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Festschrift Response: “With A Grateful Heart”¹

Robert F. Cochran, Jr.*

When Dean Paul Caron told me that the law school was organizing a festschrift for me, I misunderstood him. I thought he said they were going to have a “festivus” for me (a term coined by *Seinfeld*’s Frank Costanza meaning “an occasion for the airing of grievances”²). My reaction was, “What grievances do all of these people have against me?” I was pleased to learn that it was a “festschrift” the law school organized for me. I am grateful to Dean Caron for initiating the festschrift, to Derek Muller for organizing it, to Jenna DeWalt for administering it, and to Jacob Bliss and the *Pepperdine Law Review* staff for editing this festschrift law review symposium. A special thanks to all who participated in the festschrift for not airing your grievances toward me.

I can’t think of anything in my life that has pleased me more than that so many thoughtful friends would give such careful attention to the law and religion issues that have concerned me over the years. Thank you for your contributions. I look forward to attending festschrifts for each of you in years to come—I just have the privilege of reaching festschrift age before you. Thank you as well for saying such nice things about me. I am blessed to have kind friends who have both a tendency toward projection and the gift of hyperbole. Thank you for attributing your own fine qualities to me.

The festschrift caused me to reflect on the various people who influenced my life as a teacher and a scholar. I will take this occasion to thank many of them. They illustrate the impact a teacher, parent, author, or friend can have on the life of another person. Elsewhere in this festschrift collection, I give

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1. HENRY SMITH, *Give Thanks with a Grateful Heart* (Integrity’s Hosanna! Music 1978).

2. *The Story of Festivus*, YOUTUBE (Dec. 14, 2014), <https://www.youtube.com/watch?v=HX55AzGku5Y&feature=youtu.be>. In fact, it was Roger Alford who first suggested the similarity between festivus and festschrift to me. I hereby give him full credit (and blame) for my confusion and my attempt at humor.

my reflections on law and religion developments over the last few decades.³

My father, Bob Cochran, Sr. was a pastor. From him, I inherited a willingness to stand in front of a crowd and say both serious and silly things. He was a very good preacher and had an impact on innumerable lives. When we went on family vacations, the real Bob Cochran, Sr. would come out. He used to embarrass the rest of us by belting out show tunes throughout the campground. I also got my entrepreneurial penchant from my father. He was always starting new organizations, programs, and churches. He started Youth for Christ in Columbia, South Carolina while he was a college student and quickly attracted hundreds of kids. One of my favorite possessions is a picture from the early 1940s of my dad and a very young Billy Graham (Billy “Frank” Graham at the time), the guest speaker at one of their meetings.

My mother, Jo Cochran, met my father when they were students at seminary. I inherited a scholarly inclination from her. She had (and has) movie star good looks and a lot of people were surprised when at seminary graduation she was announced as the valedictorian. She taught large adult Sunday School classes for many years (as had her mother) during an era when that was unusual for women. One of my earliest memories was of my mother with Bible commentaries spread out on the kitchen table, preparing for Sunday’s lesson. My parents weathered the storm of their PK (preacher’s kid) prodigal son through my high school and college years and were there to welcome me when I returned to the faith.

When I arrived at the University of Virginia Law School, I saw little connection between my Christian life and my legal studies. That was about to change. I got involved with the Law Christian Fellowship and the Center for Christian Study at UVA. A visiting speaker, Jim Houston, had been an Oxford professor of geography, but he left to found Regent College at the University of British Columbia for the specific purpose of helping people explore the implications of the Christian faith on their academic and professional disciplines. (After law school, I studied theology at Regent for two summers and recently was honored to teach at Regent for a summer.) Jim taught that Christianity has implications for all of life. He noted that the Christian faith has spread over all the world and that the challenge for the church is for the Christian faith to go deeper, for Christians to think about its implications for all of life. Jim lamented that many Christians with a post-graduate education in

3. Robert F. Cochran, Jr., “*Christian Traditions, Culture, and Law*”: *An Update and a Few Reflections*, 47 PEPP. L. REV. 563 (2020).

their academic disciplines have merely a Sunday School education in their Christian faith. He argued that a Christian's theological library should be as large as his or her professional library. Jim, at 99, remains a friend and mentor, and I make an annual pilgrimage to Vancouver to see (and learn from) him.

Tom Shaffer started me thinking specifically about the connections between law, law practice, and Christian faith.⁴ Tom was a visiting professor at the University of Virginia during the 1975–76 school year, following his tenure as dean at Notre Dame Law School. He offered a course on law and religion in his and his wife Nancy's rented home. When Tom discovered that all in the class were Christians—though of almost every stripe—he asked if one of us would open with prayer. That, no doubt, would have been troubling to the University's founder, Thomas Jefferson. However, we closed with beer. That would have been troubling to my Baptist forbearers, but it seemed to me to balance the books.

Tom was at the forefront of both the law and religion and the religious lawyering movements. He exposed me to several new ideas about being a lawyer that were grounded in Christian faith. A lawyer should (1) be consistent (not a different person in the office than at home); (2) be concerned for the moral welfare of clients (“[T]he goal and purpose of a virtuous life in a profession is to help others become good persons . . .”⁵); (3) be concerned for all those persons affected by legal representation (not just their clients); (4) engage in moral discourse with clients in light of the prior two factors; (5) reject power, yet speak truth to power; and (6) represent criminal defendants, imitating Christ, as a “companion to the guilty.”⁶ Shaffer's groundbreaking book, *On Being a Christian and a Lawyer*, grew out of our class. From Tom's “Afterword” to that book, I learned a lot about how to view students and the academic enterprise.

I began this enterprise, and continue it, as a law teacher—nothing more than that, but nothing less. Not a word is written *ex cathedra*. How could it be? But every word is written because my students

4. For a fuller reflection on Tom, his wife Nancy, their work, and their influence on me, see *Lawyers, Religious Faith, and Virtues: Reflections on Tom and Nancy Shaffer*, 10 ST. MARY'S J. ON LEGAL MALPRACTICE & ETHICS xviii (2020).

5. THOMAS L. SHAFFER, *AMERICAN LAWYERS & THEIR COMMUNITIES: ETHICS IN THE LEGAL PROFESSION* 94 (1991).

6. THOMAS L. SHAFFER, *ON BEING A CHRISTIAN AND A LAWYER: LAW FOR THE INNOCENT* 50 (1981).

raise personal, confusing questions about being lawyers and Christians and Jews. My confusion was blessed, early on, by a group of law students at the University of Virginia, in 1975 and 1976. They were members of the Christians Law-Student Fellowship there and were enrolled in a group-study venture, in which I taught and learned, that was called law and religion. All of them are now about their professional apostolates; I think of them often as a special audience for which I write. They are: [and then he listed each of us by name].⁷

Tom continued to mentor me after I entered law teaching. One of the greatest honors of my life was to co-author *Lawyers, Clients and Moral Responsibility*⁸ with him.

After law school and a clerkship, I got to put some of Tom's teachings into action. I engaged in a general litigation practice with the Charlottesville firm of Boyle and Bain. I found law practice to be what Tom Shaffer used to call "an education in life." There was no state public defender and the local bar used to serve as appointed criminal defense counsel—right out of *To Kill a Mockingbird*. Within the first five minutes of an interview, my clients would tell me their deepest secrets—with whom they last had sex, how they had killed someone, the severity with which their husband beat them. My criminal defense clients were about equally white and black. The emphasis these days is on the differences between the races, but I was struck by how similar are the lives of poor blacks and whites. In the midst of that practice, the partners in the firm, Bob Boyle and Eddie Bain (and another lawyer friend, John Acuff), taught me the virtue of practical wisdom in the life of a lawyer.

At one point in the late 1970s, while still practicing law, I suggested to a friend (and UVA economics professor) Ken Elzinga and our pastor Skip Ryan that I might teach the book of *Romans* in Charlottesville's Center for Christian Study. They said that there were numerous people in the community who could teach *Romans*, but that they would like to see me teach a course on Christianity and law. I did, along with a friend—now Judge—Rick Moore. I have been teaching some form of that course ever since.

Ken Elzinga (and law professors Tom Shaffer, Walter Wadlington, Charlie Whitebread, and Tom Bergin) encouraged me to go into law teaching and helped me make that move. I also learned from their example to care deeply

7. SHAFFER, *supra* note 6, at 227.

8. THOMAS L. SHAFFER & ROBERT F. COCHRAN, JR., *LAWYERS, CLIENTS, AND MORAL RESPONSIBILITY* (1994).

for students. Ken's University of Virginia website stated that the image that captured his aspiration for relations with students was Jesus washing the feet of his disciples. I recall going to Ken's office during office hours. His phone rang and I waited for him to pick it up. He let it continue to ring. I said, "That could be someone important." He waited until it stopped ringing. I realized that, at that moment, I was the most important person in his life.

My years teaching have been a blessing, thanks in large part to my colleagues at Pepperdine and throughout legal education—especially those in the Law Professors' Christian Fellowship. I have been blessed as well by my Pepperdine deans: Ron Phillips, Richard Lynn, Ken Starr, Deanell Tacha, and Paul Caron. They have been enormously supportive of me throughout my career, hiring me, nurturing me through my early days in teaching, hosting law students' Bible studies, encouraging my odd (by law school standards) scholarly interest in law and theology, and enabling me to start Pepperdine's Union Rescue Mission Legal Clinic, Judicial Clerkship Institute, Nootbaar Institute on Law, Religion, and Ethics, and Global Justice Program. They paid me to do the things I love. Not many people can say that.

I am also grateful to authors whose books have encouraged me to love God "with my mind."⁹ Of particular significance were C.S. Lewis, John Stott, Richard John Neuhaus, Dallas Willard, and N.T. Wright. It was a special honor to be able to co-author an essay "Jesus and the Positive Law"¹⁰ with Dallas Willard, shortly before his death.

Finally, a special thanks to my wife Denise and my children Christina, Robbie, and Kevin for sharing me with my students and colleagues. They have made sacrifices that have enabled me to pursue the work I love. I am proud of each of my children, as they have grown and are now in the midst of their own Christian callings.

9. *Matthew* 22:37.

10. Robert F. Cochran, Jr. & Dallas Willard, *The Kingdom of God, Law, and the Heart: Jesus and the Civil Law*, in *LAW AND THE BIBLE: JUSTICE, MERCY AND LEGAL INSTITUTIONS* 23 (Robert F. Cochran, Jr. & David VanDrunen eds., 2013).

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