

THE CHRISTIAN LAWYER®

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"Then what becomes of our boasting? It is excluded. By what kind of law? Therefore God has highly exalted him and bestowed on him the name that is above every name, so that at the name of Jesus every knee should bow, in heaven and on earth and under the earth, and every tongue confess that Jesus Christ is Lord, to the glory of God the Father."

Philippians 2:9-11



CHRISTIAN LEGAL SOCIETY

Seeking Justice with the Love of God

ADVOCACY

What is the Christian Legal Society?

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

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

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As legal professionals,
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To help guide, encourage, and support each journey, CLS offers a wide range of member benefits:

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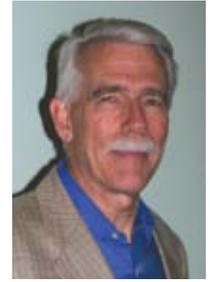
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FROM THE PRESIDENT

By Pete Rathbun



CELEBRATING HOPE FOR TOMORROW

As we continue celebrating 50 years of God's faithfulness to Christian Legal Society, let us focus on the hope for tomorrow set before us. In my last column, I suggested that two daily disciplines are essential to living into CLS's hope for tomorrow: taking up our cross (Luke 9:23) and renewing our minds (Romans 12:1-2). In that column, I reflected on what renewing our minds might mean for CLS. Now let's consider the discipline of taking up our cross.

Taking up our cross may seem an odd way to live into hope, but we may gain a better understanding from two stories, one of an old man, the other of a young boy.

Jeremiah was a man who took up his cross daily, for many years. He had no agenda but that of his God. Nearing the end of his life, he surveyed the utter destruction of Jerusalem, brought on by the refusal of God's chosen people to heed His repeated warnings. There, amidst the ruins, Jeremiah poured out words of lament, culminating with, "My strength and my hope is perished from the Lord" (Lam. 3:18, KJV). My hope is perished. As we look around today, while we may not see the utter devastation that Jeremiah saw, we do see the gradual but inexorable decay of families, culture, and individual lives, and we too are tempted to cry, "My hope is perished."

Yet in his next breath, Jeremiah says, "This I recall to my mind [literally, "make return to my heart"], therefore have I hope. It is of the Lord's mercies that we are not consumed, because his compassions fail not. They are new every morning: great is thy faithfulness" Lam. 3:21-23 (KJV). I believe Jeremiah was able to recall these truths to his heart because he knew His God, through a lifetime of taking up his cross daily, following not his own agenda, but the Lord's.

What is the Lord's agenda – or, to adopt the phrase used by Samuel Rodriguez at our recent conference, "the agenda of the Lamb"? Simply this: "If anyone would come after me, let him deny himself and take up his cross daily and follow me" (Luke 9:23 ESV). Leon Morris, commenting on the Gospel of Luke, observed that the image of taking up a cross was all too familiar to Jesus' contemporaries: "When a man from one of their villages took up a cross and went off with a little band of Roman soldiers, he was on a one-way journey. He'd not be back. Taking up the cross meant the utmost in self-denial."

Not too long ago, a Christian lawyer sensed God's call to leave behind a profitable law firm practice and assume the leadership of a Christian legal aid ministry. Patricia Oliver knew this would require sacrifice, but she was particularly concerned about the impact on her nine year old son, Aaron. They would be required to sell their home in Seal Beach, a home that had been Aaron's birthday present two years before, in a family-oriented community that he loved. Patricia knew she should talk with Aaron before committing to this course.

One evening, she sat down with her son. "We have a chance to help the poor," she told him, then explained that if she were to take the job, it would mean they would have to sell their home and move. Aaron began to cry. "That's not a fair question," he said. "How can we say no to the homeless?" Patricia and Aaron wept together, and then proceeded to resolutely follow God's call. In the days and weeks that followed, Aaron expressed regret about having to move, but not once did he question the call of God on his mother's life – and his own. He continued to take up his cross daily and follow Christ.

What is the Lord calling you to today? How can you say no to Him? Consider Aaron's example. Take up your cross, together with your brothers and sisters in CLS, and follow Him into the bright hope for tomorrow set before us.

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

LETTERS TO THE EDITOR

Dear Readers,

As Christmas approaches, I encourage each of us to be mindful about why this holiday is significant. Please take a minute to consider the following passages as they remind us of the person and work of Jesus Christ.

Jesus Was Born in Bethlehem

Micah 5:2 But you, O Bethlehem Ephrathah, who are too little to be among the clans of Judah, from you shall come forth for me one who is to be ruler in Israel, whose coming forth is from of old, from ancient days.

Luke 2:4-7 And Joseph also went up from Galilee, from the town of Nazareth, to Judea, to the city of David, which is called Bethlehem, because he was of the house and lineage of David, to be registered with Mary, his betrothed, who was with child. And while they were there, the time came for her to give birth. And she gave birth to her firstborn son and wrapped him in swaddling cloths and laid him in a manger, because there was no place for them in the inn

Jesus the Son of God

Luke 1:31-33 "...And behold, you will conceive in your womb and bear a son, and you shall call his name Jesus. He will be great and will be called the Son of the Most High. And the Lord God will give to him the throne of his father David, and he will reign over the house of Jacob forever, and of his kingdom there will be no end."

Jesus Name Above All Other Names

Isaiah 9:6 For to us a child is born, to us a son is given; and the government shall be upon his shoulder, and his name shall be called Wonderful Counselor, Mighty God, Everlasting Father, Prince of Peace. (see also **Philippians 2:9-11**)

Jesus Conquered Satan, Sin, and Death

1 John 3:8 Whoever makes a practice of sinning is of the devil, for the devil has been sinning from the beginning. The reason the Son of God appeared was to destroy the works of the devil.

Jesus Was Born of a Virgin

Isaiah 7:14 Therefore the Lord himself will give you a sign. Behold, the virgin shall conceive and bear a son, and shall call his name Immanuel.

Matthew 1:21-23 "She will bear a son, and you shall call his name Jesus, for he will save his people from their sins." All this took place to fulfill what the Lord had spoken by the prophet: "Behold, the virgin shall conceive and bear a son, and they shall call his name Immanuel" (which means, God with us).

Born to Die and Raise on the Third Day

Matthew 12:40 For just as Jonah was three days and three nights in the belly of the great fish, so will the Son of Man be three days and three nights in the heart of the earth.

May each of you enjoy Christmas this year, and may we all grow in our love and thankfulness to Jesus Christ.

Jesus is Lord!
Brady Tarr, Editor

Member Service: E-Devotionals

CLS sends out bi-weekly devotional emails to our members. Written by various CLS members, these E-Devotionals have been well received. If you haven't been getting the devotionals and would like to receive them by email, please make sure that CLS has your most current email address by updating your member profile at www.clsnet.org or by emailing us at memmin@clsnet.org.

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

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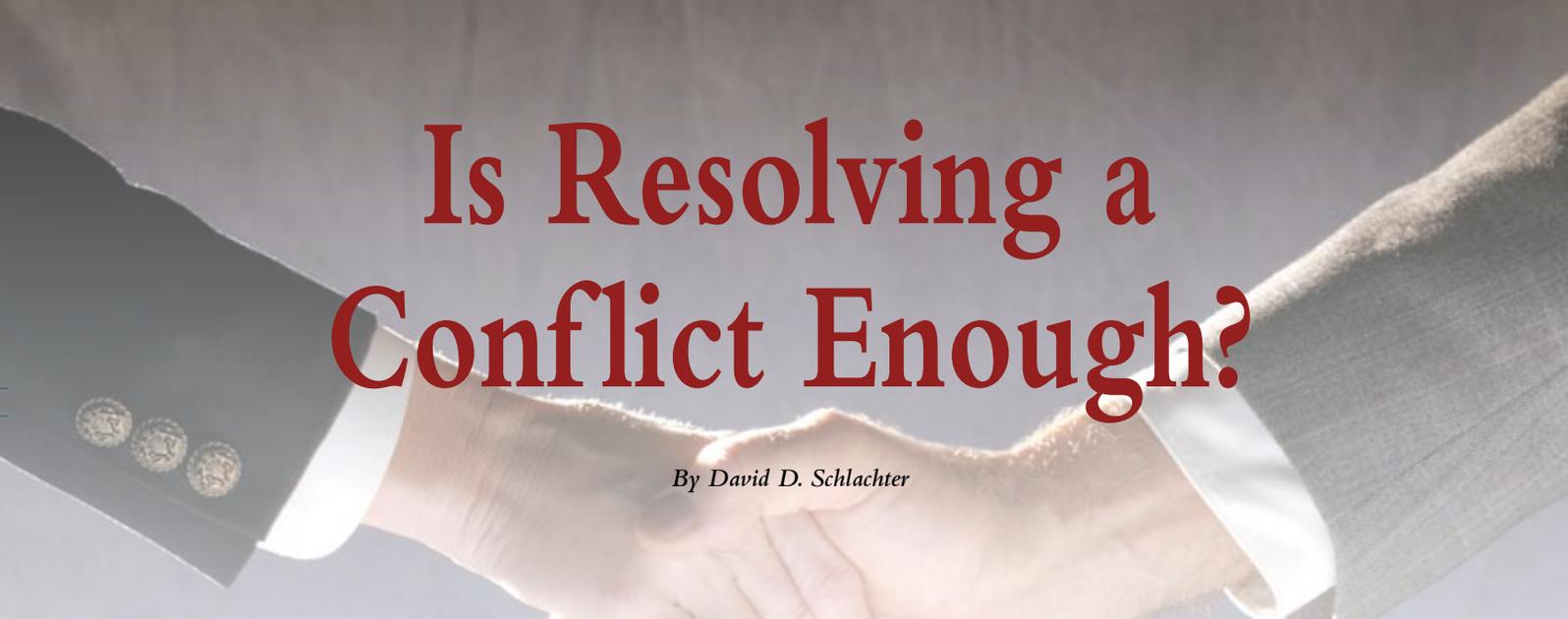


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Is Resolving a Conflict Enough?

By David D. Schlachter

One of the reasons I transitioned from my private law practice to the executive staff of Peacemaker Ministries was my conviction that there was more to helping people resolve conflicts than what I was providing to my clients.

Both in my law practice and in my years at Peacemaker Ministries, I have heard a variety of statements about the way our legal system typically resolves conflicts. These descriptions cause many people to ask if simply resolving the legal issues is enough. Does this focus bring true resolution, or does it merely address the surface issues and leave deeper matters unaddressed? Are the relationships within the disputes broken and discarded as an unfortunate consequence? Consider the following statements:

“I’m prepared to spend my money in order to have a profoundly destructive impact on the counselor who is advising my wife on divorce. I’m not interested in reconciliation.” —Statement of a husband in the middle of a divorce, seeking revenge

“I don’t want to talk to the other side; I’ll let my attorneys handle it.” —Position of a party to a dispute with a business partner; countless hours of “negotiation” by attorneys followed, and none of them helped the partners talk to one another.

“It’s very sad that a boy was hurt and that the relationship between his family and the church is broken.” —Statement from a church representative in a lawsuit filed over a teen’s injury during a church event.²

“The lawsuit concluded with a four and a half week trial... the longest church trial in Colorado history... Day after day, the courtroom was heavily attended by former members of the same parish, now split, with the Episcopal Church faction seated on one side of the courtroom and the secessionist faction seated on the other.” —Public reporting of a lawsuit over the ownership of church property, arising from a church split.³

Have you heard statements like these? They illustrate the typical focus on the presenting substantive issues, with little or no attention to the relationships between the parties.

There is a wide divergence between what Scripture says about resolving conflict and what many conflicted Christians say about their disputes. The principles in God’s Word focus on God’s example of re-establishing our relationship with him. He calls us to deal with broken relationships in the same way. The following familiar passages contain a clear message:

“Once you were alienated from God and were enemies in your minds because of your evil behavior. But now he has reconciled you by Christ’s physical body through death to present you holy in his sight, without blemish and free from accusation” (Colossians 1:21-22)

“Therefore, as God’s chosen people, holy and dearly loved, clothe yourselves with compassion, kindness, humility, gentleness and patience. Bear with each other and forgive whatever grievances you may have against one another. Forgive as the Lord forgave you. And over all these virtues put on love, which binds them all together in perfect unity” (Colossians 3:12-14).

Our statements and actions in everyday conflicts often disregard the gift of reconciliation that we have received from God. We also disregard his command to imitate him; we react to conflict the same way the world does. Whether a conflict involves injuries suffered during a church activity, marriage issues, disagreements between businesses or organizations, or church disputes, there will likely be legal issues as well as broken relationships to address. This is why I encourage Christian attorneys to recognize the opportunity God has given us to point conflicted clients toward a biblical model of reconciliation.

◻◻ We are called to counsel clients differently ◻◻

It’s clear in Scripture that we will face temptations, struggles, and conflicts—the same struggles Jesus experienced (John 17:14-18). Knowing this, Jesus does not ask his Father to take us out of the world. We are called to remain in the world as salt and light (Matt. 5:13-16; 2 Cor. 10:3), which means a radically different response to conflict. God calls us to imitate the graciousness he has shown to us by seeking forgiveness and

Continued on page 4

“GOD’S JUSTICE DOES REQUIRE PAYMENT OR PUNISHMENT. HOWEVER, HIS MERCY AND HIS DESIRE TO RESTORE RELATIONSHIP CAUSED HIM TO SATISFY HIS JUSTICE THROUGH HIS SON ON OUR BEHALF. CHRIST’S DEATH WAS THE PAYMENT OR PUNISHMENT THAT ALLOWED RECONCILIATION OF THE BROKEN RELATIONSHIP BETWEEN GOD AND MAN. GOD’S INCREDIBLE GRACE TIES JUSTICE AND RECONCILIATION TOGETHER.¹”

IS RESOLVING A CONFLICT ENOUGH? *from page 3*

reconciliation in our broken relationships, not focusing only on resolving the substantive issue in the conflict.

God’s plan applies to more than our private lives. Like me, you undoubtedly believe that Jesus’ life and words go beyond his coming and dying to give us salvation; they are about a lifestyle of loving God and loving others. Our professional lives are also to reflect his ways, including our approach to conflict.

What does this look like in our responsibilities as attorneys? Many attorney friends of Peacemaker Ministries have been living this out for the past twenty or more years, looking for ways to encourage their Christian clients to honor God in their response to conflict. All attorneys are aware of the reality of serious disputes and their inevitable consequences. We also recognize our duty to provide counsel and representation within our society’s dispute resolution system. Our Professional Rules of Ethics specifically direct us to counsel our clients and encourage them regarding moral, economic, social, and political considerations when deciding how to respond.⁴ Along with this duty, Christian attorneys have a responsibility to counsel fellow Christians on how God’s Word directs and informs their actions (2 Tim. 3:16). We also have an opportunity to appropriately share with both believers and non-believers the wisdom of God’s ways (1 Pet. 3:15). I urge you to welcome this responsibility and look for ways to share God’s radical plan for resolving conflict—not simply relegate these principles to your “private life.”

The world’s approach

In order to apply God’s Word to our client’s situations, we need to recognize the difference between the world’s approach and God’s approach to resolving conflict. Then we need to understand how to bring God’s plan to our clients.

The world focuses on rights, with little attention to the relationship between the parties impacted by a conflict. The statement of the church representative quoted earlier is an example of the unfortunate reality of lawsuits: “It’s very sad that a boy was hurt and that the relationship between his family and church is broken.” In this lawsuit, obtaining just compensation or “justice” (as we define it) came at the expense of the relationship between a family and a church. We often accept a client’s request to resolve a substantive problem without counseling the client on the biblical principles that apply to the matter. We simply communicate attorney to attorney, rather than encouraging a Christian client to consider his or her responsibility to value the relationship with the other party and that party’s response to the

conflict: “If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over” (Matt. 18:15).

The world doesn’t see justice and reconciliation as being related. The common understanding of justice is imposing either payment or punishment. Reconciliation is routinely ignored in the pursuit of justice, because relationships are not valued in resolving legal issues. In fact, most secular approaches to conflict resolution seek only a solution to substantive issues while neglecting the relationships. Within the litigation process, each side is encouraged to present its case in the best possible light, without acknowledging its own contribution to the conflict. Each side attempts to discredit or show the weaknesses and inaccuracies of the opponent’s position. Even in alternative dispute resolution (ADR), the typical systems encourage mediators to motivate parties to compromise, declaring afterward that a settlement is good when both sides are “disappointed with the result.”

God’s plan for resolving conflict

When justice is defined according to Jesus’ counterintuitive wisdom, however, the belief that justice only requires payment or punishment creates an incomplete view of justice or resolution. In Matthew 18:32–33 Jesus gives us another alternative in the parable of the unmerciful servant. The alternative is *pardon*, which affirms the importance of reconciliation and relationship.

God’s justice does require payment or punishment. However, his mercy and his desire to restore relationship caused him to satisfy his justice through his Son on our behalf. Christ’s death was the payment or punishment that allowed reconciliation of the broken relationship between God and man. God’s incredible grace ties justice and reconciliation together.⁵

As Christians, we are called to imitate God and focus on the things that are important to him (Eph. 5:1–2). Our heavenly Father is a God of relationships (Colossians 1:19–22). His plan for resolving conflict is radical, because it recognizes the core need for justice, but also provides the means of achieving reconciliation. Justice is completed by reconciliation. If justice is our goal as attorneys, imitating God’s response to us includes pursuing reconciliation.

Regardless of the nature of conflicts, whether very simple or very complex, we are called to be concerned about the relationships involved. True and lasting resolution of a dispute can only be achieved when relationships are seen as a key element, and the preservation or restoration of the relationship is a high priority established by God (Matt. 5:24).

Four basic steps in resolving conflict

Relationships affected by a conflict can be preserved or even restored during a legal conflict. You can encourage this approach by giving a client an opportunity to follow God's plan; honestly assessing his or her responsibility for the conflict, followed by appropriate confession, repentance, apology, and forgiveness. These truths are repeatedly taught in Scripture, and can be summarized in four basic steps for responding to conflict biblically:

1. Glorify God by the way you respond to conflict (1 Cor. 10:31).
2. Look first at your own contribution to the conflict by getting the “log” out of your own eye (Matt. 7:3-5).
3. Gently engage the other person in the conflict and seek to restore him (Gal. 6:1).
4. Go and be reconciled with the other person (Matt. 5:23-24; Eph. 4:1-3).⁶

In my own life, following these principles means looking at my own contribution first (Matt. 7:3-5), followed by repenting before God (1 John 1:8-9), and confessing to the other person – including a sincere apology and a request for forgiveness (Eph. 4:32). For a biblical, effective confession, I need to address the people I have harmed or hurt in the conflict. Such a confession includes admitting my contribution to the conflict—specifically and without qualification; acknowledging how I have hurt the other person; accepting the consequences of my actions; and committing to change my behavior in the future.

Repentance is the key to receiving God's forgiveness and the beginning of relational healing. A genuine apology to the other person and a request for forgiveness opens the possibility for the other party to extend forgiveness (Matt. 6:12). When a person's demeanor shows his or her desire to engage the other person, seeking restoration of the relationship and imitating God's treatment of us, the door is opened to reconciliation. Relational healing can continue as one or both parties apply scriptural principles.

This priority on reconciliation is recognized in recent secular research, which has shown the benefit of a sincere apology in reducing conflict. Apology, confession, repentance, and forgiveness have been identified as keys to successful conflict resolution, thereby avoiding the destructive effects of litigation. Studies have shown that apologies in litigation lead to a greater likelihood of settlement, and at lower levels.⁷ An apology leads to an opportunity for forgiveness, which is important to changing a party's attitude and demands.

Encourage a biblical response to conflict

Christian attorneys are in a unique position, not only to address substantive issues but also to invite clients to take steps that will preserve or restore relationships. What alternatives can you offer to point your client to God's plan?

You can follow Christ's instructions and imitate what God has done for us in the advice you give your clients. You can promote compassion, encourage patience, pursue restored relationships, and uphold unity between Christians. Are you willing to do more than analyze and advocate your client's rights? Then look for opportunities to encourage your clients to resolve their conflicts according to God's plan and not the world's.

We are called as Christian attorneys to teach clients first to take the “plank” out of their own eyes (Matt. 7:5), rather than merely searching out the strengths of their position and developing a winning strategy. We are to encourage them to first to seek reconciliation directly with the other person (Matt. 5:23-24, 18:15). We are to urge them to seek the wise assistance of other Christians (1 Cor. 6:1-4), or even to be willing to be wronged and walk away (1 Cor. 6:8). God commands these things for the sake of the unity of believers and a party's witness of Christ to a watching world (John 17: 21-23).

Be a life-changer

Carrying out God's peacemaking plan, however, is more than a plan for litigators, or something you consider when a client wants to go to court. It applies to how you live out your witness and counsel clients in all of their matters. Being a life-changer includes incorporating biblical principles for resolving conflict in a variety of situations. Consider the following opportunities to put these principles into practice:

- You can encourage your church to build a culture of peace by introducing peacemaking to your pastors and church leadership or offering to lead a small group study on peacemaking.⁸
- You can live out God's principles by being part of a church Peacemaking Team,⁹
- Help your church modify its policies and governance documents according to biblical guidelines for resolving conflicts within the church.¹⁰
- Direct churches seeking your counsel regarding internal conflicts to seek assistance from Certified Christian Conciliators to help them seek reconciliation and preserve the unity of the church.¹¹
- When you are helping Christian clients develop operating plans for their businesses and organizations, incorporate tools for conflict resolution. Peacemaker Ministries has developed Christian conciliation clauses for contracts, organizational documents, wills and trusts, which are available on our web site.¹²
- Peacemaking principles can be incorporated into employee manuals and guidelines for resolving workplace conflicts.
- You can offer conflict resolution training to your clients and their employees as a client service by facilitating a *Resolving Everyday Conflict* DVD-based study.¹³
- When a client brings a specific conflict to you for assistance, take time to help him or her evaluate the conflict in light of biblical principles. Suggest an online course in biblical peacemaking on the Peacemaker Ministries website, available at “Peacemaker University.”¹⁴
- Explain and recommend Christian ADR alternatives that value and preserve the parties' relationship in the plan for resolution.¹⁵
- Consider getting training in Christian conciliation yourself, including “conflict coaching” and mediation, so you can more effectively serve your clients. It may even be helpful to encourage clients to take advantage of this training.¹⁶

Our representation of clients, specifically clients who profess to be Christians, must look different than what the world offers.

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“RELATIONSHIPS AFFECTED BY A CONFLICT CAN BE PRESERVED OR EVEN RESTORED DURING A LEGAL CONFLICT. YOU CAN ENCOURAGE THIS APPROACH BY GIVING A CLIENT AN OPPORTUNITY TO FOLLOW GOD’S PLAN; HONESTLY ASSESSING HIS OR HER RESPONSIBILITY FOR THE CONFLICT, FOLLOWED BY APPROPRIATE CONFESSION, REPENTANCE, APOLOGY, AND FORGIVENESS.”

IS RESOLVING A CONFLICT ENOUGH? *from page 5*

To be salt and light in our daily lives, we must imitate God’s treatment of us in the way we help others address and resolve conflicts. Transformation comes when we help clients see that resolution of their conflicts is a golden opportunity to glorify God by accepting responsibility, acknowledging wrong, sincerely apologizing, and granting forgiveness. This approach restores or preserves relationships, and, more importantly, results in peace with God (Isa. 26:3, Rom. 12:18). It is not enough merely to seek resolution of a conflict. Let’s also seek to protect the substantive resolution with the hope and reality of reconciliation.

REFERENCES

- 1 For an in-depth discussion of justice and reconciliation, and justice as part of God’s mercy, see *Unconditional?*, (Brian Zahnd, Charisma House, 2010) and *Generous Justice* (Timothy Keller, Penguin Group Inc., 2010).
- 2 *Christianity Today*, January 2011, “Chilling Verdict” by Ken Walker, 12-13.
- 3 RJ&L “The First Freedom,” Fall 2009, *Schism & Secession: Four Churches, Four Disputes, Four Legal Strategies*, p. 2-5.
- 4 *Model Rules of Professional Conduct*, Rule 2.1[2].
- 5 For an in-depth discussion of justice and reconciliation, and justice as part of God’s mercy, see *Unconditional?*, (Brian Zahnd, Charisma House, 2010) and *Generous Justice* (Timothy Keller, Penguin Group Inc., 2010).
- 6 Ken Sande, *The Peacemaker* (3rd Ed. 2004, Baker Books), 12-13.
- 7 *Apology in Mediation Settings*, Lee Taft, State Bar of Texas Collaborative Law course, March 4-5, 2010.
- 8 These principles can be introduced to churches through studies offered by Peacemaker Ministries, such as *Resolving Everyday Conflict*, an absorbing DVD study of basic peacemaking principles for everyday situations, and *The Leadership Opportunity*, DVD-based sessions for leaders on addressing conflict that arises in the context of leadership. You may also share these biblical truths with pastors, leaders, and friends through books like *Resolving Everyday Conflict* (Ken Sande & Kevin Johnson), *The Peacemaker* (Ken Sande), *The Peacemaking Pastor* (Alfred Poirier), and *Peacemaking Women* (Tara Barthel & Judy Dabler).

- 9 Information on forming a Peacemaking Team in your church—to both teach the principles and provide assistance to members seeking help with conflict—can be found at www.Peacemaker.net/Team.
- 10 See www.Peacemaker.net/Bylaws and www.Peacemaker.net/Relational for information on policies and governance provisions for churches.
- 11 See www.Peacemaker.net/Church for Church Assistance and Intervention services.
- 12 Sample conciliation clauses calling for ADR based on Christian Conciliation rules and principles can be found at www.Peacemaker.net/Clauses.
- 13 www.Peacemaker.net/REC
- 14 <http://pmu.Peacemaker.net/>
- 15 www.Peacemaker.net/ICC
- 16 www.Peacemaker.net/Training



David D. Schlachter serves as Vice President of the The Institute of Christian Conciliation for Peacemaker Ministries, overseeing the delivery of mediation and arbitration services for the resolution of conflicts and disputes for individuals, businesses, and organizations, as well as serving as a mediator and arbitrator. He oversees the delivery of assistance and intervention services to churches experiencing conflict and working with denominational groups to prepare their staff to deliver church assistance and intervention services. He is also part of the team reaching out to businesses and organizations seeking workplace conflict resolution training and services. He is on the teaching staff for conciliator training provided by Peacemaker Ministries, including foundational training for conciliators and advanced training through the Certification Program. A Certified Christian Conciliator™ and University of Denver Law School graduate, David practiced law for 26 years in Denver, Colorado, specializing in business, real estate, and commercial litigation, before joining the Peacemaker Ministries staff. He has taught biblical peacemaking in his church, for Peacemaker Ministries, and internationally. He has been married to his wife, Carol for 37 years, and has three adult children and a granddaughter.

Executive Director Musings

By Fred L. Potter



“Will you still need me, will you still feed me, when I’m 64?”



Back in 1966, during the fall of my freshman year at Harvard and just before my 18th birthday, the Beatles began recording sessions for *Sgt. Pepper's Lonely Hearts Club Band*. That album marked their accelerating movement into pop culture leadership. The first track recorded that December was this whimsical and quite distinctive ditty about end-of-life care. Ironically, as noted on [songfacts.com](http://www.songfacts.com), the answer to the title question for writer/lead singer Paul McCartney was simply “no”.

Age 64 seemed a distant time when I was a college freshman in 1966, but as this edition of *The Christian Lawyer* first reaches our members, I will be entering my 64th year. Accordingly, just as for Paul McCartney in 2006, the personal reality of this milestone now is upon me. Thankfully, over the years, I have benefited from CLS role models who, like the Apostle Paul, showed a more excellent way.

CLS just completed our 50th anniversary celebration. At that time, attendees shared the joy of honoring a number of individuals instrumental in shaping the Society in its early years to form the contours of our current ministries. Among those are three individuals whom I personally interviewed in preparation for the celebration.

For each, the answer to the age 64

McCartney wrote and sang the lead vocals on this song which asks if a woman will still be with him when he got older, when he was 64 years old. On May 17, 2006, Paul and his then wife, Heather Mills, separated, finalizing the divorce in 2008. McCartney turned 64 on June 18, 2006, so the answer to his musical question with regards to Mills, would be no.

<http://www.songfacts.com/detail.php?id=126>

question has been decidedly different than Paul McCartney’s.

Henry Brinks, one of CLS founders and an attorney who still spends time regularly in his intellectual property practice in downtown Chicago, steadfastly stood beside his wife as she went through failing health and diminished clarity in her later years. Recalling decades through which he lifted his conductor’s baton high

he is nearby contributed to John’s decision to stay home even as he was honored this fall. As we visited with John from the conference briefly Sunday morning via Skype connection, his beloved Peggy was at his side.

Time constraints simply did not allow me to share with conference attendees when we were together that these three men are my heroes for reasons quite unrelated to their professional contributions to CLS which we celebrated together. They exemplified the work and ministry of Christian lawyers not only in the workaday world, but also, and more importantly in my view, as they worked out their faithfulness in marriage. Their deep and practical personal ministries to their spouses marked the kind of faithfulness that truly is a hallmark of the well-integrated Christian lawyer. They demonstrated that for a Christian truly to be a great lawyer, she or he must first of all be a great person. **Henry, George, and John**, in my eyes, are just that. They have walked in the more excellent way the Apostle Paul urges us to follow.

“BE IMITATORS OF ME, AS I AM OF CHRIST.”

I Cor. 11:1

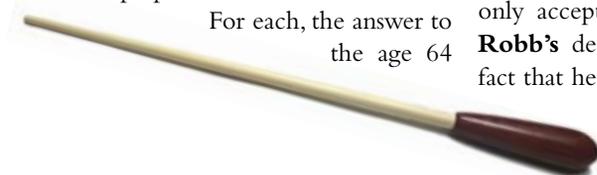
“... I WILL SHOW YOU A STILL MORE EXCELLENT WAY.”

I Cor. 12:31

The Apostle Paul

at CLS national conferences, **George Newitt**, with his still-strong and resonant voice, capped our 50th anniversary celebration banquet late Saturday night by leading the traditional CLS hymn “Great is Thy Faithfulness.” George, too, dedicated an extended period of time in caring for his beloved Virginia. He had missed fellowship for many years at CLS as he faithfully served, at times providing nourishment even as she barely remembered his name but would only accept George as a caregiver. **John Robb’s** deep devotion to Peggy and the fact that her days simply “go better” when

Clearly the greatest hallmark of our faithfulness is the Lord Jesus Christ showing through us. That increasingly is emphasized by singer/songwriter Steve Green whose recording “Find us Faithful” challenges us to carry evidence in our own lives of the faithfulness demonstrated by **Henry, George, and John** through these many years. May our spouses and others looking over our footprints find us faithful in marriage, to our Lord, and in service to one another through our profession.



“THE COURT CORRECTLY OBSERVED THAT SIMPLY INCLUDING RELIGIOUS GROUPS AMONG THOSE ELIGIBLE TO USE MEETING SPACE “DOES NOT CONFER ANY IMPRIMATUR OF STATE APPROVAL ON RELIGIOUS SECTS OR PRACTICES.”¹

A New York State of Mind: Religious Speakers, Public School Facilities, and the Constitution

By Gregory S. Baylor²

The New York City Department of Education allows community groups to meet in public schools during non-school hours for any expression “pertaining to the welfare of the community” yet excludes “religious worship services.” Does this exclusion violate the First Amendment to the United States Constitution? On September 27, 2011, lawyers for the Bronx Household of Faith, a New York City Christian fellowship, asked the U.S. Supreme Court to consider that question.³ The U.S. Court of Appeals for the Second Circuit had held that the Department of Education did *not* violate the First Amendment by rejecting Bronx Household’s request for meeting space.⁴

Bronx Household in Historical Context

Bronx Household of Faith v. Board of Education is the latest battle in a long-running struggle for equal treatment of religious speech in New York State. The effort goes back at least as far as 1977, when student Kevin Trietley unsuccessfully sought after-hours meeting space for his Bible club at Burgard High School in Buffalo.⁵ Decades earlier, the New York State Assembly had passed a law permitting local school officials to open school facilities for after-hours community uses, including those

“pertaining to the welfare of the community.”⁶ The Buffalo Board of Education concluded, rather remarkably, that student-led Bible clubs like Kevin’s did not “pertain to the welfare of the community” or otherwise fall within the list of approved after-hours uses of school meeting space.⁷

Kevin and some of his classmates sued, and the courts ruled against them.⁸ An intermediate state appellate not only agreed with the school board that Bible clubs did not “pertain to the welfare of the community,”⁹ but also held that the Board of Education would violate the First Amendment’s Establishment Clause¹⁰ by giving the club equal access to meeting space. The court invoked *Lemon v. Kurtzman*,¹¹ a Supreme Court decision then only seven years old. *Lemon* declared that government action violates the Establishment Clause if its “primary effect” is advancing religion. Misapplying *Lemon*, the court erroneously focused on the primary effect of the Bible club rather than on the primary effect of allowing religious groups to meet on the same terms as other, secular student groups.¹² It also focused on the benefits the Bible club would receive (e.g., rent-free meeting space), writing as though the club had sought benefits available to no one else.¹³ The court also declared that “constant supervision” by school officials would be necessary to prevent Bible clubs from

becoming “exclusively sectarian classes in religious instruction within the publicly supported school system.”¹⁴

The next dispute arose in New York’s Capital Region. In 1978, Jeanne Brandon and a small group of other students at Guilderland High School sought permission to pray in an empty classroom before the beginning of the school day.¹⁵ The principal, superintendent, and school board all rejected their request.¹⁶ They filed suit in federal court, alleging that school officials violated their constitutionally protected rights.¹⁷ In *Brandon v. Board of Education of Guilderland Central School District*, the U.S. Court of Appeals for the Second Circuit, like the state court in *Trietley*, held that allowing the students to meet for prayer would have violated the Establishment Clause.¹⁸ The court declared that “the mere appearance of secular involvement in religious activities might indicate that the state has placed its imprimatur on a particular religious creed,” adding that “[t]his symbolic inference is too dangerous to permit.”¹⁹ As in *Trietley*, the Second Circuit also held that allowing the students to meet would have excessively entangled government and religion, because school officials allegedly would have been required to “monitor” the group.²⁰

The *Brandon* court also held that school officials did not infringe the students’ free speech, free exercise, or equal protection rights in the first place.²¹ Interestingly (in the context of our discussion of *Bronx Household*), the Second Circuit observed that “the students in this case propose to conduct prayer meetings in the high school, not merely discussions about religious matters,” asserting that the Free Speech Clause protection of – and the Establishment Clause concerns about – these respective types of speech differed.²²

Shortly after the erroneous decisions in *Trietley* and *Brandon*, the U.S. Supreme Court issued its decision in a conceptually similar case, *Widmar v. Vincent*.²³ The case arose when the University of Missouri at Kansas City withdrew the permission it had previously given Cornerstone, a Christian student group, to meet in university facilities.²⁴ Clark Vincent and ten other Cornerstone members filed suit in federal court, alleging that university officials had violated their First Amendment rights.²⁵ The dispute made its way to the Supreme Court, which ruled in the students’ favor. The *Widmar* Court flatly disagreed with the *Trietley* and *Brandon* courts that allowing religious groups to use public school meeting space would excessively entangle church with state.²⁶ Indeed, the Court observed, in a passage plainly relevant to *Bronx Household*, that “the University would risk greater ‘entanglement’ by attempting to enforce its exclusion of ‘religious worship’ and ‘religious speech.’”²⁷ The Court worried that “determin[ing] which words and activities fall within ‘religious worship and religious teaching’” could “prove ‘an impossible task.’”²⁸

The *Widmar* Court spent most of its Establishment Clause discussion rejecting the university’s argument that the “primary effect” of giving Cornerstone equal access to meeting space would be the impermissible advancement of religion.²⁹ The Court correctly observed that simply including religious groups among those eligible to use meeting space “does not confer any imprimatur of state approval on religious sects or practices.”³⁰ Although giving a religious group access to space might



incidentally advance religion, the primary effect of giving it and over 100 other (secular) groups access would be secular, not religious.³¹

Most significantly, the *Widmar* Court held that the university’s exclusion of Cornerstone violated the Free Speech Clause.³² The Court concluded that the university had created a “forum” generally open for use by student groups³³ and that it had excluded Cornerstone based on the content of its speech.³⁴ To pass First Amendment muster, a content-based exclusion from such a forum must be “necessary to serve a compelling state interest” and be “narrowly drawn to achieve that end.”³⁵ As discussed above, the Court rejected the university’s argument that the Establishment Clause justified the exclusion.

The Supreme Court’s teachings in *Widmar* apparently failed to penetrate the Empire State. In November 1988, John Steigerwald, pastor of a Christian fellowship called Lamb’s Chapel, asked school officials in Center Moriches on Long Island for permission to use after-hours meeting space in a public school to show “Turn Your Hearts Toward Home,” a film series featuring Dr. James Dobson.³⁶ As in *Trietley* and *Brandon*,³⁷ school officials concluded that New York Education Law § 414 did not allow school facilities to be used for religious purposes.³⁸ Lamb’s Chapel filed suit, alleging that the school district violated the Free Speech Clause. As the Cornerstone club argued in *Widmar*, Lamb’s Chapel argued that the school district had “opened the forum” so wide that content-based exclusions, to satisfy the Free Speech Clause, had to be necessary to achieve a compelling state interest.³⁹ The Supreme Court stated that this argument “ha[d] considerable force, for the District’s property is heavily used by a wide variety of private organizations,” but declined to address it, deeming its resolution unnecessary to the disposition of the

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case.⁴⁰ More specifically, the Court found that the school district had committed viewpoint discrimination.⁴¹ The Court held that the Establishment Clause did not require the school district to deny Lamb's Chapel's request for meeting space and thus did not justify the district's viewpoint discrimination.⁴² It accordingly found a violation of the Free Speech Clause.

The Supreme Court's 1993 *Lamb's Chapel* decision did not deter school officials in Milford, halfway between Albany and Syracuse, from doing what by then had become routine in New York: discriminating against a religious group seeking access to public school meeting space. In September 1996, Stephen and Darlene Fournier asked Milford Central School for permission to hold weekly Child Evangelism Fellowship Good News Club meetings in the school cafeteria after the instructional day.⁴³ Consistent with New York Education Law § 414, the school district had opened up its facilities for after-hours use by community groups for, among other things, "uses pertaining to the welfare of the community."⁴⁴ School superintendent Robert McGruder deemed the proposed meetings to be "the equivalent of religious worship" and thus in violation of the school district's community use policy, which forbade use of school facilities "for religious purposes."⁴⁵

The Good News Club filed suit, alleging that Milford Central School had violated its constitutional rights, especially those protected by the Free Speech Clause. As mentioned above, to determine whether a government's exclusion of a speaker from public property violates the Free Speech Clause, a court first must determine the type of "forum" at issue, and then undertake the corresponding inquiry. In *Widmar*, the Supreme Court found that the University of Missouri at Kansas City had created a forum "generally open" for student groups and thus that content-based exclusions were essentially impermissible. In *Lamb's Chapel*, the Court did not determine what sort of forum Center Moriches School District had created under New York Education Section § 414; the district's commission of viewpoint discrimination made that determination unnecessary. In *Good News Club v. Milford Central School*, the Court once again found it unnecessary to determine what sort of forum the school district had created through its implementation of Education Law § 414. The Court assumed without deciding that Milford had created a "limited" public forum.⁴⁶ Government may not exclude speakers from such fora based on viewpoint unless necessary to achieve a compelling state interest.⁴⁷

The Supreme Court held that Milford Central School had committed viewpoint discrimination.⁴⁸ The Court observed that the school district permitted other users to teach morals and develop character, something the Good News Club hoped to do from a religious perspective.⁴⁹ The Court rejected the school district's argument that the Club's proposed activities were "different in kind" from other, permitted activities, characterizing them as "quintessentially religious."⁵⁰ Of course, the district hoped to persuade the Court that it had merely excluded a particular "subject" rather than a viewpoint, something arguably easier to justify in a limited public forum. In rejecting Milford's attempt, the Court dropped a footnote that ended up playing a role in the subsequent *Bronx Household* litigation. The school district argued that the Club's activities were "religious worship" and thus distinct from religious expression about morals and character.⁵¹ In addressing this contention, the Court stated: "we conclude that the Club's activities do not constitute mere religious worship, divorced from any teaching of moral values."⁵²

As in *Widmar* and *Lamb's Chapel*, the Court in *Good News Club* rejected the assertion that the alleged need to comply with the Establishment Clause was sufficiently compelling to justify the government's discrimination against religious speech.⁵³ The school district's efforts to distinguish those earlier cases based upon the occurrence of the meetings in an elementary school, and the involvement of elementary-age children did not succeed. Significantly, the Court stated: "We decline to employ Establishment Clause jurisprudence using a modified heckler's veto, in which a group's religious activity can be proscribed on the basis of what the youngest members of the audience might misperceive."⁵⁴

Bronx Household of Faith v. Board of Education

Bronx Household's long-running dispute with the New York City school system began shortly after the Supreme Court issued its *Lamb's Chapel* decision. In September 1994, pastors Robert Hall and Jack Roberts sought permission from Community School District No. 10 to use Anne Cross Merseau Middle



“WHEN A COURT DECLARES THAT THE MERE “FEAR” OF VIOLATING ONE CLAUSE OF THE FIRST AMENDMENT JUSTIFIES THE ACTUAL CONTENT-BASED EXCLUSION OF A SPEAKER FROM A PUBLIC FORUM OPEN TO THOUSANDS OF OTHER USES, YOU KNOW SOMETHING IS NOT RIGHT – THAT A DEEPLY SKEWED ASSESSMENT OF CONSTITUTIONAL VALUES HAS OCCURRED.”

School for their congregation’s Sunday morning worship services.⁵⁵ Like the school systems in *Tritley*, *Brandon*, and *Good News Club*, Community School District No. 10 both was bound by Education Law § 414 and had adopted its own facilities use policy.⁵⁶ As noted above, Section 414 permits local school districts to open their facilities to “social, civic and recreational meetings and entertainments, and other uses pertaining to the welfare of the community.”⁵⁷ The district’s then-applicable use policy prohibited “religious services or religious instruction.”⁵⁸ Invoking this policy, school officials rejected Bronx Household’s request to use Merseau Middle School.⁵⁹ The congregation and its pastors filed suit,⁶⁰ losing in both the district court⁶¹ and the Second Circuit.⁶² The Supreme Court denied review.⁶³

The dispute appeared to be over, with Bronx Household on the outside looking in – at the thousands of community groups using New York City school buildings for secular uses. But, then, the Supreme Court issued its 2001 decision in *Goods News Club*, reviving Bronx Household’s hopes. After all, the Court had struck down a facilities access policy virtually identical to the one used by Community School District No. 10 to deny the church’s requests. Moreover, the *Good News Club* Court had expressly identified the Second Circuit’s earlier decision in the Bronx Household case⁶⁴ as on the wrong side of a circuit split.⁶⁵ The doors seemed open to Bronx Household.

But New York City school officials were unmoved by recent developments in the Supreme Court. They again rejected the church’s request for meeting space, based on essentially the same policy invalidated in *Good News Club*.⁶⁶ The church and its pastors again sued, and had some initial successes. The district court granted their motion for preliminary injunction,⁶⁷ and the Second Circuit affirmed.⁶⁸ The school system changed its facilities use policy to forbid “religious worship services” instead of “religious services or religious instruction.”⁶⁹ That change, in the district court’s view, did not affect the analysis, and it granted summary judgment to Bronx Household and its pastors.⁷⁰

On appeal, the Second Circuit reversed.⁷¹ In making its ultimate decision, the appellate court reached three significant intermediate conclusions: (1) that the school district had created only a limited public forum, rather than a more open forum; (2) that held that the exclusion of “religious worship services” was not viewpoint discrimination, but rather a content-based exclusion, something generally permissible in a limited public forum (but not in a “designated” or more generally open forum); and (3) that the school system’s mere concern about possibly violating the Establishment Clause was a sufficiently “reasonable” justification for excluding Bronx Household.

As Bronx Household argued in its petition for a writ of certiorari,⁷² each of the Second Circuit’s intermediate

conclusions are both wrong and worthy of Supreme Court review. The New York City Board of Education has opened up its facilities after hours for all speech “pertaining to the welfare of the community.” In a typical year, almost 10,000 groups use city school meeting space for virtually every sort of activity imaginable.⁷³ This speech forum is only “limited” in a very narrow sense, in that users must request permission to use space in advance (so that a scarce resource can be efficiently allocated). The school board cannot plausibly argue that it is trying to achieve any particular objective through the creation and operation of the forum, other than benefiting the community by giving it access to meeting space. The school system’s facilities are more open than the “generally open” forum at the University of Missouri at Kansas City recognized by the Supreme Court in *Widmar v. Vincent*. After all, the forum in that case could only be used by student groups, thereby excluding the majority of the population. Nonetheless, the Court characterized the forum as “generally open” and, more importantly, declared that content-based exclusions therefrom were impermissible unless necessary to achieve a compelling interest.

The Second Circuit’s approach makes it far too easy for government to discriminate against speech based upon its content. Under its analysis, a government need only point to its own content-based discrimination as irrefutable evidence that it created a limited public forum. In other words, the discrimination is permissible because the discrimination occurred; it is self-justifying. But surely there is a difference between a circumstance where, say, the government reserves a public opera hall for the performance of operas (truly a “limited” public forum) and a circumstance in which the government allows essentially all content except one or two disfavored types of expression. In the first scenario, the space was created for a particular purpose, and preserving it for that purpose need not be subjected to particularly demanding constitutional scrutiny. In the second, given the openness of the facilities to such a wide variety of uses, the exclusion of a few disfavored activities rightly should be subjected to searching judicial review. The values underlying the Free Speech Clause demand nothing less.

The New York Board of Education’s treatment of Bronx Household in this case is particularly perplexing. It concedes that *acts of worship* may be performed in its facilities but excludes worship *services*. In other words, school facilities are open to a group that sings, prays, and hears a discussion of a Scripture passage, but if the event at which such activities occurs is characterized – by someone – as a worship “*service*,” the gathering is forbidden. This makes little sense. If the space in question is suitable for the first use, why is it unsuitable for the second use? It appears as though

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the Board of Education's policy is nothing more than a clumsy attempt to exclude Bronx Household's worship services without violating *Good News Club*. One hopes that the Supreme Court will see through the school system's transparent, unsuccessful, and inherently impossible effort.

Finally, the Second Circuit's reliance upon mere Establishment Clause *concerns* to justify the Board's exclusion of worship services from the forum is particularly disturbing. From *Trietley* to *Brandon* to *Widmar* to *Lamb's Chapel* to *Good News Club*, the government defendants understood that they needed to prove that the Establishment Clause actually *required* them to exclude the religious speaker. Now, after the Supreme Court has made it abundantly clear that giving religious speakers equal access to meeting space does not violate the Establishment Clause, the Board of Education is trying to lower the bar, claiming that it need only demonstrate a "fear" of transgressing the Clause. That the Second Circuit permitted this is remarkable, particularly given the obvious weakness of any argument the Board might

have made that the Establishment Clause *required* the exclusion. When a court declares that the mere "fear" of violating one clause of the First Amendment justifies the actual content-based exclusion of a speaker from a public forum open to thousands of other uses, you know something is not right – that a deeply skewed assessment of constitutional values has occurred.

Aside from the doctrinal concerns about the Second Circuit's approach, the Second Circuit has reached a substantively unjust result. There is no debate that the Bronx Household of Faith enhances the collective life of its community, meeting unmet material and spiritual needs. Local building officials have no complaints about the congregation's actual use of the school. No reasonable person would believe that, by allowing the fellowship to meet in the school, the New York City Board of Education has embraced or endorsed Christianity. Bronx Household hopes to purchase its own facility, but the astronomically high cost of real estate is a severe challenge, especially for a congregation with very few, if any, affluent members. One hopes that the Supreme Court will not only correct the Second Circuit's doctrinal errors and resolve particular unsettled legal questions, but also do justice to Bronx Household, its pastors, and its members.

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Gregory S. Baylor serves as senior legal counsel with the Alliance Defense Fund at its Washington, D.C., office, where he litigates cases for the ADF Center for Academic Freedom to protect the rights of Christian students, faculty, and staff at public colleges and universities across the nation. Baylor earned his J.D. at Duke University

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Twenty-Five Years with CLS

By Craig Shultz

My true introduction to Christian Legal Society on a national level was 25 years ago. Somehow I became aware of the 25th Annual Conference to be held in 1986 at the Disneyland Hotel in southern California. It seems like a long time ago, but I remember the first thirty minutes like it was yesterday. There was nothing about that brief time itself that would ever tend to draw me back for more. Of course, I had never been to a national conference before, but to my wife, Rita, and two children at the time, the home of Mickey Mouse sounded like a pretty fun place to start. For me, the desire to attend was motivated almost exclusively by the fact that Chuck Colson was the featured speaker. He was to open the conference on Thursday night, speaking at 6:00 p.m. So we signed up and headed to California. We made arrangements to meet Rita's sister and brother-in-law, a pilot stationed at Edwards Air Force base, on Thursday morning to take the monorail to Disneyland for the day before the conference got started. They were going to watch our boys that evening at the hotel while we went to the opening session.

We had a great beginning to the day. We boarded the monorail at the hotel shortly after the park opened, and when we got off, my brother-in-law happily announced that we were right by Space Mountain and there was no waiting line of people. What good fortune he advised! Now Rita and I had gone to Disneyland on our honeymoon 11 years before and remembered it fondly. Although I suffer from motion sickness well beyond what most could possibly imagine, there were no rides back then that had caused me trouble. So this seemed like a most reasonable attraction with which to start the day. But Space Mountain either didn't exist in 1975 or the honeymooners hadn't wanted to wait in line for it because I didn't know and nobody told me it was a roller coaster in the dark. We loaded right on - no waiting indeed! Well, needless to say, after about two minutes in the dark, I was queasy and, given my body's reaction to such things, I was doomed for the day. After a disparate attempt (lasting no more than about five minutes) to pretend I could overcome this malady, my breakfast reversed course, and I could only struggle to walk across the vast parking lot to get back to the hotel. Still, I was hopeful I could get over my roller coaster induced sickness before the day was done.

Don't worry because I'll spare the details of how much a person can throw up in eight hours, but it is not a pretty picture. By about 5:30 p.m., I wasn't any better, but by then, I had reached the point of dry heaves having nothing left to come up. I was determined though. There was no way I was going to miss Chuck Colson. Against the wise advice of my wife, I cleaned up,

and we headed downstairs. I think it was a good thing that we didn't know a single person there as we silently slid into the back row where about every 30 seconds my body convulsed and Rita reminded me how stupid this was. As we waited, somebody announced that Mr. Colson had been delayed for 30-45 minutes. Oh, what good news that was. Still, I was undeterred and sat there in misery as my wife continued to suggest every couple of minutes that we should leave. But there was no way I was leaving. I was going to hang in there. Finally Colson arrived, and the official conference was underway. I think I heard the first sentence or two when all of a sudden, I was done. I was about to explode, and that scene was going to be real ugly. Off we bolted, to my wife's great relief, ending for us the first night of the 25th Anniversary celebration.

In the intervening years between the 25th and the upcoming 50th celebration conferences, I have often reflected on my involvement with the Christian Legal Society. I had been connected with CLS in an informal way while in law school, as a number of us met regularly for Bible study and referred to ourselves as CLS. When I graduated in 1977, I moved back home to Wichita and began meeting together with other Christian lawyers. We also began to loosely call ourselves a CLS chapter, but had minimal contact with the national organization. As a result of becoming a faithful attendee of the conferences, I have gotten to know and have become involved with other lawyers from around the country which has been one of the great blessings of my practice.

I've attended the vast majority of conferences since about 1990 and have never failed to return home encouraged. Initially, I was admittedly drawn to many of those meetings by the quality speakers who were coming, but long ago, I reached the point where the speakers were not what mattered the most. What primarily drew and continues to draw me to these events are the friendships and fellowship with other believers. For the benefit of the younger generation, that's the old fashioned method of social networking which is perhaps a little closer to the method used by Jesus than Facebook, Twitter, or any of those other electronic means by which we claim to stay in touch without really doing so.

In the early nineties, the conference was at a YMCA camp near Estes Park, Colorado. Our family had spent a few days in Breckenridge and drove from there to the camp intending to arrive on time for the opening session. Taking Highway 6, a winding, mountainous road with what seemed like at least a million twists, turns and ups and downs, was not a good choice. Do you get a picture of where this may be heading? For about

I'VE HAD THE PRIVILEGE OF BELONGING TO MANY OTHER LEGAL ORGANIZATIONS OVER THE YEARS, BUT NONE HAVE COME CLOSE TO PROVIDING THE ENCOURAGEMENT, BLESSING, AND REWARDING EXPERIENCES GAINED BY ANNUALLY JOINING TOGETHER WITH HUNDREDS OF OTHER CHRISTIAN LAWYERS AND THEIR FAMILIES FROM AROUND THE COUNTRY.

the 500th time in my life, I got sicker than a dog, and for the only time in my life before or since, I didn't have a major supply of Dramamine in my immediate possession. Oh, how well off I would be if only I owned stock in the company. Well, getting to our room was a miracle, and it was the following morning before I could function.¹

Having once again missed the opening session, I found myself unable to locate my assigned Bible study group the following morning. There were about four others in a similar predicament, so we formed our own group although I was admittedly tempted to just skip it. We had a wonderful time, and I got to know one of the few guys in the organization at the time whose practice of personal injury law was the same as mine. That chance meeting, one that Sam Ericsson would have referred to as one of God's coincidences, would later help me avoid a costly predicament. The following winter, my partner inexcusably missed a plane to LAX where a deposition was to be held that same afternoon in the airport, and everyone else involved was already on the way. With a phone call and the relatively new ability to then "fax" material to his firm, we were able to have the deposition covered and avoid the inevitable sanction of reimbursing the expenses of all the others involved. I suppose that event has always been more meaningful to me than it would be to anybody else, but it is an example of how God has blessed me through the relationships I have formed.

It would be hard for me to accurately convey how much I have been blessed by the wonderful friends we have met at CLS or to enumerate the great benefits of those relationships. I've had the privilege of belonging to many other legal organizations over the years, but none have come close to providing the encouragement, blessing, and rewarding experiences gained by annually joining together with hundreds of other Christian lawyers and their families from around the country.²

A couple of years ago, I ran across some thoughts expressed by Henri Nouwen, a Dutch Christian writer (1932-1996), which have, in a reverse sort of way, encouraged my thoughts about such things:

"More and more, the desire grows in me simply to walk around, greet people, enter their homes, sit on their doorsteps, play ball, throw water, and be known as someone who wants to live with them. It is a

- 1 I could relate enough stories about barfing at the conference that I thought about naming this article "Throwing up at CLS Conferences." Somehow, that didn't seem appropriate.
- 2 I would commend to you Brent Amato's testimonial on the CLS website for much of the same conclusion.

privilege to have the time to practice this simple ministry of presence. Still, it is not as simple as it seems. My own desire to be useful, to do something significant, or to be part of some impressive project is so strong that soon my time is taken up by meetings, conferences, study groups, and workshops that prevent me from walking the streets. It is difficult not to have plans, not to organize people around an urgent cause, and not to feel that you are working directly for social progress. But I wonder more and more if the first thing shouldn't be to know people by name, to eat and drink with them, to listen to their stories and tell your own, and to let them know with words, handshakes, and hugs that you do not simply like them, but truly love them."

I urge you and every CLS member to take time from the practice of law to attend a conference. Too many meetings can certainly be a bad thing, and yes, CLS has outward purposes that drive us to act on behalf of others. But the idea of a "ministry of presence" among lawyers across this country intrigues me. Even at my first conference, despite my Space Mountain induced misery, those few days brought something I'd never seen at any of the other legal/trial techniques/bar association conferences I had attended. We sang together, prayed together, learned together, ate and drank together, and challenged each other. Simply put, I began to learn the names of others, and in the time we spent together, we started to love each other. That love has continued to this day, and it all comes with the side benefit of learning to serve our clients better and to love them too.

As I write, I don't know if this article will be read before or after the 50th anniversary gathering in Chicago, or frankly whether it will be read at all. But I'm excited once again about the great opportunity that is presently before us. We'll have a wonderful time, and I trust that some of the greatest things we can look forward to are the old and new friendships that will draw hundreds of us together. I can hardly wait. And if you are interested, does anybody want to meet me at Six Flags Great America the morning the conference is scheduled to start? I hear that place has some truly awesome roller coasters.



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ORPHANS and ADOPTIONS: *Your Calling?*

By Shaun Pearman

James 1:27 Pure and genuine religion in the sight of God the Father means caring for orphans and widows in their distress and refusing to let the world corrupt you.(NLT)¹

My Story

Each summer since 2007, our family has walked the dusty streets of Lusaka, Zambia, in Sub-Saharan Africa, and watched the orphans and vulnerable children play in heaps of garbage. Each year we wept with the Zambian children as we secretly wished we could take one of these children home with us to rescue them out of their desperate existence. Away from the filth. Away from the witch doctors. Finally we did. Zambia changed our perspective of the world. Adopting two orphans in 2010 changed our lives forever in unimaginable ways. Mostly good has resulted, but not everything has been good. In fact, some events since the adoption have been very tragic and traumatic. But through it all, I have concluded that it is better to love orphans and suffer the heartbreaking consequences than to never have loved them at all.

This is my story. And, this is also my encouragement to you to consider your possible role as a believer, or more precisely, *your calling* as a believer, in regard to the orphan crisis. There are millions and millions of them around the world and even many in your own neighborhood. It is easy to ignore them because they are powerless and voiceless and invisible. Unless you look for them, you may not ever realize they are here. Rest assured, though, they are hoping you will notice them and come to their rescue.

This is how it started. We have seven children, five are

biological and two are adopted. We already had our first five when this amazing journey began. By 2006, all was not well in our family. Two of our four boys were spiraling downward spiritually, caught up in the pitfalls of adolescent life. Their faith was not their own – yet – but they were searching. My lovely wife, Terri, and I were at our wits' end as to what to do when I came across the book, *Revolutionary Parenting*² by George Barna. It is a must-read if you have children. Barna had previously found that about 80% of all children leave the church by age twenty.³ Going off to a secular college may be especially hazardous to their faith. So, Barna surveyed families all across America, reviewed the published literature and his prior interviews to see what was working in families whose children stayed in the faith. Among the many principles he gleaned was the realization that a family mission was very valuable in helping young adults to remain faith-intact. This was not just going to church but rather it was a mission in which the entire family could become intimately involved. Sounded like a great idea to me! We were already very involved in a great church but that was not working. So I prayed. And it was clear to me that God was directing us to find a family mission.

We found the family mission we sought not long after the many prayers went up. It came while I was sharing my prayer request with a close friend from Dallas, Texas. I was quite

surprised at his response. He said he had the perfect mission – he served on the board of Family Legacy Missions International⁴ and their goal was to have whole families come to Zambia to work with and minister to AIDS orphans. He and his family had already travelled overseas the summer before and it had rocked their world. I told him, “Sign us up!” I had no idea where Zambia was and even had to look on the rarely used globe in our living room to see where we would be flying. A few conversations later and Terri was onboard, believing with me that this was the right thing to do. A seven-person trip across the globe would knock a pretty big dent in our life savings and would leave our kids with very little set aside for college. But we felt if God wanted us to go, He would provide the means.

In July 2007, we caught a flight to London then to Lusaka, Zambia. Before starting our mission work we took a rickety bus to Victoria Falls, near Livingstone. Nine hours and one mechanical breakdown on a terribly rough road later and we were there. This was the most beautiful place we had ever seen. The Falls crashed with a deafening roar as dozens of foreign tourists marveled and snapped digital pictures before returning to their nearby five star hotels. Tour guided safaris! Fishing trips on the Zambezi River! Elephant rides! Bungee jumping at the Falls! Africa, it seemed, was a paradise.

But, as in all things, the fun ended and the real world approached. We travelled back to the capital city of Lusaka. On our way there, we saw women and children along the road breaking rocks by hand with big chunks of steel and large stones. They sold them in small bags and earned what amounted to pennies a day. The program we were involved with is the Camp

Life ministry, one of several different ministries of Family Legacy Missions International. Our job was to work with groups of twelve to twenty orphans and vulnerable children every day for a week, gather information about them and write a biographical description which would hopefully get a sponsorship for them. Family Legacy bussed in ten to twelve thousand children over the summer. Each member of our family was given a group of kids, except for our youngest son aged eight, who helped in my group. The program is evangelistic so they hear the gospel from us and at chapel. We sit in small circles outside on the dusty ground and go back and forth between chapel and small group time. At lunch, the kids are fed an apple, four slices of white bread, and Maheu, a local favorite maize based energy drink. The children are absolutely thrilled to be fed lunch every day.

On Thursdays each week, we gave every child a new pair of shoes and a Camp Life tee shirt and then visited the compounds where they live. They live in horrifying slums. There is trash all over, throat-burning toxic dust, small, randomly placed ramshackle houses, bumpy dirt roads, large occasional holes, and thousands upon thousands of adults and children everywhere. Asbestos is still widely used there for roofing. When I asked one of our Zambian partners about it, he said it was preferred for roofing because it was quieter than steel roofing during the rainy season. He was surprised that asbestos was illegal in the United States.

We were smitten by the Zambian children. Most had lost one parent. Some were orphans. A few had both parents, which pleasantly surprised us. A Zambian orphan is labeled by the terms, single orphan or double orphan, i.e., whether one parent

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“AFTER LEARNING THIS, WE WERE SOLD. WE WANTED TO HELP. WITH ALL THIS SUFFERING AND PAIN, WE REASONED, HOW COULD A PROFESSING CHRISTIAN NOT DEDICATE THEIR TIME AND RESOURCES TO THESE ORPHANS? AFTER ALL, JESUS CAME DOWN TO EARTH AND SUFFERED AND DIED FOR US. COULDN’T WE DO THE SAME FOR THESE BEAUTIFUL ORPHANS?”

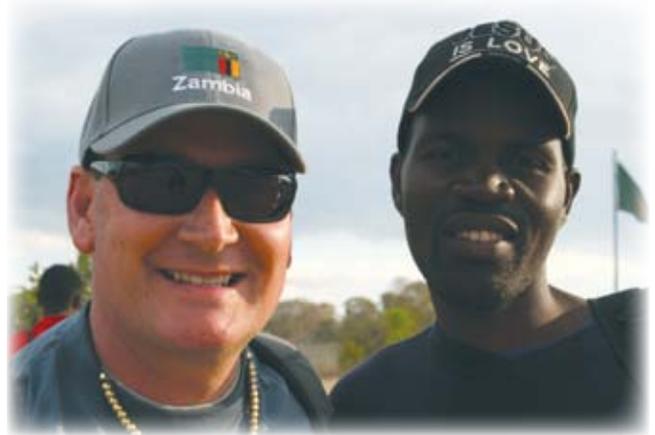
ORPHANS AND ADOPTIONS: YOUR CALLING *from page 17*

or both parents are dead. The double orphans are the most destitute because they have to rely on aunts and uncles to care for and feed them. They are all called vulnerable children, which means they are from the slums and are extremely poor. Over the four years we ministered to the Zambian children, we were able to see some of the same children return the next year. I had the pleasure of seeing most of the children accept the Lord as their Savior. It was incredible to get to know those children individually and listen to their life stories.

One of the boys in my group was a fifteen year old named Cleofas. In Zambia, he was called a stammerer, which would be a stutterer here. He struggled to share his story with my Zambian partner and interpreter, Teddy Lukwesa. Cleofas’ father was a pastor who lived on the miniscule donations that people would give him and what his brother could provide. They were often very hungry. The other boys were very gracious to him, and it was so nice to hear that he still had both parents. I had the privilege of having Cleofas in my group in 2008 when we went back. But, at the first day of Camp Life, Cleofas was very upset and agitated. He said he had to talk to me right away because he had something he had to tell me. We could not get away alone until mid-day because there were 1,200 kids bussed in and it took awhile to get everyone organized and into groups. When we finally had a chance to get to a quiet place and talk to young Cleofas, I watched as he tearfully poured his heart out to Teddy in Nyanja, one of the more common languages there.

When Teddy finally interpreted Cleofas’ story to me, I was stunned. In the one year since we had been there, tragedy had stricken him twice. Cleofas’ mother died giving birth to a child in the spring, which devastated him. He said he loved her so much and she was gone. Then, a couple of months before we arrived, his brother, who had been providing most of the food for the family, was falsely accused of a crime and was arrested by the police. In Zambia, if you are taken into custody, the police may swiftly decide your fate. His brother could not convince the police that he was innocent so he was shot and killed for the supposed theft a couple of days after his arrest. This left Cleofas absolutely distraught. He had become so despondent that he decided to hang himself. He said he got the idea because another boy had recently done the same thing in his neighborhood. Then, he told us that the only reason he did not carry out his plan of suicide was because of his neighbor and me. He knew that I was coming back that summer and hoped to see me. He said it was mainly because of me that he decided not to kill himself. I do not usually cry, but I did that day. I was awestruck that God could use me to have such an impact on a young, single orphan boy half-way around the world.

Returning home from these powerful experiences, our family began learning as much as we could about Zambia, orphans



Shaun Pearman and translator Teddy Lukwesa in Zambia

and how we could help. We have learned that the orphan crisis around the world is unprecedented and monumental. AIDS has decimated entire generations. If you look at the statistics of every country in sub-Saharan Africa, it is sickening. There may be as many as 143 million orphans world wide and 100 million abandoned children living on the streets.⁵ Zambia is statistically one of the worst. There may be one million orphans out of about twelve million people. The median age is less than sixteen years old and the average age of death is forty years⁶. The unemployment rate is around seventy percent. Children are literally raising children. Nearly every child we encountered had stunted growth from lack of food. Every child has lost at least one close loved one, and many have lost one or both parents. The medical care for most Zambians is substandard or non-existent. Hospitals are understaffed, often without medicine, water, and even the most basic necessities. Deaths are frequent. The anti-retro viral drugs are helpful but often unavailable.

AIDS victims are considered scum. The disease is underreported because of the stigmatization, even in hospitals. Many of the orphans we interacted with would never admit that relatives of theirs died of AIDS. It’s too shameful. More horrifying still, the only group considered lower than an AIDS victim in Zambia is an AIDS orphan. Children are not valued because there is not enough food to go around anyway. Those bringing in the money get the majority of the food. The orphans are just another hungry mouth to feed, another body to fill up the limited house space, another hand that steals. “Why bother to feed them,” the thinking goes, “when they are going to die anyway?” And if this is not bad enough, there is a belief among some in Zambia that having sex with a virgin will cure AIDS. This has led to the spread of AIDS among innocent young girls who are raped. Sexual abuse is all too frequent and often completely ignored.

After learning this, we were sold. We wanted to help. With all this suffering and pain, we reasoned, how could a professing Christian not dedicate their time and resources to these orphans? After all, Jesus came down to earth and suffered and died for us. Couldn't we do the same for these beautiful orphans?

Our intentions were godly but there is an ignorance, I think, that Christians often have about helping people. We want to help, but sometimes we do not know how painful it really may be. We go and see all the hurting and we think, I want to serve and help. I want to suffer for them. Our family did that. We entered the hurt and it launched us into both a painful crisis and a wonderful fulfillment.

The Adoption

By 2009, and our third trip to Zambia, Terri and I felt that God wanted us to take in some orphans. Our biological clocks were ticking so we needed to act soon. If you get too old, the adoption agencies do not want to place any children in your home. Since Zambia does not do any international adoptions, God directed us to look toward Ethiopia. There are around 70 million people and five million orphans⁷ in Ethiopia. It took about a year-and-a-half, but we finally adopted two beautiful children from Ethiopia, a girl who was seven and her brother who was nine. Their mother died from AIDS in 2005 and their father who was also dying of AIDS placed them in an orphanage. This began a whole new journey in our lives which is still ongoing.

When our children came home, we were proud parents. It was truly a honeymoon beyond our wildest dreams. I stopped waking up in the middle of the night in a panic, as I had for several years, because I had felt we were missing some of our children. We had a wonderful time for the first few months spending time with the children, taking them places and letting them see the sights of America that they had only imagined from Ethiopia. They loved the long airplane ride across the ocean, then skate boarding, playing soccer, roller skating, and seeing the beautiful Colorado mountains.

But then the honeymoon started ending and the problems started mounting. Unfortunately, our new son carried with him some serious struggles from the trauma he experienced in Ethiopia. He became nearly impossible to handle – screaming, running away, and breaking things. Then a series of problems cascaded over our family like a plague. One of our other children became suicidal with a plan, Terri started having serious medical issues, and there was never any peace at home – just constant turmoil. Our marriage was strained to the limit. Even the individual and family counseling we did was of very limited help. I have never in my life spent so much time going in and out of hospitals, counselors', pediatricians', and psychiatrists' offices, as well as asking others for prayer. Sadly, just after Christmas, 2010, our new son claimed that he snuck into our bedroom in the

middle of the night with a pillow in hand to smother Terri. This was a breaking point. We had hit rock bottom. We had to take him out of our home and he is now in a group home receiving intense therapy.

I am being transparent about this painful chapter in our family not to discourage you or anyone from adopting but to make sure you realize the wisdom of what a friend, an adoptee himself, told me before we adopted. He said, "I hope you are not doing this because you expect it to turn out good but rather that you are doing it because this is what God has told you to do." During this extremely difficult last year, I spent a lot of time meditating on the powerful lessons from the book of Job in the Bible. God knew what he was doing when he gave us this incredible story of someone who hit rock bottom even worse than our family did. Job never wavered in his faith. Coach Grant said it well in the movie, *Facing the Giants*, when talking to his football team: "If we win, we praise Him. If we lose, we praise Him."

I have also contemplated the parting words from the director of the orphanage when we picked up our children. She said "When you have problems, not if, but when you have problems, remember why you are here doing this." I am resolved that the verse I memorized in junior high school rings still truer today than ever before: "For the which cause I also suffer these things: nevertheless I am not ashamed: for I know whom I have believed, and am persuaded that he is able to keep that which I have committed unto him against that day." II Timothy 1:12⁸ Even seeing something as simple, but indelible, as the tears in the eyes of those Zambian teenage boys I worked with as their busses pulled away and I said goodbye on the last day of Camp Life, confirms that it is truly better to love orphans and possibly suffer the heartbreaking consequences than to have never loved them at all. And when Ethiopian strangers come up to Terri and me and humbly say, "Thank you for what you are doing," it helps confirm that my faith in our faithful Lord is stronger today than ever before.

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Our Call To Action As Believers

The stakes are high. The scriptures are clear. There are five people groups to whom Christians are to seek out and minister: orphans⁹, widows¹⁰, poor¹¹, foreigners¹², prisoners¹³. It has been my observation that the ministries which are actively involved in ministering to one or more of these groups are typically thriving. But, the ministries which do not involve themselves in reaching out to any of these groups are typically shallow, fragile, and unhealthy. Could it be that God is calling you to become involved in ministering to one of these groups? Romans 12:1 and 2 set out some guidelines on how to find God's will: "I beseech you therefore, brethren, by the mercies of God, that you present your bodies a living sacrifice, holy, acceptable to God, which is your reasonable service. And do not be conformed to this world, but be transformed by the renewing of your mind, that you may prove what is that good and acceptable and perfect will of God."¹⁴

Is the Lord calling you to minister to orphans? Or could it be that he is calling you to minister to any of the other four people groups who are heavy on His heart, such as the poor, widows, foreigners, or prisoners? There is much you could do. If you are an attorney, you have even more options to help. Here are a few ideas for you to consider.

1. **ADOPT A CHILD.** I hope the Lord calls you to adopt an orphan. Not every adoption has such difficulties as ours. In fact, most are remarkable and exciting success stories, as ours is partially now with our daughter and will be someday with our son. But even if you are not led to adopt, there are still many less ambitious orphan ministry opportunities which would allow you to reach out.
2. **SPONSOR A CHILD.** Opportunities abound: Family Legacy Missions International, World Vision, and Compassion International, just to name a few. There are needy orphans and poor children all around the world. Most of these agencies allow you to communicate with the child you sponsor, which is even incredibly more rewarding than just writing the check. We are currently sponsoring five children through Family Legacy Missions International. One of the boys is Azizi, a young Zambian for whom we are paying the monthly fees needed to live in the Tree of Life Children's Village orphan home. His father murdered his mother and then took his own life recently, leaving him and his brother as traumatized double orphans.
3. **SPONSOR AN ORPHANAGE OR A CHILD IN AN ORPHANAGE.** There are many good orphanages around the world. The debate still continues to this day as to whether or not orphans should be placed with families or in orphanages. International adoptions raise the additional issue of whether taking children out of their native culture is in their best interests.
 - a. We have come full circle in America on orphanages. Early on in our country, we routinely placed orphaned children into one of our numerous orphanages if there was no relative in the orphan's family who was willing to take them in. Typically, there was no formal adoption which later led to legal difficulties such as the inability to inherit.
 - b. From 1854 to 1929, trains loaded with orphaned children traversed the country depositing about 200,000 children

with willing recipients. Many children became indentured servants, not adopted, to the families taking them in. It was not a good system.

- c. In 1917, Minnesota passed the first adoption law requiring the best interests of the children to be considered before placing an orphan child in a home.¹⁵ This progressive concept has now spread to all fifty states and most orphans are placed in foster care while waiting to be eventually placed into adoptive families.
 - d. Today in many foreign countries, orphanages are still plentiful by necessity. There simply are not enough families who are willing or able to take in orphans. Your ability to pay for a child in one of these orphanages could make all the difference in the world to a homeless and hungry orphan who would otherwise have no one to pay for his or her way into an orphan home. It may be like transporting them from hell on earth to heaven on earth.
4. **PRAY WITHOUT CEASING.** I Thessalonians 5:17. You can do this without ever leaving the comfort of your own home. Never underestimate the power of prayer. The parable of the persistent widow says it well, "...And will not God bring about justice for his chosen ones, who cry out to him day and night? Will he keep putting them off? I tell you, he will see that they get justice, and quickly..."¹⁶
 5. **OFFER PRO BONO SERVICES.** There may be a plethora of volunteer opportunities in your local area enabling you to help poor, abused and orphan children. You could be a guardian ad litem, a child's or parent's attorney, or even just help out at a child advocacy center or a crisis pregnancy center.
 6. **REPRESENT PARENTS IN AN ADOPTION PROCEEDING.** There are many types of adoption in which you may have the opportunity to help out.
 - a. International Adoption – even though much of the legal work may be completed overseas, at the very least, a foreign adoption will need to be certified locally. You can help the proud new parents with this. Be sure to spread the word that there may be a tax credit for adopting. And, lobbying your elected officials to pass legislation to continue tax breaks for adopting would be a very good thing to do. Adoptions are very costly so any type of relief is extremely helpful.
 - b. Local Adoption – there are very worthy campaigns such as Wait No More sponsored by Focus on the Family, Colorado Springs, Colorado. This has been instrumental in placing hundreds of orphan children who had been waiting for forever families.
 - c. Custodial Adoption – if custodial parents have had a child in their home the requisite period of time, it may be possible for them to adopt. You can help.
 - d. Step-parent Adoption – with our high divorce rate, it is unfortunate but common that biological parents often abandon their children. When this happens, the step-parent may be able to adopt.
 - e. Kinship Adoption – with the current disintegration of the family, we are seeing more and more grandparents and other kin raising their grandchildren and nieces and nephews. The prospective adoptive parents are always in need of an attorney to do this.
 - f. Adoption Agency Selection – educate yourself on the issues arising in adoptions and then help prospective families select a good, reputable agency. Although most adoption agencies are doing a great job, there are some

“EVEN SEEING SOMETHING AS SIMPLE, BUT INDELIBLE, AS THE TEARS IN THE EYES OF THOSE ZAMBIAN TEENAGE BOYS I WORKED WITH AS THEIR BUSES PULLED AWAY AND I SAID GOODBYE ON THE LAST DAY OF CAMP LIFE, CONFIRMS THAT IT IS TRULY BETTER TO LOVE ORPHANS AND POSSIBLY SUFFER THE HEARTBREAKING CONSEQUENCES THAN TO HAVE NEVER LOVED THEM AT ALL.

which are profiting by dumping delinquent and mentally ill children on unsuspecting parents. Some countries have developed a reputation for sending particularly difficult children to the United States. You may be able to help counsel parents who have received such a child.

7. HELP PREVENT AN ABORTION. An attorney friend gave me this great idea. If a pregnant mother finds a prospective adoptive family, it is legal in Colorado for her to voluntarily place the child with the family and give them legal custody. After a year, the family can do a simple adoption with the consent of both biological parents. An attorney would represent the family for free because he knows that he is helping to prevent an abortion and saving the family around \$25,000 to \$50,000 by avoiding the need for an adoption agency. Verify the laws of your state before doing this and make sure that there is no financial remuneration paid to the pregnant mother in violation of any laws.

8. SHORT TERM MISSION TRIPS. There is nothing more rewarding than doing a short term (or even long term) mission trip. Despite the fact that the majority of people who go on short mission trips say they are life changing, only about 11% of American church-goers ever embark on a short term mission trip.¹⁷

9. START OR JOIN AN ORPHAN MINISTRY AT YOUR CHURCH. There is so much you could do by just getting involved. Seek God’s will through prayer, fasting, meditating on scriptures, and seeking affirmation from others.

Isaiah 1:17 says, “Learn to do good. Seek justice. Help the oppressed. Defend the cause of orphans. Fight for the rights of widows. (NLT)¹⁸ I hope you will prayerfully consider what God may be calling you to do. It would be thrilling and challenging but also rewarding if he were to lead you to an orphan ministry. You may not be able to end the orphan crisis single-handedly but you will change the world and the eternity of the orphans you help. Someday, may you experience the inexplicable rewards of loving an orphan, just as we have.

REFERENCES:

- 1 Scripture quotations marked (NLT) are taken from the Holy Bible, New Living Translation, copyright © 1996, 2004, 2007 by Tyndale House Foundation. Used by permission of Tyndale House Publishers, Inc., Carol Stream, Illinois 60188. All rights reserved.
- 2 *Revolutionary Parenting*, Barna, George, Tyndale House Publishing, 2007, at p. 112.
- 3 *Most Twentysomethings Put Christianity on the Shelf Following Spiritually Active Teen Years*, Barna, George, <http://www.barna.org/barna-update/article/16-teensnext-gen/147-most-twentysomethings-put-christianity-on-the-shelf-following-spiritually-active-teen-years>, where he states “Only one-fifth of twentysomethings (20%) have maintained a level of spiritual activity consistent with their high school experiences.”
- 4 <http://familylegacy.com/> which is the official website of Family Legacy Missions International, Irving, Texas.
- 5 *World Orphan Week 2010 - Coming up February 8-14*, <http://www.soschildrensvillages.ca/news/projects/world-orphan-week/pages/default.aspx> Respond to the World Orphan Crisis!

- 6 <http://familylegacy.com/zambia>
- 7 *Id.*
- 8 King James Version
- 9 James 1:27. “Religion that God our Father accepts as pure and faultless is this: to look after orphans and widows in their distress and to keep oneself from being polluted by the world.” THE HOLY BIBLE, NEW INTERNATIONAL VERSION®, NIV® Copyright © 1973, 1978, 1984, 2011 by Biblica, Inc.™ Used by permission. All rights reserved worldwide.
- 10 *Id.*
- 11 Jer. 22:3. “This is what the LORD says: Do what is just and right. Rescue from the hand of his oppressor the one who has been robbed. Do no wrong or violence to the alien, the fatherless or the widow, and do not shed innocent blood in this place.” THE HOLY BIBLE, NEW INTERNATIONAL VERSION®, NIV® Copyright © 1973, 1978, 1984, 2011 by Biblica, Inc.™ Used by permission. All rights reserved worldwide.
- Luke 12:33. “ Sell your possessions and give to those in need. This will store up treasure for you in heaven! And the purses of heaven never get old or develop holes. Your treasure will be safe; no thief can steal it and no moth can destroy it. (NLT)” Scripture quotations marked (NLT) are taken from the Holy Bible, New Living Translation, copyright © 1996, 2004, 2007 by Tyndale House Foundation. Used by permission of Tyndale House Publishers, Inc., Carol Stream, Illinois 60188. All rights reserved.
- Luke 3:11. “John answered, ‘Anyone who has two shirts should share with the one who has none, and anyone who has food should do the same.’” THE HOLY BIBLE, NEW INTERNATIONAL VERSION®, NIV® Copyright © 1973, 1978, 1984, 2011 by Biblica, Inc.™ Used by permission. All rights reserved worldwide.
- Mt. 5:42. “Give to the one who asks you, and do not turn away from the one who wants to borrow from you” THE HOLY BIBLE, NEW INTERNATIONAL VERSION®, NIV® Copyright © 1973, 1978, 1984, 2011 by Biblica, Inc.™ Used by permission. All rights reserved worldwide.
- 12 Jer. 22:3. *Id.*
- 13 Hebrews 13:3. “Continue to remember those in prison as if you were together with them in prison, and those who are mistreated as if you yourselves were suffering.” THE HOLY BIBLE, NEW INTERNATIONAL VERSION®, NIV® Copyright © 1973, 1978, 1984, 2011 by Biblica, Inc.™ Used by permission. All rights reserved worldwide.
- 14 New King James Version. Copyright © 1982 by Thomas Nelson, Inc.
- 15 See Ellen Herman, Adoption History Project, University of Oregon, Topic: Charles Loring Brace, The Dangerous Classes of New York and Twenty Years’ Work Among Them, 1872 and <http://en.wikipedia.org/wiki/Adoption>
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- 17 “Despite Benefits, Few Americans Have Experienced Short-Term Mission Trips,” George Barna, <http://www.barna.org/donorscause-articles/22-despite-benefits-few-americans-have-experienced-short-term-mission-trips>
- 18 Scripture quotations marked (NLT) are taken from the Holy Bible, New Living Translation, copyright © 1996, 2004, 2007 by Tyndale House Foundation. Used by permission of Tyndale House Publishers, Inc., Carol Stream, Illinois 60188. All rights reserved.



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From the Law Bench to the African Bush

*“Before we can begin to see the cross as something done for us,
we have to see it as something done by us.” – John Stott*

By Wallace Larson

As a law school grad I saw little need for the cross in my life; the Bible seemed irrelevant to my personal endeavors at the time and the church a meddling community I could live without. Especially after 3 years at Berkeley...

That is until one night when I felt the relentless pursuit of the Holy Spirit while reading the words of John Stott and Hal Lindsay. The truth of Jesus Christ brought me to my knees that night -- quite literally -- as I knelt beside my bed to ask Jesus to become Lord of my life.

Much like the babes we watch grow into babbling toddlers and eventually into adolescents and then miraculously into

young professionals (who teach us how to use the iPhone and the Wii) -- my baby years as a follower of Christ were shaped by the influence of Christian lawyers committed to CLS.

As a budding attorney (with raven hair!), a newlywed, and a young parent, it was a fellow CLS member (a wiser man) who encouraged me to reign in my eagerness (or brashness) to resolve a dispute with a fellow lawyer. This man of Christ patiently heard my concerns and with discernment advised me to seek a less drastic channel -- a decision I lived to see ultimately turn into a fruitful blessing.

It was a fellow CLSer, the late Dick Couser, who first opened my eyes to the possibility of using my JD degree in service to Christ on the mission field. Though unable to insert an IV or do

“THAT IS UNTIL ONE NIGHT WHEN I FELT THE RELENTLESS PURSUIT OF THE HOLY SPIRIT WHILE READING THE WORDS OF JOHN STOTT AND HAL LINDSAY. THE TRUTH OF JESUS CHRIST BROUGHT ME TO MY KNEES THAT NIGHT -- QUITE LITERALLY -- AS I KNELT BESIDE MY BED TO ASK JESUS TO BECOME LORD OF MY LIFE.”

surgery in the African bush, God has opened doors to speak and minister to judges and law students in Chengdu, China, Kabul, Afghanistan, Hanoi, Vietnam and just this summer sit for a CLS brainstorming session with young lawyers in Arusha, Tanzania.

John Robb, a CLS member, was always forefront in my mind as one who chose to help the oppressed and forgotten through legal aid. Though one partner at a previous firm called me a “religious nut,” the example of men like Robb challenged me to pursue extra-curricular activities that promoted Kingdom Building first and foremost.

Specifically, this meant heeding the call of Chuck Colson through Justice Fellowship (the legislative arm of Prison Fellowship) to fight for restorative justice in our penal system. A justice that helps prisoners transform their lives and not simply sit in a prison yard. A justice that is less costly to the State and more effective at reducing recidivism. A justice that is biblically minded. By the grace of God and the lobbying efforts of our taskforce, the bill was passed in Arizona in 1988. John Robb showed me that being a lawyer meant using my degree to fight for those who cannot fight for themselves – as Jesus would.

Legal Kingdom building work is also lived out by my good friend Steve McFarland (former head of the Center for Religious Freedom at CLS). Steve spent countless hours on the phone with me as we lobbied for the Religious Freedom and Restoration Act (legislation Steve helped draft) in the mid-nineties. We saw the Lord open doors, soften hearts as He did Pharaoh’s, and ultimately witnessed God’s hand enabling passage of this watershed legislation.

Each of these men confirms the truth that no Christian is an island. And no baby Christian can grow in their faith unless mentored, advised, and prayed for by brothers in Christ. Such is the reason and motivation behind CLS.

Professionally, it was great men like the late Sam Ericsson (Advocates International founder and former CLS executive director) who supported my efforts in Arizona to re-establish the Governor’s Prayer Breakfast. The goal is not networking or stroking egos. The goal of the breakfast is to facilitate the gathering of policymakers in the Valley of the Sun for the Son of God. Ericsson served as the main speaker at such an event, when hardly anyone showed – including the Governor. I know Sam is now in Heaven, looking down at the touch of grace that God has placed on the event as the attendance has increased to include even the state’s Chief Executive.

More recently, I’ve been inspired and touched by the ministry of Alan Sears through Alliance Defense Fund. Alan lives what he believes and practices law as he believes, “The law is more than a profession, it is a *calling from God* – a calling to defend, protect, and advocate on behalf of our God-given freedoms. As a Christian,

and as a lawyer, I have had the unique and blessed opportunity to serve efforts to further the agenda of Jesus Christ – to keep the door open for the Gospel – so His Great Commission can be achieved.”

It is indeed Alan’s words about keeping the door open for the Gospel that has led me to commit 25 years to the ministry of CLS. The hair has turned a “distinguished” (according to my diplomatic wife) shade of silver, and I’m wiser about the challenges of practicing law. I have experienced the joys of watching my children grow in Christ as well as the heartache over some choices that have led them from the worship of Christ. I’ve stood helplessly by as circumstances and sickness have weakened the vitality of faithful friends.

So I’m back on my knees – not as a defeatist but rather more fully understanding the power and sovereignty of my Savior in this world – His amazing grace. Still grappling with His “ways are not my ways, His thoughts not my thoughts” (Isaiah 55:8) and daily struggling to unwrap the mystery of this faith.

I’m blessed to be surrounded by brothers and sisters in Christ kneeling beside me as we approach the Throne of Grace with humility. I’m blessed to mentor young lawyers in our Arizona chapter who are feeling the call to lead CLS into the future. I’m blessed to hear my children attending CLS events in Manhattan where one law school student cried tears of joy at hearing the name of Jesus proclaimed within the four walls of her law school. I’m blessed to be joined by my fellow kneelers at CLS fighting for the justice of Jesus:

“I hate, I despise your religious feasts, I cannot stand your assemblies. Even though you bring me burnt offerings and grain offerings, I will not accept them. Though you bring choice fellowship offerings, I have no regard for them. Away with the noise of your songs! I will not listen to the music of your harps. But let justice roll on like a river, righteous like a never-failing stream.” Amos 5:21-24(NIV)

May we continue to build each other up in the body of believers through the work, ministry, and justice seeking of Christian Legal Society.



Wallace Larson is a member of Carson Messinger PLLC in Phoenix, Arizona where he works in the areas of Corporate, Non-Profit, Real Estate and Estate Planning. A father of 6, Wallace is a Starbucks and NCIS fan, teaches a Bible study at his local church, and serves on the Arizona boards of The Salvation Army, Joni Eareckson Tada’s “Joni and Friends”, and The Stony Brook School. Wallace has also been a board member, President, Secretary and Treasurer of CLS.

Astronomy, Kayaking, Skiing, Exercise and the Practice of Law

By Raymond Dague

The other day I was at a board of directors meeting of a not-for-profit corporation on which I serve when new members were being introduced to the old guard. To introduce ourselves to the new directors, we were asked to tell a little about ourselves. Most talked about their occupations, or if retired, their former occupations. I spoke last, and simply gave my name followed only by the words, “I am an astronomer.” Those who knew me on the board chuckled, and the executive director co-chairing the meeting added her comment, “He’s that, among many other things.”

I have been an attorney in private practice for over 32 years and well know the busyness of a law practice. General practice in a small city can keep me at my desk more than 40 hours a week. As anyone engaged in law practice knows that the desk is never cleared and the work is never finished. The work goes home with you in your briefcase, and evening phone calls to clients are routine occurrences. Vacations, what ones we get, are punctuated with calls with your secretary or your associate as we keep tabs on what needs to be accomplished in our absence. My clients do not have my cell phone number, but they have my e-mail address and are not afraid to use it around the clock. If you wait to take a

vacation when you are caught up with your work, you will never take one. I will not be done with my work till they nail my box shut.

So how does one keep from being an obsessive workaholic in the face of this? Well, in my case I may be busy with my law practice, but I am never too busy to do some of the many other things I enjoy. Perhaps my favorite, or at least one of my favorites, is amateur astronomy.

When I was a boy growing up in Wisconsin, I often looked at the night sky. Star gazing is an interest which I have cultivated in the years since then, and today I am known among my family, friends, and the local community perhaps as much by my avocation as by my vocation. On clear nights, I can be found at my “night job.” In the daytime I have court appearances, client conferences, and phone calls. But come the evening hours, I travel a half-an-hour south from my home in the city to a spot out in the country with a building on a hill and a roof which rolls off. There I spend the hours of darkness lecturing visitors about the planets, galaxies, star clusters, and nebulae which we observe through the 9 foot long telescope at the Syracuse Astronomical Society’s observatory. When I am not lecturing the general public, I limber out one of my own telescopes and pursue my private celestial observing projects. My latest interest is observing and trying to understand carbon stars, which are stars which glow with a distinctive deep reddish light and pulsate in brightness.

I am the observatory director of our amateur astronomy club’s public observatory. I am supposed to see that the facility is staffed by knowledgeable volunteers who know how to use the telescope. We find dim objects that are invisible to the naked eye, but when seen through the eyepiece, they reveal worlds which look like the magazine and internet pictures from the Hubble Space Telescope.

Of course, astronomy can’t be done as much in the daytime, so in my waking non-office hours, I have a few other activities I enjoy. In the winter, I have a ski rack on my car and like to hit the nearby ski mountains in the evenings or on weekends. Come



summer, the ski rack comes off and is replaced with a kayak rack. After work, it is great to unwind either alone or with a friend on the Seneca River from the cockpit of my kayak.

Many years ago, I joined the local YMCA where many lawyers and judges congregate at noon for their workout time. At first, I felt a bit guilty taking time in the middle of the day to go running, but when I noticed many other successful attorneys running at noon, I swallowed any feelings of taking time away from billable hours and did the same. Since each year thereafter yielded a better bottom line than the previous one, I quickly concluded that running over lunch time helped rather than hurt my law practice.

My biblical and Spirit-filled Episcopal Church parish where I had worshiped for 31 years was a casualty of the disastrous litigation which has decimated that denomination over the last few years. After it was gone, I discerned the LORD's call to plant a new church. Now the small but growing Anglican Church I attend takes a fair amount of my time and energy. Anyone who has ever been involved in starting a new church knows that it gobbles up lots of your time. Those of you who have been involved with starting a new church can attest that church planting is more akin to a full time job than a free time activity.

So how does one fit it all into a busy law practice? The key is to refrain from compartmentalizing your life. Life should be seen

as one continuum of activity, instead of as many activities which all compete for your time. Many Christians make a big mistake when we perceive that we need to put each part of our lives into separate boxes. When we do this, we are allowing, and sometimes forcing, each compartment to compete with each other. If we do that, there will never be enough time in the day for any of these competing activities. Something else will inevitably squeeze out what we need to do or want to do. But if we think of our lives as a seamless flow of things which God has given us, we will have no conflict between the different aspects of our lives.

Jesus' life was not one of many disconnected activities. The apostles did not have work time and play time. The early Church Fathers and the Reformers did not advance the faith at one time, and then do something else at other times to unwind from their real jobs of proclaiming the Gospel of Jesus Christ. If their lives were a continuous movement to pursue God's will and to bring him glory, why should we do anything but follow their example?

I once spoke to a fellow lawyer, a committed Christian, about joining the Christian Legal Society. He declined. He answered that he did not want to mix his spiritual life with his professional life. I fully understood his reason. He wanted to put his Christian life in one box and his legal career in another. Perhaps he, likewise, had different boxes for family, friends, and pastimes. But if you do that, these different activities will compete with one

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Ashleigh Chapman, 31
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THE EARLY CHURCH FATHERS AND THE REFORMERS DID NOT ADVANCE THE FAITH AT ONE TIME, AND THEN DO SOMETHING ELSE AT OTHER TIMES TO UNWIND FROM THEIR REAL JOBS OF PROCLAIMING THE GOSPEL OF JESUS CHRIST. IF THEIR LIVES WERE A CONTINUOUS MOVEMENT TO PURSUE GOD'S WILL AND TO BRING HIM GLORY, WHY SHOULD WE DO ANYTHING BUT FOLLOW THEIR EXAMPLE?

ASTRONOMY, KAYAKING, SKIING, AND THE PRACTICE OF LAW *from page 25*

another and crowd one another out. The law practice is a jealous mistress, and she will consume the time that you would use for other things.

Some years ago, the Wall Street Journal started an ad campaign designed to convince people to subscribe to its newspaper with the slogan, "Only busy people have time to read the Wall Street Journal." It does take awhile to read a substantial body of material on a daily basis, but if that activity is an integrated part of what you do, it is not competing for your business life. It is a part of it.

Prayer time in the morning is the same way. How can any of us afford with the limited hours of our day to spend 15 minutes in prayer and bible reading? Or 30 minutes? Or an hour? If that time is seen as competing with the other limited time we have during a day, it will simply get squeezed out. But if that time is seen as an integral part of our entire day as Christians, then it becomes a joyful necessity for us.

This concept is especially true with how you understand time with your family. Is your husband or wife, children, or extended family a block of time which you need to fit into your otherwise busy schedule? Or is your life an integrated whole where the people you love are essential to you? In my law practice and among acquaintances, I have seen divorces simply because someone did not have enough time to squeeze "quality time" in for his/her spouse. Unfortunately, the abandoned spouse often wanders off and forms a relationship with someone else who is perceived to value the time spent with him/her instead of seeing it as a responsibility to be juggled with the various other responsibilities. If my wife feels that she is a part of my life, even if it is a busy one, she and I are partners. If she feels that she is just another of my many interests or activities, I am not caring for her as I should as her husband.

The lost art of friendship is another casualty of the compartmentalized life. Nobody wants a friend for whom they are just another relationship project to be squeezed into a busy life. If you have no friends, it may be because nobody wants to be one of those pastimes of yours. But if you approach others with the notion that they are part of your life, not one of your activities, you will discover that they will want to be your friend.

Having lots of other activities is not a way to crowd one's life. Rather it is a way to fulfill it. In the morning during my prayer time, I look at the morning sky in this often cloudy city and ponder whether it will be a good clear night for me to escape to my observatory and open my telescope to the stars. I

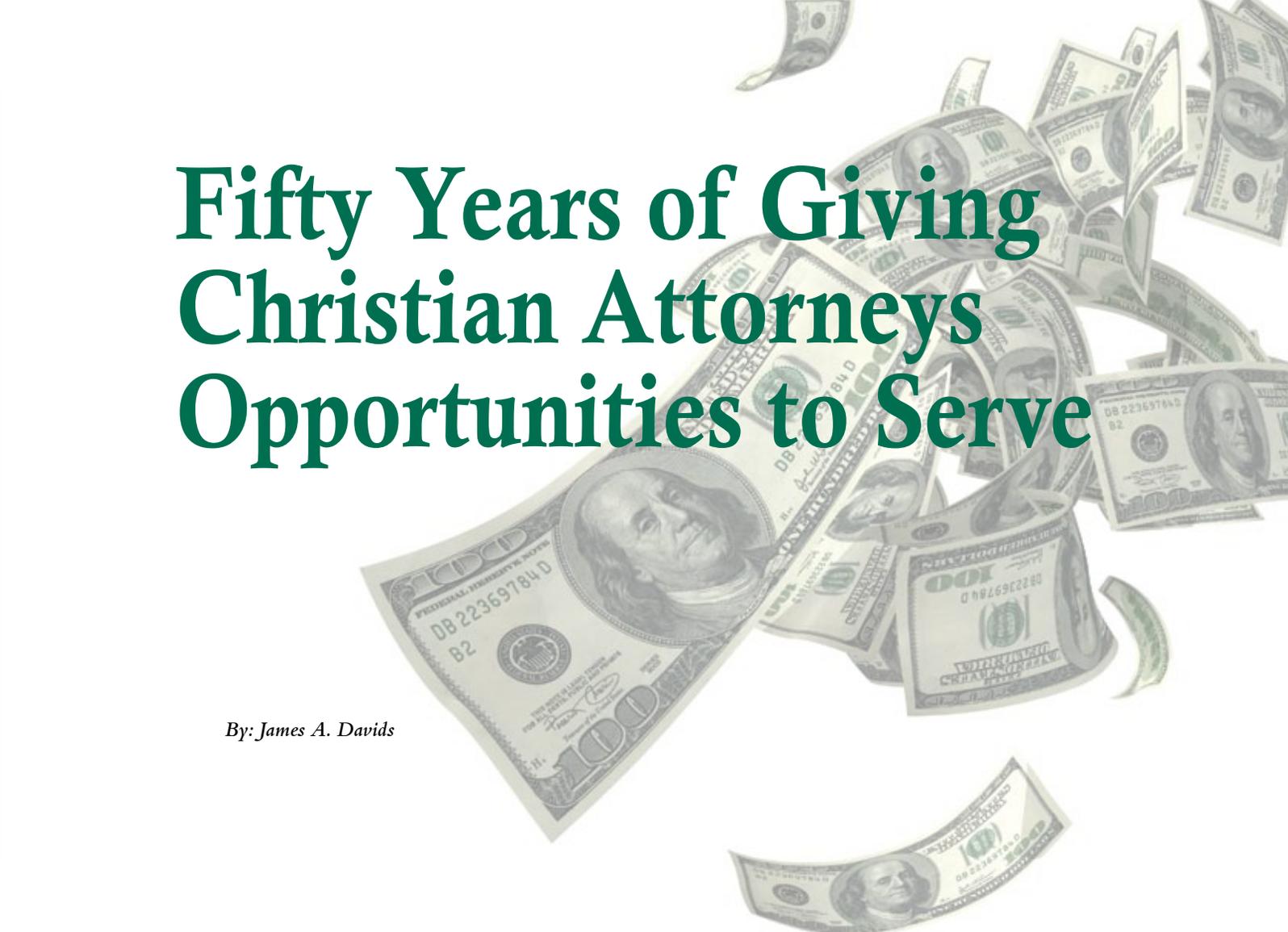


cannot spend time at my telescope eyepiece without pondering and praying in praise and thanksgiving to the God who inspired David to pen the words, "The heavens declare the glory of God, and the sky above proclaims his handiwork."

Of course, it helps to enjoy what one does for a living. I enjoy my law practice. I look forward to a morning at my desk or in the courtroom with the same gusto that I look forward to a night under the celestial dome. Both of those things are made for me by my LORD and God, and both have joys built into them for his glory and my pleasure. The key is to seek to discern and act upon God's will in the various aspects of our lives.



Raymond is married and resides with his wife Patricia and their sons Ryan and Kevin in Syracuse. He is a avid amateur astronomer, and is the observatory director for the Syracuse Astronomical Society. On dark clear weekend evenings he can frequently be found at the Astronomical Society's observatory in Tully, New York where he operates the telescope and shows visitors the wonders of God's creation in the night sky. His other activities include enjoying classical and baroque music, reading history, economics and politics, long distance running, downhill skiing, kayaking, photography, computers, woodworking, target shooting, hiking upstate New York trails, cultivating his rose garden, and following the activities of his sons.



Fifty Years of Giving Christian Attorneys Opportunities to Serve

By: James A. Davids

Let not your hearts be troubled. Believe in God; believe also in me. In my Father's house are many rooms. If it were not so, would I have told you that I go to prepare a place for you? And if I go and prepare a place for you, I will come again and will take you to myself, that where I am you may be also.
John 4:1-3, English Standard Version.

These words of Jesus undoubtedly brought great comfort to His disciples directly after the first Lord's Supper and soon before Jesus' arrest, trial and crucifixion. They bring hope and comfort to me two millennia later, just as they have brought comfort to believers during the intervening centuries.

Have you ever considered, however, the practical implications of these words? There have been many, many believers over the past 2000 years, as well as many before the time of Christ. How many rooms could there be? Will there be a separate room for everyone (certainly a preference for us Americans), or will there be large barracks that house us communally? If we have separate rooms, will they all be the same size and have the same furniture? If we live communally, will there still be some who snore (presumably not since we will have perfect bodies, but I have seen some young men in very good shape still considerably raise the decibel level at night on a church retreat when I am trying to get to sleep!)?

John Bevere in *Driven by Eternity: Making Your Life Count Today & Forever* argues that there will be a distinction between Christians in heaven, and to me that seems consistent with God's hierarchical nature. It is, of course, no "accident" that God created the universe in the specific order He chose, with man being God's ultimate earthly creation. It is also no random act that Lucifer was the top angel before his rebellion, and that God kept using specific angels (Michael and Gabriel) for specific purposes. There similarly was no random choice in Peter, James, and John accompanying Jesus to special places like the Transfiguration.

Given the fact that God is just and God is hierarchical, do you think that God will treat the saints in an egalitarian manner? Will Mother Teresa have the same sized room in heaven as yours? Will your room be similarly furnished and on the same floor as the Apostle James and Deacon Stephen who were martyred for their faith? Will the Apostle Paul's room be located in a more

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“I CERTAINLY BELIEVE IN *SOLE FIDE*, AND THAT THE REMISSION OF MY SINS IS BASED SOLELY ON MY FAITH IN CHRIST’S ATONING WORK AND NOT MY WORKS.”

FIFTY YEARS OF GIVING CHRISTIAN ATTORNEYS OPPORTUNITIES TO SERVE from page 27

prestigious place than yours (i.e., closer to the Throne Room)?

I certainly believe in *sole fide*, and that the remission of my sins is based solely on my faith in Christ’s atoning work and not my works. Although God’s grace and mercy are sufficient for my admission into heaven, however, God’s justice demands an accounting of my action on earth and will determine my status in regard to the Throne Room once I enter (my belief in a status delineation in eternity is, of course, not original, since Dante portrayed grades of hell in the *Inferno*).

God’s justice requires not only a distinction in status based on works, but also a distinction on what works one accomplishes by the gifts God has provided. Consider, for instance, the story of the Widow’s Mite and the Parable of the Talents. The Widow had little, but achieved significant recognition from our Lord because she gave what little she had. The Servant with five talents had to achieve another five talents to achieve the same recognition provided the Servant who achieved two talents after receiving two talents. The Contemporary English Version of Luke 12:48b states this principle well: “If God has been generous with you, he will expect you to serve him well. But if he has been more than generous, he will expect you to serve him even better.”

God has tremendously blessed Christian lawyers. God has made us some of the brightest and most hard-working people in American society. Because of these gifts, we command a level of income and influence way above the average American. Moreover, God has given us a passion for justice.

God has given us these special gifts and passions not simply to benefit us and our families, but also to benefit our neighbors, the lost and downtrodden. This call to service is not necessarily a general call, but a special call for a unique service. That is, although serving at a soup kitchen or providing volunteer hospice care or serving on a church governing board are all honorable and good things and help cultivate humility among lawyers who tend to take pride in the gifts God has given, other members of the Christian community can serve in these capacities just as capably as Christian lawyers. Other members of the Christian community cannot, however, give legal advice to a person at a homeless shelter or serve as local counsel in a case challenging a local ordinance which impedes the freedom of religion. No one can better connect with a lost and hurting lawyer than a Christian lawyer, and no one can better empathize with a depressed lawyer who has just lost a big case, has a mountain of accounts receivable, or was just tossed out of a partnership. No one in the world can better disciple a young lawyer or law student on how to integrate faith with the practice of law than a Christian lawyer.

This, then, is the countercultural case for CLS. It provides you, the Christian lawyer, with opportunities to do things that very

few Christians are capable of doing. Through the Center for Law and Religious Freedom, you can serve (as I did) as local counsel in a case challenging the religious discriminatory practices of a local municipality. Through Law Student Ministries, you can mentor a law student navigating the shoals of a secular law school in many ways challenging his faith. Through Legal Aid Ministries, you can devote a couple hours every few weeks to provide legal counsel to the poor in society, witnessing in action the transforming love of Jesus Christ.

The Holy Spirit through James tells us that faith without works is dead. Assuming the truthfulness of Martin Luther’s *sole fide*, a dead faith will allow one to gain entrance into heaven, but I suspect the dead faith believer will linger for eternity just inside the “pearly gates” or, as John Bevere writes, the dead faith believer will be found in the back rows of the Throne Room, far removed from Jesus’ Throne and those whom Jesus has asked to serve with him. To get closer to the Throne requires an active faith filled with works. The Christian Legal Society for 50 years has served Christian lawyers by providing opportunities for service uniquely designed for their abilities and passion. As we celebrate CLS’s 50th birthday, let us redouble our efforts to make use of the opportunities to serve which God has given us through CLS, and thereby scramble for a better place in eternity to bask even more completely in the glory and majesty of God.

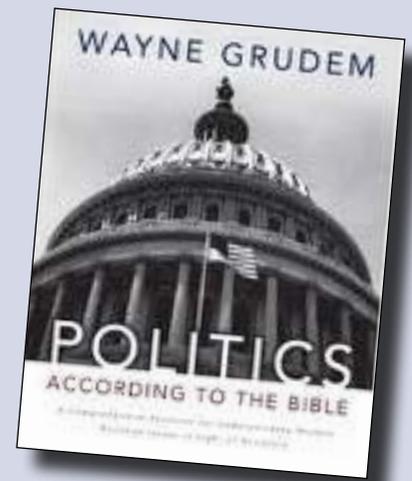


Jim Davids is an assistant professor in the Robertson School of Government at Regent University. He holds a joint appointment in the Schools of Government and Law, where he has taught U.S. constitutional history, election law, political philosophy, the Faith-Based and Community Initiative, Principled Political Action, Christian Foundations of Government and trial practice. Jim is the immediate Past President of the Christian Legal Society, which is the oldest and largest professional organization of Christian attorneys in the U.S. Jim previously served this Society as Legislative Counsel, during which he advocated on Capitol Hill for religious liberty and pro-life legislation.

Jim is currently pursuing a doctoral degree in Higher Education Administration at Regent University. Jim is a graduate of the Duke University School of Law, where he served on the Duke Law Journal. Jim is also a graduate of Calvin College in Grand Rapids, Michigan. This past fall he authored a law review article on the “pervasively sectarian test” that has discriminated against people of faith, last spring he authored a law review article on faith-based programs in prisons, he has co-authored an article on medical malpractice, he authored an article on Drug Enforcement Administration inspections, and he was the primary author of the 2001 and 2002 Annual Reports on the Faith-Based & Community Initiative Audits of the Office of Justice Programs, the Bureau of Prisons, and the Immigration and Naturalization Service, United States Department of Justice.

The Government's Role in Market Regulation and Economic Inequality

By Wayne Grudem



In my book *Politics According to the Bible*, I examine the role of government regarding a nation's economic system—private property, business, taxes, and so forth. This article summarizes those discussions in very brief form, while more extensive explanation will be found in the book itself.

(I am grateful to the editor of *The Christian Lawyer* magazine for the opportunity to publish this article, though I realize that not all Christians nor even all Biblical scholars faithful to the Word of God, will agree with all of my views, and I understand that the editor might even decide to publish an alternative viewpoint in some future issue. I hope this article will stimulate thoughtful discussion of these issues. I would encourage men and women of faith to thoughtfully consider not only this article but also other views consistent with the clear teaching of Scripture. I have tried to follow Biblical principles where the implications are clear, but a good portion of this analysis is more in the realm of reasoned application of Biblical principles than the realm of explicit teaching or direct application of Scripture.)

On Free Markets and Regulation

All modern societies agree we need some laws to prevent fraud and injustice in business transactions. For example, government should enforce contracts, and also impose some health and safety standards on the sale of medicines, foods, and other products. Government should enforce health and cleanliness regulations on public restaurants, and regulate weights and measures. Most people in modern societies would also agree that it works well for government to provide certain other goods that nearly everyone uses, such as roads, traffic regulation, an army and police force and a fire department, and perhaps a postal service. Beyond that, there is a large difference of opinion. Some people favor a “free market” approach to the rest of the economy, while others favor government ownership and control of the means of production and even property. My own view is that several factors support the idea that the *free market* is almost always a better way of solving an economic problem than government ownership or control.

- (1) The Bible's teaching on the role of government gives support to the idea of a free market, because I see nothing in the Bible's teachings that would give the government warrant to take over ownership or control of private businesses. The government is to punish evil and reward those who do good (1 Pet. 2:13-14) and enforce order in society. I do not think God intends it to own the property or businesses of a nation.
- (2) The Bible gives warnings against a ruler who would use his power to “take” what rightfully belongs to the people, including their fields and vineyards (that is, their businesses; see 1 Sam 8:10-18).

- (3) The Bible's teaching about protection of private property indicate that property rightfully belongs to individual people, not to the government (and businesses are one form of property). (Cf. Ex. 20:15; Lev. 25:10; 1 Kgs 21:1-29; Acts 5:4)
- (4) The Bible's emphasis on the value of human liberty (Ex 20:2; Isa 61:1; 1 Cor. 7:21; Gal. 5:1;) also argues for a free market system which allows *individuals* to choose where they work, what they buy, how they run a business, and how they spend their money. A government-controlled economy makes these decisions for people.
- (5) History demonstrates repeatedly that the free market brings better results than a government-controlled economy. What is meant by a “free market”? Here is my definition:

A wonderful, God-given process in human societies through which the goods and services that are *produced* by the society (supply) continually adjust to exactly match the goods and services that are *wanted* by the society (demand) at each period of time, and through which the society assigns a measurable value to each good and service at each period of time, entirely through the free choices of every individual person in the society rather than through government control. (But this process needs some government regulation to prevent wrongdoing such as theft, fraud, and breaking of contracts.)

When I say the free market brings “better results,” I mean the following:

- (a) A free market is better at producing goods and services. The economic “goods” the free market produces are of better quality, at a lower price, and are the goods people *actually want* rather than the goods some government agency tells them they *should* want.
- (b) A free market allows people freedom to work at the jobs they choose, encourages people to get better training for the jobs they seek, and encourages people to perform better when they know they will be rewarded for better quality work.
- (c) A free market gives an employer the benefit of being free to *hire* the employees he or she thinks are best-suited for the job, and *not* to hire (or else to fire) those whose work is not providing adequate value to the company. This process improves the economic productivity of individual businesses and the nation as a whole.

Continued on page 31

SOME PEOPLE FAVOR A “FREE MARKET” APPROACH TO THE REST OF THE ECONOMY, WHILE OTHERS FAVOR GOVERNMENT OWNERSHIP AND CONTROL OF THE MEANS OF PRODUCTION AND EVEN PROPERTY. MY OWN VIEW IS THAT SEVERAL FACTORS SUPPORT THE IDEA THAT THE *FREE MARKET* IS ALMOST ALWAYS A BETTER WAY OF SOLVING AN ECONOMIC PROBLEM THAN GOVERNMENT OWNERSHIP OR CONTROL.

THE GOVERNMENT'S ROLE IN MARKET REGULATION AND ECONOMIC INEQUALITY *from page 29*

- (d) A free market offers greater consumer satisfaction by producing the goods and services people actually want.
- (e) A free market—unlike any government agency, no matter how large—is able to have enough information to predict accurately the economic wants of millions of people at any day in the future, at least to do so far enough in advance to plan effectively to meet those wants. The free market does this by itself, without anybody overseeing it. That is why I can go to a grocery store at any hour of the day or night and find the fresh milk and eggs that I came to get.

Governmental distortions of the free market mean market prices are no longer a good signal of consumer demands or producer supplies. Supply and demand will not match, and the market will not naturally “clear.” Overproduction and waste of some things and underproduction and rationing of other things necessarily result. Both are very costly to an economy. Waste costs the public more tax dollars and the freedom to spend those dollars. Rationing costs the public more time and personal freedom.

On Economic Inequality

The Bible does not *assume* that rich people have somehow gotten their wealth unjustly. Nor is there any suggestion that governments have the right to take money from wealthy people *simply because they are wealthy*.

The emphasis in Scripture is on treating both rich and poor *fairly and justly* (Ex 23:3, 6). If they have done wrong, they should be penalized, but if they have not done wrong, they should not be punished (Prov 17:26; 1 Pet 2:14). Yet, wealth or poverty do not by themselves accurately indicate the morality of a person's conduct in society. It is unfair—and contrary to the teaching of Scripture—to stereotype all rich people as “evil” or “probably evil,” or to assume they have made their money in unjust ways. What about the attitude that says that money should be taken from the rich because “they can afford it” or because “it won't hurt them”? The teaching of Scripture is this: “You shall not steal” (Exod. 20:15). It is not right to steal from the poor, nor is it right to steal from the rich.

But should government try to *equalize* the amount of income or possessions that people have, or take actions that move in the direction of equality?

First, I think there is some need for government-supported welfare programs *to help cases of urgent need*. I also think it is appropriate for government to provide enough funding so that everyone is able to *gain enough skills and education to earn a living*. So with regard to some basic necessities of life (food, clothing, shelter, and some education) I think it is right for government to

“take from everybody else and give to the poor.” This is justified by the Bible's teaching that the civil authority is “God's servant for your good” (Rom. 13:4). Surely doing “good” for society has to include seeing to it that nobody lacks such basic necessities as food, clothing, shelter, and the skills to earn a living. Such assistance can be provided from general tax revenues. But notice that these convictions are based on the purpose of government *to promote the general well-being of the society*, not on any vague instinct that it would be “more just” to reduce the differences between rich and poor.

Yet apart from these basic requirements, I cannot find any justification in Scripture for thinking that government, as a matter of policy, should attempt to take from the rich and give to the poor. In fact, when government attempts to equalize the differences between rich and poor in a society, significant harm is done to the economy and to the society.

I realize, of course, that sometimes people are poor because of oppression or injustice, or because of personal tragedy or misfortune. I think both the church and the government should give help to such people, and governments should punish injustice.

But apart from injustice and personal tragedy, in a free society, with no government confiscation of wealth, the amount of money people earn will still vary widely, because people have different abilities, different interests, and different levels of economic ambition. Therefore, *if people are free from government intervention*, some will become very wealthy, others will have a comfortable level of income, and some will remain relatively poor. If the economic system is relatively free, this is simply going to happen.

And even if, through some kind of social experiment, everyone in some city were given \$100,000 cash to start with, after a few weeks some would have spent it all, some would have saved most of it, and some would have invested most of it in activities that produce more income. After a few months there would be significant inequalities all over again. This is inevitable *as long as people are allowed to be free*.

Then how could any government *force* people to have equal amounts of possessions? Only by continually redistributing money, taking from those who have been frugal and productive, and giving to many other people, including those who have been unproductive or who have wasted their money. In other words, equality of possessions could not be maintained apart from continually *penalizing good habits* and *rewarding bad habits*. The longer this continued, the more the society would spiral downward into poverty and despair. This has been the inevitable result in Communist societies.

It works in the same way, but to a lesser degree, when government attempts not to equalize possessions but to equalize differences in *income* levels. Governments can use their power to *impose* income equality on a population, but wherever this happens (as in Cuba, North Korea, or the former Soviet Union), it is brought about through severe restrictions on human freedom,

and it traps most of the nation in the “equality” of poverty.

In such “equal” societies, even if people are equal in their economic possessions, they will inevitably be unequal in terms of political power and government-allocated privilege. If economic inequality is removed, it is simply replaced by inequality in privilege and vast benefits that come from high political power. It should not be the role of government to equalize income or possessions among people in a society.

Still, it is right to help the poor—several verses in Scripture command it (Rom. 15:25–26; Gal. 2:10; 1 Jn 3:17). However, we must remember that welfare payments that meet short term needs will never provide a long-term solution to poverty. If welfare payments become the only solution to poverty, these payments simply have to be repeated again and again, and the recipients are still poor. The only long-term solution to poverty comes when people have enough skills and discipline to get and retain economically productive jobs.

The government itself cannot provide people with economically productive jobs (except for some government-funded jobs such as police and fire protection, highway maintenance, and so forth). By far the largest number of economically productive jobs—jobs that actually contribute something new of value to a society—are found in the private sector. Every successful business gives people economically productive jobs for which they are paid, and in that way it contributes value to the society. The poor person working at such a job is paid according to that added value, and thus begins to climb out of poverty.

This should happen—God intends people to be economically productive. He put Adam in the Garden of Eden “to work it and keep it” (Gen. 2:15) before there was any sin or evil in the world—productive work is an essential part of how God created us as human beings. Therefore Paul could command the church in Thessalonica to work (1 Thess 4:11–12). God actually created us with a need for food to survive, at least in part because this provides an incentive to regular work (Prov. 16:26).

Therefore, for those who desire to help the poor and overcome the problem of poverty, their primary goal should not be to increase government handouts, but to provide incentives and appropriate conditions for privately-owned businesses to grow and thrive and thus provide the jobs that will be the only long-term solution to poverty and the only way for the poor to gain the dignity and self-respect that comes from supporting themselves.

Governments therefore should encourage the development and profitability of businesses. Such encouragement would include a free market with a functioning price system that guides the allocation of resources, a stable monetary

The views and theology that are expressed in this article are those of Wayne Grudem and should not necessarily be understood to be the views and theology of the Christian Legal Society.



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Comprehensive Resource for Understanding Modern Political Issues in Light of Scripture (Zondervan, 2010).

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THANKS FOR THE MEMORIES AND MINISTRIES

By Brent Amato

Paul's words to a church of believers, "I thank my God in all my remembrance of you..." (Philippians 1:3), have become my words to CLS and its members and staff.

Two snapshots frame my CLS journey. The first picture I have is in 1972, as a 2 L, sitting in an office with my first boss in the law profession, Burt Erickson. We discovered that day that we were both involved in CLS. He was an experienced and Spirit-filled attorney whom I discovered was one of the "Founding Fathers" of CLS. I was a clueless young Christian and law student. The second picture is at the CLS Board Meeting at this year's National Conference as I went off the Board of Directors due to a corporate governance mandate on permitted tenure. (You can tell you've been involved in an organization for a long time when you get kicked off the Board twice!)

Though my CLS journey is not over (I'm a self-confessed "lifer"), I have found myself engaging in more personal "inventories" as I grow older. This seems like an appropriate time to stop and reflect. We are told "He has made His wonders to be remembered" (Psalm 11:4), "Forget none of His benefits" (Psalm 103:2) and to "Raise our Ebenezers" ("memorial stones" as in Joshua 4 and I Samuel 7:7-13). For a moment, indulge my CLS remembrances. Joshua's stones were (i) to verify that God was leading the Jewish nation and their leader, (ii) to help them remember a miracle of God, (iii) to teach the world to know God's power and (iv) to move the Jewish nation to reverence for God. There are at least four blessings which my association with CLS has indelibly etched on my mind and heart.

"Not forsaking our own assembling together...but encouraging one another..." (Hebrews 10:25) "Diligently help Zenas the lawyer...on [his] way so that nothing is lacking for [him]." (Titus 3:13) CLS members and staff have greatly encouraged me along the way. In 1975, the secretary to the CLS Executive Director arranged a blind date for me with her niece, who became my life partner. We are about to celebrate 35 years of marriage. As I have always said, any organization that can get me a life partner deserves my undying devotion! As that 2 L, Burt sponsored me to attend the first ever CLS National Student Leadership Conference in Mt. Hermon, California. So many of the CLS family have prayed for me and my family over the years. Burt and other CLS Christian attorneys have taught me how to integrate my faith and my practice. I have been the beneficiary of huge support and care through CLS. In addition to all this, I am mindful of special people affiliated with CLS who also

encouraged my family. Pat Dague and Laurelynn Claybrook, two fellow spouses of CLS members, had a "Tea" with my wife during a very challenging season of her life. They shared tears and laughter and counsel that was just what my wife needed. Nancy Welch, a staff member, carved time out of her schedule to meet one-on-one with my elementary school daughter. Merle Johnson, a CLS member, drove two hundred miles to assist my daughter in rendezvousing with her musical ministry group on tour in a western state. Mary Libby Payne, a fellow Board member, prayed for years for my daughter's vocational path. Gary Maeder, a CLS member and fellow Board member, was a "lifeline" for my son who was all alone in Los Angeles on a vocational adventure. Craig Shultz, another CLS Board member and past President, gave my son who was a rabid baseball fan, a collector's baseball card of his favorite now retired player. I thank my God in all my remembrance of the encouragement from so many people who were associated with CLS!

"For they have refreshed my spirit..." (I Corinthians 16:18) I'm no different than you -- Life is not easy and it does take its toll on the human spirit. The deserts of life cannot be avoided and all of us need "cups of cold water". The law profession itself, whether a "jealous mistress" or just providing its singular set of challenges, aggravates our condition. I have found over the years that CLS has been that oasis for me -- a group of people who understand my path, which few others can. Whether it be the wise counsel of Jay Poppinga, a past CLS Board member and President; the devotional books given to me by Chip Grange and Wally Larson, other Board members; or the infectious spirit of "The Funmeisters" (Staff member, Nancy Welch, and fellow Board members, Karon Bowdre, Laura Horton and Rob Showers), the fun and fellowship that I have shared with them have always refreshed me physically, mentally, emotionally or spiritually.

Over the years, CLS Conferences and Board meetings have been "mountain-top" experiences. The opportunity to gather with fellow Christian attorneys who love Jesus and rub "spirits" is the greatest. From one-on-one time with others, to deliberating in Board rooms, to sitting in a banquet hall with hundreds of conference attendees, to dinner dates with Bev Ellis, I have always come away refreshed. During my CLS presidency (1994-1996), I adopted as my platform, "Food, Fun and Fellowship". This emphasis didn't get in the way of my presidency, and I've found that it has been a true description of my CLS experience

“...WHOEVER SERVES, LET HIM DO SO AS BY THE STRENGTH WHICH GOD SUPPLIES; SO THAT IN ALL THINGS GOD MAY BE GLORIFIED THROUGH JESUS CHRIST, TO WHOM BELONGS THE GLORY AND DOMINION FOREVER AND EVER. AMEN.” (I PETER 4:11)



and served me well. I thank my God in all my remembrance of the refreshment from CLS experiences!

“...Whoever serves, let him do so as by the strength which God supplies; so that in all things God may be glorified through Jesus Christ, to whom belongs the glory and dominion forever and ever. Amen.” (I Peter 4:11) CLS offers a variety of ways to serve lawyers and law students and others in our society and around the world in the arenas of religious freedom, legal aid and Christian conciliation. God has permitted me primarily to serve lawyers and law students in speaking, teaching and discipleship and to engage in Christian conciliation,

many times in spite of myself. Who am I to have had all these opportunities? I do know that CLS has provided the forum for God’s graciousness in enlisting me for His service. There have been too many people and too much Christian peace-making to recall, much less recite, but like a tapestry or mosaic, they all fit together in some way and richly dwell in my mind and heart. I recall shortly after my law school graduation, Lynn Buzzard, then the Executive Director of CLS, approached me with what he described as a “wild idea”. He said, “How would you like to serve on the CLS Board?” I promptly reminded him that as a recent law school grad, I really had nothing to bring to the table. He was quick to add, “Well, don’t worry, it’s only an experiment.” Now after over thirty years of Board service (with one year off due to that corporate governance tenure rule), I stand amazed at the myriad of service opportunities! I often wonder how the “experiment” has fared, but God has blessed me nonetheless. I thank my God in all my remembrance of service through CLS!

“And the things which you have heard from me in the presence of many witnesses, these entrust to faithful men, who will be able to teach others also” (II Timothy 2:2). At Burt’s suggestion, I recall memorizing with him portions of Psalm

119 (“Meditations and prayers relating to the law of God”) in his office. My young son certainly grasped this spiritual process quicker than I did. During one CLS conference, my family was riding in a car with Burt’s wife, Pat and “out of the mouth of babes”, my son just blurted out: “I don’t know what Dad would have done without Burt!!” Experiences like learning from Burt, Skeeter Ellis, John Robb and others constantly comparing notes with my CLS peers; hanging out with law students since my law school graduation until most recently at a lunch with a 1 L starting at Marquette Law School have enabled me to personally and richly experience what this verse espouses. I thank my God in all my remembrance of the legacy in CLS!

As you can see, for me, CLS has always been more about people than programs, more about relationships than reports, more about fellowship than financial statements. CLS has been more than an organization -- it has been a family to me and my family.

The personal “snapshots” of encouragement, refreshment, service, and legacy are illustrative of the blessing that CLS has been to my life, but they are not exhaustive. They are the tip of an almost 40 year iceberg of blessings. In reading this article, you may be frustrated because you do not know some of the people I have referenced or because I didn’t mention you, but could I encourage you to focus less on the persons in my snapshots than on the CLS blessings they represent? As I grow older and consider my affiliations with various organizations, I think more about the “return on my investment” for Christ’s sake. With the exception of my local church of about 35 years, there is no other organization with a higher “return” than CLS. I am eternally grateful beyond measure for all those blessed memories and ministries.

Before you put this Journal down, take a moment to reflect on and remember your own CLS experience and some of the special people you have encountered along the way. May you have a similar story to tell and may it be told!



Brent is a family man, married to Sherrie since 1976 and father of two adult children, Jason and Kristin. While he has practiced business/corporate law in the Chicagoland area since 1976 and currently serves as Vice-President, General Counsel for Heritage-Crystal Clean, he has journeyed on a parallel ministry path for over thirty-five years. Brent has served Christian Legal Society, as a former President and current Board member and Chair of the Law Student Ministries Committee. He serves as a Certified Conciliator for Peacemaker Ministries. He teaches Business Law as an Adjunct Professor at Judson University.



The End of Pluralism?

By Kim Colby

The End of Pluralism?

For fifty years, Christian Legal Society has defined itself by a statement of faith, simple words that express core Christian belief. Intentionally broad, CLS's statement of faith declares central beliefs that Christians from diverse faith backgrounds would be expected to share. The purpose is to unify Christians in the law, not divide.

But statements of faith have gone out of fashion. As Justice Kennedy admonished in his concurrence in *CLS v. Martinez* (2010), "The era of loyalty oaths is behind us."¹ Never mind that Justice Kennedy himself, as a federal judge, has sworn an oath of loyalty to the Constitution. Disregard the fact that nearly every Supreme Court session begins with attorneys taking a loyalty oath to the Constitution in order to gain admission to the Supreme Court Bar. Conflating loyalty oaths and the 2000 year-old Christian practice of defining its community around a statement of faith, Justice Kennedy has declared that loyalty oaths, statements of faith, or whatever, are passé.

The one acceptable truth, according to the current elite, is that truth is nonexistent – or truth is relative – or truth is individually determined. Select your personal preference, but only one of these statements can be true, if they are not all false. Right and wrong are quaint anachronisms. Moral standards are simply religious repression to be resisted -- until the promising young congressman sends one too many self-photos. Then our society re-discovers truth, right and wrong, and moral standards -- at least for a week.



Truth is then conveniently re-shelved until needed again.

And so we come to Vanderbilt University, a respected private university that has decided that religious belief has overstayed its welcome on its campus. In the fall of 2010, a Christian fraternity allegedly expelled a member for homosexual practices in violation of the fraternity's code of conduct for its members.

In response, Vanderbilt instituted a postmodern witch hunt for all student organizations that were "discriminators." The usual suspects were rounded up: the CLS chapter, an IntersVarsity affiliate, and Fellowship of Christian Athletes, among others. Each re-submitted their constitutions, adding the changes they could in good conscience make. Nonetheless,

they were placed on "provisional" status until they caved to the university's demands.

And what are those demands? In a remarkable email to CLS dated August 9, 2011, the university determined that CLS's constitution could not be approved because it requires its student leaders to affirm its statement of faith. According to the university, "Vanderbilt's policies do not allow any student organization to preclude someone from a leadership position based on religious belief."

Nor do CLS's transgressions end with its statement of faith requirement. The CLS student constitution observes that "[e]ach officer is expected to lead Bible studies, prayer and worship at Chapter meetings as tasked by the President." This too is forbidden because, according to the

“IN A COUNTRY FOUNDED AND CONSTANTLY REPLENISHED BY IMMIGRANTS SEEKING RELIGIOUS FREEDOM, A HIGHLY RESPECTED UNIVERSITY IS EXPELLING RELIGIOUS GROUPS FROM CAMPUS BECAUSE THEY HAVE THE AUDACITY TO INSIST THAT THEIR LEADERS MUST SHARE THEIR CORE RELIGIOUS BELIEFS.”

university, “[t]his would seem to indicate that officers are expected to hold certain beliefs. Again, Vanderbilt policies do not allow this expectation/qualification for officers.”

In a country founded and constantly replenished by immigrants seeking religious freedom, a highly respected university is expelling religious groups from campus because they have the audacity to insist that their leaders must share their core religious beliefs. And all of this is done in the name of “nondiscrimination.” Nondiscrimination policies serve vital purposes. But to use a nondiscrimination policy that is intended to *protect* religious students to *penalize* those students mocks nondiscrimination policies and the essential good they serve.

The CLS student chapter, led by second-year law student Justin Gunter, has stood fast. Its faculty advisor, Professor Carol Swain, has passionately and courageously expressed her views in the media. The student president of the College Republicans, Stephen Siao, has been outspoken in his support of his fellow students. Hundreds of Vanderbilt alumni have written the chancellor and the board of trustees to express their dismay at their alma mater’s insensitivity to religious liberty.

Other religious groups have rallied against the policy. Despite their having university approval to meet, the Vandy Catholics have organized prayer vigils on campus. The Catholic chaplain, Father John Sims Baker, has eloquently told the administration that the new policy is incompatible with the university’s approval of the Catholic student group, which may have to leave campus if the new policy is not reversed. The United States Conference of Catholic Bishops, the Southern Baptist Commission on Ethics and Religious Liberty, and the National Association of Evangelicals joined a letter urging the university to reconsider its intolerance.

The outcry is not limited to the religious community. In a letter to the chancellor, twenty-three members of Congress condemned the university’s stance. Numerous commentators have derided the policy, including George Will. Charles Haynes, a nationally syndicated columnist who is affiliated with the First Amendment Center, which has an office on the Vanderbilt campus, has expressed his support for the religious groups. John Roberts, a senior correspondent for Fox News, came to Vanderbilt to report directly on the situation. A nonpartisan, pro-speech group that monitors campus freedom, the Foundation for Individual Rights in Education (“FIRE”), protested Vanderbilt’s assault on students’ freedom of speech and association.

A national conversation about the future of religious liberty and pluralism in America has been triggered by Vanderbilt’s treatment of religious student groups. If, on pain of banishment from campus, religious groups must forfeit their right to have religious leaders, our culture’s respect for religious liberty is lost. But equally importantly, our nation’s commitment to pluralism is lost. The university’s relentless secularization of the marketplace of ideas is fundamentally incompatible with both religious liberty and pluralism.

An Intervarsity staffer at Vanderbilt, Trish Harrison Warren, wrote a thoughtful plea for pluralism and religious liberty for the student newspaper, in which she warned:

The tragedy of removing some religious organizations from campus would not be merely the loss of religious liberty, an enormous and embarrassing loss indeed, but also the tacit admission by the administration that pluralism is not, in the end, a possibility. It’s an admission that, at the end of the day, the university must ask student communities to surrender their particularities to guard against controversy and debate.

Our social responsibility in a diverse university is to protect and preserve ideas, not only one’s own ideas or popular ideas, but all ideas that are peacefully and thoughtfully expressed. I’ve seen this lived out beautifully these past months as students and campus chaplains, despite real differences in belief and practice, have met, dialogued and sought together to preserve liberty on campus for all student groups. This is the promise of pluralism—that communities can have opposing ideologies, yet not silence one another, but instead learn to live as neighbors and, more radically, as friends.²

Allowing religious student groups to maintain their unique religious identities promotes a healthy intellectual, social, and religious diversity on campus. Vanderbilt is not simply silencing religious voices, but reasonable voices that call upon the university to practice the tolerance and diversity that it preaches, if only for the sake of American pluralism.

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SHAPING THE NEXT GENERATION OF LAWYERS: A Call to the Christian Legal Community

By Jeffrey A. Branch

Long accustomed to conferring grades, law schools have recently been receiving them. In several comprehensive evaluations, particularly the Carnegie Foundation's highly influential 2007 study, *Educating Lawyers*¹, evaluators have been thoroughly assessing how law schools train our students.

The results have been mixed. Carnegie concluded that law schools do one thing very well—teaching students legal doctrine and skills of legal analysis. Carnegie also concluded, however, that law schools fall short by not providing an apprenticeship in two other areas: lawyering skills and professional identity.

Regarding lawyering skills, Carnegie called for schools to do more to teach practical lawyering skills—and to do this from the very start of law school, intertwining doctrinal teaching with practical skills relating to the doctrinal area. Law schools have responded favorably and meaningfully to this call.

Equally important in training the next generation of lawyers is Carnegie's second call—for law schools to provide an apprenticeship in professional identity. Professional identity “draws to the foreground the purposes of the profession and the formation of the identity of lawyers guided by those purposes.”² To Carnegie, an apprenticeship in professional identity means training students both in professional ethics and professionalism, what it called “the wider matters of morality and character.”³

Carnegie's call for an apprenticeship in professional identity has received much less attention from the legal academy. Yet, it is vitally important. It is also one that Christian law schools and Christian lawyers are well-suited to answer. In this short article, I will explain why—and why this is a unique moment of opportunity for the Christian legal community.

I. Carnegie's Call for an Apprenticeship in Professional Identity

Effective lawyers need more than an ability to think analytically and to be skilled in the courtroom or at the negotiating table. According to Carnegie, “The kind of personal maturity that graduates need in order to practice law with integrity and a sense of purpose requires not only skills but qualities such as compassion, respectfulness, and commitment.”⁴ Lawyers are charged with caring for broad issues of justice, peacemaking, and problem-solving. Thus Carnegie calls for training in virtues of “integrity, consideration, civility, and other aspects of professionalism.”⁵

Carnegie found such professional identity training largely absent in law schools. While all schools offer Professional Responsibility courses, those courses rarely address issues of professionalism. Indeed, they rarely discuss right or wrong; instead, they deal with what is sanctionable or not sanctionable. Further, moral discussions are usually considered irrelevant and out of bounds. This is true from the beginning of students' law school experience. “In their all-consuming first year, students are

told repeatedly to focus on the procedural and formal aspects of legal reasoning, its ‘hard’ edge, with the ‘soft’ sides of law, especially moral concerns or compassion for clients and concerns for substantive justice, either tacitly or explicitly pushed to the sidelines.”⁶

The lack of attention given to professionalism and professional identity has had serious consequences. Carnegie concludes that it has led to a “crisis of professionalism” that shows itself in several ways: “[A] decline of civility and an increase in adversarialism, a decline in the role of the counselor and in lawyers' competence, including ethical competence, and a new sense of the law as a business, subject to greater economic pressures and answerable only to the bottom line. Others note a loss of calling and sense of purpose among lawyers.”⁷

Of course, it did not take Carnegie to tell us this. Numerous studies have found widespread unhappiness and even disillusionment among lawyers regarding their roles as well as widespread distrust and skepticism about lawyers among the general public. Between 25 and 40 percent of lawyers are dissatisfied with their jobs or fail to gain personal satisfaction from them.⁸ Some polls show that half of practicing lawyers “would not choose again to be a lawyer or would change jobs if they had a reasonable alternative.”⁹ Lawyers are 3.6 times more likely to suffer from depression than other employed persons.¹⁰ As for the public's view, in a recent Gallup poll asking the American public to rate different professions in terms of honesty and ethics, only 17% of responders rated lawyers either high or very high.¹¹

II. Why Christian Law Schools and Christian Lawyers are Well-Suited to Answer the Call

A. Christian law schools and an apprenticeship in professional identity

There has never been a more strategic time for Christian law schools. We offer answers to the joint challenges of disillusionment and distrust; we are poised to mold students' character and to give them a clear sense of purpose and role as they enter the legal profession. We are perfectly suited to offer an apprenticeship in professional identity.

For one thing, issues of character, morality, and purpose are not viewed as irrelevant or out of bounds. Indeed, they are central to our mission. Regent University School of Law's mission, for example, calls for us to “nurture and encourage” our students “to pursue true justice through professional legal service.” We believe law is a calling. Lawyers have the opportunity and responsibility to seek the good of their clients and communities with skill, integrity, and honor.

At Christian law schools, this mission should shape the classroom. Professional Responsibility class looks different at Regent than it does at most schools. While we of course teach

ON A DAILY BASIS, AS CHRISTIAN LAWYERS YOU MAKE DECISIONS ABOUT HOW THE LORDSHIP OF CHRIST AFFECTS YOUR WORK AND YOUR RELATIONSHIP WITH CLIENTS, PARTNERS, JUDGES, AND OPPOSING COUNSEL.

the rules of professional conduct, we go further. We address broader concerns of how lawyers ought to handle difficult issues that inevitably come up in practice. We consider how one can go beyond simply avoiding sanctions to doing what is good and noble. In addition to a final exam, students are required to write a reflection paper at the end of the course setting out their own personal philosophy of lawyering. The goal is for students to make decisions while in law school—before they are in the heat of battle—about what kind of a lawyer they will be.

Considerations of character and purpose should not be confined to Professional Responsibility class. They should be addressed throughout the curriculum. In a Regent Civil Procedure class, for example, students are challenged to consider how to address dilemmas they may confront during the discovery process. How does the Christian lawyer display the character of Christ when confronted with temptations to hide or shade truth?

Outside of class, too, Christian law schools can directly address issues of character and purpose. At Regent, in addition to chapels and Bible studies, we have added an extra ten minutes to each class (beyond what is required for credit at an ABA-accredited school) for a time of prayer and devotion. This allows us not only to seek God's guidance and blessing in our academic endeavors but to explore how a follower of Jesus Christ can display Christ's character in the profession of law. Similarly, we have an annual student-faculty retreat where we put the books to the side and talk together about what it means to be a Christian law student and lawyer. We find that this retreat challenges both professors and students and helps restore a sense of purpose and calling.

B. How Christian attorneys can help

Practicing Christian attorneys are desperately needed in providing an apprenticeship in professional identity. Indeed, we have never needed you more. As law schools discuss character and purpose, students enjoy hearing from their professors. But they know we are (for the most part) removed from the daily practice of law. Students respond most enthusiastically to non-professor lawyers who share their own experiences of following Christ in practice.

On a daily basis, as Christian lawyers you make decisions about how the lordship of Christ affects your work and your relationship with clients, partners, judges, and opposing counsel. You are considering what it means to be a counselor at law, permitted by the rules of legal ethics to "refer not only to the law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation."¹² You are thinking through a Christian perspective on what cases to take, clients to represent, and positions to stake out. You are determining how a Christian litigator can be aggressive, effective, and thoroughly ethical. For those working in places like the United Nations or the European Court of Human Rights, you are determining how, as Daniel, Joseph, and Obadiah did in generations before you, to advocate for a biblical view of human rights in an, at times, hostile environment.

We need you. Our students need you. Get involved with the CLS chapter in your local law school. Offer your experience by speaking at a chapter lunch meeting. Mentor a young man or

woman who wants to learn what it means to follow Christ in the legal profession. Teach as an adjunct professor. You may wonder if you can be open and transparent about things that matter in a secular or public law school environment. You can. Law schools know that legal doctrine and analysis are no longer enough. Students must be challenged to think about issues of character, morality, and purpose. The door is wide open for you to share your values, commitments, and experiences in a meaningful way. You will be enriched and you will shape lives and even the future of the legal profession.

Conclusion

These are exciting days for the Christian legal community. A call has gone forth for something that we are uniquely positioned to provide. Let's answer that call.

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Jeff Brauch received his B.A. with distinction from the University of Wisconsin in 1985. He received his J.D. with honors from the University of Chicago Law School in 1988.

After graduating from law school, Brauch was a law clerk for Justice William Callow of the Wisconsin Supreme Court during the 1988-89 term. He then worked five years as an associate with the Milwaukee law firm Quarles & Brady, where he specialized in commercial litigation.

In 1994, Brauch joined the faculty of Regent University School of Law. From 1999-2000 he served as the school's interim dean and he has served as dean from September 2000 through the present. Brauch has taught Civil Procedure, Christian Foundations of Law, Appellate Advocacy, International Human Rights and other courses. He has served as director of Regent's Summer Program in International Law and Human Rights in Strasbourg, France in the summers of 1999-2001, 2003, 2007, and 2010.

Brauch has published two books, *A Higher Law* (2008) and an earlier edition, *Is Higher Law Common Law* (1999). He has also published eighteen articles on topics related to international human rights, integration of faith and law, and ERISA litigation.

Brauch and his wife Rebecca were married in 1987, and they have four children: Cyndi, Melissa, Christina, and Jeffrey.



The Blessings of Being Involved in a Local Chapter

By Joseph A. Ruta

Without the fellowship and community of my local CLS chapter in New York City, I question whether I would still be practicing law. When I graduated law school in 1992, I was excited to start my first full-time legal job in Manhattan. Within the first two weeks of work, my enthusiasm had waned, and I questioned whether I wanted to be an attorney. I remember a particular case where I asked a co-worker about serving all of the defendants in a litigation matter with copies of discovery responses. My co-worker told me, “In our office we just serve the defendant who made the demand.” After looking at the Civil Practice Law and Rules (“CPLR”), it was clear to me that all of the defendants needed to be served with the responsive discovery. When I approached my boss with the findings of my legal research, he dismissed my conclusion that all of the defendants need to be served and told me, “You listen to me; I am the CPLR.” At that point, I knew I needed to seek fellowship with other Christian attorneys to see how they were dealing with practicing law in NYC. I decided to attend an evening meeting of the local CLS chapter in NYC in December of 1992 at a place call the Heptasaba House.

When I showed up for the meeting, I was amazed at the fact that there were about 30 other attorneys who attended the meeting. In my naiveté, I didn’t even think

that there were 30 attorneys in NYC who were practicing Christians at that time. Everyone at the meeting was so friendly and hospitable that I was questioning whether they were really NY attorneys. What a relief it was to be able to hear them discuss the meaning of practicing law in New York as a Christian attorney. Attorneys were actually grappling with what it meant to represent their clients zealously while still upholding the standards of the Bible and the rules of ethics. Attorneys were really concerned with what the Bible had to say about treating support staff and superiors in a manner that was pleasing to the Lord. At the meeting I was able to share my difficult experiences at work with a few attorneys during small group discussion. I immediately learned that I was not the only person dealing with a tough work experience. I also realized that, by sharing my situation with other believing attorneys, the feeling I had that I was going at it alone was eradicated. In fact, I was no longer going at it alone but had others who were faithfully encouraging me and praying for me.

After settling a litigation matter in 1994, I had the opportunity to start my own practice. However, it was not an easy decision since it involved a fair amount of risk and because I had only been practicing law for two years. The counsel of other Christian attorneys at our local CLS chapter was crucial in helping make the

difficult decision to start my own practice. They not only gave me good counsel with regard to going out on my own, but the attorneys from my local chapter also helped me find office space and gave me great advice on various aspects of opening my office. Practicing on my own during the first couple of years was not easy, however, it was so much better than having to deal with ethical dilemmas and a difficult work environment.

The excellent advice and support from fellow attorneys at the chapter was a constant source of encouragement as I was finding my way as a solo practitioner. Whenever I had a question regarding a particular area of the law, there was always someone from the chapter that had more experience than I and who was willing to point me in the right direction. The attorneys from the local chapter were also an excellent resource when I needed to partner with someone who had expertise in a particular practice area that was not my own.

If it was not for our CLS chapter, I would have probably never met Steven Soulios at a lunch meeting in 1998. He and I happened to be the only attorneys who made it out that day for the meeting. We quickly became friends and realized that we had a lot in common. In late 2001, we decided to combine our practices and become partners. It has been a tremendous blessing to be able to practice law with

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another attorney who is a follower of Christ.

Our local CLS chapter has been much more than just fellowship meetings where you can go and hear good speakers, discuss relevant topics and network with other Christian attorneys. For many attorneys who are involved in our chapter, it is like being a part of an extended family. A number of the attorneys in the chapter have known each other since meeting one another at their law school chapters. We have been a part of each other's lives through the thick and the thin. We have seen each other get our first legal jobs, get married, have children, and for the seasoned in the chapter, even have grandchildren. We have celebrated with each other and have mourned with one another. We pray for each other and in times of need stand by one another. We also understand when it seems like few others are able to comprehend the challenges of practicing law in a place like New York City. It was attorneys in the chapter who were calling each other up on 9/11 to make sure that

everyone was okay. We all breathed a sigh of relief on that day when we reached the wife of an attorney in the chapter whose office was on the 99th floor of one of the towers. Miraculously he had been sent out on a last minute business trip the night before and was not in the towers when everyone on his floor was killed by a direct hit from one of the planes. In a time of mourning for our chapter and New York City, we were able to rejoice that one of our brothers was spared by God's hand of Providence.

The local chapter has been a place where attorneys have been able to minister to law students from over 10 law schools in our area. Each year in October, we have a kick-off event in which attorneys are paired up as mentors to newly admitted attorneys and law students. There is no doubt that the mentor/mentee program has been a blessing to all that have been involved. The relationships between attorneys and law students have further developed through the Northeast regional retreat which has taken place over the last several years with

attorneys, law students and their families. Everyone is able to spend the weekend together, meet new friends and further expand those relationships that were started at local chapter events.

What is so encouraging is that when I speak with other CLS chapter leaders, the same type of fellowship, support and family environment that is in NYC is happening all around the country. The CLS national conference is a wonderful event that happens each year. It is an event that I make a point not to miss since it is so inspiring and refreshing. As uplifting as the national conference is, however, an annual event cannot replace the daily fellowship, support and encouragement that comes from being a part of a local chapter. So if you are not part of a local CLS chapter, I would encourage you to reach out to your local chapter. If there is not a local chapter in your area and you would like to look into starting a chapter, please do not hesitate to email me at jruta@lawnyj.com. The members on the Attorneys' Ministry Committee would be glad to help you explore starting one.



Joseph A. Ruta had been practicing law in Manhattan as a solo practitioner since 1994, formed a partnership with Steven Soulios, Esq. in 2001 and then added Demetrios Stratis, Esq. as a partner in 2011. The practice consists of various civil litigation, corporate, real estate, bankruptcy and non-profit matters. Mr. Ruta graduated valedictorian of Marist College in 1989 and obtained a Juris Doctor degree from Brooklyn Law School in 1992. While in law school, he had the privilege of clerking for the Honorable Harold Baer, Jr. Mr. Ruta has been the president of the New York Metro Chapter of Christian Legal Society since 2002 and a member of the board of directors for Christian Legal Society since 2008.



International Religious Freedom: Working Globally for Impact Locally

By Brent McBurney

According to the Pew Forum's 2011 report, *Rising Restrictions on Religion*, "restrictions on religious beliefs and practices rose between mid-2006 and mid-2009 in 23 (12%) of the world's 198 countries." However, based on the population in those 23 countries, "more than 2.2 billion—nearly a third (32%) of the world's total population of 7 billion—live in countries where either government

Advocates International, through its network of Christian lawyers in over 150 countries, is doing its part to help make a difference for international religious freedom on multiple levels.

One such example of AI's impact institutionally was recently shared by AI Board member John Langlois at a lawyers' conference in Sofia, Bulgaria.

As a result of that intervention, to the best of my knowledge, no group of Christians numbering less than twelve people has been prosecuted in China. There is an interesting corollary to this. I once asked a friend of mine in China how this had worked out in practice. He told me that each time his Church house group reached twelve people they split into two. I asked him

***"A SINGLE DEATH IS A TRAGEDY, A MILLION DEATHS IS A STATISTIC."
"BUT GOD DEMONSTRATES HIS OWN LOVE TOWARD US, IN THAT WHILE WE
WERE YET SINNERS, CHRIST DIED FOR US."***

restrictions on religion or social hostilities involving religion *rose substantially*."

Even more alarming, the Pew Forum's *Global Restrictions on Religion* reported in 2009 that 64, or about one third of the world's countries, have high or very high restrictions on religion. Because some of the most restrictive countries are very populous, almost 4.8 billion—nearly 70 percent of the world's population—live in countries with high restrictions on religion.

When we hear such statistics, it is easy to be discouraged by the enormity of it all. Dictators and repressive regimes continue to crack down on their own people. We hear stories of cruel atrocities, and we ask "what can be done?" Thankfully, we have in Christ a perfect example of what one man can do. *Romans 5:8*. Moreover, Jesus reminds us that when we believe in Him, we shall do greater works because He has gone to the Father. *John 14:12*.

I and a colleague of mine, the late Sam Ericsson, had a very successful meeting in Beijing on August 26, 1997 with Dr. Ye Shao Wen, the Director General of the State Administration for Religious Affairs. Over lunch in the State dining room in the Great Hall of the People in Tiananmen Square, we asked Dr. Ye and his staff whether there were any restrictions in China on, say, twelve Christians meeting together to study the Bible and pray in private homes. After several minutes of discussion amongst themselves in Chinese he told us that there were no restrictions and no consent or registration was required provided (1) there were no foreigners present and (2) the number of people assembled did not exceed twelve. Sam asked for this in writing. It was put on the official Chinese government website for all to see and has been there ever since.

how often that happened. He told me "Not often, only once or twice a year". I was amazed. That meant that this local church was achieving 100% to 200% growth every year!

How often do we find the opportunity to have an impact such as that, where a simple lunch meeting with quiet diplomacy can lead to church growth of that magnitude?

A few examples of AI's impact on the personal level include its involvement in 2011 helping two Afghan Christians charged with apostasy, Said Musa and Shoaib Assadullah, retain their freedom. Thanks in part to the efforts of one of its advocates serving in Central Asia, and from ex-pats on the ground, Advocates offered legal assistance, and combined with pressure from the international community, Said and his entire family gained asylum in Europe. Shoaib was released from prison

“TWO OF THE PARTICIPANTS JOINED THE MEETING VIA SKYPE TO PROVIDE THEIR INPUT, EVEN THOUGH THEY WERE LIKELY BEING MONITORED BY THE EGYPTIAN GOVERNMENT. WE NOW PRAY THAT THE ARAB SPRING WILL NOT TURN INTO A CHRISTIAN WINTER THROUGHOUT THE MIDDLE EAST.”

and returned to his family. In addition, Advocates wrote a letter of support for asylum in Sweden for Mustafa Wahaj, a Christian convert who was AI's primary contact in Afghanistan since 2007. He fled his country and remains worried for the safety of his family.

In Pakistan, our advocates, at great personal risk, continue to represent Christians accused of blasphemy and to push for the repeal of the blasphemy laws, despite the 2011 assassinations of Shabaz Bhatti and Salman Taseer. In India, advocates from the Christian Legal Association continue to argue the constitutionality of anti-conversion laws that require anyone wishing to convert to another faith to give 30-days-notice to the local authorities.

Finally, AI continues to work through partnerships to protect religious freedom. In October 2011, Advocates' President Brent McBurney participated in key meetings regarding the future of religious freedom in Egypt. Working with Egyptian "inn-keepers"—several leaders of Egypt's minority faith traditions, Coptic, Protestant, Catholic and Orthodox, along with moderate Muslims—and US-based

NGO's, Advocates encouraged efforts to establish a *Bill of Rights and Freedoms* prior to Egypt's next presidential election.

Despite the timing of the meeting—less than 36 hours after the October 9, 2011 massacre of peaceful Coptic Christians in Cairo, and the fact that several participants were unable to join in person due to the tragedy—all of the participants truly felt God's hand in guiding the meetings.

Two of the participants joined the meeting via SKYPE to provide their input, even though they were likely being monitored by the Egyptian government. We now pray that the Arab Spring will not turn into a Christian Winter throughout the Middle East.

According to the Egyptian Union of Human Rights Organizations, nearly 100,000 Christians have emigrated since March 2011, prompted in large part by the escalating intimidation and attacks on Christians by Islamists. Libya's civil war has seemingly come to a close, with the pronouncement by its new leaders that its constitution will be based on Sharia law. Elections in Tunisia resulted in similar pledges by the victorious "moderate

Islamist" Ennahdha party. Unless we are able to stand in the gap for religious freedoms, we may soon be reading not just about the deaths of individual Christians, but alarming statistics about the disappearance of entire population groups.

Thankfully, there are men, like Dr. Rev. Safwat El-Baiady, the President of Protestant Churches, Egypt, and women, like Jacqueline Isaac, an Egyptian-American lawyer from California, among others, who are willing to stand in the gap on the issue of religious freedom in their country. And Advocates plans to be there to encourage and enable advocates like these. We hope that you will join with us in our mission.



Brent McBurney is the President and CEO of Advocates International and can be reached at bmburney@advocatesinternational.org or you can visit the AI website at

<http://www.advocatesinternational.org/> to find out more about AI's global impact. Brent is a graduate of George Mason University School of Law and Baylor University.





Is there more to life than this?

By Dave Short

He felt a gun pressed against his ribs. It was dark outside, and he was working alone at his uncle's store. The robbers threatened to kill him but in the end only took his cell phone, money, and credit cards.

Because this Muslim student was attending Alpha, a 10-week course billed as a practical introduction to the Christian faith, he knew God had saved his life; he saw God in action.

Through the meals at Alpha and the discussions that followed the "talks,"

me it was a place to go to talk about things that I thought really matter and were really worth talking about."

More than 16 million people in 169 countries have taken the Alpha Course. Alpha has been run in tens of thousands of churches of all denominations, at universities, in prisons, and military bases. Hundreds of thousands of people have come to faith in Christ through this simple yet profound approach to evangelism.

Campus Alpha, which is a specialty ministry of Alpha USA containing the

sources. In fact, conflicting information is available from so many sources that what is valued is trusting friendships. Individuals are searching for someone who can lead them through the minefield of information. They are seeking individuals who can demonstrate peace and direction in this chaotic world.

A Cal State Northridge student and former Buddhist said, "My narrow-minded views of Christianity were forever changed by the Alpha Course; the fellowship was warm and welcoming so I

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friendships grew. When the robbery happened, his new friends from Alpha bought him a cell phone and one even offered to have him stay at his home. Discovering a love he had never known, the student gave his life to Jesus.

People from workplaces, bars, college campuses, and local communities across the country are looking for meaning in their lives. They are asking questions: Is there more to life? Why is there so much suffering? Does God exist?

Through the Alpha course, people are given an opportunity to find answers to these and other questions by exploring the Christian faith in small, relaxed, and non-pressured settings. Bear Grylls, Host of Discovery Channels, "*Man vs. Wild*," describes the Alpha Course as, "Super laid back and fun. You don't have to do it to impress anyone. You can just be yourself and just be very honest... explore those unanswered questions and then you can make an informed decision."

The safe and non-threatening atmosphere at Alpha brings all types of people together to explore the Christian faith--those who might not normally come together, including atheists and Muslims. Casey, a sophomore at Buffalo State University and an atheist, recently attended a campus course and said, "For

same materials as the 10-week "classic" Alpha, has been *squeezed* (into seven weeks) to better fit into a semester, *squashed* (into thirty vs. forty minute talks), and *spiced* (with multi-media ingredients).

Created for flexibility in reaching college-age students, the Campus resources are free and available from the Alpha USA website at www.alphausa.org/campustalks.

What are the most popular venues for running the course for students? On-campus as well as off-campus sites such as coffee houses, local restaurants, bars, bookstores, apartments and faculty homes are just a few. Select a site where students can connect.

A student at the Univ. of Minnesota had been having dreams about God for two months but had no one to help her understand them. She was later copied in an email that suggested she could have her questions answered at a local coffee shop. Stepping into the Overflow Coffee Shop, she met a group of students who were seeking answers to similar God-sized questions through the Alpha Course.

When attempting to impact this generation with the message of Christ, we need to meet them where they are, and change our approach to evangelism. Young people today are bombarded with information from a great number of

decided to continue the course as a social and psychological experiment. I loved the discussions. The more I learned about how God loves me, the more I wanted that intimate relationship with Jesus. For the first time in my life, I feel secure and fruitful."

Many students feel alone and are looking for friendship and answers to life's big questions. This is where Alpha can become a successful bridge between the church and the culture we are trying to reach.



Dave is a veteran campus minister who has pioneered campus groups in Texas and throughout Illinois. He has also traveled extensively in and outside of the United States working with various churches and university ministries. He served as a national resource specialist for Chi Alpha Campus Ministries for two years before accepting his present role as National Director of Campus Alpha, a ministry of Alpha USA and the Alpha Course. More info at <http://alphausa.org/campus>.

Dave came to faith through the Fellowship of Christians Athletes, while playing football for Southern Illinois University. He has continued to pour his time and energies into reaching an emerging culture. He and his wife Valerie are presently based out of Chicago, IL, and have five beautiful children.



Lawyering and Christian Ministry

By David H. Dugan, III

Christian Legal Society was born the year I graduated from law school. I quickly became active in the new organization and have fond (though distant!) memories of cozy annual conferences at Glen Eryie, Colorado, and creative worship led by Lynn Buzzard. Eventually, I was privileged to serve on the CLS Board of Directors and, in the mid-1990s, as President.

For me, CLS has been primarily about relationships- the opportunity to interact with inspiring Christian lawyers such as Jay Poppinga, John Robb, Tim Klenk and Mary Libby Payne. They and many others like them encouraged me by word and example to view the practice of law as a vehicle for Christian ministry.

My CLS inspired vision has had a variety of practical applications over the span of my legal career. After serving in the U.S. Army for three years as a JAG officer, I began my civilian law practice by becoming the executive director of a new Legal Services program in New Jersey. In the late 1960s and early 1970s, Legal Services programs across the country were highly controversial and struggled constantly to preserve their funding while providing effective representation on behalf of the poor. It was in that context that I met John Robb, who strongly championed the Legal Services cause while serving on the Individual Rights and Responsibilities Committee of the ABA. John went on to pioneer Christian Legal Aid, first in Albuquerque where he practiced law, and then throughout the country through CLS. John Robb and Christian ministry through law have been synonymous for years!

After doing Legal Services work for four and a half years, I decided to enter private



David H. Dugan, III

practice. Until about ten years ago, I had a fairly general family oriented practice. In that context, Christian ministry initially took the form of my being committed to providing effective legal services at modest prices for every client.

As I gained experience in the practice of law, I became more confident about observing biblical values in how I conduct my practice, particularly in the area of litigation. Pursuing a Christian ministry came to mean, for example, in matrimonial cases, that from the very first interview clients would be made aware of my standards of integrity (e.g. income and assets will be fully disclosed) and fairness (e.g. children will not be used as pawns to further client objectives).

Somewhat further down the road (perhaps when I had become more financially secure in my practice!), I felt pressure (surely God's Spirit at work) to follow the principle of tithing my time, my law office time. Essentially, this was simply a commitment to doing pro bono work on a fixed quantitative basis. I have always kept time records in all client matters. Since adopting the pro bono/tithe plan some 25 years ago, I have been able to monitor my efforts and make sure that the pro bono part has equaled at least ten percent. Some of my pro bono work has been involuntary (i.e., non pro bono clients who failed to pay me for my work). That does not count! My legitimate pro bono has included free work

Continued on page 43

“SINCE ADOPTING THE PRO BONO/TITHE PLAN SOME 25 YEARS AGO, I HAVE BEEN ABLE TO MONITOR MY EFFORTS AND MAKE SURE THAT THE PRO BONO PART HAS EQUALED AT LEAST TEN PERCENT.”

LAWYERING AND CHRISTIAN MINISTRY *from page 43*

for clients unable to pay, representation of Christian organizations and service on the boards of various non-profits, including the Legal Services program here in Southern New Jersey and, of course, CLS.

I have shared this idea of time tithing with other CLS lawyers, some of whom have felt led to adopt the practice. However, it is not an appropriate practice for everyone. It has been appropriate for me because I am a solo practitioner with a supportive spouse. There are certainly other Christian ministry options which CLS attorneys have chosen to pursue, such as helping to establish a Christian Legal Aid program or simply presenting the Gospel message to clients at every opportunity.

Ten years ago I became eligible to begin receiving monthly Social Security payments. In other words, retirement was visible on my horizon. My wife, Cheryl, cautioned that I might find retirement boring. She urged me to continue practicing law but perhaps in a new field which might offer a fresh challenge.

That was wise advice (and, once again, God's Spirit at work). I decided that my new focus would be lawyer ethics. I had long been interested in the subject, teaching and writing on it for more than 15 years, but I had never before considered practicing lawyer ethics as a specialty. In 2001, I moved to a smaller office, reduced my staff to a part-time secretary (my daughter-in-law), and started a practice limited to defending lawyers against disciplinary charges, providing expert witness testimony, and giving ethics advice.

Looking back on the past ten years I am happy to report that my ethics law practice has been a great success, not measured in financial terms (although that aspect has been decent enough), but in other respects. Please understand that I am not trying to boast, candidly I find the numbers amazing:

over 100 lawyer defense cases, more than 50 expert witness matters and hundreds of letters giving ethics advice. The manual on legal ethics I write and update annually is distributed to every newly admitted New Jersey lawyer, and I have given ethics lectures and panel presentations to literally thousands of New Jersey lawyers. The ethics work that has come my way has truly been a gift from God! I must confess this beats retirement.

In the process of preparing this article, I have asked myself what sort of Christian ministry have I had within the parameters of my ethics specialty these past ten years. Some ministry elements mirror those which I pursued earlier in my general practice career. In defending lawyers in disciplinary proceedings, I have committed myself to the proposition that my representation in every case should set a worthy example of how ethical lawyers practice law. Occasionally, I have had opportunity to provide practical guidance and encouragement to lawyers who were going through great difficulties in their personal lives. And, I have continued doing pro bono work, including a great deal of teaching and writing without charge. I should admit, however, that the free teaching and writing has not been purely altruistic; it has served as a marvelous substitute for paid advertising.

The previous paragraph mentions three Christian ministry items from my ethics practice of the past decade. There is a fourth item, which may not fall so readily into that category, but in my opinion belongs there. I am referring to the positive impact my ethics work, particularly the writing and teaching, may be having on the day to day behavior of practicing lawyers in New Jersey.

CLS speaks often about our responsibility as Christian lawyers to be

“salt and light,” so that others may see our good works and give glory to our heavenly Father. (Mt. 5:13-16). For 50 years CLS lawyers have committed themselves to doing this in their various law practices. May that always be true.



David H. Dugan, III, is a sole practitioner in Medford, New Jersey. His practice is restricted to legal ethics matters and includes providing ethics counsel to other lawyers, serving as an

expert witness in legal malpractice and lawyer discipline cases, and representing lawyers who face disciplinary charges.

He is the author of ICLE's Manual on Legal Ethics, which he updates annually. He served as a Special Ethics Master by appointment of the New Jersey Supreme Court from 1992-2001. He has been moderator or a presenter in more than 100 ethics seminars for New Jersey ICLE, New Jersey Association for Justice and other organizations. He is chair of the New Jersey State Bar Association's Professional Responsibility and Unlawful Practice Committee and represented the State Bar as an amicus curiae party before the New Jersey Supreme Court in In re ACPE Opinion 697, 188 N.J. 549 (2006) and Brundage v. Estate of Carambio, 195 N.J. 575 (2008).

Mr. Dugan is a graduate of Wheaton College (Illinois) and Yale Law School.

DEAN, NORMAN ADRIAN WIGGINS SCHOOL OF LAW OF CAMPBELL UNIVERSITY, RALEIGH, NORTH CAROLINA

Campbell University is seeking an exceptional leader to become the next Dean of its Norman Adrian Wiggins School of Law located in Raleigh, North Carolina. The person will succeed Dean Melissa Essary who is returning to the full-time faculty. The successful candidate will continue the strong upward trajectory of the school, building on its tremendous success, and will distinguish the law school in a highly competitive legal environment. The Dean reports directly to the University Provost and not only leads the law school, but also serves on a Council of Deans which contributes to decisions affecting the University as a whole.

Currently celebrating its 125th year, Campbell University is a leading private university in North Carolina, with an enrollment of over 6,000 students. The University's mission is to graduate students with exemplary academic and professional skills who are prepared for purposeful lives and meaningful service. It is informed and inspired by Christian principles and perspectives. The University excels in preparing students both in the liberal arts and sciences and in the professions. Its six schools include the College of Arts and Sciences, the Lundy-Fetterman School of Business, the School of Education, the Divinity School, the College of Pharmacy and Health Sciences, and the Norman Adrian Wiggins School of Law. Currently being shaped, and projected to open in August of 2013, is a School of Osteopathic Medicine.

The law school relocated from the University's main campus in Buies Creek, North Carolina to the state capital of Raleigh in 2009. Consistently cited as one of the nation's most attractive cities, Raleigh is a vibrant and appealing city for educational and professional opportunities. The law school, begun in 1976, enrolls approximately 475 students, and claims more than 3200 alumni. The school offers a Juris Doctorate degree that includes a significant core of courses. In addition to the J.D. degree, the school's educational program also includes three elective concentrations (Advocacy, Business, and Intellectual Property), as well as dual degree programs with both Campbell (JD/MBA and JD/MTWM) and North Carolina State University (JD/MBA and JD/MPA). In all of its educational activities, the school seeks to provide a demanding legal program which brings together the theoretical and the practical in the preparation of law professionals. The school is well known for its success in preparing graduates for the practice of law, as demonstrated by its unparalleled record of bar passage success in North Carolina, as well as through the success of 2200 of its alumni who reside and work in the state. Additional information about the law school can be viewed at [www.law.campbell.edu].

QUALIFICATIONS: The Dean is expected to be a person with exceptional leadership abilities who will bring to the position a distinguished record of academic achievement and professional accomplishment. The Dean must hold a Juris Doctorate degree or its equivalent from an accredited law school, and is expected to have a record appropriate for a tenured full professor. The ideal candidate will:

- Have a strong commitment to the academic values appropriate to the school's mission;
- Be able to provide leadership in supporting the Christian purposes of the school, while embracing tolerance and openness in exploration of the ethical and religious aspects of legal education;
- Lead with integrity, strength, enthusiasm, and creativity, while working collaboratively with faculty and staff;
- Have appropriate administrative experience, with strengths in management, planning, recruitment, and budgeting;
- Understand well the nature of the legal profession in general, and legal education in particular;
- Be effective in representing and promoting the law school to a wide range of external constituencies both within and outside of the legal profession;
- Possess the ability to engage alumni, foundations, and other donors in generating financial support for the school's programs and initiatives;
- Have an exemplary work ethic;

- Embrace diversity among faculty, staff, and students; and
- Work effectively with the University's senior leadership.

HOW TO APPLY: Nominations and inquiries are welcome and should be directed either to Dr. Dwaine Greene, Provost and Chair of the Dean Search Committee at [greene@campbell.edu], or to Mr. Richard Bowser, Associate Professor and Secretary to the Dean Search Committee at [bowser@law.campbell.edu]. Applications must be submitted electronically at [deansearch@campbell.edu]. Applicants should submit a cover letter expressing interest and summarizing qualifications for the position, and a curriculum vitae including names and contact information of at least three references. Applications, nominations, and inquiries will be handled in strict confidence.

As an equal opportunity and affirmative action employer, Campbell University recognizes the power of a diverse community and encourages applications from individuals with varied experiences and backgrounds. Screening of candidates will begin immediately and will continue until the position is filled. To ensure full consideration, nominations and applications should be received by December 1, 2011. Appointment of the Dean will be effective July 1, 2012.

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