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Can the Ordinary Practice of Law Be a Religious Vocation? A Panelist's Response

Robert J. Conrad, Jr.*

"Can the ordinary practice of law be a religious calling?" The rhetorical question posited by Professor Robert F. Cochran, Jr. provoked considerable reflection at a recent conference. Surrounded by the natural beauty of the Pacific Coast seen from the cliffs of Malibu upon which Pepperdine University Law School sits, and aided by the stimulating keynote addresses and panel responses, law students and lawyers alike grappled with the implications of a vocational approach to the practice of law. Out of the discussions emerged one overarching theme, the concept of intentionality.

This essay, like Professor Cochran's question, concentrates on the daily approach to the practice/study of law and not the larger juridical or philosophical questions raised by an examination of religion and law. It is pedestrian and personal, prompted in part by an event more than twenty years ago. Then, three University of Virginia law students gathered with others one weekend to hear a speaker discuss the concept of "calling." The passage of time has caused the speaker's identity to fade from memory but his challenge has endured. He said: "There are not many forty-five-year-old men actively pursuing God." At the time, forty-five seemed an eternity away. In February, this forty-five-year-old lawyer attended the Pepperdine Conference with those two former classmates, now partners in law firms on opposite coasts. We were gratified to see in each other's lives an active engagement in that great pursuit. We recognized that God is sought, or

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forgotten, in the midst of living ordinary lives, and especially in the ordinary activities of daily work.

As a career prosecutor who had been nominated to the federal bench, I looked forward to the Pepperdine Conference and the opportunity to engage in robust discussion with a panel of defense attorneys and prosecutors. In the days leading up to the conference, I received a phone call from a friend, a commercial real estate developer. He was driving through rural western North Carolina when he came across a small Missionary Methodist Church. Driving past the remote church on the way to somewhere else, he suddenly realized that he had to return and photograph its marquis. The message posted there said, "WE ARE CALLED TO BE A WITNESS—NOT A PROSECUTOR NOT A JUDGE." That photograph hangs in my office, a daily reminder of God's marvelous intentionality toward us. It also played a timely role in focusing my contribution to the discussion—the importance of living life intentionally, the life of a witness.

"Intentionality." Renowned philosopher Garth Brooks captured it when he wrote and sang:

There's two dates in time

That they'll carve on your stone And everyone knows what
they mean

What's more important

Is the time that is known

In that little dash there in between

That little dash there in between.¹

There is an earnestness and an urgency to vocational living. In the words of John Henry Cardinal Newman, "time is short and eternity is long."² The manner in which we fill in "that little dash there in between" is consequential.³ To live in the moment, treating each day as sacred, is our calling.

The insight that life in the workplace is to be lived vocationally changes everything. The colleague down the hall, the opponent across the aisle, the judge bearing down from the bench all bear the *Imago Deo*. We too, in our conduct, and in the quality of our work, bear witness to the Creator unto Whom all work is done. We are no longer lawyers who happen to be people of faith but rather God's children who happen to be lawyers. Professor

1. Garth Brooks, *Pushing Up Daisies*, on SCARECROW (Capitol Records 2001).

2. JOHN HENRY CARDINAL NEWMAN, AN ESSAY ON THE DEVELOPMENT OF CHRISTIAN DOCTRINE 445 (1909), available at <http://www.newmanreader.org/works/development/> (last visited Nov. 11, 2004).

3. Brooks, *supra* note 1.

Cochran's question is a trick. It is not "can" but "how should" the ordinary practice of law be a religious calling.

Therein lies the theme and the value of the conference. How should we practice law in response to the call of God? What follows is a panelist's response to the loftier, more philosophically and intellectually satisfying remarks of the keynote addresses of other speakers including Professors Hardy, Allegretti, and Gross-Schaeffer. In the light of their insights, these reflections and personal examples of intentional living may challenge others to apply the concept of intentionality to the practice or study of law.

A. *Sabbath Approach*

Students and young lawyers are often filled with apprehension. They fear that unless they apply an obsessive, almost frenetic approach to the law, someone else might get ahead. If the midnight oil is not burnt nightly, to the neglect of their own health and the needs of their families, then they will fail in their quest for law review, partnership or some other legal aspiration. This unhealthy, fear-driven approach is often times counterproductive even to the attainment of the career goals they set. Exam responses, filtered through a lack of sleep masquerading as a coffee-induced buzz are dull. Clients need balanced advice. Discretionary prosecutive decisions are rarely made well under the pressure of exhaustion.

But beyond that, there is the spiritual cost of losing your way. John Henry Cardinal Newman spoke insightfully about the risk of spiritual drift:

Lead Kindly Light, amid the encircling gloom

Lead Thou me on!

The night is dark and I am far from home –

Lead Thou me on!

Keep Thou my feet; I do not ask to see

The distant scene – one step enough for me.⁴

Newman knew the seductiveness inherent in going your own way. He warned of the dangers that accompany the path of self-reliance—pride, isolation, and ultimately a lost soul.⁵ Reliance on one's finite efforts to

4. JOHN HENRY CARDINAL NEWMAN, *PRAYERS, VERSES AND DEVOTIONS* 572 (Ignatius Press, 1989).

5. *See id.*

succeed distracts from purposeful living. Forgotten is the understanding that:

[u]nless the Lord builds the house, its builders labor in vain;

[u]nless the Lord watches over the city, the watchmen stand guard in vain;

[i]n vain you rise early, and stay up late.⁶

Intentionality requires a right comprehension of who the Architect is and what He requires of us. Implicit in this biblical career advise is that with reliance on God, the labor is not in vain, the vigil worthwhile, and the disciplined study fruitful. Perhaps an approach that factors in the Sabbath rest and the resultant honor accorded the Creator would sharpen the skills, lend itself to a sense of priority and rightly order us in our relationship with God and others.

A second example of vocational student living comes again out of my law school days. In the early 1980s, a Christian intellectual, Francis Schaeffer, spoke in Charlottesville, Virginia. Schaeffer described abortion as the number one moral issue confronting society. Several law students responded to that presentation by forming a pregnancy center, the purpose of which was to minister to the needs of pregnant women. The theory was that actions spoke louder than words. The pregnancy center still exists today. Could the law students involved have used their time more profitably - shepardizing one more case, proofreading a moot court brief once again? Perhaps. But perhaps being open to an alternative use of skill and energy was what was required and what was most beneficial for them and those around them.

B. Pursuit of Approval

During and shortly after law school, I worked for a law firm comprised of impressive lawyers. Skilled, hard-working, and dedicated to their clients and to each other, they were in many respects great role models. There came a time, however, when working for that firm, I had my first trial. Due mostly to my inexperience but also to the demands of a jury trial, I expended an enormous amount of time preparing for and trying that case. At the end of the month my billable hour total was staggering. To this day, I remember the partner coming around and giving me a slap on the back and conveying the message "Attaboy." My immediate response was to get fired up about topping that billable hour total the next month. Then it hit me. My chief motivation had become a desire to please others. The approach was not to do what was needed but what would impress. I was going to show that partner I could bill an inordinate amount of hours the next month. The

6. *Psalm 127:1-2* (New International Version).

people I was hoping to please were not my God and my family, but the partners. Vigilant commitment to intentional living was necessary to combat the subtle drift from the pursuit of excellence to the pursuit of approbation.

C. *Fighting Compartmentalization*

One of the ways to practice “intentionality” is to attempt to live so that your children would never be embarrassed if they were with you. This has become especially helpful as some of my children have become adults. I ask myself the question: “Would my son be proud of me at this moment?” I should be so filled with the presence of and love for God that it is sufficient to goad me to do good works. Sometimes, though, I need more tangible encouragement - like the actuality or image of a child observing me.

I have intentionally attempted to integrate my work life and family life to avoid the compartmentalization and schizophrenia that otherwise comes with fragmenting work and family life. I’ve done this in part by bringing my children into the workplace. This has sometimes led to unusual results. Once, my oldest daughter, then in high school, attended an intense murder trial. Wrapped up in the heat of battle, I forgot she was there. But at the end of the day I had the opportunity to walk out of the courtroom with her and to ask her what she thought of the trial. Her response was unexpected: “Dad, I can’t believe that woman [the defense attorney] wore black shoes with a blue dress!” So much for the benefits of integration of your children into your work day. Yet one suspects, beneath the veneer of fashion compliance, that she got it—watching a parent engage in meaningful work to the glory of God.

D. *The Unintended Consequences of Living Intentionally*

All of us have heard, and many have experienced, the adage that God works in mysterious ways. A non-legal example of God’s surprising intervention in the daily lives of people can be found in the life of a singer of contemporary Christian songs, Bart Millard. When Bart was nineteen years old, his father was diagnosed with cancer.⁷ Eventually, he died.⁸ As Bart grappled with his father’s death the clichés came pouring in: “He’s in a better place;” “If he had a chance to come back, he wouldn’t.”⁹ These well-intended sayings really didn’t console the hurting nineteen year old.¹⁰ But

7. Wendy Lee Nentwig, *Song Story: Bart Millard's "I Can Only Imagine,"* at <http://songs4worship.com/article.asp?ai=25&bhcd2=1100003317> (last visited Nov. 11, 2004).

8. *Id.*

9. *Id.*

10. *Id.*

through Bart's struggle with grief, he found peace and hope and words to express his feelings.

Years later, his faithful expression was an unanticipated witness of God's presence. I'm driving with yet another one of my teenage daughters. She and I are trying to connect and unfortunately there are many barriers: language, culture, and generational issues to name a few. When I mention in jest that I needed to lose a few pounds, she assures me, "Don't worry Dad, everyone your age looks like that!" In any event, as we drive to the beach, we are of course listening to HER favorite music station. Unexpectedly, from the radio, we hear these words:

I can only imagine

Surrounded by Your glory, what will my heart feel

Will I dance for you Jesus, or in awe of You be still

Will I stand in Your presence, or to my knees will I fall

Will I sing "Hallelujah?" Will I be able to speak at all

I can only imagine¹¹

Bart Millard does not know that the words he wrote as a teenager coping with loss would be used by God to help a father communicate his faith to his teenage daughter. We are called to be witnesses.

In similar fashion, lawyers serving God as excellently as they can in their daily law practice are communicating a reality beyond their actions: to the fellow lawyer, the secretary treated with respect, the client that receives an "unpadded" bill, the defendant who is treated respectfully, and the victim's family who knows they are not just a statistic in a prosecutor's office, being a lawyer takes on a whole new meaning. And a whole new worth.

E. For Wales?

The life of Thomas More is a veritable treasure trove of lessons in intentional living. Described as a "man for all seasons,"¹² More was a renowned Sixteenth Century English lawyer, the son of a prominent jurist.¹³ He was a literary and theological scholar and a father of four children.¹⁴ It was said that his home-schooled daughter was the best educated woman of

11. Mercy Me, *I can only Imagine*, on ALMOST THERE (Simpleville Music 1999).

12. ROBERT BOLT, *A MAN FOR ALL SEASONS* (Random House 1962) (using the quoted description as the title of the work).

13. St. Thomas More Soc. of S. Fla., *About St. Thomas More*, (2004) at <http://www.redmass.com> (last visited Nov. 11, 2004) [hereinafter *About St. Thomas More*].

14. *Id.*

her day.¹⁵ After a political career in the House of Commons, More “became the Chancellor of England and the trusted advisor of Henry VIII.”¹⁶ Expressing the prescience for which he was known, he playfully rejected his son-in-law’s admiration for his friendship with the king saying: “I have no cause to be proud thereof, for if my head could win him a castle in France . . . it should not fail to go.”¹⁷ Sure enough, More was imprisoned and ultimately executed for refusing to sign the oath of loyalty to King Henry VIII as head of the Church of England.¹⁸

Even before his noble death, Chancellor More modeled intentional living. Once he encountered Richard Rich, an ambitious self-seeking young lawyer.¹⁹ More tried to persuade Rich to pursue meaningful employment not status:

More: Why not be a teacher? You’d be a fine teacher. Perhaps even a great one.

Rich: And if I was, who would know it?

More: You, your pupils, your friends, God. Not a bad public.²⁰

Later, Rich slandered More before the Crown leading inexorably to More’s death—and not accidentally Rich’s promotion.²¹ Passing Rich, More observes the newly acquired chain of office around Rich’s neck—his reward for false testimony:

More: That’s a chain of office you are wearing. May I see it. The red dragon. What’s this?

Cromwell: Sir Richard is appointed Attorney-General for Wales:

More (Looking into Rich’s face with pain and amusement):

15. John J. Reilly, *Review of THE LIFE OF ST. THOMAS MORE, by PETER ACKROYD* (1999), at <http://pages.prodigy.net/aesir/tomo.htm> (last visited Nov. 11, 2004).

16. *About St. Thomas More*, *supra* note 13.

17. WILLIAM ROPER, *WITH THE LIFE OF MORE*, available at <http://www.underthesun.cc/Roper/WithTheLifeOfMore> (last visited Nov. 11, 2004).

18. *About St. Thomas More*, *supra* note 13.

19. See BOLT, *supra* note 12, at 4-9.

20. *Id.* at 8-9.

21. See *id.* at 156, 158.

For Wales? Why, Richard, it profits a man nothing to give his soul
for the whole world . . . But for Wales!²²

More is betrayed by a friend, and worse by a friend's slander. The excruciating pain of a friend's slander, especially when it is the calumny of a fellow believer, is exceeded by that of a lost friendship. Yet More thinks beyond himself to pray for the friend turned enemy. And pray he does, while awaiting execution in the Tower of London.²³ Writing with coal after the prison guards have removed his writing utensils, More puts down these words:

[O]f worldly substance, friends, liberty, life and all,
to set the loss as nothing
for the winning of Christ;
To think my greatest enemies, my best friends,
for the brethren of Joseph could never have done him
so much good with their love and favor
as they did . . . with their malice and hatred.²⁴

More's friend-turned-enemy-turned-friend through intentional living and prayerful obedience is a testament to those of us who aspire to be witnesses. He died as he lived "the king's good servant but God's first."²⁵ And so it is fitting to close a reflection on vocational living with the prayer attributed to More:

Lord, grant that I may be able in argument,
accurate in analysis,
strict in study,
candid with clients,
and honest with adversaries.

Sit with me at my desk

22. *Id.* at 158.

23. See *infra* note 24 and accompanying text.

24. Thomas More, *The Sadness of Christ* (1534), available at <http://feastofsaints.com/sttmdetachment.htm> (last visited Nov. 11, 2004).

25. More's final words on the scaffold as he approached his execution. JAMES MONTI, *THE KING'S GOOD SERVANT BUT GOD'S FIRST: THE LIFE AND WRITINGS OF ST. THOMAS MORE* 449 (Ignatius Press 1997).

and listen with me to my client's complaints,
read with me in my library,
and stand beside me in court,
so that today I shall not,
in order to win a point
lose my soul.²⁶

26. *The Prayer of St. Thomas More*, (Univ. of Detroit Mercy 1998-99), available at <http://www.redmass.com> (last visited Nov. 11, 2004).
