby and go to law school." I had a real sense of security, but it was a false one. Unbeknownst to me, I would soon be "reevaluating" my entire life.

I came home from that trip to find that a close friend of mine, who was helping with the baby preparations...was having an affair with my husband. I left our home in shock and with eyes glazed over, I went to our best friend's house. The husband had worked with both of us on the police force and I had been friends with the wife for years. I was sitting on the sofa with the wife, wondering what to do and where to go. The husband said, "You can't stay here, I don't want to get involved." His wife, my friend, *our banker* looked at me and said, "Honey, if it's gotten to that point...you need to get your money. Not only will he leave you alone and pregnant, but penniless too. If he comes in and takes all the money, there is nothing we can do about it." I heeded my friend's advice. I arrived at the bank Monday morning about fifteen minutes before it opened. I was acquainted with our finances enough to know what bills we had outstanding. I left enough in the account to cover those obligations, then equally divided the rest. I left the bank about 5 minutes before he arrived. Our nest egg and hard efforts were gone in an instant. I took my half and turned it over to both an attorney and a private investigator.

Life immediately became an uphill struggle, especially financially. After a long and drawn-out legal battle our divorce was finalized. I thought I would then see financial relief, but that was not the case. The respectable amount of child support



that I was receiving got quickly absorbed in the never-ending legal entanglement. For the first eight years of our daughter's life, the only offspring benefiting from the situation was my attorney's. Finally, in 2009 there was a sigh of relief. Our legal battles were over and after almost a decade I decided to fulfill my lifelong dream of going to law school.

Of course, the decision to go to law school came with much financial consideration. I had spent the first nine years working 2 and 3 jobs to provide for my daughter. How was I going to do this? As always, I relied on God. He made a way. I continued to work two jobs and made really good grades. It was a very delicate balancing act of making every moment matter. While working, I was being the best provider I could be. While studying, I was being the best student I could possibly be so that my time was not spent in vain and that my daughter would eventually reap the rewards of my labor.

The first year was extremely difficult, but no more so than the years I had already spent as a single parent. I continued

to pray for a change in circumstance so that I would not have to work weekends anymore and could find a spiritual home for my daughter and me. That prayer was answered when I was offered a job at a firm near my school. My daughter and I quickly found our spiritual home and we started attending there regularly.

Here I began to tithe *my* “sacrificial offering,” usually five dollars. At times, it was the *last five dollars in my account*. One day our pastor preached a sermon called “Money Matters.” He talked about earning honestly, saving faithfully, and spending wisely. Even though I was giving as much as possible, I was compelled to do more. Going into the new year I set some spiritual and financial goals. I immediately re-evaluated my circumstances and was able to increase my offerings by a significant amount. When I made that conscious decision to put God first in *all* I did, including “financial matters,” things started to unfold in ways I could have never imagined.

Of course, the challenge came first: between an extra class and the additional fees associated with weekend classes, my tuition nearly doubled. One job cut my hours, but my other job graciously allowed me to offset the deficiency by picking up extra hours there. I was still faced with the financial dilemma that my outcome surpassed my income despite my efforts to be honest in my earnings, faithful in my savings, and a wise steward of my spending. I made an accounting and the numbers just didn’t add up. I needed to work six more hours a week to meet my financial obligations, but there were no more hours to be had. I went to prayer on the matter and God immediately responded. Within the hour, I received an email from the employer who had cut my hours. He said he had extra hours for me. When I added up the hours he gave me with the amount of weeks left in the semester, it was *exactly* six extra hours a week. *Isn’t God great?*

Happy as a lark, I left one job for my other one at school. I had an appointment with a student who had no idea of my financial concerns (no one did, except God). She pulled a scholarship packet from her notebook and said, “I think you may qualify for this.” The fact that I had faithfully applied for scholarships in the past three years without avail did not discourage me. I

joyfully took the application and applied. It also motivated me to apply for others. At the same time I got an email from my ex-husband telling me that the child support check had gotten “lost in the mail,” and there was nothing he could do about it. Needless-to-say, I wasn’t the same woman he divorced. I expressed my concerns. My ex-husband was then moved to do something he never even did while we were married. He electronically deposited a monetary gift into my account, outside of the required child support. It was the first time since our divorce that I felt a little financial freedom.

The blessings did not end there. Not only did I get one scholarship. I got *three*. I was able to meet my financial spiritual goal of

tithing and had finally reacquired financial freedom. Many times throughout the Bible, we are given premises and promises. If you do this, I will do that. The Bible says, “Test me in this,” says the LORD Almighty, “and see if I will not throw open the floodgates of heaven and pour out so much blessing that you will not have room enough for it” (Malachi 3:10).

When I made that conscious decision to put God first in all I did, including “financial matters,” things started to unfold in ways I could have never imagined.

I have been blessed with an overwhelming floodgate that I could never have foreseen. It is amazing to see how I have spiritually grown. I can now contribute more in one week than I did in an entire year. “But this I say: He who sows sparingly will also reap sparingly, and he who sows bountifully will also reap bountifully. So let each one *give* as he purposes in his heart, not grudgingly or of necessity; for God loves a cheerful giver” (2 Corinthians 9:6-7).

Not only is it a joy to meet my spiritual goal, but I also have a true sense of real security and peace knowing that God will provide *all of my needs*. You know the old adage, “put your money where your mouth is,” or “let your walk match your talk.” I challenge you, as I do myself, to make it a spiritual goal to tithe. We are commanded not to steal, so why would we want to *rob* God? He graciously gives to us, so why would we not joyfully return what is rightfully His?



K. Christine Fontana is a 3rd year Juris Doctorate Candidate at Birmingham School of Law, where she serves as the school’s CLS Chapter President. She also served as the 2011-2012 Chaplain for the BSoL Honors Fraternity. She holds a B.S. from Faulkner University.

Imagine That: Divine Artistry in Human Suffering

BY NATE KNAPPER

Introduction: The Art of Imagination

Since its release in 1971, John Lennon's best-selling single "Imagine" has become one of the most beloved musical compositions ever produced. *Rolling Stone* once called the song "an enduring hymn of solace and promise that has carried us through extreme grief... [and] unspeakable horror."¹ The vision of a brighter tomorrow, a hopeful transmission to a despairing world, an inclusive invitation to join the dreamers who believe in a world free of the social conventions that supposedly stifle human progress still inspire listeners today.

For more than forty years, "Imagine" has resonated as a testament to the intrinsic human need for hope. Indeed, the capacity to imagine a better future has always been a necessary ingredient for human flourishing. However, seasons of intense suffering have a way of breaking our imaginative willpower and limiting our capacity for hope. Despite Lennon's claims that imagining a better future is "easy if you try," many within the legal profession are finding hope difficult to summon. A decrease in demand for services has left some practitioners unemployed and many graduates searching for non-legal opportunities. In such troubled times, optimism is a scarce commodity.

Christians have not found themselves exempt from these seasons of suffering, and sincere believers have been forced to revise their expectations in the face of broken dreams and unfulfilled desires. For all the biblical assurances of God's goodness; feelings of anger, bitterness, and despair threaten faith like never before.

To all those whose deferred hopes have tempted them to doubt God's goodness, the Scriptures offer their own hopeful anthem – one rooted not in man's imaginative capacity, but in God's. The biblical writers frequently characterize God as a creative artisan, one who specializes in shaping broken lives into divine works of art. Again and again, they affirm that God's intentions for creation are good, and that mankind's purpose is to help carry out these intentions. In order to fulfill this purpose, however, mankind must adopt the hopeful vision that God has imagined for the future. To encourage that vision, God frequently uses the tool of suffering, masterfully

applying a variety of artistic devices to expose human minds to the endless possibilities for good. By understanding His vision, despairing Christians will once again be inspired to imagine a hopeful future – one in which all things work together for the good of those who love God.²

God: The Divine Artisan

In order to appreciate the spiritual value of human suffering, it is first necessary to understand the artistic character of the God who employs it as a tool. God's nature, imagination, and intention must each be examined.

Divine Nature

The Scriptures frequently characterize God as the supreme artisan. In Psalm 139, David compares God to both a sculptor and an author, claiming that he shapes our bodies in the womb and writes each of our days in a divine book before one of them is ever lived.³ Likewise, the Apostle Peter compares God to an architect who is building believers into a "spiritual house."⁴ Such descriptions assign an artistic quality to God's divine nature, suggesting a continuous creative interaction with humanity.

Divine Imagination

Indeed, humankind's very existence is an expression of God's artistic imagination. According to Moses, man was originally conceived in the mind of God, an imaginative reflection of his own image.⁵ As such, men and women are the pinnacle of divine creativity. Genesis teaches that only *after* God created humankind he declared his creation "very good."⁶

Divine Intention

As living expressions of the divine imagination, human beings are created for a purpose. The Scriptures affirm our partnership with God to help restore a measure of the goodness and harmony that existed before man sinned in Eden. Paul states that we are "God's workmanship, created in Christ Jesus to do good works, which God prepared in advance for us to do."⁷ He says elsewhere that God "works all things together for the good of those who... are called according to his purpose."⁸

Suffering: The Divine Tool

God's sovereign choice to partner with humanity for the good of all creation requires that human beings develop a capacity to dream what God dreams, to imagine what God imagines. Very often, however, we humans passionately, even stubbornly, pursue the dreams that our own limited minds conceive. And while these pursuits seem vitally important to us, they are often too small to accommodate God's better vision for the future.

Aware of our limited perspective, God – the supreme artisan – lovingly uses the divine tool of suffering to chip away our selfishness, expand our imagination, and shape us into effective partners. How does God creatively infuse us with his hopeful vision of the future? The answer can be found by examining fundamental concepts of art theory. For years, creatives have employed certain artistic devices to enhance the quality of their works – devices like failure, elimination, and disruption. While each device functions differently, they are all employed for a common purpose – to shape a piece of ordinary material into an extraordinary work of art.

Reflecting on the last year, I have experienced God's creative application of each aforementioned artistic device to my own life. Accordingly, the following descriptions are supplemented by my own personal experiences. Be assured that you are not struggling alone.

Failure

God uses failure as an artistic device to expand our vision of a more hopeful future. Failure involves a falling short of a desired performance or outcome. Artists frequently shape and re-shape their materials, knowing that they are unable to perform a desired function unless properly molded to fit a product's specific design.

In November, 2011, just months after my graduation from law school, I experienced the most significant failure of my life when I failed the California Bar Exam after months of thorough, exhausting preparation. Angered by my inability to perform, I began to question God's faithfulness. Was this not the God who said that if I committed my plans to him, they would succeed?⁹

Despite my doubts, the future God imagined for me was never in question. Like a skilled craftsman molding his materials to fit a specific design, God used my failure to shape me into the kind of lawyer he knew I needed to become – one equipped with the capacity to persevere. Following the exam, I was



encouraged by numerous timely divine messages to endure hardship. Convinced that God was calling me to abandon my expectation of a failure-free life, I re-prepared for the test and passed the second time. Remember, weary Christian, that the God who makes our plans succeed is the same God who wants us to be “mature and complete, not lacking anything.”¹⁰ Even if it means revising our own expectations.

Elimination

A second artistic device God uses to expand our imaginative capacity is elimination. Great artists understand that while some raw materials must be re-shaped to conform to a particular design, other materials must be disregarded. Such elimination hones a creative work to its purest essence, making reproduction difficult.

Failing the Bar Exam initiated a distasteful personal process of elimination. Feeling called to re-prepare for the test, I made the difficult to decision to move home to Michigan. My relocation again caused me to question God's purpose in my struggles. Wasn't this the God who had plans to give me “hope and a future”?¹¹ Moving back to Detroit from Santa Monica felt like a regression.

Despite these feelings, I now see that my move home was actually God's creative way of helping me progress. In truth, I was mentally and physically exhausted after the Bar Exam. Moving home enabled me to rest and focus on my studies without the distraction of beaches and piers and promenades. Life at home was honed to its purest, most basic essence – studying, sleeping, and eating. Though I missed California, the Pure Michigan lifestyle provided the best

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chance to succeed, and when I returned to the coast to retest, I passed. Remember, lonely Christian, that the God who promises you hope and a future is the same God who promises renewed strength to those who wait for him.¹² Even if it means relinquishing our own desires.

Disruption

Yet another artistic device God uses to expand our imaginative capacity is disruption. Disruption involves the removal of insulators, the reference points by which people extract meaning from their daily experiences. When insulators are removed, the meaning of an experience is often difficult to discern.

After my return home, I experienced a deeply painful disruption. For years, my professional goal had been to work for a particular company. Despite numerous past attempts to secure a position, the doors never opened. Then, in September, 2011, an unexpected phone call from a company recruiter initiated a seven-month interview process that involved extensive preparation, testing, and travel. In the end, I received a two-paragraph letter stating that I had been rejected at the final stage of the application process. No specific reason was offered.

I was devastated. Rather than choosing to “fulfill the desires of my heart,” God had seemingly ignored my hopes and prayers.¹³ My insulator of a God who always “makes our plans succeed” was shaken to the core by this rejection.¹⁴

Despite my disappointment, God’s disruption served its creative effect. Significantly, my rejection letter arrived on April 6, 2012 – Good Friday. God’s creative timing was at once a painful reminder and a comforting reassurance. On Good Friday, Christians are reminded that not even Jesus received an affirmative answer to every prayer he offered. They are also reassured, however, that in the Christian narrative, a Sunday always follows a Friday. Incidentally, one week after my rejection, I was offered a different job that enabled me to share my faith in a way the “dream job” would not have allowed. Remember, despairing Christian, that the God who grants the desires of our hearts is the same God who asks us to submissively declare with Jesus, “Not my will, but yours be done.”¹⁵ Even if it means releasing our own dreams.

Conclusion: The Art of Solidarity

Though lovingly imagined and intentionally created, human beings still experience trials. In his sovereignty, God has written heartbreak into the human narrative which leads some to lose hope and abandon faith. Unable to find acceptable expla-

nations for their pain, they distance themselves from God and sink deeper into despair.

But are explanations really what we need? The Scriptures suggest that the tragic decision to distance oneself from God is ultimately rooted in a deprivation of imagination, not an inability to understand why we suffer. As an artisan, God creatively employs the tool of suffering to expand our imaginations and infuse us with the capacity to accommodate his hopeful vision of the future. Explanations and answers could never provide this vision.

No, God does not always answer our questions. He offers far better. The central narrative of the Scriptures is that God is not distant and detached from the world he created. Rather, in Jesus Christ, God came into the world and suffered alongside us, offering his presence to those who experience failure, elimination, and disruption. This divine solidarity provides a sure foundation of our hope. In Christ, God “reconciles the world to himself,” and ‘hopes some day you’ll join him’ to help usher in the hopeful future he has planned for those who love him.¹⁶ Imagine that.



Nate Knapper is the Southeast Michigan Field Director for the Public Interest Forum, a Michigan Family Forum affiliate. He is a graduate of Calvin College and Pepperdine Law School, a licensed attorney in the state of California, and a 2008 White House Intern.

ENDNOTES

1 “The 500 Greatest Songs of All Time.” Rolling Stone. 9 Dec. 2004. <http://www.rollingstone.com/music/lists/the-500-greatest-songs-of-all-time-20110407/john-lennon-imagine-19691231>

2 Romans 8:28

3 Psalm 139:15-16

4 1 Peter 2:5

5 Genesis 1:26-27

6 Genesis 1:31

7 Ephesians 2:10

8 Romans 8:28

9 Proverbs 16:3

10 James 1:4

11 Jeremiah 29:11

12 Isaiah 40:31

13 Psalm 37:4

14 Proverbs 16:3

15 Luke 22:42

16 2 Corinthians 5:19



In this final part of his series “The Glory of the Law,” Dr. Dallas Willard asks, what is ‘success’ for a Christian lawyer?

He reminds us that mediocre lawyers bring no glory to God. We Christians should be known to the world as the best in our profession! At the same time, our profession is not our life. We need to keep our priorities straight. Therefore, we must discipline ourselves to rely heavily upon God’s grace for all of life.

Willard explained in Part 1 (Spring 2012, *The Christian Lawyer*) how the law is a gift to mankind – a gift of peace, order, and goodness. It is the Law that allowed mankind to prosper and flourish. Willard then explained in Part 2 (Fall 2012) that the Law exists to also remind us of our Savior Jesus Christ, and why our evil past is not irrelevant. The Law may point us toward peace and order, but it is Christ who is the Life flowing through the Law.

Photo courtesy Loren Kerns

The Glory of the Law

PART 3 OF 3 – SUCCESS IN THE LAW

BY DALLAS WILLARD

Success is important. We should expect to succeed. God put us here to succeed, and by success I would mean to bring forth in our lives *real and genuine* values that are lasting, that are eternal. Most of those will be in the lives of other people. You know, if you are going to lay up treasures in heaven it’s going to be in people -- ourselves as well as the investment of our lives in people as we go along.

We first have to come to grips with the issue of *who defines success for us?* And I would just ask you to think for a moment about that question. Who has defined success for you? And what does success mean? All of our professions contain standards of success, and frankly most of them are harmful.

I do a lot of work with ministers, and what I find often is that ministers have been given a model of success in their theological education and their church life that is destructive. And it usually has to do with bigger and bigger and bigger, whatever that is, either a church building, a budget, a group of listeners, or whatever. And very often they suffer from comparisons with others who have a bigger church building, a bigger budget, and a bigger this, that, or the other. We have to remember that God looks on the *heart* and not on the outward appearance. And “bigger” is the outward appearance. We have to look deeply to see what is happening in the *characters* of people under our ministry. Many times the standard of success that is set by our theological education or our legal education or any of our professions is based on outward appearance.

God’s definition of success is *character*. It may be shocking to say to you that *what God gets out of my life and your life is the person we become*. And I just pause to let you think about that. What God gets out of my life and your life is the person we become.

As a teacher in the university, or as a speaker, people are going to forget nearly everything I say. And probably on the whole that is best. But they will not forget who I was. They will remember that all of their lives. And as long as they remember me they will think about what kind of person I was. And the character is the thing that God is going to carry into eternity.

You say, well, what about grace? Well remember, grace is not passive. You see, grace is a principle of life; *it is God acting in our lives*. It is unmerited favor, but it is *action*. **Grace is God acting in our lives to accomplish what we cannot accomplish on our own.** We fling our lives into that, and we disregard the standards of success that may have been imposed on us by the world, the flesh, and the devil, even if it is in religious clothing. And we throw ourselves on this grace, and we expect God to move, day by day, as we go through our lives. And that’s what it means to be a disciple of Jesus.

The question that faces us all is still the old question that we love to preach on, what think ye of Christ; whose son is He?¹ When I get up in the morning and hit the road to my school, that is the main question over my life, what do I think of Christ? Do I think He is the Lord of what I am doing? Do I think He is the smartest man in my field? If I don't, I don't have the right opinion of him. And of course that passage, what think ye of Christ, Jesus asked that question because He knew people did not think highly enough of the Messiah. He knew they were thinking the Messiah was just going to be another King David. No, He is not just David's son; He is much more than David's son.

Our problem in our professions and in our life is to think *largely enough about Jesus*. And whatever you may be doing in your profession, many of you are lawyers, let me tell you who the best lawyer is on earth today. Can you say his name with me? *Jesus*. He is the best lawyer. And you see, all the people in your profession ought to be sitting up nights worrying about what those Christian lawyers are doing! Not because they have some political conspiracy, but because they are the *best lawyers on earth!* Under Jesus Christ.

Now I am not just trying to cheerlead on this folks. I am just saying, this is how we have to think about Him. Because that is the only way that is correct. If we think of Him as being irrelevant, then we fall back into our own devices and our own definitions of success, and what comes out of our life is not what He would have come out of it. As His disciple, I am learning from Him how to lead my life in all its details as if He were me. How would He treat my wife and children if He were me? What kind of yes's and no's would he say? You see, sometimes saying yes is an *ego* thing. Being busy means "I am important." "If I am not busy, I am not important."

That is one of the reasons why you have to practice solitude, because it will take you off of busy-ness. Solitude means you go off and do nothing. You probably have a hard time imagining that unless you are already into it. You go off alone, and you stay there long enough until you stop jerking. Your body quiets down. Now you are beginning to receive, and you might even find you have a soul! And you'll discover a whole new world out of which you can then operate. And then you go back to your job, all the dimensions of your life. Your job is what you get paid to do. Your job is not your life; it is not your ministry. Your ministry is that part of God's work that God has allotted to you, in your time. And then beyond that, there's your work -- the lasting good I create as I go through life. I hope you will not allow your ministry to get in the way of your work. And I

hope you will not allow your work to get in the way of your life. And I sure hope you won't let your job *be* your life. We have to work that out very carefully.

You see, your life is what you are -- it is what God is interested in. God comes to your job through your life, not to your life through your job. And it is very important to understand that we have the keeping of our souls, and we keep these before God, and we must have a *plan*.

So then the question, "What are my plans for a life of discipline and grace?" Do you have a plan? What is your plan for adding virtue to faith, knowledge to virtue, adding self-control to knowledge, and so on down the line, as Peter urges?² This is where you are going to need disciplines. It isn't going to be enough for you to do what is recommended by your church, if it is the usual church. You are going to have to have a plan that *includes* what you do in church, but reaches your *whole life*. What is the place of the word of God when you go to work? You need to have large stretches of scripture memorized. And you need to be able to turn those over in your mind as you drive to work, and as you sit in committee meetings. You won't *have* to look at your Bible because you have already got it right here. And you can go verse after verse in the passages of scripture. And those will buoy you up and strengthen you.

Disciplines are activities that are in my power, which enable me to do what I cannot accomplish by direct effort. That's what a discipline is. And when we come into grace, it doesn't dispense with discipline.

But you say, "I can't concentrate." Well you probably need solitude and Sabbath. The last time I noticed, the Sabbath was still listed in the Big Ten. There must be something important there. And probably you need solitude to keep Sabbath, because if you stay in the midst of things, there would be no Sabbath in our world today. So the question is, what is your plan?

Disciplines are activities that are in my power, which enable me to do what I cannot accomplish by direct effort. That's what a discipline is. And when we come into grace, it doesn't dispense with discipline. There is no opposition between discipline and grace.

Discipline is not a matter of earning points, not a matter of righteousness; it is a matter of wisdom about how to live. And if you don't practice your disciplines then your performance will suffer. But you don't practice disciplines to modify your behavior. You practice them to change who you are on the inside. We must take care of these; we must find the means, whatever they may be. And they vary considerably with individuals, what we need; it is not all the same, there are personality differences, lots of things could be said on these things. I would just refer you to *The Spirit of the Disciplines*, or Richard Foster's book *Celebration of Discipline* to help you get into some of these details.³

Let me conclude with this prayer for you; my prayer and hope for each of you is that you would have a rich life of joy and power, abundant and supernatural interventions and results, and a constant clear vision of never-ending life in God's world before you, and of the everlasting significance of your work, day by day, a radiant life and a radiant death.

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.

This essay is the third 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.

Forrest Latta is a litigator with Burr & Forman LLP who handles commercial and insurance cases and leads the firm's appellate practice. He has been an active part of CLS since 1999.

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1 Matthew 22:42

2 2 Peter 1:5-8

3 Dallas Willard, *The Spirit of the Disciplines* (Harper 1990); Richard Foster, *The Celebration of Discipline* (Harper 1988).

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The Top Five Reasons Churches Go to Court

Analysis of 12,000 cases reveals the leading legal risks for ministries.

BY RICHARD HAMMAR, LL.M., CPA

Each year I review 12,000 published and unpublished rulings by state appellate and federal courts pertaining to religious organizations to analyze the reasons that churches end up in court. This research guided my keynote address at the 2012 Christian Legal Society conference on the top five reasons that churches went to court in 2011. I have summarized that keynote address below, which includes an explanation of potential disputes and what churches might do in advance to mitigate their risk:

Leading up to this appearance, I collaborated with *Christian Lawyer* on this article series. In the May 2012 issue, I explored the seventh-most common reason (property tax exemptions), followed up in the August 2012 issue with the sixth-most common reason: church-run schools and preschools.

Below, I briefly recap the top five reasons.

5. Insurance Coverage Disputes

It is common for churches and their insurers to end up in court, often in a declaratory judgment action to determine if coverage is available under a church's policy for a particular claim. Common types of coverage disputes are summarized below:

The Intentional Misconduct Exclusion

Commercial general liability (CGL) insurance policies generally exclude intentional or criminal acts from coverage. Some policies specifically exclude coverage for sexual offenses. Insurers often assert such exclusions in cases of

sexual molestation of minors by church employees and volunteers, since such acts are both intentional and criminal. But churches typically respond to such coverage denials by asserting that the exclusion does not apply since they were not guilty of intentional or criminal acts. Rather, they are being sued on the basis of negligence. The courts have come to different conclusions in such disputes. This illustrates the importance of church leaders being familiar with the terms of their church's CGL policy, and providing for sexual misconduct coverage as a separate policy or endorsement if necessary.

The Employment Practices Exclusion

Most CGL policies exclude employment practices. As a result, churches that are sued for an employment-related claim may be denied coverage and the insurer will provide neither a legal defense nor indemnification. The most common employment-related claims involving churches include wrongful termination and various discrimination claims under state and federal law.

The Duty of Prompt Notification

This duty requires an insured to notify an insurer of any potential claims when the injury or loss occurs, and not when a lawsuit is filed. This gives the insurance company sufficient time to investigate the incident and provide a defense. Notice is a condition of coverage and a church that

fails to promptly notify its insurer may be denied coverage.

When faced with a “no coverage” letter due to failure to promptly notify, a church may argue that its delayed notification was not sufficiently long to violate the prompt notice requirement, or that its delay did not result in prejudice to the insurer. If it can be established that the insurer was not materially prejudiced by the insured’s delayed notice, the delay may not be fatal to the insurer’s obligations to defend and indemnify.

Misrepresentations on the Application for Insurance

Material misrepresentations made by an insured in an application for insurance may result in a denial of coverage by the insurer. To illustrate, if a church falsely indicates on its insurance application that it does not operate a preschool it may be denied coverage by for any injuries occurring to children in its preschool. Misrepresentations often are more negligent than intentional, since insurance applications often are completed by staff members or volunteers who have little financial sophistication and are overwhelmed by the complexity of the form.

4. Zoning

Many zoning disputes filed in 2011 involve claims under the federal Religious Land Use and Institutionalized Persons Act (“RLUIPA” or “the Act”). RLUIPA was enacted by unanimous consent of both the Senate and House of Representatives in 2000 and addresses two areas where religious freedom had been threatened: (1) land use regulation, and (2) persons in prisons, mental hospitals, nursing homes, and similar institutions.

RLUIPA specifies that state and local governments cannot subject religious organizations to a “land use regulation” that imposes a substantial burden on the free exercise of religion unless the law is supported by a compelling governmental interest:

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution— (A) is in furtherance of a compelling governmental interest; and (B) is the least restrictive means of furthering that compelling governmental interest.¹

A substantial burden to religious exercise involves more than inconvenience; it is “akin to significant pressure which directly coerces a religious adherent to conform his or her behavior accordingly.”²

In addition, RLUIPA also prohibits attempts by state and local governments to discriminate against, or exclude, religious organizations when applying zoning and landmarking laws.

The courts have reached conflicting conclusions regarding the application of RLUIPA, and the meaning of a “substantial burden on religious exercise.”

3. Nonsexual Personal Injuries

Nonsexual personal injuries represent the third-most common reason that churches were in court in 2011. Such injuries may include:

- slips and falls
- vehicle accidents
- water events
- skate ramps
- trampolines
- counseling ministries
- playground equipment
- inflatable devices
- assaults on church property

Church liability for such injuries generally concerns negligent selection of workers, or negligent supervision of the activities and participants. Churches can reduce the risk of injury and liability in a number of ways; including the use of qualified adults, “benchmarking” safety procedures, and risk management with the practices of other charitable organizations and public schools.

2. Property Disputes

Churches frequently are in court to litigate property-related issues. Common examples include:

Eminent Domain

When the government exercises eminent domain, numerous disputes arise including compensation issues. While the civil courts have ruled that church property is not immune from a proper exercise of eminent domain, they have also concluded that the government’s power of emi-

ment domain must be balanced against the interests of the church, and that in some cases the church will prevail.

Restrictive Covenants

These covenants restrict property use and are often referenced in deeds. Property owners, including churches are legally bound by such restrictions. As a result, church leaders should review the deed to their property to be sure they are familiar with any such restrictions.

Reverter Clauses

Property owners sometimes sell or donate property to a church with a deed specifying that the property will revert to the previous owner if the church violates a specified condition. For example, a deed may convey title to a church “for so long as the property is used for church purposes.” Or, a deed may convey title to a church “for so long as the property is used as a Baptist church.” Such deeds vest only a “determinable” or “conditional” title in the church, since title will immediately revert back to the previous owner (or such person’s heirs or successors) by operation of law upon a violation of the condition.

Churches should check their deeds to see if they contain a condition that may give the prior owner either a possibility of reverter or a right of reentry. In either case, the prior owner may attempt to claim title to the church’s property in the event the specified condition is violated. However, if the prior owner retained a possibility of reverter, the transfer of title back to the prior owner occurs immediately. This can cause major problems for a church when it belatedly discovers that it no longer owns the property.

Religious Discrimination in the Sale or Rental of Property

The Fair Housing Act (Title VIII of the Civil Rights Act of 1968) prohibits discrimination in the sale or rental of residential property on the basis of race, color, national origin, religion, or sex. However, the Act specifically exempts religious organizations from the ban on religious discrimination. The Act states:

Nothing in this subchapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a com-

mercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.³

Adverse Possession

Churches can lose a portion of their property to a neighboring landowner as a result of adverse possession if the neighbor openly and adversely occupies church property for the length of time prescribed by state law. They can also acquire property in the same way.

1. Sexual Abuse of Minors

For six of the past seven years, sexual molestation of minors has been the number one reason that churches have been in court. Victims generally allege a church holds responsibility for their injuries on the basis of negligent selection, retention, or supervision of the perpetrator. Churches have lost many of these cases due to their failure to implement appropriate safeguards in the selection and supervision of employees and volunteers who work with minors.

Incidents of sexual misconduct involving minor victims can be devastating to the victim, the victim’s family, the offender, church leadership, and the church itself. The good news is that churches can significantly reduce the risk of such incidents by taking a few simple precautions including the following:

Every applicant for youth work (volunteer or compensated) must complete a written application form that identifies work experience in youth-serving organizations as an employee or volunteer, a full explanation of any prior criminal convictions, and the names of two or more references.

Contact each reference and request a written endorsement. Note that there are two basic kinds of references: personal and institutional. Personal references from individuals unknown by church leaders are of limited value. Further, the FBI profile on preferential child molesters states that their only adult friends tend to be other pedophiles. This further diminishes the value of personal references. Rather, seek institutional references where the applicant has worked with minors either as a paid employee or an unpaid volunteer. Churches should restrict volunteer positions involving the custody or supervision of minors to those persons who have been members in good standing of the church for a minimum period of time, such as six months. Such a policy gives the church an additional opportunity to evaluate applicants,

and will help to repel persons seeking immediate access to potential victims.

Conduct a criminal records check that includes a search of the national sex offender registry (<http://nsopw.gov>).

Church leaders often “err on the side of mercy” when making employment decisions. This attitude can contribute to a negligent selection claim—if a church gives an applicant a “second chance” despite knowledge of prior sexual misconduct and the conduct is repeated. What the church views as mercy may be viewed as negligence by a jury.

Consider adopting a “two-adult” policy which prohibits a minor from being alone with an adult during any church activity. This rule reduces both the risk of child molestation, and of false accusations of molestation.

Conclusion

The risks described in this article are the most significant sources of church litigation in the past year. This information is invaluable to church leaders and their advisors, since it establishes the gravity of each risk and makes it more likely that these risks will be addressed and managed through appropri-

ate church policies and practices. For more of the top reasons churches went to court in 2011, see the May and August 2012 issues of *Christian Lawyer*.



Richard R. Hammar is an attorney, CPA, and author specializing in legal and tax issues for churches and clergy. He is a graduate of Harvard Law School, and attended Harvard Divinity School. He is the author of several books published by Christianity Today, including *Pastor, Church & Law*, the annual *Church and Clergy Tax Guide*, *Reducing the Risk*, the biannual *Compensation Handbook for Church Staff* and the *Essential Guide to Copyright Law for Churches*. He also is senior editor of Christianity Today's *Church Law & Tax Report*, a bimonthly newsletter reviewing significant legal and tax developments for churches and clergy, *Church Finance Today*, a monthly newsletter for church treasurers, and *ChurchLawAndTax.com*.

ENDNOTES

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2 *Midrash Sephardi v. Town of Surfside*, 366 F.3d 1214 (11th Cir. 2004). The court noted that a substantial burden on religious exercise in violation of RLUIPA can result from a zoning ordinance that “exerts pressure tending to force religious adherents to forego religious precepts, or mandates religious conduct.”

3 42 U.S.C. § 3607(a).

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PROTECTING THE VULNERABLE



Seeking Justice for Women Facing Unintended Pregnancies

BY JEANNEANE MAXON, AMERICANS UNITED FOR LIFE (AUL)

AUL is partnering with its long-time ally, the Christian Legal Society (CLS), to provide CLS members greater support as they seek to advance life. More information on joining the Lawyers for Life program can be found at www.aul.org/lawyers-for-life.

On June 4, 2010, ABC news reported the story of Caitlin Bruce,¹ a twenty-year-old woman who filed a lawsuit against abortionist Abraham Hodari of the Feminine Health Care Clinic in Flint, Michigan. Caitlin went to the clinic seeking an abortion, but claims that as soon as she felt Hodari start the abortion procedure, she changed her mind and begged him to stop. Instead, she reported that Hodari and his staff pinned her down, covered her mouth to muffle her screams, and forcibly aborted her baby. Of course, Hodari alleges that Caitlin changed her mind too late and that he had no choice but “to finish what he started.”²

Caitlin was 18, unemployed, did not have a high school diploma and was dating a significantly older man when she became pregnant. It was Caitlin’s father who convinced her to have the abortion.³

The “hard times” circumstance that led to Caitlin’s abortion are all too common. Over half of all abortions are performed on women under 25.⁴ Many do not have stable support from a husband or family. Forty-five percent are neither married nor living

with a partner⁵ and forty-two percent earn incomes below 100 percent of the federal poverty level.⁶ As a result, a woman may feel that she has no choice but to abort and may even be forced into the abortion by others, such as parents or a boyfriend.

Indeed, Caitlin told ABC News that she, “...had doubts about the abortion from the beginning, describing her emotions after finding out about the pregnancy as excited and nervous at the same time.” She explained, “I was really confused, asking everybody else what I should do. Everybody told me, ‘You were too young.’ What I really wanted to hear was, ‘We’ll help you out.’”

A woman may also lack information about fetal development and may not have time to reflect on that information before arriving at the abortion clinic. Indeed, after Caitlin viewed a sonogram of her six-week-old unborn baby in the abortion clinic, her doubts about the abortion intensified. “I sat in the room for like five minutes and cried,” she said.

As I reflect on Caitlin’s story, I’m gripped not only by the horror of her experience in the abortion clinic, but also by the fact that no one helped Caitlin choose life for her baby, though she desperately wanted to do so. From her own words, Caitlin did not “want” her abortion. As author Frederica Mathewes-Green put it, “No woman wants an abortion as she wants an

ice cream cone or a Porsche. She wants an abortion as an animal caught in a trap wants to gnaw off its own leg.”⁷

As attorneys, we are uniquely positioned to provide justice to women in Caitlin’s situation even before they seek an abortion. By advancing pro-life laws that support and educate women and by providing legal aid for women seeking abortion alternatives, and by exposing the evils of the abortion industry, we can alleviate the pressures to choose abortion and ensure that women are able to make a fully-informed decision.

AUL the legal arm of the pro-life movement, has created a membership group for attorneys seeking to promote pro-life legislation, educate the legal community, and collaborate to advance the pro-life cause.

Abortion’s Harm to Women

In seeking justice for women considering abortion we must understand the harmful consequences that often follow abortion. In Caitlin’s case, soon after her abortion she fell into severe depression. At one point she drove to the top of a hill and contemplated killing herself by driving her car over the cliff. A timely call from her mother saved her life, but even today she still struggles with depression.⁸

This aspect of Caitlin’s story is one that we know all too well. Abortion hurts women deeply. Women may experience severe depression following an abortion, a fact recently recognized by the U.S. Supreme Court in *Gonzales v. Carhart*:

Whether or not to have an abortion requires a difficult and painful moral decision... it seems unexceptional to conclude some women come to regret their choice to abort the infant life they once created and sustained. Severe depression and loss of esteem can follow.⁹

In fact, one of the nation’s leading experts in this field, Dr. Priscilla Coleman, reported that the consensus among most social and medical science scholars is that “[A] minimum of 10 to 30% of women who abort suffer from serious, prolonged negative psychological consequences.”¹⁰ Dr. Coleman’s statement is supported by numerous studies demonstrating the harmful effects of abortion on women, as detailed in American’s United for Life’s recent brief in *Planned Parenthood v. Rounds*.¹¹ Consider one study showing that 50 to 60 percent of women who abort experienced emotional distress of some form, with 30 percent of cases classified as severe.¹²

Abortion’s harm to women should be cause for great alarm. The American abortion problem is pervasive. Half of all preg-

nancies in the United States are unintended, and 40 percent of those pregnancies end in abortion. Twenty-two percent of all pregnancies, intended or not, end in abortion—meaning that annually we see over 1.2 million abortions occurring in our nation. For a frame of reference, consider that this figure is roughly equivalent to the population of our ninth most populated city, Dallas, Texas.

Seeking Justice through Advancing Pro-Life Laws

As persons trained in interpreting and influencing law, members of our profession are essential in advancing greatly needed pro-life protections. Looking globally, the United States has among the worst abortion laws. The U.S. is currently one of only nine nations that allow abortion after 14 weeks of gestation. Even among this group, however, the United States is one of the most permissive in its treatment of abortion, placing us in the company of China, North Korea, and Canada, the only countries in the world that permit abortion for any reason after fetal viability.

Abortion rates are directly tied to the presence of pro-life laws, or lack thereof. Advancing pro-life laws at the state level has proven to be particularly effective in reducing abortion. In fact, a recent study demonstrated that, where a state enacted a parental involvement law such as requiring the parental consent or notification of at least one parent before an abortion is performed on a minor, the abortion rates fell by an average of approximately 13.6 percent.¹³

As persons trained in interpreting and influencing law, members of our profession are essential in advancing greatly needed pro-life protections. Looking globally, the United States has among the worst abortion laws.

AUL has created over 40 pieces of model legislation to assist in state legislative efforts, available in our annual publication *Defending Life*.¹⁴ The AUL legal team also provides direct consultation with state legislators, local lobbyists, and attorneys interested in promoting such legislation.

Exposing the Abortion Industry

As Caitlin's story indicates, many women suffer at the hands of the unregulated abortion industry. Every year we see new cases of substandard abortion practices, each an example of what comes from unregulated patient care.¹⁵ Consider the implications of Kermit Gosnell's "house-of-horrors" Philadelphia abortion clinic where state inspectors discovered "deplorable and unsanitary" conditions, including blood on the floors and aborted fetal parts stored in jars.¹⁶

AUL has worked diligently to expose the substandard and harmful practices of the abortion industry including those of the nation's largest abortion provider, Planned Parenthood. As powerful voices in our community, pro-life attorneys should join this effort by educating colleagues, fellow church members and community leaders.

AUL has several tools to support attorneys in these efforts. In July 2011, AUL released its landmark investigative exposé, *The Case for Investigating Planned Parenthood*,¹⁷ which contributed to the launch of a first-ever Congressional investigation of the abortion giant. This past October, AUL supplemented this report with a month-long educational campaign, *The Planned Parenthood Exhibits: The Continuing Case for Investigating the Nation's Largest Abortion Provider*,¹⁸ which provided over twenty memorandums documenting the scandal-ridden practices of the abortion industry. Additionally, we have created the "Women's Health Protection Act,"¹⁹ model legislation designed to help protect women by strictly regulating abortion clinics. Through educating the public while simultaneously regulating the abortion industry, we can provide greater justice to these women and unborn children.

Providing Legal Aid to Women Facing Unintended Pregnancies

With a long history of serving our communities through legal aid clinics, CLS attorneys know the impact such services have in making a difference in the lives of others. For a woman facing an unintended pregnancy, such services can be life-saving. Consider the woman needing a restraining order from an abusive partner, the woman being unfairly evicted by a callous landlord, the woman concerned about losing her college scholarship, or the woman needing an attorney to review an adoption plan. In any of these circumstances, the skillful help of an attorney can make the difference between her choosing life or an abortion with all of its consequences.

CLS legal aid clinics, or attorneys wishing to provide legal services to such women, should contact their local pro-life pregnancy resource center. These centers annually provide help and support to hundreds of thousands of pregnant women, many of whom, need legal aid services. To be connected with a local pregnancy center contact Care Net,²⁰ Heartbeat International,²¹ or the National Institute of Family and Life Advocates,²² all national pregnancy center affiliated organizations.

A Somber Day and a Promising Future

One day after the Presidential inauguration in January, we will recognize yet another day of significance. This will not be a day of celebration (at least for us in the pro-life movement). It will be a somber day, a day that marks perhaps the greatest tragedy of American jurisprudence. January 22, 2013 will be the 40th anniversary of *Roe v. Wade*. Since *Roe* was handed down, at least 50 million American citizens have been aborted, people who would have been between the ages of newborn and forty-years-old. These American citizens could be serving in our military, teaching our children, caring for our parents, and building this economy, but they are not here because their lives were taken from them at their most vulnerable state and when they had no voice. What makes this even more regrettable is many of their mothers, like Caitlin, have suffered deeply from that choice.

But we have hope for a promising future. For the first time since *Roe*, more Americans self-identify as pro-life rather than pro-choice.²³ What is more, states are becoming more and more pro-life in spite of *Roe*. In 2011 and 2012 alone, nearly 50 pro-life laws were enacted with the assistance of AUL, all of which will work to save lives now. We attorneys are able to be a voice for those that have none. We can impact the abortion debate of abortion in our nation, so that the next 40 years hold the promise of life. We hope you will join us!



Jeanneane Maxon is the Vice President of External Affairs and Corporate Counsel for Americans United for Life. Americans United for Life is the first national pro-life organization and serves as the legal arm of the pro-life movement.

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Life.

*Lawyers for Life
is a national association of
Pro-Life Attorneys in affiliation
with Americans United for Life.*



*Charmaine Yoest, Ph.D.
President and CEO
Americans United for Life*



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On Opening a Law Office

DURING TOUGH ECONOMIC TIMES

BY NATHANIEL M. SMITH

Opening a single-lawyer practice can be a daunting proposition. Doing so in the middle of an economic recession probably foolhardy. But with God's message in the eighth chapter of Romans, "If God be for us, who can be against us," one can find enough courage to overcome fear and to follow the road He has planned for us.

I graduated from law school in the spring of 2009, took the bar exam that summer, and became a lawyer licensed to practice in the State of Georgia in the Fall. During the nail-biting months between taking the bar exam and receiving the results, I read hundreds of pages on the subject of opening a law office. In November of that year I opened my practice and year-by-year the number of clients, successful motions and petitions argued in court, and revenue have grown consistently.

Since I began practicing law, more than one lawyer running his own office in my town has closed his doors to go to work for someone else. Our Lord, despite the economic conditions surrounding my office, afforded this success to me.¹ I would like to share some guidance I might offer based upon my blessings and experience.

First, examine your faith. Pray hard and often over the decision to open an office of your own. Seek His guidance, because if it's not His plan, you won't be doing yourself any favors to try and go your own way without His blessing.

Second, once you are filled with the certainty that you're going the way our Lord wants you to, pray for the confidence to do what He wants. Confidence is essential to a successful start and growth of your own practice. Every day, week, and month is an uncertainty – there is no way to know whether your income will be ten dollars or ten thousand dollars – and in the face of that uncertainty, it is your faith and your confidence, given by our Lord, which will sustain you.

Third, keep overhead as low as possible in the beginning. In the fall of 2009, I lived with my parents, rented a room, and was my own secretary and paralegal. Hiring staff requires a leap of faith and courage, so I hired an assistant only when I had more work than I could handle on my own. You need to ensure that there is enough business to keep the staff employed and pay yourself as well.

Fourth, fee structures and pricing are dependent on several factors such as: services offered, the ability of the client to pay, fees of other lawyers in the area, and, of course, the fees must comport with the state bar's ethics rules.² When I opened my practice, I charged flat fees rather than an hourly rate billed against a retainer. In addition, I allowed clients to pay in installments. Admittedly, this strategy may exacerbate the anxiety that accompanies an already uncertain income. Many of my clients paid less than the full fee and some ques-

tioned the time I spent on their cases. Some ended up taking two, three, or more times as long as I had anticipated when setting the fee, and some clients bombarded me with endless, repetitive e-mails, effectively reducing my hourly rate to near minimum wage.

The downsides of a flat fee aside, it allowed me to accomplish some invaluable goals in my first two years of practice. I quickly built a reputation in my community as a competent and affordable attorney. In tough economic times, the rumor of an attorney who will cost several hundred dollars instead of a thousand, or a few thousand instead of ten thousand, will, God willing, spread like wildfire.

I refined my flat fee contracts over the years and only rarely, today, will I charge \$X for a case, start to finish. The unpredictable twists and turns a case can take made it clear a new fee structure was needed. This produces, for the client, an alternative to the usual billing method of lawyers. Instead of hourly fees adding up ad infinitum, causing a client despair and no great love for the lawyer, the fee structure reads more like a menu, is easy to understand and difficult to dispute. The hourly rate should be mentioned in the contract because if the case is terminated, the lawyer withdraws, or if the client switches attorneys, the hours spent on the case can be added up and multiplied by the hourly rate to determine how much of a refund, if any, is due from any flat fee paid in advance.

Approaching the end of my third year of practice, I decided to transition to hourly billing. My reputation as an affordable lawyer means I demand relatively low retainer and often allow clients to split the initial retainer over a couple of months, if necessary. My contract requires that the retainer be replenished within fifteen days of notice given that it is low, but I'm flexible with my clients. So, whether one chooses to charge by the job or by the hour, making one's services affordable is key to succeeding in a sluggish economy.

Fifth, the relationship built with a client is critical. In general, this means that the client's goals were pursued zealously if not obtained in full, and the lawyer is flexible and generous with fees as described above. After a lawyer completes a case and the client has paid in full, the possibility the client will continue to be of value to the lawyer remains. The client may come back and use the lawyer again and the client may recommend the lawyer to

In the face of uncertainty, it is your faith and your confidence, given by our Lord, which will sustain you.

others. Both of these are very important to a lawyer who is attempting not only to start, but also to grow, a law office.

The last tip to opening a single lawyer practice is advertising. After building a website in 2009, I tried different forms of advertising. Telephone directories appeared to be too costly for little return and few lawyer referral websites provide a substantial return on that investment. Finding out what works and what doesn't work is imperative and can be an expensive experiment. However, it can also be a valuable tool to bring potential clients into the door of a growing office. Where a law office's budget is tight, the options will be limited, but some are affordable and provide a decent, and sometimes tremendous, return on investment.

Opening my own law office has been an adventure and doing it when the economy was far from robust has definitely been a challenge. There were many moments when I was tempted to despair and moments where I was certain I was past most of the difficulties, only to have a few unexpected hurdles pop up in front of me. Throughout the adventure though, during the toughest days and the easiest, Jesus has been with me and that has made all the difference in the world.



Nathaniel M. Smith has practiced law in Henry County, Georgia and surrounding counties since 2009. His office handles mostly family law, but also probate, corporate, estate planning, and criminal defense matters.

ENDNOTES

1 According to the Georgia Department of Labor's website, www.dol.state.ga.us, accessed on September 11, 2012, the unemployment rate in Georgia is 9.3%, and the national unemployment rate is 8.3%.

2 Georgia's Ethics & Professionalism Rule 1.5, for example, requires a lawyer's fees to be reasonable, communicated to the client, and restricted in some ways.



A Call to Serve

Supporting Immigrants through Immigration Law

BY AMY BLISS TENNEY, WORLD RELIEF

World Relief, the Christian Legal Society, and the local Christian Legal Aid (CLA) programs in Maryland and Virginia have begun a dialogue to learn more about potential deficiencies and legal opportunities. One CLA program reports that immigration assistance is the second most common request for assistance after domestic relations. However, most of their volunteer attorneys have little to no knowledge, experience or training in this area of the law. Together our organizations are exploring ways to meet the needs of vulnerable immigrants and are planning ways to offer immigration training for local Christian attorneys.

Many Christians find a tension between the biblical call to welcome and love our neighbor, and the call to obey the law in Romans 13. World Relief, a Christian international humanitarian organization believes that Christians can do both. World Relief has provided legal services to immigrants, supported churches that serve immigrants, and has advocated to change immigration laws since 1979. We strive to share Christ's love with and serve refugees and other vulnerable immigrants in the United States. This article discusses some reasons we do so and encourages you to reach out to an immigrant in your own community.

In June 2012, World Relief co-hosted a press conference for a group called the Evangelical Immigration Table, who signed the *Evangelical Statement of Principles for Immigration Reform*.¹ The statement was signed by 140 evangelical leaders, denominations, and churches across the country representing a wide range of evangelical voices. The statement reads as follows:

As evangelical Christian leaders, we call for a bipartisan solution on immigration that:

- **Respects** the God-given dignity of every person
- **Protects** the unity of the immediate family
- **Respects** the rule of law
- **Guarantees** secure national borders
- **Ensures** fairness to taxpayers
- **Establishes** a path toward legal status and/or citizenship for those who qualify and who wish to become permanent residents²

Since that conference, World Relief has been criticized for our endorsement of this statement by individuals who define themselves as conservative or evangelical Christians. We believe this organized opposition to be the result of one group opposed to increased immigration numbers. World Relief's decision to sign on to the statement, and in fact, provide leadership to the Evangelical Table in creating the statement came after extensive experience in immigration law and years of walking side by side with vulnerable immigrants. We consider such service to be honorable and to follow Biblical principles. We encourage you to take the opportunity to also serve this population.

Throughout the Bible, God tells us of his love and special concern for the "alien" and commands us also to show love and concern for him or her.³ For example, God commanded the Israelites to treat the foreign-born in the same way as those who were native-born.⁴ Moreover, he required special protections for the alien, frequently grouping them together

with orphans and widows because of their vulnerability.⁵ We are reminded that even Jesus was a refugee, having fled to Egypt for safety.⁶ In the New Testament, Jesus calls us to welcome the stranger as a means of welcoming Christ.⁷ The parable of the Good Samaritan reinforces the need to welcome the stranger, or migrant, despite any discomfort or unpopularity from doing so.⁸

A common argument against rendering aid to immigrants is that they are “breaking the law.” Romans 13 requires Christians to submit to governmental authorities, but in the New Testament, Jesus calls us to welcome the stranger as a means of welcoming Christ.⁹ We can minister to immigrants and share the Gospel while advocating for laws that promote justice and comport with current needs.¹⁰ Moreover, under existing laws the government allows legal assistance to immigrants in applying for and accessing the immigration benefits to which they are entitled.¹¹ We can work under current law while advocating for changes to it when necessary.

Many U.S. denominations see immigrants as the most important factor in the current and future growth of their church.¹² World Relief hears from churches across the United States stating they are overwhelmed by the legal needs of immigrants in their communities and congregations. The effort to welcome immigrants, share the Gospel, and help resolve their immigrant status often leads to more stable economic, familial, and housing opportunities for those immigrants.¹³

World Relief has provided immigration-related legal services since before the Immigration Reform and Control Act of 1986¹⁴ and has helped thousands of people in obtaining legal status and other important immigration benefits. We partner with churches and denominations to help low-income immigrants access applicable immigration benefits, while we show the love of Christ to both believers and non-believers from a myriad of faiths and countries across the globe.

As Christians we are called to love immigrants. As Christian attorneys we have a unique opportunity to love and care for immigrants by applying our knowledge, legal skills, and compassion for their benefit. While this article focuses on immigration-related legal services, we urge readers to consider how they can serve immigrants in additional ways. For example, traditional legal aid programs that receive funding from the Legal Services Corporation are allowed to provide services to non-citizens only in limited circumstances.¹⁵ Despite this restriction, immigrants face problems ranging from housing to family law, discrimination to bankruptcy. Christian Legal Aid

programs can help to fill the gap by serving immigrants in both immigration and more traditional legal areas.

The Executive Office for Immigration Review of the U.S. Department of Justice allows trained and experienced individuals to apply for “accreditation” from the Board of Immigration Appeals (“BIA”) to work in non-profit organizations that the Board has “recognized” under strict criteria.¹⁶ A non-lawyer may obtain authorization to provide immigrant legal services under the auspices of a non-profit organization thereby providing many individuals and families with the assistance they need.

Our organization recently launched the World Relief Immigrant Legal Support Network which offers three different levels of support for church-based and other non-profit programs providing immigrant legal services.¹⁷ A primary goal of the network is to support and expand the capacity of the church and other non-profit organizations to serve immigrants through BIA-recognized programs and immigration programs staffed by attorneys.

As Christians we are called to love immigrants. As Christian attorneys we have a unique opportunity to love and care for immigrants by applying our knowledge, legal skills, and compassion for their benefit.

In addition to working at such a program, there are many ways for lawyers to support the provision of immigration legal assistance. For example, the BIA requires that recognized non-profit programs have access to technical assistance from an attorney or qualified accredited BIA representative.¹⁸ An attorney could offer to be available to provide technical support to a recognized immigration program such as responding to questions or concerns, volunteering in the office, or presenting legal information in the local community. BIA-recognized offices must also provide evidence that they have access to legal libraries. One way of accomplishing this is by allowing a local immigration program the use of your law firm’s library facilities or even donating extra copies of legal resources.

There is also a great need for legal assistance with group processing workshops, such as citizenship or Deferred Action for Childhood Arrivals (DACA) (discussed below). Depending

on the workshop model, the organizers may also welcome paralegals, law students, foreign language speakers, and other volunteers. Group processing workshops are a great way to get your feet wet if you are new to the area of immigration. Many programs will provide ongoing training and oversight by an experienced immigration practitioner so an individual can volunteer on a regular basis.

We encourage you to ask yourself the following questions: do I have my facts straight, am I approaching this issue as a Christian, and do I know an immigrant? We encourage you to find an opportunity to help an immigrant and to see them in a new light.

Volunteering with group processing workshops or clinics for DACA provides a needed service and allows legal practitioners to be involved in the cutting edge of immigration law. DACA is not a statute or regulation, but the result of a policy memo by Secretary of Homeland Security Janet Napolitano, issued on June 15, 2012.¹⁹ The policy establishes that individuals who arrived in the United States as children and who meet certain guidelines are eligible to apply for deferred action from removal (deportation). Individuals receiving deferred action will have protection from deportation for up to two years, be eligible for work authorization, and possibly be eligible for renewal of deferred action and work authorization.

On August 15, 2012, the DACA program opened to receive requests.²⁰ While DACA does not lead to permanent status or citizenship, thousands of undocumented young people have jumped at the opportunity to be considered for the benefit. The U.S. government reported receiving almost 180,000 DACA requests in the first two months the program was opened.²¹

“Mary” is one individual I assisted with a DACA request.²² She was optimistic about what was to come after completing her request. To her, DACA meant she could step out of the shadows and legally pursue her dream of obtaining a Ph.D. in the social sciences. Her greatest concerns were whether DACA would last long enough for her to get into graduate school and complete her Ph.D., and whether her dream school would ac-

cept her DACA documentation as adequate to receive in-state residency and tuition.

Many immigrant youth already feel like they are Americans—they may not remember their home country or know its language. “Mary” shares the hopes of many young people who apply for DACA. The dream to continue their education after high school, to work, and to finally receive some official recognition of the many years they have lived in and contributed to their communities in the United States. I am amazed, humbled, and inspired by “Mary” and other DACA requesters, their life successes, their goals, and their ability to make the most out of challenging circumstances.

Our trademark at World Relief is **STAND/FOR THE VULNERABLE™** because we believe it is our calling. It is indeed an honor to STAND beside immigrants and help them navigate the complex world of immigration. We encourage you to ask yourself the following questions: do I have my facts straight, am I approaching this issue as a Christian, and do I know an immigrant? We encourage you to find an opportunity to help an immigrant and to see them in a new light. As you share Christ’s love, may you receive a multitude of blessings.



Amy Bliss Tenney is the Senior Attorney, Legal Support Center for Immigrant Legal Services, with the World Relief Home Office in Baltimore, Maryland. In this role, she provides technical legal assistance to World Relief’s network of over twenty U.S. offices and a growing network of church-based programs. She thanks her World Relief colleagues for their input for this article.

ENDNOTES

- 1 Evangelical Immigration Table, *Press Conference Video*, available at <http://evangelicalimmigrationtable.com/media/> (June 12, 2012).
- 2 Evangelical Immigration Table, *Evangelical Statement of Principles for Immigration Reform*, available at <http://evangelicalimmigrationtable.com>.
- 3 See, e.g., Deut 10:18, Ps 146:9, and Lev 19:33-34.
- 4 Ex. 12:49.
- 5 See, e.g., Deut 24:19-21 and Mal 3:5.
- 6 Mt 2:13-23.
- 7 Mt 25:31-46.
- 8 Lk 10:25-37; see also <http://welcomingthe stranger.com/learn-and-discern/faqs/>. Many thanks to my World Relief colleagues Matthew Soerens and Jenny Yang, nee Hwang, for their excellent materials on the Biblical response to immigration. See, e.g., Matthew Soerens and Jenny Hwang, *Welcoming the Stranger: Justice, Compassion & Truth in the Immigration Debate* (Intervarsity Press 2009).

9 Mt 25:31-46.

10 See Romans 13:1-4 and <http://welcomingthestranger.com/learn-and-discern/faqs/>.

11 See, e.g., www.uscis.gov; click on "Avoid Scams" near bottom of home page.

12 ¹²See, e.g., Todd Johnson, *USA Evangelicals/Evangelicals in a Global Context* (Lausanne World Pulse, Jan. 2006), available at <http://www.lausanneworldpulse.com/research.php/196/01-2006>. This report notes, "Evangelicals or evangelicals continue to grow globally, whereas in the US they are declining as a raw percentage of the population. Nonetheless, immigration continues to transform the evangelical landscape. In twenty years, African, Asian, and Latin American Evangelicals/evangelicals will likely be at the forefront of both these global movements and within the US." Dr. Johnson is director of the Center for the Study of Global Christianity at Gordon-Conwell Theological Seminary.

13 A recent report cites the economic benefits of citizenship. See Madeline Sumption and Sarah Flamm, *The Economic Value of Citizenship for Immigrants in the United States* (Migration Policy Institute 2012).

14 Immigration Reform and Control Act of 1986, Pub.L. 99-603.

15 See, e.g., 45 CFR ch. XVI pt. 1626 (2011).

16 See Department of Justice, Executive Office for Immigration Review, *Recognition & Accreditation (R&A) Program*, available at <http://www.justice.gov/eoir/statspub/raroster.htm>.

17 For more information, please see World Relief's Immigrant Legal Services website at <http://worldrelief.org/immigrant-legal-services>.

18 Matter of EAC, INC., Applicant (Request for Recognition), 24 I & N Dec. 556, 559-60 (BIA 2008), available at http://www.justice.gov/eoir/statspub/raroster_files/Matter%20of%20EAC%20-%20Recognition.pdf.

19 Janet Napolitano, *U.S. Department of Homeland Security Memorandum*, available at <http://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf> (June 15, 2012).

20 See www.uscis.gov/childhoodarrivals.

21 U.S. Citizenship and Immigration Services (USCIS) Office of Performance and Quality, *Deferred Action for Childhood Arrivals Process* (Data from 8/15/12-10/10/12/12), available at <http://www.uscis.gov/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/DACAOct2012.pdf>.

22 Name changed for confidentiality.

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Justice for Under \$20?

BY BRENT MCBURNEY



What can you buy for \$20?

- Half a room in a cheap hotel
- Four large pumpkin-spiced lattes at a coffee shop
- Five (maybe six) gallons of gas
- The services of a lawyer for one month
- All of the above

If you said all of the above: Congratulations! You may have met our two fellow Christian attorneys from Cuba who attended this year's CLS National conference in Colorado Springs. Before I met Livian Gonzalez and Georgina Ortega, I could not imagine anyone willing to pursue their professional calling as a lawyer for only \$20 per month. Yet these two sisters from Havana seek justice for their clients for less than a dollar a day. Such is the life of most members of the Confraternidad Christianos de Juristas de Cuba (CCJC), who practice law in a closed society under Communist rule.

Thanks to the prayers of many, these two women are the first CCJC member attorneys given permission to leave Cuba and travel to the USA. What a privilege it was to serve them and spend time with them in Colorado. They remind us that being a lawyer is truly a calling.

In 2005, the Cuban Bar Association told Rodolfo Juarez, then President of CCJC, that the Confraternidad must submit its membership list to the Party or be shut down. With great courage and greater faith, Rodolfo and his colleagues refused to back down, indicating they would remain independent and would let the world know if they were shut down. Thankfully,

the Bar Association backed down and the fellowship continued. Today, despite pressures, they continue to encourage and serve one another through fellowship. They serve as inspiration to all of us and need our prayers.

Our colleagues in Cuba are not the only ones who seek justice in hard times. If space permitted, we could include a list of Advocates around the globe representative of Hebrews chapter 11. Men and women who put their trust in God on a daily basis, knowing that if they represent certain clients, they could very well land on a death list. Some are imprisoned and their law licenses revoked. Some, on their own time, drive 11-14 hours each way to meet with prisoners and provide *pro bono* assistance for "the least of these." All of them, however, continue to seek justice for their clients, no matter the cost, without complaining. These are the men and women whom we serve at Advocates International.

Your prayers are cherished, and your personal involvement in the lives of Advocates from other countries is most welcome. AI and CLS are working together to pair CLS chapters with Christian lawyer fellowships around the world. If your chapter is not already engaged or you live in a city without a CLS chapter, and you would like to get further involved, please contact us. We are delighted to connect you with Advocates like those above who can encourage you as much as you might encourage them.

We also invite you to join with Advocates for either of two regional conferences in 2013. First, Advocates Asia will gather in Hong Kong from April 4-8, 2013 at a joint conference with Campus Crusade for Christ International's FLAG ministry. Second, Advocates Africa holds its bi-annual conference in Kampala, Uganda from August 6-10, 2013. If you are interested in attending either, please contact the Advocates office right away. While it may cost you some time, money, and extra effort, meeting with fellow Christian attorneys on their turf is definitely worth the investment. After all, in some countries, you can get the services of a lawyer for only \$20 a month.

Brent McBurney is the President and CEO of Advocates International. Visit the AI website at www.advocatesinternational.org to find out more about AI's global impact.



Georgina Ortega (l) and Livian Gonzalez (r) at the CLS National Conference in Colorado Springs.



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On Being Generous

In this issue of *The Christian Lawyer* we explore what it means to practice law in economically troubled times, both as individuals and as a society of lawyers who follow Jesus. For some, paid work is hard to find and making ends meet is a daily challenge. Others have steady jobs, but because they earn just enough to pay their monthly bills they worry about job security, unexpected expenses, and how to save more. Still others receive an abundance of income but struggle with a crushing workload and unreasonable time demands.

In whichever of these categories we might find ourselves, God calls us to be generous. He asks that we take stock of the resources He has given us in abundance and share them liberally with others in need. In His Word, God often encourages us to follow His example and be a generous people. Psalm 112, for example, lists attributes of the person who obeys God - "one who generously lends money" and who "generously gives to the needy." The Apostle Paul encouraged the church in Corinth to give with open and cheerful hearts, and then to watch as God enriched their lives: "You will be enriched in every way so that you may be generous on every occasion, which is producing through us thanksgiving to God." 2 Cor. 9:11. Often it is godly generosity that helps us defeat the worries and troubles tough economic times can bring.

What resources has God given you that you can share generously with those in need? It may be you have time you can share, a talent you can offer, or funds you can give. All of these resources can be gifts of tremendous value, especially when given cheerfully, generously, and not out of compulsion. At Christian Legal Society, our sincere hope is that our members will devote some measure of this generosity to legal aid for the poor.

In all of our communities there are many who are poor and in dire need of justice, which is out of reach because they have no one to help them navigate their legal problems. In Los Angeles County alone where I live, there are over 1.5 million who live below the poverty line. Many thousands of those have legal needs that are not being met, and these needs are often spiritual problems as well. Here we have Christian Legal Aid of Los Angeles, which will serve 1,200 clients in 2012. This was accomplished only because of Christian lawyers who gave generously of their time, talents, and funds.

Christian Legal Society strongly encourages each of you to consider what resources God has given you to help Christian lawyers deliver justice to the poor, and to share those resources generously. If the resource is time, be a regular volunteer at a Christian Legal Aid clinic and witness God's amazing blessing for those who are on the front lines giving legal aid to the poor. If the resource is money, please generously fund Christian Legal Aid on both the national and local level. If the resource is talent in leadership or administration, consider joining or forming a local Christian Legal Aid board. "How happy is the one who treats the poor properly! When trouble comes, the Lord delivers him." Ps. 41:1.

Stephen Tuggy is Of Counsel at Locke Lord LLP in its commercial litigation group. In addition to his role as President of CLS, Steve also serves as the Chairman of the Board of Christian Legal Aid of Los Angeles.



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ALABAMA

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CLS Birmingham
Mark Hogewood
mhogewood@wallacejordan.com

Mobile
CLS Mobile
William Watts
bill@alabamatrial.com

ARIZONA

Phoenix
CLS Phoenix
Tim Watson
twatson@gustlaw.com

Tucson
CLS Tucson
Jim Richardson
jimmegrichardson@msn.com

CALIFORNIA

Los Angeles
CLS Los Angeles
Bill Reichert
reichert@wellsfargo.com

Orange County
CLS Orange County
Steve Meline
melinelaw2@yahoo.com

Inland Empire
CLS Inland Empire
Maureen Muratore
mmlawyer@peoplepc.com

Sacramento
CLS Sacramento
Steve Burlingham
steveb@gtblaw.com

San Diego
CLS San Diego
David Hallett
dhallett@buhalaw.com

San Fernando Valley
CLS San Fernando Valley
Ben Jesudasson
ben@bjslawfirm.com

San Joaquin Valley
CLS San Joaquin Valley
Matt Dildine
mdildine@daklaw.com

West Los Angeles
CLS West L.A.
Sarah Olney
sarah.olney@yahoo.com

COLORADO

Colorado Springs
CLS Colorado Springs
Synthia Morris
synthiamorrisatty@gmail.com

Denver
CLS Metro Denver
Shaun Pearman
shaun@pearmanlawfirm.com

DISTRICT OF COLUMBIA

CLS DC Metro
Paul Daebeler
pfdaebele@verizon.net

FLORIDA

Jacksonville
CLS Jacksonville
Jeanne Helton
jhelton@smithhulsey.com

Orlando
CLS Orlando
Joshua Grosshans
jgrosshans@mateerharbert.com

Tampa
CLS Tampa
Joe Pippen
joe@attypip.com

West Palm Beach
CLS West Palm Beach
Laura Mall
lmall@cdhanley.com

HAWAII

Honolulu
CLS Hawaii
Mark Beatty
info@tbadk.com

ILLINOIS

Chicago
CLS Northern Illinois
Sally Wagenmaker
swagenmaker@mosherlaw.com

KANSAS

Wichita
CLS of Wichita
Richard Stevens
rcstevens@martinpringle.com

LOUISIANA

New Orleans
CLS New Orleans
Frank Bruno
frank@fabruno.com

MARYLAND

Baltimore
CLS Baltimore
Matt Paavola
matt@myworkerscomplawfirm.com

MASSACHUSETTS

Boston
CLS Boston
Brian Tobin
btobin@tobin.pro

MINNESOTA

Minneapolis
CLS of Minnesota
Ted Landwehr
tland@landwehrlaw.com

MISSISSIPPI

Jackson
CLS of Central Mississippi
Robert Jones
rjones@wjpallaw.com

MISSOURI

Kansas City
CLS Kansas City
Jesse Camacho
jcamacho@shb.com

St. Louis
CLS St. Louis
Gary Drag
GaryDrag@sbcglobal.net

NEW YORK

New York City
CLS Metro New York
Joe Ruta
jruta@lawnyj.com

Syracuse
CLS Central New York
Ray Dague
rjdague@daguellaw.com

OHIO

Columbus
CLS of Central Ohio
Charlie Oellermann
coellermann@jonesday.com

OKLAHOMA

Oklahoma City
CLS Oklahoma City
Mike Tinney
okkidsdad@cox.net

OREGON

Salem
CLS of Oregon
Warren Foote
warren.foote@comcast.net

PENNSYLVANIA

Pittsburgh
CLS Western Pennsylvania
Delia Bianchin
delia_bianchin@pennunited.com

TENNESSEE

Chattanooga
CLS Chattanooga
Todd McCain
tmccain@ctandg.com

TEXAS

Austin
CLS Austin
Kirk Swinney
kirk.swinney@mvalaw.com

Dallas
CLS Dallas
Tim O'Hare
tim@oharelawfirm.com

Houston
CLS Houston
Genia Coleman-Lee
gcolemanlee@gmail.com

San Antonio
CLS San Antonio
Chad Olsen
chad@braychappell.com

VIRGINIA

Leesburg
CLS Leesburg
Rob Showers
hrshowers@
simmsshowerslaw.com

Richmond
CLS Richmond
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JULY 7-11, 2013

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