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The Wrong Question

John E. Acuff*

My wife, Carolyn, said to me, “There is no right answer to the wrong question.” So now I see that it is not, “Can the ordinary practice of law be a religious calling?” The right question would be, “Can a lawyer be redemptive in the way he or she practices law?” Or, “Can a lawyer serve God and man in the practice?” And perhaps “calling” is entitled to an elevated status.

Calling or *vocation*¹ are words often used, but they are chimaeras, and, unfortunately, we have no Bellerophon to conquer these illusive creatures. Google has 743,000 pages with “vocation” as the subject. When professor Bob Cochran of Pepperdine Law School asked me to be a speaker at the Symposium, I said at once that I didn’t like the title. I’ve had a personal aversion to the word “religion” since becoming a Christian in 1970. Religion to me stresses organization to the detriment of relationship. Little did I realize, that as I contemplated the title, “*Can the Ordinary Practice of Law be a Religious Calling,*” that I would have a larger issue with the term *calling*. If you had asked me then, if I was called to be a country lawyer, I would have, with deep conviction, told you, yes, and that my “calling” was no less from God than the calling of a priest or pastor.

I sent e-mails to several friends asking for input on the question. A doctor answered:

God does not care if you are a physician, a lawyer, a plumber, or a logger. He does care what kind of physician, lawyer, plumber or

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1. Profession is from the same concept; one who professes their belief, etc.

logger you are. If he calls us to careers, most of us miss the call. Let us not miss the call to the lifestyle He desires for us.²

I examined a hundred or so of the web pages on “calling” or “vocation.” Most of them are about religious calling. The modern concept of calling or vocation began in the church. In the first century church there were gifts for jobs given: apostles, prophets, evangelists, pastors, and teachers.³ In context, it seems that these gifts are not to the persons, but rather to the church to “equip” God’s people to do His work, and to build up the church.⁴

Jewish priests, under the old covenant, were of the Aaronic priesthood, an inherited position as established in God’s instructions to Moses.⁵ These “priests” were qualified because they were of the family of Aaron.⁶ They were not as individuals called by either God or anyone else. In the second and third centuries, the infant church, much like the people of Israel, desired to be like those around them. Israel demanded and got a king.⁷ The church wanted a “priest,” like all the other religions, who would be set apart, and who would deal with God for them. The New Testament designates no one to perform sacraments. Soon these functions could only be done by a priest, a *called* one.

Calling/vocation became a way to elevate someone, to show they are closer to God than the great unwashed, now called laity. The religious establishment began to assert its authority and to control who could be allowed to have a *calling*. Now it was no longer a call of God that set apart “servant leaders,” but the called group seeking to perpetuate itself. They saw themselves as the “called of God,” defending God’s church from chaos.

When Luther bolted from the Catholic Church, he made no effort to restore “the first century Church.” He, as a pastor/preacher, simply replaced the “priest.” The Puritans taught the priesthood of *all* believers, and eschewed bishops and popes, but taught that pastors have a higher calling. Gradually, over a few centuries, calling or vocation was expanded to include Medicine and Law. One purpose was and still is status and/or power. I was irritated a few months ago when a young lady told me she was going into the profession of cosmetology. Why did this bother me? Because I thought God did not “call” one to such an ordinary task. The reason many lawyers, doctors, and cosmetologists seek to use these words is that we want to be special. Cathy Meeks, in her book, *I Want Somebody to Know my Name*, said it very well.⁸ I think those who feel “called” believe a “calling” is the only way to truly serve God. We cannot change what religion does, but we

2. E-mail from Jim Talmadge, M.D.

3. *Ephesians* 4:11 (NIV).

4. *Ephesians* 4:12.

5. *Exodus* 28:1.

6. *Id.*

7. 1 *Samuel* 8:4-9.

8. CATHY MEEKS, *I WANT SOMEBODY TO KNOW MY NAME* (1978) (author is a Pepperdine graduate).

can stop attempting to elevate ourselves.⁹ The need for a “calling” to serve God has denied the church, the law, and our society the skills and dedication of countless good people. Calling has also caused many of the ambitious or well-intended to conjure up a “Call” so that they appear to be one of the elite. Obviously, I am not saying that God does not call us to do specific tasks. The call is to obedience and excellence, not elevation.

As lawyers, it is easy to claim that we help the common people. Yet we select the kinds of practice that offer status, power, and the good life. Too often our goals seem to be the lawyer’s income. As our skills grow in the technical aspects of law, we are more selective about who we represent. We select only the “little people” whose cases have potential for high verdicts. Though I am a trial lawyer and a member of ATLA and TTLA, some of the cases and fees today look outrageous.

The lawyer in the ordinary practice of law should attempt to help people with the ordinary problems of life. That is a worthy place to serve our fellow men and women and our God. Such lawyers make a difference. They represent, counsel, and simply listen to the person facing divorce, the loss of a home, government abuse, discrimination, etc. They should, and often do, resolve issues without filing suit. They attempt to warn of the damage caused by divorce. They tell a client that getting even is not redemptive, and will not accept employment to get even. On occasion it means talking to a husband and wife about divorce; after explaining that if I do, then I cannot represent either. The restoration of relationships I’ve seen in thirty-four years makes the whole trip a joy.

Such a lawyer’s word is always good. Civility simply is a big word for the Golden Rule. Today, incivility is a *de jour* item at seminars for judges and lawyers. Incivility also is a nice code word for our lying, cheating, sometimes stealing, abusing clients and practice.¹⁰ Lawyers show disrespect to our courts. Consider the question we learned a few years ago, “What do you mean by sex?”

In my office, how do I treat clients and those who make me look like a lawyer? In a restaurant, not long ago, I said, “Get me a _____.” Brenda, a friend, looked at me and said, “please?” Do I force them to work late or through lunch? Do I know the names of their spouses or children? Do I remind myself that we all make mistakes and making a mistake is not a capital case? Am I on time for client appointments? This lawyer is prone to run out of the office forgetting the client. For once, thank God for cell phones!

9. “Do not think of yourself more highly than you ought, but rather think of yourself with sober judgment, in accordance with the measure of faith God has given you.” *Romans* 12:3.

10. See generally MIKE PAPANTONIO, *RESURRECTING AESOP: FABLES LAWYERS SHOULD REMEMBER* (Seville 2000). This is an excellent book by Papantonio, which like his first book, *IN SEARCH OF ATTICUS FINCH: A MOTIVATIONAL BOOK FOR LAWYERS* (1996), asks us to examine ourselves as people and lawyers.

As a Christian country lawyer, I give my home phone number to every client. I tell them to call if they are worrying with a problem. I also tell them if they abuse this, I will bill them. One day I was gardening (flowers, not veggies). The phone rang; I went in and spoke to a divorce client. Now back in the dirt, I was again called to answer a few more “needless” questions. Finally, back to my flowers. In a few minutes, I was called in for the third time. I walked toward the house, smoke coming out of my ears. Then in my mind I heard Jesus say, “It’s only a divorce case and an irritation to you. It is his life.” It put me on notice. There should never be a client who I don’t care about as a person and who does not get my best effort.

The way I treat my clients, opposing parties, or lawyers, says far more about me than any words. The respect I have for the rule of law may cause my client to ask why. I so often see this in the simple interaction of representation. I serve Him when I counsel a client to conduct his life or business in a way that is moral. Practicing law as a Christian does not require me to beat my client up with the Bible, but does require that I speak the truth in love. St. Francis is quoted as saying, “Preach the Gospel at all times, if necessary, use words.” In a profession that has become increasingly hostile, to simply be at peace and to treat everyone with respect is to be noticed. The Apostle Peter said, “Always be prepared to give an answer to everyone who asks you to give the reason for the hope that you have. But do this with gentleness and respect.”¹¹

The night before I decided to be a country lawyer, my mentor, Karl Warden,¹² who taught me at Vanderbilt, told me all the problems of a small town practice. After I decided to be a country lawyer, he was thrilled. He was worried if he said how much he esteemed country lawyers that I might make the decision for the wrong reasons. Karl is more than a lawyer. He taught me to respect all and to take care of clients. We keep in touch, thirty-eight years later, and he keeps inspiring me.

My second mentor was the Honorable Harry Phillips, Chief Judge of the Sixth Circuit Court of Appeals, for whom I was honored to clerk. Judge Phillips was a committed Christian. All his words and actions exemplified the attitudes taught by Jesus. In all the years I knew him, never once did I hear him gossip or make a judgmental remark about anyone. By the force of his life, he impacted all those who knew him.

My mentors and guides in the way I practice law were more than religious; they were good people and good lawyers who care for clients. A Christian lawyer has an obligation to mentor younger lawyers. This is one of the ways the Christian Legal Society has given me a place to serve.

Robert Kennedy, Jr. would have never gotten my attention, but my youngest son, Karl, a very conservative lawyer, got to spend a little time with him, and told me to pay attention. I’m glad I did. Kennedy wrote a forward to *Resurrecting Aesop*, by my friend, Mike Papatnio:¹³

11. 1 Peter 3:15.

12. Karl Warden taught at Vanderbilt, Mercer, and North Dakota. At the latter two, he was dean.

13. PAPANATIO, *supra* note 10, at i.

IN LAW, AS IN LIFE, we are challenged to walk with one foot in the spiritual realm and one in the material. As lawyers, we struggle to live by the values that bring happiness and keep us centered with God while embracing the tactics that bring us success in our professional endeavors. . . .

. . . Self-will often leads good lawyers into bad habits, tantalizing them with the illusory rewards of large fees, easy victories and hasty advancement.¹⁴

He then sets forth what I consider a great summation of the task of any lawyer attempting to follow the precepts of the Judeo-Christian teachings:

Every day we must struggle to again submit self-will to God's will, a struggle with drama, difficulties, and pitfalls that are amplified by professional success. If our profession is to enhance our personal growth we must operate by the premise that there is no case and no cause that is important enough to make us compromise our basic values and no material acquisition to substitute for a virtuous life. We must constantly readjust and check our moral compass and continuously ask ourselves, "Am I doing the right thing now?" As we accumulate power and wealth that beckon us to live by our own rules, we must persistently discipline ourselves to live by the rules we learned in grade school: don't lie, cheat, or steal, and do unto others as you would have them do unto you. These are the values that place God over self and community over self-indulgence.¹⁵

The Calling for those of us who have *chosen* to be lawyers is to simply "love justice, do mercy and to walk humbly with our God."¹⁶

14. *Id.* at i-ii.

15. *Id.* at ii-iii.

16. *Micah* 6:8. Another good description of that call is: "Seeking Justice with the Love of God." This is the motto of the Christian Legal Society. See Home Page of the Christian Legal Society, at <http://www.clsnet.org> (last visited Oct. 26, 2004).
