

THE CHRISTIAN LAWYER®

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Doing Justice

He has told you, O man, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?

Micah 6:8 ESV

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David Nammo
Executive Director
and CEO

Micah 6:8 says that the Lord requires us to “do justice, love mercy, and walk humbly with our God.” How does one “do justice” or “act justly” or “seek justice”? And as lawyers, when was the last time we considered justice in our daily work?

The idea of justice is often understood as fairness, but I think it is so much more. It is a righting of creation on so many levels. The book of Isaiah says that Jesus “will faithfully bring forth justice. He will not grow faint or be crushed until he has established justice in the earth” (Isaiah 42:3-4 ESV). What encouraging words!

As I consider the idea of justice, I am struck by how many times in scripture that justice is not mentioned without including righteousness and, yet, we rarely talk about one with the other.

The Psalms even state: “Righteousness and justice are the foundation of your throne; steadfast love and faithfulness go before you” (Psalm 89:14). Amos also talks about justice and righteousness: “But let justice roll on like a river, righteousness like a never-failing stream” (Amos 5:24 NIV).

Can we have one without the other? How do we as Christian lawyers seek or do justice and does our justice look different because it is matched with righteousness? And what exactly would that look like?

It is justice that ultimately necessitated the sacrifice of Jesus to pay for our sins. Thankfully, like Abraham, who was imputed righteousness because of his belief in God – we as followers of Christ – get the same righteousness, as fallen and sinful creatures, because of our belief in Jesus.

Christians should also be mindful that we have avoided the “justice” we deserve because of Jesus Christ. Justice in a true sense would be the eternal damnation of all humanity and separation from our Creator because of our sin; however, the righteousness of God prevailed through the mercy of Jesus Christ and His death and resurrection.

It is interesting that followers of Christ are in a unique place to demand and seek justice when, in our individual experience, we avoided “justice” (Praise Jesus!). It may seem hypocritical, but it makes sense. We seek justice, but with the right amount of mercy and righteousness.

We seek justice when we see injustice. We demand justice for those who have broken the law. We advocate for justice when we feel a loss or equality of treatment compared to others. Likewise, we want justice for our clients. We do justice in our treatment of the law. We desire justice through laws and regulations.

We are called to “do justice.” Should we as imperfect people seek justice? Every day. Reaching for ultimate ideals, even if we fall short, is what makes us all better. We strive to be Christlike, and yet none of us gets near it. We strive to love our neighbor, but we know we do it so poorly. Yet it is a sad day when we give up, stop striving to be better, and give into the things that hurt us and others around us. So let us do justice – with the Lord’s help – in all our spheres of influence.

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Mishpat

BY DREW WILLEY

As lawyers, we have more “justice system interactions” than most people. Our daily activities, professional and otherwise, decide this world’s vision and actions of “justice.” So,

- 1) What is justice?
- 2) What experiences, as lawyers, enable our justice influence? and
- 3) How can we do justice?

“Mishpat” is a primary term translated into “justice” in the Bible. More specifically, it can be translated into “restorative justice,” meaning a justice built for people’s wholeness. And in the shadow of Jesus on the cross between two thieves, this term becomes powerful. Jesus died on the cross to make us whole. If, in this world, we are to be like Him, we should be addressing how all parties can be made whole again in every interaction. Our profession requires us to face injustices in daily life, and people come to us to fix things for them, making it that much more vital to strive for all parties’ wholeness as much as possible.

My work brings me into daily interaction with people who are poor, mentally ill, and racially discriminated against. I see injustice and dehumanization every day in our system, so I spend a great deal of time praying and reflecting on the applications of biblical justice. More broadly, however, I believe that Christian lawyers have a special calling to justice. Every time I am frustrated with a church partner for not understanding the trauma of chronic poverty, I am sinfully quick to judge the church. But, as a lawyer serving the church, I have a special responsibility to speak justice into the world, and especially in our church. This fact is why I serve as a leader for my local Christian Legal Society (CLS) chapter. I see this influence as a possible spark for our city coming to know a better justice built on wholeness for all.

In those meetings, I interact with lawyers who have not ever focused on their calling to justice. I bring up criminal justice issues and racial inequalities and push for focus on the poor. These conversations show me that concerns for justice are all too often relegated to trial scenes. As lawyers, we influence interactions across a wide spectrum – employment decisions, contract negotiations, entity creation, environmental compliance, etc. Just because a lawyer may not be an outspoken social

justice warrior does not mean he or she does not have a special calling to influence justice in our society. And that is a justice focused on wholeness.

“Mishpat” is a primary term translated into “justice” in the Bible. More specifically, it can be translated into “restorative justice,” meaning a justice built for people’s wholeness. And in the shadow of Jesus on the cross between two thieves, this term becomes powerful.

Wholeness requires a big picture perspective. We cannot isolate ourselves in one area or we may find we are contributing to an imbalance such as the rich being given clientele preference over the poor, mineral interests overtaking better tax policy, or victims’ rights overshadowing accused peoples’ rights. Take Christian Legal Society, a national organization. This organization covers four ministry focused areas: 1) Attorney Ministries; 2) Christian Legal Aid; 3) the Center for Law & Religious Freedom; and 4) Law Student Ministries. If, for example, religious freedom took on the topic of conversation at 90% of the meetings, an injustice would occur because the other three ministries would not be whole. I am not advocating for a mere evenly divided pie chart, because I believe Jesus will continuously expand our pie if we let Him. I am advocating that we, as Christian lawyers with a duty to seek justice and wholeness for all, should constantly look at all of our influential experiences as opportunities to seek wholeness for someone. And if a clear marginalization is taking place anywhere in our sphere of influence, we have a duty to step up and advocate for their wholeness. If we do not do that as lawyers, the church and our society as a whole may compromise the hope for a better future of justice for all.



When George Floyd was murdered, protests and systemic responses were swift. I saw many organizations re-think justice's construction through a racial lens. Many people reassigned speaking engagements to Black lawyers and an awakening looked promising. As we look today, did those responses result in more justice? Are more marginalized communities feeling direct empowerment? Are more people being made whole? The Christian lawyers in our society must be asking these questions.

So, how can we do justice? A friend of mine chairs our CLS pro bono committee. He led the group to hold a criminal record clearing initiative as his way to serve the less fortunate. You could re-think your firm's cultural awareness in hiring practices or find ways to raise the standard for poor clients' quality of representation in any area as a means of attacking the problem. At Restoring Justice, we provide a direct opportunity to those who want to step up and enact justice. It is client-focused and requires an individualized and relational form of discipleship. It is our "adelphoi" (Greek for brothers and sister in Christ) program, where we allow volunteers to walk alongside a client to emotionally support the client as a family member through the trauma imposed by our criminal legal system. In your city, in

your workplace, doing justice merely takes seeing injustice and working to fix it.

Additionally, I think we should prevent fear from winning and focus on love. As it says in 1 John 4:17, "[i]n this world we are like Jesus. There is no fear in love. But perfect love drives out fear, because fear has to do with punishment. The one who fears is not made perfect in love." If we focus on love, I believe we will

As it says in 1 John 4:17, "[i]n this world we are like Jesus. There is no fear in love. But perfect love drives out fear, because fear has to do with punishment. The one who fears is not made perfect in love."

find a calling to be bridge builders, building people and connections up, not breaking them down and widening the divide our country faces.

It will, however, take an honest look in the mirror for all of us, particularly myself, as I attempt to write this reflection from a wholeness-focused perspective. Some honest realities must be faced. For my conservative friends, you may see that Christianity requires justice. For my progressive friends, you may see that justice requires sacrificial love. As Christian lawyers, we must stand in the middle, and call both sides to wholeness. We must be bridges for all people, even if both sides continue to slug us from their widening shorelines. If we can find that strength to love, then maybe, as Christian lawyers, we can keep doing justice.



Drew Willey founded Restoring Justice, along with his wife, Jessica, and currently serves as the organization's CEO. After attending law school at University of Houston Law Center, Drew also worked as a public defender. He has been featured in publications like *The New York Times*, *Texas Monthly*, *Texas Tribune*, and the *Houston Chronicle*.



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Justice, Mercy, Love, & Humility

BY MICHELLE SAMUEL

Justice at the Point of Persecution

There is something about the yearning and deep desire we as believers encounter in God's heart as He speaks through the prophet Isaiah to a people reminded of their duty and identity. It resonates with a longing within us. We encounter this sense of grief at the rejection of God's standards as we hear him cajoling and encouraging like a father between frustration and paternal instinct.

“Learn to do right; seek justice.
Defend the oppressed.
Take up the cause of the fatherless;
plead the case of the widow” (Isaiah 1:17 KJV).

To seek *this* justice, for self and neighbour, is a fundamental trait essential to our humanness as *imago Dei*.¹ We yearn as we strive in our nature to hold onto the ideal version of ourselves and accept all, in honesty, as we look on our failures and realize how far we fall short in growing and living as “just” people.

Justice and Righteousness

Justice is more than our interpretation of laws and ideologies. A true sense of justice establishes us as sinners in need of the intervention of a redeeming God. When we restrict justice to a list of human rights, we are making it devoid of compassion and love and are committing an injustice against the multi-dimensional riches of *shalom* (broadly speaking, peace) – the state in which we were created. Over all of this creation, the Creator declared “it is good.”

Throughout scripture, we experience the shifts in the tone of God's voice presenting a measurement of how He longs for us to be in that place of “it is good” and *shalom*. We live in search of and strive toward the promised restoration of “goodness” where the only existing scars are those of Christ's redemptive work on the cross.

These shifts in God's voice tell the story of our idols, our ambitions, and our frailties. God's voice rises and falls from declaring *shalom*, to the deep lament of banishment and separation, to the melody of prophetic words and loving assurances. His

heart of love resonates with justice, mercy, and humility. One deep note of adoration being received and sown into history is what we hear in Christ's voice as He receives the treasures of an alabaster jar that ought to have been sold and the money given to the poor (Luke 7:36-50)! This presents a challenge to the entitlement of the graceless cynics.

While the tone of God's voice shifts with the hardness of Israel's heart, His message is the same – turn back, turn back to *shalom*.

This call to be made right with God and find our way toward *shalom* is not only enabled by the work of Christ at Calvary, but is also highlighted repeatedly through the law and the prophets. Loving my God, my neighbour as myself, is summarized by Jesus in those two great commandments and unpacked by the prophets as the Spirit declared God's instructions for justice and caring for the dignity of neighbour, of self, and the sole passionate worship of God.

An Ideologically Driven World

God's voice continues to harken us in this period of post-Christian idealism. We face a battle at the very heart of the judiciary between God's grace and our established legal procedure. With justice now designed to be retributive and manage the populace, the premise of the love of God designed to be the foundation for delivering justice is scoffed at. God calls us to carry out justice with a “love” redefined in every form by weaving together Micah 6:8 and 1 Corinthians 13.

Despite globalization, we grow increasingly tribal and exclusive. We easily exclude the “other” in our midst. Though “he” is our neighbour whom we are called to love, the reality is different. Persecution and abuse of rights inspire us to denounce these neighbours who are also perpetrators and vice versa (dare I say). While we stand for human rights, we let heavenly grace depicted in the cross of Jesus Christ slide from our vision.² Dignity appears to be an entitlement only for those who satisfy the norms of post-Christian and political correctness.³

In a corner of the post-Christian but ideologically driven world, the human story has drifted sharply and dangerously far from the *shalom* of the garden and the promise of Calvary. Even in a



country (in Mid-West Asia) where the justice-dispensing institutions wrestle daily with the impact of violence and hate-driven narratives against ethnic minorities, religious groups, and genders, there is for the isolated and often violated Christian, a very certain place to embrace perfect and ultimate justice. It is found in the governance that rests on the shoulders of Christ (Isaiah 9:6). The prophet Isaiah's words satisfy the questions and uncertainties faced by the persecuted Christian who:

- stands trial for unfair blasphemy laws,⁴
- for defending his family and women folk,
- for trumped-up allegations, and
- the restoration of his or her female family member who may have been abducted and forced to convert and deny Christianity.⁵

Understanding God's Heart for Justice

This tribalism in the Asian subcontinent finds its roots in the caste system, which continues to be the bane of communities. It has been compounded by the "Dhimmization"⁶ (subduing) of non-Muslim communities by Muslim rulers. It was the Great Commission of Jesus Christ that brought the Apostle Thomas to the subcontinent to preach the gospel to all nations, kings, and paupers, thereby dissolving barriers of caste and creed.⁷

God dwells in us through the Holy Spirit, propelling us since baptism into a journey of realized dignity and abundant life. There in those waters we leave behind ethnic, racial, and gender hinderances, helping us realize *shalom* this side of eternity. He reaffirms us as a "new creation" unto Him – a new creation for

whom and from whom justice, love, mercy, and humility are demanded and promised.

Sahar's journey of faith

We live, however, amid persecution, persecution under which the world continues to seek to subdue and weaken the Christian faith. Psalm 3:3 says, "He is the shield about me, the glory and the lifter of my head." The space in history we occupy is one in which a season of persecution is being experienced in great abundance by the church. That is why this verse may seem obscure and difficult for Sahar. Sahar (not her real name) is a young woman at a refuge and restoration centre. Sahar, who as a child hid in a cemetery, faced repeated physical and sexual abuse. She was valued enough to a Christian woman passing by to be rescued from the tombstones. She grew up to be a valued wife, mother, and teacher. Sahar still wrestles with her past, yet somewhere on her Golgotha journey, she encountered those very shoulders that carried the cross of Jesus Christ. She found herself restored, made new, and given a garment of honour. There, she experienced the shield of God, the lifting of her head, and the whisper of "Talitha Kumi."

Kadeer's burden

A few blocks away from Sahar, Kadeer (not his real name) languishes in pain. He previously worked as domestic help in a home where he was the only Christian. When large amounts of jewelry went missing, he was picked up without any questions and brutally beaten. His torture was so intense that his body, soul, and spirit were broken. He was given no opportunity to defend himself at the police station, with no pathway to justice

and resolution. While advocacy workers sought his release, he was ultimately moved to safety. Yet there was no closure, no justice, and no healing for him. He continues to suffer in silence to this day.

Aroona's past

Eight-year-old Aroona (not her real name) watched her father distribute sweets, her legal case now closed. Aroona was free, and the court had issued a warrant for the arrest of the teacher who violated her. While everyone smiled and danced in the courtyard, Aroona and a member of her legal team did not. When Aroona shared her prayer request that she remember how to smile again, her legal advocate tried to smile but was unable to sense the quieting of God singing over her as she wrestled with the flaws in the system claiming to administer justice and yet refuse to call what happened an act of persecution.⁸

These very systems are riddled with loopholes that will always make children such as Aroona the victim of abuse. She will never be rid of the stench of shame. In another room, her mother finds a relative's gun packed into a pillow, the same relative who came with a message from the local school: "Her dignity has been ravaged and along with hers, yours too. Kill her and get rid of the body. No one will ask." She looks at her daughter through the window. Aroona is carrying her rag doll made at the women's refuge centre. She named the doll Talitha Kumi. Aroona told her mother, "I love that story of Jesus whispering into the little girl's ear, Mama. I am dead, and I do not have the courage to get up, but when I see her, she reminds me of Jesus."

The Calling Before Us

Justice, mercy, love, and humility – the green pasture, the still water, the state of *shalom*. None are passive, but active; not futuristic, but the affirmation of the here and now and the invitation to be seated in the heavenlies, to be the saints dwelling with God and God with us.

While we (Christian lawyers, pastors, and activists) strive for justice, for dignity, and for safeguarding the vulnerable, we rest and know no other way of significance except to take the sacrificial route of Emmanuel Love and untamed passion.⁹

In Christ, we find our biblical justice through the lens of *shalom*, the fuel for praxis, bringing hope, endurance, and

transformative power to the Aroonas, Kadeers, and Sahars of the world. For without praxis, without the washing of feet and the laying down of lives, all our ideologies are as filthy rags. It is in the Jesus of the Bible that Micah 6:8 finds a brilliant culmination, embracing the ones who have sought the certainty and promise of Christ.



Michelle Samuel lives and works in Pakistan. She is founder of the White Peacock Theatre and the Crown Institute of Training, Mentorship, and Discipleship. Through her theatre organization, Michelle seeks to use the colour, music, and story of her people to encourage and build a healthy, hopeful community by spreading legal and social awareness through theatre and art. Michelle has a degree in theology and social sciences and a master's in mission studies. She also serves as the program director at the Lahore College of Theology where she teaches the theology of persecution, suffering and personhood. Michelle and her husband, Mark, are passionate about justice, hope, and transformation and believe in reaching out to the "least of these."

The stories Michelle tells in this article are excerpts from actual stories relayed to Michelle personally.

END NOTES

- 1 Latin for "The image of God."
- 2 Volf, M. (1996). *Exclusion and embrace: A Theological Exploration of Identity, Otherness and Reconciliation*. Abingdon Press.
- 3 Nazir-Ali, M. (2012). *Triple Jeopardy for the West: Aggressive Secularism, Radical Islamism and Multiculturalism*. Bloomsbury Continuum.
- 4 In one country alone, 900 cases of blasphemy were registered against religious minorities, under the country's infamous blasphemy laws, designed to make the life of religious minorities unbearable and to remove Christians from the country.
- 5 In Pakistan, more than three Christian girls a day are forced to deny Christ and are abducted and often forced to marry into the majority faith group in an attempt to retard church growth and fill a sense of fear into the Christian populace.
- 6 Yeor, B. (2001). *Islam and Dhimmitude: Where Civilizations Collide*. Dickinson University Press.
- 7 Moffet, S.H. (1998). *A History of Christianity in Asia*. Orbis Books.
- 8 Aroona was one of the few privileged young girls who had access to trauma care workers (LAMP) trained and skilled in legal knowledge who were able to advise the family behind the scenes.
- 9 Drummond, N. (2014) *Brother Andrew: Behind Enemy Lines*. CF4Kids.

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Micah 6:8 and the Law Student

BY JEFFREY BRAUCH

Introduction

If you visit my office at Regent University, you will notice a few things. There are lots of books and pictures of family. There are a few diplomas, though these are dwarfed in both size and interest by Green Bay Packers memorabilia. There is also one Bible verse on the wall: Micah 6:8. It hangs in two places in two different languages: English and Korean (the latter thanks to the generosity of friends at our sister school, Handong International Law School).

My guess is that Micah 6:8 hangs on the office walls of many Christian lawyers. Why? Most likely because it responds to one of our most pressing questions: What is God's will for me? And the answer begins with a command that stirs the heart of any lawyer: "Do justice!"

Micah 6:8 motivates many law students as well. It is direct, compelling, and inspiring. But for the 21st-century law student, what exactly does it mean? In this short article, I offer a few suggestions for how the Christian law student can not only appreciate but also carry out God's charge to "Do justice!" namely: (1) pursue your legal studies with diligence and excellence; (2) care for the poor and marginalized; (3) dedicate yourself – through the power of God – to righteousness.

Pursue your legal studies with diligence and excellence

Wait, what? Only a law professor could turn a majestic verse like Micah 6:8 into an injunction to study harder!

So, what do I mean? This verse should inspire the Christian student to pursue his or her studies with passion. Those studies – and the profession for which they are preparing you – matter deeply to God.

One thing we learn from this verse is how much God loves justice. Consider the context. The prophet Micah wrote the book that bears his name in the 8th century B.C. He addressed the people of Israel who, though prosperous, struggled with idolatry and injustice. The injustice showed itself in many ways, from violence and abuse of power to lying, cheating, and dishonest

gain.¹ Chapter 6 begins with God issuing an "indictment against his people."²

Micah tells his audience that the proper response to God's indictment is not to offer "thousands of rams or ten thousands of rivers of oil."³ No, don't bring more sacrifices. Instead:

He has told you, O man, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?⁴

Notice the significance of this. Rather than more sacrifices and religious observances, God wants a just society. He loves justice. He views it as foundational to all else.

Micah is not alone in making this point:

- "[R]ighteousness and justice are the foundation of [God's] throne."⁵
- "For I the Lord love justice..."⁶
- "[L]et him who boasts boast in this, that he understands and knows me, that I am the Lord who practices steadfast love, justice, and righteousness in the earth. For in these things I delight, declares the Lord."⁷

One of the most surprising passages relating to justice is Hebrews 11:32-34. Hebrews 11 is sometimes described as the "Hall of Faith." It recounts how historical heroes like Abraham, Joseph, and Moses displayed faith and pleased God. At the end of the chapter, the writer of Hebrews notes that he doesn't have time to tell of others who "through faith conquered kingdoms, enforced justice, obtained promises, stopped the mouths of lions, quenched the power of fire,"⁸ and more.

God puts enforcing justice in the same faith-infused list with conquering kingdoms and stopping the mouths of lions! Justice matters tremendously to God. It brings him glory and joy.

How does this relate to you as a law student? You are being trained as one who will enforce agreements, plead cases in courts of law, and uphold both rights and duties. In short, you are preparing for a noble calling where you will work to uphold justice and the rule of law.



So, study. Do so with diligence and excellence. God is preparing you for the day you enforce justice and bring both glory and joy to Him.

And if you are a lawyer, rejoice. Your work matters to God. Do it with diligence and excellence.

Care for the poor and oppressed

Matthew Henry notes that justice in Micah requires us to “render to all their due” – treating all as they deserve.⁹ And this has broad application: “[W]e must do wrong to none, but do right to all, in their bodies, goods, and good name.”¹⁰

“All” is not a throwaway term. Henry is right that Micah’s call to do justice means that all individuals must be treated with equity, even those who often tend to fall through the cracks in a justice system: the poor, the oppressed, and the marginalized.

Scripture is filled with references to God’s special care for those who are often forgotten in our system of justice. And that care is intimately tied to His justice. Deuteronomy 10:17-18 states:

For the Lord your God is God of gods and Lord of lords, the great, the mighty, and the awesome God,

who is not partial and takes no bribe. He executes justice for the fatherless and the widow, and loves the sojourner, giving him food and clothing.¹¹

God, the sovereign king of the universe, is impartial. He gives each one his or her due, including those on society’s margins – the poor, the orphan, the widow, and the alien.

God insists that those who administer justice on earth follow Him in this work. Scripture contains many passages like these:

- “[L]earn to do good; seek justice, correct oppression; bring justice to the fatherless, plead the widow’s cause.”¹²
- “Open your mouth for the mute, for the rights of all who are destitute. Open your mouth, judge righteously, defend the rights of the poor and needy.”¹³

These passages don’t just say that it would be good or nice to care for the poor. Caring for the poor is an essential part of doing justice.

For the Christian law student – or attorney – this is a call you can fulfill immediately. Students, does your school have an

outreach to the poor or marginalized? Participate. Devote time to a clinic or practicum that serves clients who might otherwise be priced out of the justice system. Serving in this way will not only grow your legal skills but will also help you fulfill God's call to bring justice to the marginalized.

Attorneys, volunteer your services at a legal aid clinic. Lead pro bono activities at your firm. These are concrete ways to "Do justice."

Dedicate yourself – through the power of God – to righteousness

One final note: "Do justice!" doesn't only apply to attorneys and law students acting in our professional capacities. It is a command to everyone, and it applies to every aspect of our lives, because biblical justice is completely intertwined with righteousness.

Psalm 106:3 says: "Blessed are they who observe justice, who do righteousness at all times!"¹⁴ In the parallelism of Hebrew poetry, the two lines of this verse are synonymous. The second agrees with and amplifies the first. To observe justice requires doing righteousness.

The familiar and powerful imagery of Amos 5:24 makes the same point: "But let justice roll down like waters, and righteousness like an ever-flowing stream."¹⁵

God calls Christian law students and attorneys alike to pursue justice in every aspect of our lives. We aren't just called to a career where we plead cases and administer the rule of law. We are also called to live just and righteous lives. "Do justice!" demands right personal relationships, as well as the just administration of law.

Do justice now as you interact with family members, friends, classmates, and partners. Let God's righteousness determine how you conduct personal relationships, engage on social media, and love and pray for both friends and enemies.

Just as we are to imitate God's love for and pursuit of justice, we are to imitate His character generally: "You shall be holy, for I am holy."¹⁶

Importantly, such holiness is not a matter of just trying harder. We can imitate God's character only through His strength. As you seek to do justice in your personal life, pray and seek the power of God who "is able to do far more abundantly than all that we ask or think."¹⁷

Conclusion

Micah 6:8 should be more than a great wall decoration – or even a verse that inspires. "Do justice!" should be the mission statement that shapes our calling both now and throughout our legal careers. It is a full-orbed command that forms our professional careers and our daily lives. And for the law student – and attorney – the time to start doing justice is now.



Jeffrey Brauch is a professor at Regent University School of Law and the executive director of Regent's Center for Global Justice. From 2000 to 2015, he served as the law school's dean. He has published four books, including *Flawed Perfection: What It Means To Be Human & Why It*

Matters For Culture, Politics, and Law.

END NOTES

- 1 Micah 2:1-2; 3:1-3, 9-12; 6:9-12 (ESV).
- 2 Micah 6:2.
- 3 Micah 6:7.
- 4 Micah 6:8.
- 5 Psalm 97:2.
- 6 Isaiah 61:8.
- 7 Jeremiah 9:24.
- 8 Hebrews 11:33-34
- 9 Henry, M., (1991). *Matthew Henry's Commentary on the Whole Bible: Complete and Unabridged* 1542. Hendrickson Publishing.
- 10 *Id.*
- 11 *See also* Exodus 22:21-27; Psalm 146:29.
- 12 Isaiah 1:17.
- 13 Proverbs 31:8-9.
- 14 Psalm 106:3.
- 15 Amos 5:24.
- 16 I Peter 1:16.
- 17 Ephesians 3:20.



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He's not a judge, but he plays one on TV: *Resolving disputes biblically*

BY KEN LIU

A woman named Erin hired her brother Drake, a contractor, to renovate her kitchen. Erin pre-paid him \$5,000 for the job. Over a year later, he still had not yet begun the work and refused to return her money, so Erin sued him.

In a typical trial, Erin would file a complaint, and Drake would file a response. Then they would exchange discovery requests and evidence, and their lawyers (if they could afford them) would present formal arguments and cross-examine each party.

At their trial, however, there were no formal pleadings. Nor were rules of procedure followed. After allowing both parties tell their respective sides of the story, the judge stepped in and asked each party questions, not merely for clarification, but substantive and probing questions such as, “Why didn’t you do the job when you said you would?” and “Do you really still intend to do the job?”

After the parties shared their stories and engaged in some angry venting, the judge asked Erin what her relationship with her brother was like before this dispute. With tears in her eyes, she told a touching story of their formerly loving relationship,

how they would do anything for each other, and how pained she was for having lost her brother over this dispute.

In the end, Judge Harvey rendered a “verdict” in favor of the sister. More importantly, he gave some grandfatherly advice on resolving their dispute and restoring their relationship. The proceedings ended with the parties reconciling, hugging each other, and saying “I love you.”¹

If only every trial ended like that!

This trial, however, was not in a real court and Steve Harvey is not a real judge. He merely plays one on TV – specifically on the new reality show *Judge Steve Harvey*. Despite not being a real judge, Harvey knows how to tease out the essence of a dispute. In an interview, Harvey said, “I’m so intrigued by the story that I allow the litigants to say things that I know no other court show would allow them to say. Well, to me, it has everything to do with it, so let’s hear it.”²

In disputes between human beings, the truth is often not found in the cold, hard facts. The deeper, more meaningful truths

– the issues that can lead to reconciliation and restoration of broken relationships – are usually in the human elements, the background stories, and in the hearts of the parties involved. These truths are not usually found in interrogatories and document productions, but need to be teased out in face-to-face dialogue.

Although the *Judge Steve Harvey* show is merely TV, it offers a possibility for true dispute resolution. Perhaps what we really need are not impersonal, neutral judges who are merely competent at conducting trials, but rather judges who have a true listening ear and can dispense wise counsel.

A procedural quagmire

Our nation’s judicial system is structured such that two parties represented by aggressive counsel battle with the hope of truth prevailing upon consideration of all facts, evidence, and arguments. Sadly, and all too often, truth does not prevail or win the day, nor does either party. Instead, a “win” simply means the attorneys’ pockets are lined.

When both parties are represented by counsel, there is some hope that both sides have a fair chance. In actuality, in only a small fraction of cases are both parties represented. In about 80% of the millions of cases in state courts (where most cases are heard), one or both litigants are *pro se*.³

Unrepresented parties struggle to navigate the byzantine legal system and hope against all odds they will get a fair hearing. Although our judicial rules of civil procedure are ostensibly designed to elicit the truth, in the vast majority of cases, in the vast majority of cases, the procedures merely inhibit the truth from ever being told.

“Without the assistance of counsel, parties have difficulty filling out court forms, successfully accomplishing service, asserting appropriate claims and defenses, and mastering court etiquette and decorum. When disputants seek to ‘tell their stories’ in court, they find themselves stifled and silenced by evidentiary rules and relevance requirements that are baroque and befuddling to them,” says Ellen Waldman, professor of law and mediation ethics.⁴

Legal aid clients are often surprised to hear lawyers advise them, “If you want to find justice, don’t go to court.” Apparently, this is nothing new, as even Abraham Lincoln advised attorneys to “[d]iscourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses, and waste of time.”⁵

If we want truth and fairness to prevail in disputes, we need to find better ways of resolving them. From a secular perspective, court reform advocate Richard Zorza promotes the concept of “engaged neutrality.” This model calls for judges to interact with litigants through a questioning style designed to get the facts out in the open (much like Judge Harvey does in his TV courtroom), but without becoming inquisitors who cross-examine litigants in a typical adversarial fashion.⁶

Do we as Christians have a better alternative?

Biblical dispute resolution

Soon after God led the Israelites out of Egypt, there arose disputes among them. The disputes were so abundant that Moses had to mediate “from morning till evening” (Exod. 18:14). Moses’s father-in-law Jethro realized it was unsustainable and suggested he appoint leaders in a four-tiered system of “thousands, of hundreds, of fifties, and of tens” to judge smaller disputes (Exod. 18:21). Such leaders were to be capable men, God-fearing, trustworthy, and uncorrupted. In this biblical model, there was no mention of procedure. It was the character and ability of the judges that mattered.

Scripture also admonishes us not to jump to secular courts to resolve disputes with one another. Paul said,

When one of you has a grievance against another, does he dare go to law before the unrighteous instead of the saints? . . . So if you have such cases, why do you lay them before those who have no standing in the church? . . . Can it be that there is no one among you wise enough to settle a dispute between the brothers, but brother goes to law against brother, and that before unbelievers? To have lawsuits at all with one another is already a defeat for you” (1 Cor. 6:1,4-7).

If we want to avoid taking disputes to secular courts, who do we turn to? Do we have competent and faithful leaders like those appointed by Moses to judge disputes among the church community? Fortunately, in the U.S., we have networks of Christian mediators, conciliators, and arbitrators who are specifically trained to resolve disputes among Christian individuals, nonprofits, and businesses from a biblical perspective.

The Institute for Christian Conciliation’s *Guidelines for Christian Conciliation* explains, “Christian conciliators make it a point to draw out the underlying reasons for a dispute, sometimes referred to as ‘matters of the heart.’” As Ken Sande states in his classic book, “The Peacemaker: A Biblical Guide to



Resolving Personal Conflict,” conflicts arise from unmet desires in our hearts, which lead us to demand our own way and punish others. Biblical dispute resolution strives to help parties recognize those desires and to help both parties fulfill each other in mutually beneficial ways.⁷

Lawyers and legal aid attorneys can also seek to resolve disputes without using formal Christian conciliation services, simply by applying Christian conciliation principles in their counseling of clients and negotiations with opposing parties.

As attorneys who know truth and love, it behooves us to show the world a better way of resolving disputes, a way that promotes restoration and healing of broken relationships.

For more information on Christian conciliation, check out these and other local Christian conciliation ministries:

The Christian Conciliation Service, a division of Relational Wisdom 360: www.rw360.org/christian-conciliation-service

Institute for Christian Conciliation, now a program of Ambassadors of Reconciliation: www.aorhope.org/icc

Peacemaker Ministries: www.peacemakerministries.org



Ken Liu is the director of the Christian Legal Aid program at Christian Legal Society. Ken has served with Good Samaritan Advocates, a Christian Legal Aid program in suburban Washington, D.C., since 2015 in multiple capacities – as a volunteer attorney, board member, clinic co-director, and president.

END NOTES

- ¹ Judge Steve Harvey. www.abc.com/shows/judge-steve-harvey/episode-guide/season-01/01-not-mending-fences.
- ² www.showbizjunkies.com/tv/judge-steve-harvey.
- ³ Shanahan, C. & Carpenter, A. (2019). *Simplified Courts Can't Solve Inequality*. Academy of Arts and Sciences.
- ⁴ Waldman, E., (2020). *How Mediation Contributes to the "Justice Gap" and Possible Technological Fixes*, 88 Fordham L. Rev. 2425. <https://ir.lawnet.fordham.edu/flr/vol88/iss6/13>.
- ⁵ Basler, R. P. (1953). *Collected works. The Abraham Lincoln Association, Springfield, Illinois*. Rutgers University Press.
- ⁶ The National Center for State Courts and state Supreme Court justices around the country have advocated for such a change for many years. Courts in many European and other countries with civil (as opposed to common law) systems take an active role in investigating facts instead of relying solely on parties' lawyers. Such a model of "engaged judging" already exists in American small claims courts and administrative agencies, which use similar methods to adjudicate. For example, unemployment and Social Security disability claims are handled in this manner. Thus, this model already exists and can be expanded to a broader range of cases.



How Does God Define Justice?

BY LAKUITA BITTLE

Micah 6:8 (ESV) says, “[h]e has told you, O man, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God.”

The term “justice” is so frequently tossed around, particularly within the legal community. Everybody seeks out justice and, in some instances, rightly so. I personally love the word “justice” and the concept behind it. In my life, I have seen and experienced numerous injustices based on my Christian faith, race, gender, socioeconomic status, education, and likely many other categories unknown to me. In fact, having grown up in rural North Carolina, it was these differences that sparked an interest in my wanting to become an attorney. I recognized that attorneys had the ability to effectuate change and do so with fairness. As a Christian, my conviction is that the underpinnings of true justice are integral and important in seeing things from God’s point of view on this topic. True justice does not get implemented without the godly nature of it. God is a god of justice! His ways are just.

Our society typically focuses on justice from the vantage point of race or social justice. People carry varied perspectives of what justice is. When we hear the term, it is rarely referred to in its

proper origin – its biblically based roots. While it may start off proper at times in our society, justice is often presented as synonymous with social justice. In most cases, it is connected to retribution or retaliation – often ungodly in nature. What really matters, particularly as Christians, is the pursuit of God’s construction of justice.

The Importance of Justice

The word “justice” (or “mishpat”) appears in the Bible over one hundred times. When something is repeated in God’s Word, I believe it is important we take note, as it is likely to be something God deems significant. In several instances throughout the Bible, a person, place, or thing may only be mentioned a couple times. This is not the case with the word “justice.”

Scripture repeatedly indicates that justice is of paramount importance to God. The Bible consistently teaches that righteousness and justice are the foundations of His throne.¹ A foundation is the very essence upon which something is built. Consider a house. The foundation of a house is vital to the stability of its structure. I believe godly justice is vital to the stability of our society’s structure. As Christian attorneys, we are armed with the tools necessary to implement this justice. Doing



justice as what is fair and impartial is connected to the very nature of God. It should be our nature as well. Proverbs 21:3 says, “to do what is right and just is more acceptable to the Lord than sacrifice.” It is God’s character to be righteous and just. This is a godly attribute that we as Christians must aspire to and display, especially in the practice of law.

I would like to focus on what God means in Micah 6:8 when He says, “doing justice.” First, let’s look at the definition of justice.

Defining Justice

People have widely varied understandings and interpretations of the word “justice.” There are various contexts in which it is often used. In recent years, we see justice woven into the criminal justice system most often. Some people also consider social justice, racial justice, political justice, or economic justice to be implicit in the definition of justice. Like many words used in the Bible, oftentimes people have a different understanding than God of a word or concept – an understanding infused by their own worldly desire and viewpoint on or interpretation of that word or concept. But let’s look at the word “justice” from its biblical definition, which will help us examine how God sees justice.

To thoroughly understand “doing justice” in Micah 6:8, it is best to breakdown these two different Hebrew words. The first part, to do, is a verb that means “to work, maintain, or execute.”²

Verbs are active. Scripture instructs us to be active, to do something, and to work to maintain justice. Well, then what is justice? How do we administer it? In the context of this scripture, the Hebrew word for justice is “mishpat.”³ It literally refers to rendering a verdict or deciding what is right just as it should be in a court of law. This resonates with me as an attorney. My hope is it will with you as well.

Justice in the Court

As attorneys, we hear justice referred to regularly. Frequently, we hear of justice in the context of the criminal justice arena and in relation to the court system overall. Unfortunately, it is often in reference to justice for the defendant. Yes, God cares deeply for the accused and upholds them being properly given due process; however, we should not forget about justice for the victims and those wronged in society. As Christian attorneys, we are to consider a balanced and unbiased approach to both categories of justice seekers. Why? Because God does. He calls us to be impartial.

Many of you know that prior to coming to CLS, I was a prosecutor. With that in mind, I am compelled here to dissect Micah 6:8 in the context of prosecution. It helps in deciphering what exactly God means when He says we are to “do justice.” There are Bible translations that entitle chapter 6 as, “[t]he indictment of the Lord.”⁴ People may consider this as judgment coming down from God in the form of punishment. In this instance, I can see

how that makes sense. As the chapter begins, Micah is asking the people of Israel to plead their case before God. It is as if He is a prosecutor here and Israel must defend itself against the indictment. You see, here God is requiring that justice prevail throughout the nation of Israel. If you read earlier in the book of Micah, you will see exactly why He wants this justice – Israel had made a habit of ignoring God’s commandments. By commanding them to do justice, love kindness, and walk humbly with Him, God warns His people to do exactly what He would have them do rather than what they want to do, which is participate in wickedness.

Let’s look at how Merriam Webster defines justice. Justice is, “the maintenance or administration of what is just, especially by the impartial adjustment of conflicting claims; the quality of being just, impartial, or fair.”⁵ What stands out the most in this definition are the words “just” and “impartial.”

When God does justice, we see many facets of His character. There are times when He implements justice through discipline like a father does his child. There are other times when He refrains and extends mercy. Throughout the Bible, God illustrates justice differently depending on the situation. I remember when I took the oath as a prosecutor. One part of the oath states, “I will, to the best of my skill and judgment, diligently, and faithfully without partiality or prejudice, execute the office of Assistant State’s Attorney.” The part of this oath that really stood out to me is “without partiality.” God can be merciful and just at the same time. In my work as a prosecutor, there were times where justice was coupled with an abundance of mercy by giving the defendant a second chance. There were times that I, like God, had to administer justice through punishment. And then there were other times where justice called for dropping the charges altogether. On any occasion, I had to apply a just outcome whether that meant punishment or not. I had to take into consideration all parties involved, including the defendant, the witnesses, the victims, and the community. In other words, justice meant to administer prosecution without partiality.

We are called daily to do justice. As Christians we must adhere to God’s command and be impartial throughout the practice of law. It does not matter in which area of law we practice; the commitment must be the same. We have the tools as Christian attorneys to see things from God’s perspective and to actually “do justice.” With the Holy Spirit as our guide and the Word as our compass, as Christian attorneys we have the privilege to display Christ’s character of justice throughout the courts, our lives, and the lives of those around us.

Justice in the Bible

The most important part of the definition of the word “justice” is its root “just.” In scripture, we see God use the word “just” on several occasions. One instance is where He defined Joseph as a “just man.” Matthew 1:19 presents an opportunity for the reader to ask why Joseph was labeled as “just.” I believe Joseph did what was fair and impartial towards his soon to be wife, Mary. Joseph could have easily put her away or even made a public display out of her when he found out she was pregnant before their marriage. Instead, after the angel of the Lord visited him, he did what was just. In other words, he acted fairly toward Mary because she was pregnant with our Savior. One of the ways we can do justice as attorneys is to do what is right, even when nobody is looking. Like Joseph, it is so important that we hear from God and act in accordance with His voice even when the culture calls for or would sanction something different.

We are called daily to do justice. As Christians we must adhere to God’s command and be impartial throughout the practice of law.

Understanding the definition of the term “partiality” is the key to gaining a deeper understanding of justice. “Partiality” is defined as “one who takes sides, showing favoritism, exhibiting bias, showing discrimination, and treating one person better than another.”⁶ In John 8, we see a good example of impartiality and how God illustrates the only legitimate way of doing justice. Here, the Lord spares the adulterous woman from her punishment, as God reveals His grace flowing from the meaning of the cross. Instead, He points out the injustice between the man and the woman – that the people were going to stone only the woman, thereby showing favoritism towards the man and not also dealing with his sin. But the adulterous woman received justice and mercy. This is just one example of how God administered justice throughout scripture. There are so many others. The lesson here is that God requires justice from us.

Life Application of Micah 6:8

Micah 6:8 is not a mere suggestion. It is instructive. We are required by the Lord to do justice. But how do we execute justice impartially? And how do we do this with fairness or from God's perspective? We are to "do justice." It is an action that is required of us. Why is it that we as Christians shy away from "doing justice" when it is required of us? Taking actionable steps in our lives, especially as attorneys, is key to administering, or doing, justice. It comes out in the way we interact with our clients, opposing counsel, and judges. It can also be done with the outcome that we seek.

Micah means "who is like God?"⁷ This is the question we should continue to ponder. Are we like our Lord in this most vital way? Are we doing justice the way He would in the practice of law? Doing justice is simply being fair and impartial. Partiality is the antithesis of being unbiased. In fact, it inhibits an attorney's abilities. Doing justice is something we must aim for and aspire to daily. It is not always second nature. But with prayer and consideration, we can do justice the way God would have us do it. Isaiah 1:17 states that we are to, "[l]earn to do right; seek justice, defend the oppressed, take up the cause of the fatherless, and plead the case of the widow." It is truly a learning process and an active seeking of what God wants to see happen through the practice of law.

We witness or hear of injustices happening in our own world or around the globe. Yet, as Christians we often sit silently or

wait for someone else to speak up and do something. But God is calling His church ("ekklesia") to stand up for justice! It is not about race. It is not about partisanship. It is not about gender. It is not even about denomination. Rather, it is about doing what is right. Doing justice is what is required of us by God.



Lakuita Bittle, the director of CLS' Attorney Ministries, oversees our membership and provides support to our attorney chapters nationwide. Prior to joining CLS in March 2021, Lakuita worked in Prince George's County State's Attorney's Office for over five years, most recently as a prosecutor in the Major Crimes Unit. She is actively involved in her church and serves on a local nonprofit board, Kadesh CDC. Lakuita is passionate about serving her community and enjoys spending time with her family and friends.

END NOTES

- 1 "Righteousness and justice are the foundation of thy throne; Mercy and truth go before Your face" (Psalm 89:14 KJV).
- 2 <https://www.blueletterbible.org/lexicon/h6213/kjv/wlc/0-1/>.
- 3 <https://www.blueletterbible.org/lexicon/h4941/kjv/wlc/0-1/>.
- 4 <https://www.biblegateway.com/passage/?search=Micah%206%3A1-8&version=ESV>.
- 5 Merriam-Webster.com dictionary, retrieved February 1, 2022, <https://www.merriam-webster.com/dictionary/justice>.
- 6 Merriam-Webster.com dictionary, retrieved February 1, 2022, <https://www.merriam-webster.com/thesaurus/impartiality>.
- 7 <https://www.blueletterbible.org/lexicon/h4318/kjv/wlc/0-1/>.

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How the Center Keeps the Center at the Center

BY HERB GREY

Christian Legal Society (CLS) trains lawyers and law students to “act justly,” “love mercy,” and to “walk humbly with [their] God” in accordance with Micah 6:8, living out these commands through its ministries. One of those ministries is the Center for Law & Religious Freedom (the Center), which captured my imagination back in 1978, while still a law student. Let me share why the people and work of the Center remain an energizing influence over me, inspiring me to live out those commands today.

CLS is the oldest religious advocacy ministry, continuing to go forth with a well-earned and magnificent reputation for godly excellence and humility motivated by principle rather than fundraising or self-promotion. Space does not permit an exhaustive discussion of all the Center does, but I hope to provide fresh insight into the breadth and depth of its work.

In over 40 years of existence, the Center has filed amicus briefs in almost every religious freedom case before the U.S. Supreme Court. Additionally, the Center has filed briefs too numerous to count in state and federate appellate courts. Other Christian advocacy organizations often seek out CLS’ prowess and expertise in support of their own cases. Periodically, the Center must speak out in defense of another CLS ministry, often including standing up for the ethical well-being of lawyers.¹

Equal Access

The Center has confronted restrictions on student religious groups meeting on public university and secondary school campuses since the 1980s.² This work inspired the Center to promote passage of the Equal Access Act (1982). Later, the Center helped extend equal access beyond curriculum-related matters to include the right of religious groups to use school facilities outside normal hours, as other community groups were permitted to do.³

Years later, the Center was compelled to come to the defense of one of its own student chapters at Hastings Law School.⁴ Since that time, the Center has continued to defend religious students and Christian schools trying to participate equally in government grants and scholarship programs.⁵ Finally, despite decades of jurisprudence disapproving of speech codes and “free speech areas” on campus, the Center still advocates for religious student speakers.⁶

Religious Expression in the Public Square

It is axiomatic that speech in a public forum cannot constitutionally be restricted based on content or viewpoint.⁷ Yet, religious speakers are often arrested merely because others do not want to hear them. My personal collaboration with the Center



began with successfully defending street preachers in a series of cases in downtown Portland parks.⁸ The Center has long held an instrumental and prominent role in many cases involving speech in public spaces.⁹

The Center has also advocated for prayer. School prayers (including at graduations) have been restricted,¹⁰ though legislative prayers have fared better.¹¹ Just this month, the Center filed an amicus brief on behalf of a football coach fired for kneeling in prayer after games on the grounds that his actions were impermissible government speech rather than an exercise of personal piety.¹²

Along with challenging unlawful speech restrictions, the Center has opposed government mandates requiring religious organizations to promote a government message, a doctrine known as “compelled speech.”¹³ If today’s cancel culture has taught us anything, it is that the “heckler’s veto,”¹⁴ censorship, and coercion are not conducive to a tolerant society.

Religious Schools, Businesses, and Employers

The most contentious cases in recent years have been those in which protected speech involving Christian convictions of business owners and private schools collide with other protected classes in the context of public accommodation laws, as well as Title VII and Title IX.¹⁵ With controversy arising from expanding the definition of “sex” by judicial fiat,¹⁶ there developed a bigger problem: the Supreme Court, in largely dispensing with

the “compelling government interest” strict scrutiny test in *Employment Division v. Smith* of 1990,¹⁷ also dispensed with the ability to balance the interests of protected classes, which must occur so religious freedom does not take a back seat.¹⁸

While balance is baked into the language of many statutes such as Title VII and Title IX, which have religious exemptions including “church autonomy” doctrines,¹⁹ they are not always applied as written. These exemptions allow religious institutions to prefer applicants who share their religious beliefs free from government interference²⁰ and religious schools to retain authority over application of religious policies.²¹ More recently, CLS filed a brief to vindicate the choice of a Christian Legal Aid clinic to hire those whose religious beliefs coincide with its own values.²² The Supreme Court has recently been more explicit that government must maintain religious neutrality and cannot demonstrate animosity toward beliefs of religious parties.²³ For these reasons and more, the Center argues for overruling *Smith*.

People of Other Faiths

The Center is also unique in its willingness to represent non-Christian parties, believing an attack on anyone’s religious beliefs is an attack on all faiths. Among the beneficiaries of the Center’s advocacy are a Santeria church in Florida facing a prohibition targeting its religious worship;²⁴ an Arkansas prison inmate whose faith required him to have a beard;²⁵ a Muslim job applicant whose prospective employer assumed she would insist on wearing a hijab at work;²⁶ and Muslims placed on a “no-fly” list for allegedly refusing to become FBI informants.²⁷



Legislative and Administrative Advocacy

The Center's advocacy also extends from administrative agencies to the halls of Congress. Following *Smith*, the Center led the charge for Congress to pass the Religious Freedom Restoration Act (RFRA)²⁹ and later the Religious Land Use & Institutionalized Persons Act (RLUIPA).³⁰ And with an increasingly energetic executive branch busily attempting to accomplish policy objectives by administrative rule largely insulated from public scrutiny, the Center is also active in filing comments to proposed rules.

Conclusion

The Center exemplifies the best of CLS' ongoing efforts to live out the commands of Micah 6:8. It also keeps the door open for the gospel in the public square. May we all continue to treasure its commitment to the religious freedom that makes justice and the rule of law possible.

The Center exemplifies the best of CLS' ongoing efforts to live out the commands of Micah 6:8.



Herb Grey is an attorney in Beaverton, Oregon, whose practice includes more than 25 years of religious freedom litigation experience and almost 20 years of service on the CLS Center committee. He is also a member of CLS' board of directors.

END NOTES

- 1 The Center's leadership on behalf of attorneys in opposition to ABA Model Rule 8.4(g) is recounted on the Center's website, clsreligiousfreedom.org.
- 2 *Widmar v. Vincent*, 454 U.S. 263 (1981); *Westside Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990).
- 3 *Good News Club v. Milford Central Schools*, 533 U.S. 98 (2001), *Culbertson v. Oakridge School District*, 258 F.3d 1061 (9th Cir 2001).
- 4 *CLS v. Martinez*, 130 S.Ct. 2971 (2010).

- 5 *Locke v. Davey*, 540 U.S. 712 (2004); *Trinity Lutheran v. Comer*, 137 S. Ct. 2012 (2017); *Espinoza v. Montana Dept. of Revenue*, 140 S. Ct. 2246 (2020).
- 6 *Uzuegbuenam v. Prezcewski*, 141 S. Ct. 792 (2021).
- 7 *Perry Ed. Assn v. Perry Local Educators Assn*, 460 US 37 (1980) (content-neutral time, place and manner restrictions must also be narrowly tailored to serve a significant governmental interest)
- 8 *Rohman v. City of Portland*, 909 F.Supp. 767 (D. Or. 1995); *Gathright v. City of Portland*, 439 F.3d 573 (9th Cir. 2006).
- 9 *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Group of Boston*, 515 US 557 (1995) (right of private organizers to include or exclude messages inconsistent with its own); *Shurtleff v. City of Boston*, ___ US ___, argued January 18, 2022 (open forum flagpole outside Boston's City Hall, where the camp constitution flag of a Christian group was the only one of 285 flags excluded).
- 10 *Everson v. Bd. of Ed.*, 330 US 1(1947); *Engel v. Vitale*, 370 US 421 (1962); *Lee v. Weisman*, 505 US 577 (1992); *Santa Fe v. Doe*, 530 U.S. 290 (2000).
- 11 *Town of Greece v. Galloway*, 572 U.S. 565 (2014).
- 12 *Kennedy v. Bremerton School District*, 4 F.4th 910 (9th Cir., 2021), cert granted (argued April 25, 2022).
- 13 *NIFLA v. Becerra*, 138 S.Ct. 2361 (2018) (pregnancy centers required to post information promoting abortion contrary to their religious beliefs).
- 14 *Hedges v. Wauconda*, 9 F.3d 1295 (7th Cir. 1993).
- 15 42 USC §2000e-1; 20 USC §§1681 et seq.
- 16 *Bostock v. Clayton County*, 140 S.Ct. 1731 (2020).
- 17 494 US 872 (1990).
- 18 *Burwell v. Hobby Lobby*, 573 US 682 (2014); *Fulton v. City of Philadelphia*, 141 S.Ct. 1868 (2021); *Starkey v. Archdiocese of Indianapolis*, No. 21-2524 (7th Cir., pending).
- 19 42 USC §2000e-1. 20 USC §1681 et seq.
- 20 *Our Lady of Guadalupe v. Morrissey-Berru*, 140 S.Ct. 2049 (2020); *Hosanna Tabor Lutheran School v. EEOC*, 565 US 171 (2012).
- 21 *Maxon v. Fuller Seminary*, ___ Fed. Appx. ___ (9th Cir. 2021).
- 22 *Seattle Union Gospel Mission v. Woods*, 2021 WL 821959, ___ P.3d ___ (2021).
- 23 *Colorado Civil Rights Commission v. Masterpiece Cakeshop*, 138 S.Ct. 1719 (2018); *Fulton v. City of Philadelphia*, 141 S.Ct. 1868 (2021).
- 24 *Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 US 520 (1993) (ordinance prohibiting killing of chickens as part of a religious observance applying only to the Santeria church).
- 25 *Holt v. Hobbs*, 135 S.Ct. 133 (2015) (prison officials would not allow Muslim inmate a half-inch beard for understandable security reasons, even though a half-inch beard posed no security risk).
- 26 *EEOC v. Abercrombie & Fitch*, 1355 S.Ct. 2028 (2015).
- 27 *Tanzin v. Tanvir*, 141 S.Ct. 486 (2020).
- 28 Religious Freedom Restoration Act, 42 USC §2000bb, et seq.
- 29 Religious Land Use & Institutionalized Persons Act, 42 USC §2000cc, et seq.



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The Blighted Leaves of Law

BY ANTON SORKIN

We live in a complex environment.

An ecosystem defined by an epistemic crisis, where truth is reduced to the sheer sentiments of personal preference and information is sought out, not for its intrinsic value and veracity, but for its ability to echo our preconceptions and sinful desires. This new condition creates what Jonathan Rauch calls a “crisis of information,” whereby even those who seek earnestly to stay informed and engaged in the public square grow intellectually exhausted – or worse, even defeated.¹

We live in a world of remixed religions.

Religions that work through the agency of online culture – creating habits, tenets, liturgies, and idols that motivate the masses to gather in tailor-made communities toward the manufacturing of strange rites.² Daily, the church is vying for not only the physical space to contend with prevailing systems of ethics, but also sinking deeper into the digital mire that comes to test our resolve to preach Christ in the metaverse. A struggle that beckons the people of God to gather once more under the pear tree and seek to find a modern methodology for our age of epistemic confusion.

“Come, labor on.
Who dares stand idle on the
harvest plain, while all around
us waves the golden grain?”

- Richard K. Fitzgerald

And, while there are a myriad of pathologies and destructive habits that define this challenge, one that’s proven to be especially viral is a home-grown and toxic affinity for . . . isolation. We, as a country, have become entirely too complacent with living in communities of like-minded individuals; so much so that our perception of “who my neighbor is” has become radically deformed. It reminds me a great deal of the language of dehumanization described by the war correspondent Chris Hedges, who, in his work portraying the propaganda nations use to create the myth of a personal struggle, describes the requisite mental state that meets the existential threat with violence: “[t]he enemy, we are told, seeks to destroy religious and cultural life, the very identity of the group or state.”³

Importantly, to facilitate this mental state, Hedges describes the hijacking of language and the destruction of nuance thinking by those moderate few who seek to placate the state of war through the use of “alternative language” and an acknowledgment of the humanity of others.⁴ Those who toe the line, of course, are reduced to speaking with the same clichés and euphemisms – abiding by new moral codes and silenced into accepting the death of an “authentic culture” that would otherwise give the public the means to examine our actions.⁵ The results are harrowing, Hedges writes:

The enemy is dehumanized; the universe starkly divided between the forces of light and the forces of darkness. The cause is celebrated, often in overt religious forms, as a manifestation of divine or historical will. All is dedicated to promoting and glorifying the myth, the nation, the cause.⁶

The zero-sum games we play will be the end of our public witness, unless we actively stand against its deleterious effect with new forms of engagement.

We live in a complex environment – requiring a faith of equal measure.

A faith demanding a baptism of the imagination and the sheer will for breaking down barriers between “us” and “them.” This requires an active assault on the forces that strive to keep believers apart and undermine the Christian duty to walk in the service of the Lord with unrelenting love for our enemies.

In ancient Rome, the purity of the Vestal Virgins strung a direct line between their capacity to commune with the gods and their utility in petitioning good favor on behalf of Rome. As Mary Beard writes, “[t]hroughout the history of pagan Rome, any suggestion of an irregularity involving the Vestals or their rituals implied a threat to the city itself[.]”⁷ Since the Vestals’ proximity to the deity was contingent on their sexual continence, any defilement jeopardized the welfare of the city and thus any attack on these rituals was very much an attack on the state.⁸ So, when the early Christians took away certain privileges that the Vestals enjoyed for decades on end, they were very much waging a culture war against pagan thought.

This ancient Roman framework for the Vestals should not be the model for the church. And, yet, too many have embraced this pattern of tethering the “correctness” of one’s faith and politics to the expectancy of godly delight and the welfare of the

nation. For it was Jesus who broke apart this pattern of ritual expectancy when he sat at the home of Levi to the mortification of the Scribes and Pharisees, who questioned his motivation for eating with “sinners and tax collectors” (Mark 2:13-17 KJV). It was Jesus who refused the invitation to be culturally “set apart” when he shattered the barriers of communion in touching the leper – flouting the rules of religious leaders, who only saw a one-way deliverance of defilement from the leper to the one who keeps pure, instead of a transfer of cleansing to the leper from the One who makes all things pure. It was Jesus who allowed a woman of poor repute to draw near and wipe his feet with her hair and anoint them with ointment despite the consternation of the Pharisees, who grumbled saying “[i]f this man were a prophet, he would have known who and what sort of woman this is who is touching him, for she is a sinner” (Luke 7:36-40). For Christ saw a person in need and saw that His reach was sufficient to meet her need. “Over and over again,” writes Rodney Stark, Christ “ignored major status boundaries and associated with stigmatized people . . . thereby giving divine sanction to spiritual inclusiveness.”⁹ His example is ours to follow!

If you ever find yourself in Charlottesville and time permits, make the upward climb to the sanctuary of Monticello, where in ages past one of the great sages of our nation sought reprieve from the bickering of the political theater below. And, once there, if you happen to find yourself led on a guided tour through the sanctuary of Thomas Jefferson, then you just might hear the tale of John Hemmings who, having lost his beloved wife, preserved her memory on the grounds of that ancient reserve in an act of what one of these public guides keenly described as an “impartation of dignity.” John installed a gravestone, the guide explains, in honor of his wife, marked with a simple inscription that would forever become a witness against the “psychological dexterity” of Jefferson, who spoke of transcendent notions of inalienable rights, amidst a plantation of slaves.¹⁰ An inscription that simply read: “dear affectionate wife” – exhibiting an undiluted and centerfold commitment to the constancy of love in rebuke to the hesitancy of Jefferson as a man condemned by his inner demons.

We, too, find ourselves engaged in a battle with the spiritual dimensions that seek to keep us separate from the supernatural reprieve that comes with a life resolved toward sowing peace. A warfare based on the spiritual appropriation of sacred space that lives in the warring bodies of the old- and

new-man dilemmas – testifying to the cracked nature of our broken inheritance. As Peter O’Brien writes regarding Paul’s words to the Ephesians, we too must admonish one another to resist our enemies’ efforts to gain a “base of operations” against our life.¹¹ Engaged in our missions together – whether on law school campuses or in the professional setting – we are being pulled in the direction of active separation from those who sit at the tables of unseemly manners and thus stay our commencement into the depth of man’s spiritual life, usually covered by the dust of our daily living and the noise of our secular work.¹² We are being commissioned into an army of hesitancy – fearing that our commingling with others so unlike ourselves will make us dirty and so unlike our Savior.

By creating this distance and embracing the status quo, we abandon the weight of glory that falls on those who hear the scandal of the cross and prostrate in shame at the Maker’s mark. We abandon the opportunity to stretch out our hands and prove our willingness to cure the lameness of broken systems. We forgo the opportunity to love our neighbors, and maybe, just maybe, seeing them return to the Father – to the sounding of the slaughter of fatted calves.



Anton Sorkin is the director of CLS’ Law Student Ministries, where he helps Christian law students across the nation better integrate their work and worship. He has a passion for helping students study the interaction between law and religion, engage with the complexity of the modern forms of public witness, and better love God and serve their neighbors. Anton is also a visiting scholar at the University of Texas School of Law.

END NOTES

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- Salvation Army Clinic
- Providence Network Clinic
- More Life Center Clinic

- Life Center Clinic
- SECOR Clinic
- The Rising Church Clinic
- Dry Bones Clinic
- Arvada Covenant Church

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- DC Dream Center

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Jacksonville Metro Area
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Indianapolis Metro Area
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- Covenant Life Church
- Montgomery County Correctional Facility
- The Salvation Army Center

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- Cross and Crown Mission
- City Rescue Mission
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- OKC First Church of the Nazarene
- Salvation Army – Norman

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- South Philadelphia Legal Clinic
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- Germantown Legal Clinic
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- North Philadelphia Legal Clinic

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CLS Attorney Ministries chapters provide the opportunity for regular fellowship activity, mentorship, resources, and so much more. Each of our chapters listed below holds monthly or regular meetings that will help you integrate your faith and the practice of law while establishing healthy relationships with Christian attorneys in your community. To learn more about your local chapter or for current contact information, visit our website at AttorneyMinistries.org/Chapters.

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CLS Colorado Springs

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New Orleans
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Greater Baltimore
CLS Maryland

MASSACHUSETTS

*Boston**
CLS Boston

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Minneapolis
CLS of Minnesota

MISSISSIPPI

Jackson
CLS of Central Mississippi

MISSOURI

Kansas City
CLS Kansas City

St. Louis
CLS St. Louis

Springfield
CLS of Springfield

NEBRASKA

Lincoln
CLS Lincoln

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**These existing chapters are seeking new leadership. Are you interested in helping revive these chapters?
Email us at clshq@clsnet.org.*





CLS attorneys and law students have found many opportunities to fellowship and serve their communities over the past year. Below are some photos of those who are boldly proclaiming their faith across the nation! We are excited to share the pictures below from chapter events and highlights.

If you want to share any of your photos in the future, please submit them to lbittle@clsnet.org.

Southwest Regional Retreat



CLS' Southwest Regional Retreat had a record turnout with numerous attorneys and over twenty law students. Everyone joined together in Dana Point, California, to be encouraged and equipped by Professor Jeffrey Brauch. This year's theme was "Living Faithfully During Turbulent Times."

Midwest Regional Retreat



CLS' Brent Amato leads others in prayer at the Midwest Regional Retreat where over sixty law students, attorneys, spouses, and children gathered in Lake Geneva, Wisconsin, for the weekend. Photo courtesy of CLS attorney member, Darcy Dekker.



Emily Cole, Tierney Gill, and Emely Dickens (all CLS law students from University of Wisconsin Madison Law School) enjoy the frigid, February weather in Lake Geneva, Wisconsin, during their down time at the Midwest Regional Retreat.

Southern CA LSM Gathering



LSM chapters at UC Davis School of Law, University of Pacific McGeorge School of Law, William Jessup University, and Lincoln Law School of San Jose came together for an event in Sacramento, California with LSM Director Anton Sorkin and CLS board member Lina Hughes. It was one to remember!

Central Florida



Attorneys with CLS' Central Florida chapter are doing amazing work in the greater Orlando area. Pictured here is one of the many times where they have served the homeless population and those less fortunate at the Daily Bread.

Antonin Scalia Law Gathering



CLS' law student chapter at Antonin Scalia celebrated Black History Month, along with the school's Black Law Student Association, where a panel discussed affirmative action, diversity, and the fate of *Grutter v. Bollinger* before SCOTUS. Pictured here are CLS Fellow and Scalia chapter president, Kathryn Cromack, and Attorney Ministries Director Lakuita Bittle, who served as an attorney on the panel.

Chicago



Chicago Metro CLS attorneys (Sally Wagenmaker, Sylvia Chen, and Rich Baker) take the opportunity to interact with local CLS law students during their local chapter meeting.



Charlie Oellermann,
President and
Chairman of the Board

Why CLS?

This is a penetrating, important question that CLS' board of directors has been wrestling with over the past several months.

The question "Why?" can be asked and answered on a number of levels. First, each of us can ask ourselves "Why am I involved in CLS?" For me, the answer is straight-forward: I

coveted the Christian fellowship I received from a CLS-affiliated student chapter while in law school. More recently, I have greatly benefited from the friendships, professional relationships, and accountability of scores of CLS members and other Christian attorneys through my involvement in the Central Ohio Attorney Ministries Chapter of CLS. My involvement in the local chapter is among my most rewarding personal and professional experiences in my practice of law.

As a result of CLS' diverse ministries, other CLS members are likely to offer entirely different answers to the question "Why CLS?" Some are involved in CLS through our large network of Christian Legal Aid clinics and use their legal talents infused with the love of Christ for the benefit of those who cannot afford to hire a lawyer to usher them toward resolution of their legal problems. Others might point to the privilege they find in leading and mentoring Christian law students as they seek to discover God's calling for them in law. And yet others work with CLS' Center for Law & Religious Freedom in defending religious freedom and the right to life.

The CLS board of directors is examining the "Why?" question at a more macro level—for the entirety of CLS. After its 60 years of history, why does CLS as an organization remain? Author Simon Sinek uses a model called The Golden Circle (actually, three concentric circles) that can be useful in answering this impactful question. The outer circle is "what" (i.e., what the organization does). The middle circle is "how" (i.e., the organization's strategies and programs). At the very center, the innermost circle is "why" (i.e., the core inspirations of the organization). Sinek's premise is that famous leaders such

as Steve Jobs and Reverend Dr. Martin Luther King, Jr., succeeded most because they were able to inspire others to follow their vision. It follows that the leadership of CLS needs to understand precisely our "Why?" to inspire more people to follow, and thereby have a greater impact for the Kingdom of God. This is a particularly complicated question for CLS, given our four nationwide ministries and our nearly 2,000 members.

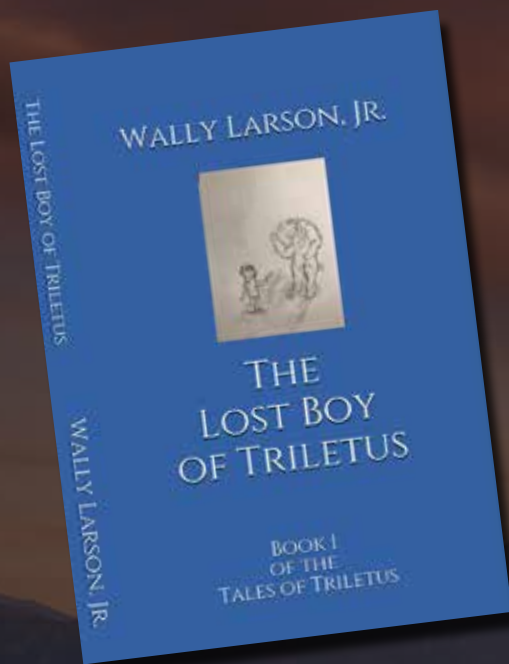
The theme of this issue of *The Christian Lawyer*—Micah 6:8—may provide such an inspiration. As it turns out, that verse is at the center of CLS' Vision Statement: "A growing nationwide fellowship of Christian attorneys and law students who act justly, love mercy, and walk humbly with their God." Surely, a fellowship of attorneys and law students who exemplify Micah 6:8 will inspire many a person to follow.

Thinking more broadly, one could envision CLS bringing about an American legal profession and system that increasingly reflects God's character and glorifies Him. As it turns out, that "vision" aligns with each of CLS' ministries:

- Providing Christian fellowship for attorneys and law students accords with God's command that believers be in fellowship together (e.g., Hebrews 10:24-25).
- As followers of Christ, we are called to worship Him and testify to the good news of the gospel. The Center for Law & Religious Freedom is dedicated to preserving American citizens' freedom to do those things.
- God is a God of perfect justice, but our justice system is inaccessible to many people. CLS' Christian Legal Aid clinics are intended to deal with that problem by providing holistic assistance to address people's legal and spiritual needs.

It is exciting to envision how CLS might expand its impact to advance the Kingdom of God in the American legal profession and system. I welcome your input as the CLS board of directors explores these possibilities and prays about increasing our ministry's impact for the cause of Christ.

JOIN US ON A JOURNEY WITH THE *TALES OF TRILETUS*

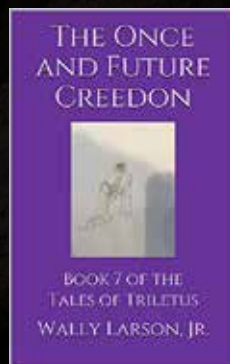
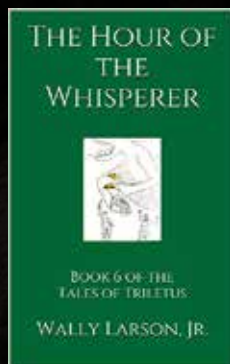
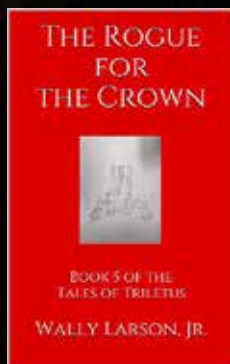
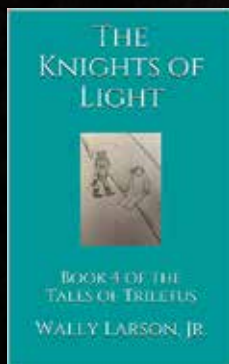
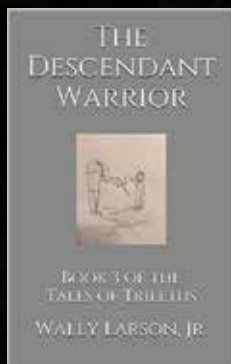
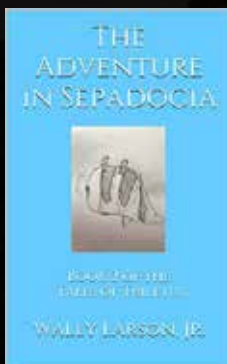


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