

THE CHRISTIAN LAWYER®

VOL. 15, NO. 2 | FALL 2019

A PUBLICATION OF CHRISTIAN LEGAL SOCIETY

JUSTICE FOR ALL?

ALSO IN THIS ISSUE

Justice for All ... Who Can Afford It by Ken Liu

The Case for "Low Bono" in Addressing the Access to Justice Crisis by Katina R. Werner

How American Legion Protects Religious Freedom by Reed Smith



David Nammo,
Executive Director
and CEO

The title of this issue of *The Christian Lawyer* got me thinking about justice.

Not many people reading this will remember the movie *And Justice for All*. Al Pacino received nominations for both an Academy Award and a Golden Globe for his portrayal of a criminal defense attorney who had had enough of the sham of “justice” in American courtrooms. In his famous opening statement, he says,

What is justice? What is the intention of justice? The intention of justice is to see that the guilty people are punished and the innocent are freed. Simple, isn't it? Only it's not that simple. However, it is the defense counsel's duty to protect the rights of the individual, as it is the prosecution's duty to uphold and defend the laws of the State. Justice for all. Only we have a problem here. And you know what it is? Both sides want to win. We want to win. We want to win regardless of the truth. And we want to win regardless of justice. Regardless of who's guilty or innocent. Winning is everything!

Ultimately, the movie is a cynical look at our justice system. Have there ever been days when you fought the same cynicism, whether in dealing with opposing counsel or difficult judges or when you heard about a court decision you knew was politically motivated or just plain ridiculous?

Oftentimes, lawyers are cynical about a system we know too much about.

On the other hand, I get phone calls every day from people who think that their only hope for justice is the

court system. They simply want things to be fair, and they don't know how to make things fair any other way. What do I tell them? To give up? To abandon all hope? Never.

This issue of *The Christian Lawyer* is about those who look across the table at people who have no power, no money, and, too often, no hope. Christian Legal Aid lawyers, through their work, say they care, they are there for them, and they will fight for them. They bring hope, sometimes even without bringing a win. They show compassion by merely showing up and making an effort. I cannot imagine any bigger real-life heroes.

The core value of Christian Legal Aid is an understanding that God cares about justice. God says, “For I, the Lord, love justice” (Isaiah 61:8). The Bible says, “For the Lord is a God of justice...” (Isaiah 30:8) and “The LORD loves righteousness and justice; the earth is full of his unfailing love” (Psalm 33:5).

And of course, there are numerous verses about justice for the poor. “The righteous care about justice for the poor, but the wicked have no such concern” (Proverbs 29:7).

After reading through the articles in this issue, and remembering the complexity of our legal system, I am reminded that lawyers who are followers of Jesus have a unique calling to love our neighbors and to use the gifts He has given us to bring justice to this old world. I hope you take the time to read through the articles in this issue. It will hopefully move you away from the cynicism of that Pacino character and encourage you to see the great things we can do for others through the practice of law.

THE CHRISTIAN LAWYER®



The Christian Lawyer® is a publication of:
Christian Legal Society
8001 Braddock Road, Suite 302
Springfield, VA 22151
ChristianLegalSociety.org
703-642-1070

For advertising inquiries,
email clshq@clsnet.org.

Editor-in-Chief, Design, Production: Courtney Herron
Copy Editor: Laura Nammo

Editorial Email: clshq@clsnet.org
Advertising in *The Christian Lawyer*® does not imply editorial endorsement. Opinions expressed in *The Christian Lawyer*® are solely the responsibility of the authors and are not necessarily those of the editors or members of Christian Legal Society.

Manuscript Policy
We encourage the submission of article and story ideas by our readers. For a copy of our editorial guidelines, please write or send an e-mail to clshq@clsnet.org. Unsolicited manuscripts and poetry are not accepted. A query letter must be sent first to clshq@clsnet.org describing a proposed manuscript. Any unsolicited manuscripts will not be returned.

IN THIS ISSUE

Justice for All . . . Who Can Afford It	3
Ken Liu	
“The Reluctant Defender”	10
Interview with Chuck Hogren	
Insurance Run Around	14
Al Johnson	
The Case for “Low Bono” in Addressing the Access to Justice Crisis.	17
Katina R. Werner	



ATTORNEY MINISTRIES

The Blessings of a CLS Attorney Chapter	26
Charlie Oellermann	



CENTER FOR LAW & RELIGIOUS FREEDOM

How <i>American Legion</i> Protects Religious Freedom	29
Reed Smith	



LAW STUDENT MINISTRIES

Living Our Calling - Today	32
Mike Schutt	

Chapter & Event Highlights	34
Attorney Chapters	36
Christian Legal Aid Clinics	38



Justice for All . . . Who Can Afford It

BY KEN LIU

“There can be no equal justice where the kind of trial a man gets depends on the amount of money he has.”

Griffin v. Illinois (U.S. Supreme Court, 1956)

I recently had the chance to experience the legal system firsthand as a pro se litigant. A home contractor, to whom I paid a hefty down payment, failed to do any work. After six months of getting nothing but excuses, I had no choice but to sue. It was a simple case to argue, and I obtained a judgment after a quick 15-minute trial in small claims court—but not before seeing how challenging it was just to file what should have been a very simple claim. Surely, I thought, a small claims court would have very simple procedures. Boy was I wrong.

I navigated through the byzantine instructions on the court’s website, trying to see everything from the eyes of someone unfamiliar with the legal system. (In this court, attorney representation is actually prohibited.) It was daunting. Sure, the court was nice enough to provide template forms, but with no substantive instructions knowing what to put in the forms and what to do with them was not so obvious. If I were not an attorney, I don’t know how I would have figured out details like the fact that the Warrant in Debt needed to be served by a sheriff and mailed with a Certificate of Mailing and had to be served on the registered agent and the defendant, with the return date needing to be set on a Friday morning and sufficiently in the future to make sure service of process was completed, and so on.

On the morning of my hearing, I witnessed several heartbreaking situations resulting from pro se parties not knowing basic legal technicalities. A wife came to argue a case against a bad contractor in place of her husband who was called away on military duty. Because her husband had not named her as a co-plaintiff (even though she could have been), the judge would not allow her to argue the case. Another aggrieved customer’s claim was dismissed because he sued the principal of the business rather than the business itself. One defendant didn’t pay the plaintiff to whom he owed money because the plaintiff also owed him

money on a separate transaction, but the defendant lost his case because he didn’t know he had to file a counterclaim.

Justice, even in simple cases, is not so simple.

The complications mentioned above were just in a small claims court. When a pro se litigant needs to fight in a higher court against a represented party, the odds of prevailing are virtually insurmountable. It is well-documented that unrepresented litigants fare far worse in court than their represented counterparts. Represented parties attain favorable results anywhere from two to ten times more often than pro se litigants.¹ As a result, every day throughout the country thousands of workers are cheated of their wages, tenants are unfairly evicted, and consumers are

taken advantage of by businesses—and they have no effective recourse.

A 2017 report of the Legal Services Corporation paints an alarming picture. It revealed that 71% of low-income households experienced at least one civil legal problem in the previous year. Access

to affordable legal services is increasingly out of reach for them for important legal issues such as child custody, debt collection, eviction, and wage theft. More than 80% of people in poverty, along with a majority of middle-income Americans, receive no meaningful assistance on issues in which critical matters are at stake—including loss of their children, their homes, and their livelihoods—because our legal system is among the most costly and inaccessible in the world.²

In their 2017 book, *Rebooting Justice: More Technology, Fewer Lawyers, and the Future of Law*, Professors Benjamin Barton and Stephanos Bibas (now a Third Circuit Court of Appeals Judge) wrote: “America is a nation founded on justice and the rule of law. But our laws are too complex, and legal advice too expensive, for poor and even middle-class Americans to get help and vindicate their rights. Criminal defendants facing jail time may receive an appointed lawyer who is juggling hundreds of

**Justice,
even in simple cases,
is not so simple.**



“My dear Sir, it is quite impossible for me to take on your case. You lack the most important piece of evidence...that you can pay my fee!”
- Honoré Daumier, 1846

cases and immediately urges them to plead guilty. Civil litigants are even worse off; usually, they get no help at all navigating the maze of technical procedures and rules.”³

We pride ourselves on having a just and fair legal system. Yet, the reality is far from fair for millions of people who can’t afford a lawyer. Without legal help, most pro se litigants simply don’t stand a chance defending themselves against their represented adversaries. As former California Court of Appeals Justice Earl Johnson, Jr., once stated, “Poor people have access to the American courts in the same sense that the Christians had access to the lions when they were dragged into a Roman arena.”⁴ It’s time that we rethink our “justice system” to better live up to its name.

Solutions

So, what can be done? Justice reform advocates have proposed various solutions to level the playing field for people who can’t afford legal help. Below are summaries of some proposals, ranging from basic common-sense steps to more radical changes to the system. Not all of these can be done easily, but if our nation truly cares about justice, it’s critical that we seriously consider changes.

1. Provide greater assistance to pro se litigants.

In many courts, the clerks’ offices and court libraries are besieged with pro se litigants seeking help. Pro se cases often take up a disproportionate amount of a court’s time. In state courts, about 75% of cases involve at least one party without a lawyer.⁵ Even in federal courts, pro se cases comprise about 12% of civil cases.⁶

Rather than showing sympathy for not being able to afford a lawyer or deference for attempting to represent themselves through a complicated process, many judges see pro se litigants as a nuisance. They require extra time and hand-holding, a process that judges are generally loathe to do. Court clerks often don’t help. Even if they had the time or sympathy to help, they are often dissuaded or even prohibited from helping, lest they accidentally give substantive help resulting in the unauthorized practice of law.⁷

Simple steps to guide non-lawyers through basic court procedures—such as providing clear and simple instructions on completing forms and navigating the courthouse—would go a long way to making litigation more pro se-friendly. And importantly, judges should be encouraged and trained to interact with pro se litigants differently than lawyers. Rather than just telling them to “get a lawyer,” as many judges are wont to do, they need to recognize how nearly impossible that suggestion is for so many people.

To alleviate the burden, a number of courts have recently opened full-time clinics dedicated to assisting pro se litigants. These clinics help litigants with procedural advice, such as what forms to use and when, how court appearances are handled, etc. Such help can make a big difference in alleviating the access to justice crisis. They can be a boon not only to litigants but also to judges and court staff.⁸ Pro se assistance requires more work on the front end, but ultimately saves much time on the back end because litigants are better prepared for court. More importantly, they are more likely to have their cases actually heard and decided on the merits rather than dismissed for procedural problems.⁹

2. Simplify and standardize legal procedure.

With pro se litigation being the norm, not the exception, in so many courts, it’s time that courts be redesigned with this reality in mind. More than just providing limited assistance, courts need to be reevaluated to accommodate litigants who can’t afford legal representation, which in many courts comprises the vast majority of parties. This could include changes such as the following:

- developing uniform and simplified procedural rules;

- standardizing and simplifying pleadings, for instance, so they can be completed using fill in the blanks and checkboxes;
- offering written explanations of fundamentals on commonly argued issues, such as elements and facts that must be demonstrated to obtain child support or avoid eviction;
- providing discovery worksheets that solicit relevant factual information for common cases, including landlord-tenant, foreclosure, consumer debt, and family law cases;
- issuing clear, written final orders consistent with judicial rulings so parties do not struggle to translate a judge's intent in their rulings (a surprisingly common problem in lower courts); and
- initiating enforcement of judgments by, for example, questioning a judgment-debtor about basic income and assets at the time judgment is rendered and providing that information to the judgment-creditor.¹⁰

3. Reform legal education.

Traditionally, law schools have not prepared students to actually practice law and especially not in a way that is cost-effective for the average client. Many law schools pride themselves on teaching students to “think like a lawyer,” but not necessarily how to provide legal services such as drafting contracts and motions.¹¹ They train students to dissect case law and apply legal principles, which is great for future appellate attorneys, judges, and law professors, but not so great for clients who need protective orders from abusive ex-spouses or tenants fighting eviction notices from unscrupulous landlords.

Having students graduate with six-figure debts is also not conducive to increasing the pool of legal aid attorneys and private practitioners willing to serve low-income clients.

What can be done? Some suggestions include shortening law school to just two years to reduce the cost.¹² Alternatively, use the third year to expand clinical training, internships, or other practical and experiential forms of education. Others have suggested expanding law reader (apprenticeship) programs, which allow people to become licensed after studying under the supervision of a judge or lawyer rather than a law school. Eight states have some form of this program.¹³ Federal loan forgiveness programs may help, but the number of graduates who qualify is shockingly low. In 2018, only 0.3% of applicants were approved for Public Service Loan Forgiveness.¹⁴

In recent years many schools have taken steps to address the problem of graduates being unprepared and unable to serve

lower-income clients; however, much more needs to be done to increase the number of attorneys willing and able to help people in need.

4. Reform the adversarial court system.

Our nation's judicial system is designed with the paradigm of both parties being represented by competent counsel battling it out, with the truth prevailing upon consideration of all facts and arguments. Unfortunately, this ideal rarely matches reality. Ninety-eight percent of the tens of millions of civil legal cases filed each year are in state courts. In many of these courts, 80 to 90% of litigants are pro se.¹⁵ So, the reality is that in the vast majority of cases, one or both parties struggle to navigate the byzantine legal system and hope against all odds that they are able to get a fair hearing.

The result is often manifest injustice. Consider the common situation of consumer debt. Today, small claims and lower civil court dockets are flooded with debt claims against consumers. These claims have usually been sold by the original debtor, such as a credit-card company, to a third-party debt buyer in a bundle of hundreds or thousands of debts. Many of these claims lack sufficient documentary support, yet the plaintiffs usually win because courts do not require the creditors to show any documentation of ownership of the debt, and the debtors do not know how to contest the claims. In 2014, New York's then-Chief Judge Jonathan Lippman issued an order requiring debt-owners to produce documentation to support their claims, and the number of such lawsuits dropped dramatically.¹⁶

Examples like this suggest we ought to consider reforming our judicial system to allow and encourage courts to take a more active role. The courts in many European and other countries with civil law (as opposed to common law) systems take an active role in investigating facts, instead of relying solely on parties' lawyers. Calls for such reform are not new. The National Center for State Courts and state supreme court justices around the country have been advocating for “engaged neutrality” for many years.¹⁷ Such a model also already exists in American small claims courts (as made famous by Judge Judy and other TV judges), as well as administrative agencies, which use similar methods to adjudicate, for example, unemployment and Social Security disability claims. Thus, it is just a matter of expanding an existing model to a broader range of cases.



5. Encouraging unbundling and limited representation.

Traditionally, lawyers have been required to provide either full representation on a client's case or none at all. They have been prohibited from providing limited, discrete help on the ground that doing so is harmful to a client. This may be true in many cases, but there are certainly some types of cases in which clients can do much of the work themselves, but simply need some limited assistance.

"Unbundled" legal services generally fall into three types: (1) coaching clients on representing themselves in court; (2) assisting a client in preparing pleadings, discovery responses, and other documents for litigation without becoming counsel of record (aka "ghostwriting"); and (3) making limited appearances for purposes of addressing just one particular issue or at one stage of litigation. Providing limited, discrete services allows clients to pay for only the most challenging portions of a legal matter, making help much more affordable.

Fortunately, 29 states now permit some exceptions for limited scope representation, allowing legal aid and pro bono attorneys much needed flexibility to provide services on discrete issues that most critically affect clients.¹⁸ Yet, much more can be done to allow and encourage such forms of assistance.

6. Encouraging "low bono" services.

When we think of "legal aid," we typically think of clients in poverty in need of free legal services; however, there is a huge class of people with income too high to qualify for help from most legal

aid organizations,¹⁹ yet too low to afford market-rate attorney fees. With an average attorney billing rate of about \$300 per hour in most cities, working class individuals such as teachers, social workers, and retail workers simply cannot afford help to protect their basic civil rights.

To address this need, there is a small movement of private practitioners and nonprofit law firms who deliberately offer and advertise significantly reduced rates, aka "low bono" attorneys, specifically to serve this underserved demographic.²⁰ Generally they charge fees on a sliding scale tied to the client's income level. This provides a "win-win" situation in that low-income clients can find affordable representation, and the attorneys can generate a modest income from them. Many more attorneys are needed to adequately serve this massive niche of clients.

7. Expand services allowed by non-lawyers.

As the cost of health care rose over the last few decades, the medical industry responded to the needs of low-income patients by expanding the scope of services allowed to be provided by professionals other than doctors. Today, nurse practitioners and physician assistants complement the work of doctors in private practice, hospitals, urgent care clinics, and nonprofit clinics. No longer are patients left with the choice of seeing a medical doctor or no one at all.

The legal industry ought to learn from the medical field and consider expanding opportunities for professionals other than lawyers to provide some limited forms of legal help. Many other

countries allow paralegals, social workers, and notaries to handle routine legal transactions.²¹ In 2012, the state of Washington began experimenting with allowing “limited license legal technicians” (LLLTs) to provide advice and draft documents on family law issues. LLLTs are not required to have a J.D. but do have to complete a one-year course of study, pass an examination, and carry malpractice insurance.²² Their success has been spotty thus far, but it is a much-needed step in the right direction.

8. Encouraging alternative forms of legal services.

The legal bar has generally scoffed at commercial consumer-based legal services such as LegalZoom and RocketLawyer, arguing that such services are dangerous and could cause “grave harm” to clients.²³ Certainly there is the potential for harm; however, the solution should not be to ban or dismiss such services, but rather to regulate and help improve their services.

As the legal market is failing to provide adequate affordable services to such huge numbers of people, we ought to be encouraging the growth of alternative sources of legal services, not quashing them. Different legal needs require different levels of service. Commercial legal services can help fill the gap at the lower ends of the needs for simpler matters in which many people can serve themselves with a little self-help.²⁴

9. Finding new methods of resolving disputes.

The online marketplace eBay has up to 60 million disputes a year between buyers and sellers. If every dispute required company intervention, it would be a huge drain on resources. As a result, eBay developed an online dispute resolution system comprised of escalating steps that successfully resolves about 90% of the disputes with no company staff involvement. The program was so successful that its creator licensed it and launched the “Modular Online Dispute Resolution Implementation Assistance” (Modria) for use by others, including the American Arbitration Association.²⁵

This example shows that not all disputes need a full-blown legal case to be resolved. Tech companies see the legal market as ripe for a revolution.²⁶ But for new methods to succeed, the legal profession must be open to accepting and helping new ideas to bloom. Unfortunately, the legal sector has generally been reluctant to embrace change (as seen by the opposition to commercial legal self-help businesses). Given our failure to serve massive numbers of people, it’s time that we open ourselves and encourage novel means of resolving disputes.

Conclusion

Conflict and disputes are inherent to humanity. As Christians, we know that human sin always leads to discord and strife. Societies have always struggled to manage conflict with law and forms of judicial tribunals. And since biblical times, the poor have always been victims in conflicts. Hence Scripture is full of calls for justice to the poor.

“Dispense true justice and practice kindness and compassion each to his brother; and do not oppress the widow or the orphan, the stranger or the poor” (Zechariah 7:9-10).

“The righteous is concerned for the rights of the poor, the wicked does not understand such concern” (Proverbs 22:22).

“You shall not pervert the justice due to your poor in his lawsuit” (Exodus 23:6).

If we are to take Scripture seriously, we Christian attorneys must care about fairness in our courts.

America is the world’s greatest experiment in self-governance. With over two hundred years of experience, why is our justice system still unable to serve all of our people fairly? The lack of access to justice is a silent crisis impacting millions of lives each year and arguably getting worse each year. It is a problem without easy solutions, but as a profession that has a monopoly on legal services, it is incumbent on us to find means of providing true access to justice for all, not just those who can afford it.



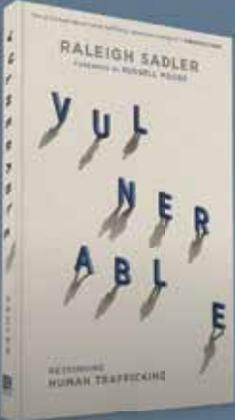
Ken Liu is Christian Legal Society’s director of Christian Legal Aid, where he helps to start and grow local Christian Legal Aid programs around the country. Ken has served with Good Samaritan Advocates (GSA), a Christian Legal Aid program in northern Virginia, in multiple capacities as volunteer attorney, clinic director, board member, and

President. Through his 13 years of service with GSA, Ken is experienced in providing legal and spiritual counseling to low-income clients and managing a legal aid program. Ken also works part-time at Gammon & Grange, P.C, a law firm serving nonprofits, churches, ministries, and small businesses.

END NOTES

- 1 Jessica K. Steinberg, 47 *Demand Side Reform in the Poor People’s Court 3*, p. 744, Feb. 2015.
- 2 Andrew M. Perlman, “The Public’s Unmet Need for Legal Services & What Law Schools Can Do About It,” *Dædalus, the Journal of the American Academy of Arts & Sciences*, 148(1), Winter 2019,

- p. 75. The World Justice Project ranks the United States 98th out of 113 countries with regard to the accessibility and affordability of civil legal services. World Justice Project Rule of Law Index 2019. <https://worldjusticeproject.org/our-work/research-and-data/global-insights-access-justice-2019>.
- 3 Benjamin Barton and Stephanos Bibas, *Rebooting Justice: More Technology, Fewer Lawyers, and the Future of Law* (Encounter Books, 2017), Introduction.
 - 4 John Whitfield, “Justice for all’ is a myth in Virginia’s civil court proceedings,” *News Leader*, May 11, 2018. <https://www.newsleader.com/story/opinion/columnists/2018/05/11/justice-all-myth-virginias-civil-court-proceedings-john-whitfield/603050002/>.
 - 5 Colleen F. Shanahan and Anna E. Carpenter, “Simplified Courts Can’t Solve Inequality,” *Dædalus, the Journal of the American Academy of Arts & Sciences*, 148(1), Winter 2019, p. 128.
 - 6 Cara Salvatore, “As DIY Litigants Crowd The Docket, Courts Step In To Help,” *Law360*, January 6, 2019. www.law360.com/articles/1114642/as-diy-litigants-crowd-the-docket-courts-step-in-to-help.
 - 7 See *Rebooting Justice*, p. 53.
 - 8 *Id.*
 - 9 *Id.* at p. 144.
 - 10 See Steinberg, p. 796.
 - 11 See Perlman, p. 76.
 - 12 See Tovia Smith, “Should It Take 2 Or 3 Years To Earn A Law Degree?” (NPR), Sept. 18, 2013. www.npr.org/2013/09/18/223610581/should-it-take-3-years-to-earn-a-law-degree.
 - 13 See State-by-State Guide to Apprenticeships. <http://likelincoln.org/state-by-state-guide-to-apprenticeships>.
 - 14 Camilo Maldonado, “Chances of Public Service Loan Forgiveness Approval?,” Lower Than Getting Into Yale Law School. *Forbes*, Oct. 5, 2018. <https://www.forbes.com/sites/camilomaldonado/2018/10/05/pslf-approval-less-common-than-rhodes-scholarship/#60802ea96082>
 - 15 Shanahan & Carpenter, *id.*
 - 16 Rebecca L. Sandefur, “Access to What?,” *Dædalus, the Journal of the American Academy of Arts & Sciences*, 148(1), Winter 2019, p. 52-3.
 - 17 *Rebooting Justice*, p. 149. See also Cynthia Gray, “Reaching Out or Overreaching: Judicial Ethics and Self-Represented Litigants,” 27 *Journal of the National Association of Administrative Law Judiciary* 1, March 15, 2007, and Richard Zorza, *The Self-Help Friendly Court: Designed from the Ground Up to Work for People Without Lawyers* (2002). Both argue that court clerks and judges can offer greater assistance to pro se litigants without violating ethical rules.
 - 18 John Whitefield, “The Next Step in ‘Unbundling’: The Case for Limited Scope Representation,” 65 *Virginia Lawyer*, p. 30, Oct. 2016.
 - 19 The vast majority of U.S. legal aid attorneys work in federally-funded Legal Services Corporation (LSC) clinics. Federal law prohibits LSC clinics from serving anyone whose income falls above 125% of the federal poverty threshold. <https://www.lsc.gov/income-eligible>. This threshold is significantly low. In 2019, the LSC annual salary threshold for a single individual is only \$15,613 – well below the income of many low- and modest-wage workers.
 - 20 See Steven A. Krieger, “Low Bono Legal Counsel: Closing the Access to Justice Gap by Providing the Middle Class with Affordable Attorneys,” 18 *The Scholar: St. Mary’s Law Review on Race and Social Justice* 144 (2016).
 - 21 *Rebooting Justice*, p. 173.
 - 22 Washington State Bar Association, Limited License Legal Technicians. www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/limited-license-legal-technicians.
 - 23 See, e.g., American Bar Association President William Robinson letter to *New York Times*, August 30, 2011 www.nytimes.com/2011/08/31/opinion/legal-help-for-the-poor-the-view-from-the-aba.html.
 - 24 *Rebooting Justice*, pp. 125-128.
 - 25 *Rebooting Justice*, p. 113.
 - 26 *Rebooting Justice*, p. 177.



THINK AGAIN.

About who is vulnerable
...and what you can do to help.

TheVulnerableBook.com

BH PUBLISHING **LifeWay**
Biblical Solutions for Life

Dedicated to
helping nonprofits
advance their missions.

trusted advisors to nonprofits
wagenmakerlaw.com



“The Reluctant Defender”

INTERVIEW FEATURING CHUCK HOGREN, A CHRISTIAN LEGAL AID PIONEER

The first Christian Legal Aid clinic in the United States was sparked by a snarky question from a boy in one of the toughest housing projects in the country. In 1968, a young attorney named Chuck Hogren volunteered in a youth group sponsored by LaSalle Street Church in the heart of Chicago. One of the youth group members told Chuck about his older brother who was charged with a crime. Asked if he could help the brother, Chuck replied that he couldn't because he was just a real estate lawyer. To which the boy replied, “Well then what good are you?!”

Convicted in his heart, Chuck started providing pro bono help to members of the Cabrini Green community. A few years later, Bill Leslie, the LaSalle Street Church pastor, asked Chuck about starting a legal aid program. Although initially reluctant to do so, Chuck agreed when, to his great surprise, Bill obtained a grant to support a legal aid attorney for a year. With that kickstart, Chuck founded Cabrini Green Legal Aid (CGLA) and served the residents of the area for 24 years.

What follows is an excerpt of a 2013 interview by Cynthia Cornelius, who was then a CGLA intern and is now director of programs, published when CGLA celebrated its 40th anniversary.

Cynthia: Your early days at CGLA are chronicled in a book titled *The Reluctant Defender*, which suggests that the birth of CGLA was a defining moment in your life that you initially resisted. Why were you reluctant to take on this assignment?

Chuck: Bill Leslie, the pastor at LaSalle Street Church, strongly felt that the church should do this ministry. We knew there was a great need based on the number of calls that came into the church from parents asking for help for their children who had been arrested.

At the time, the church was studying and praying about God's expectations of us in seeking justice for the poor. We read hundreds of Bible verses referencing justice, like Proverbs 31:8-9, which says, “Speak up for those who cannot speak for themselves; ensure justice for those being crushed. Yes, speak up for the poor and helpless, and see that they get justice.” (NLT)

Our church was located right there in a neighborhood that needed justice. The Bible almost demanded that we do it. But, most

of the requests were for criminal defense. Although I had been practicing law for ten years, my specialties were probate and real estate law. I was reluctant to engage this work on a large scale primarily because I had no actual experience in criminal law.

Cynthia: The book describes some early experiences that show you had the heart of a defender at a fairly young age. How did these experiences influence your decision to become a lawyer?

Chuck: My parents suggested I consider becoming a lawyer when I was about 12 years old. They weren't lawyers, and they didn't really know much about the practice of law. They just thought law school would give me a good education and good “training” to work in a respectable profession.

I was in sixth grade in Western Springs public schools about that time, and I guess I took my parents' suggestion to heart when I saw my fellow students being treated unfairly. The superintendent really emphasized spelling, and he implemented strict rules governing written spelling tests. If we erased or marked over a letter, the word would be marked as incorrect. Everyone knew the rule: no second thoughts; get it right the first time. I felt that some students had been wrongly accused of erasing. The teacher assumed any smudge on the paper was due to an erasure. But those smudges most often came from dirty fingers!

I saw an opportunity to help my classmates who wouldn't or couldn't speak up for themselves. I felt I had to step in because the rules were ridiculously rigid. Plus, I thought I could make a little money by charging for my services. If I successfully negotiated with the teacher to increase the grade, I charged two cents. I think I might have made four cents in all, but it was fun.

Cynthia: When Bill Leslie approached you about opening a legal clinic, did you ever consider turning down the offer, or suggesting that someone else do it?

Chuck: Well, Bill asked me to do it just for one year and only if they could raise the money. I truly never thought Bill would raise the money. Our church was struggling financially. Bill was only making \$100 per week, and I don't think he always got paid on time. So, I thought I was fairly safe. But, Bill came back within two weeks and said he had raised the money. I learned later that Ken and Margaret Taylor, owners of Tyndale House Publishers, funded the first eighteen months.



Plus, I couldn't turn my back on the kids I was working with. Our ministry had grown to serve more than 70 youth who participated in our recreation and tutoring programs. I even played pool with some of them. I would hear so many stories about kids being arrested when they "hadn't done anything." I wasn't sure how accurate their stories were, but hearing so many stories made me feel like they deserved a closer look.

We also witnessed other injustices in the neighborhood. For instance, A&P, the neighborhood grocery store, would bring in wilted produce from the suburbs to sell at regular prices to Cabrini Green residents. Also, around 1960, a developer bought some tenements near the church. He wanted to tear them down, so he forestalled protests to his plan by promising the former tenants they would have first choice of units in the new buildings. Most of the residents had migrated to Chicago from Appalachia, and many of them attended LaSalle Street Church. The developer built the new buildings and promptly reneged on his oral promise, having carefully avoided putting anything in writing. Not one of the former tenants got an apartment. Then there was the "Green" portion of the Cabrini Green complex. The buildings there were poorly built, plumbing problems were persistent, and elevators often malfunctioned.

Fifteen thousand residents legally lived in the one square mile that formed the housing complex, and probably another 5,000 lived there "unofficially." It was a small city, and the people were suffering. The church just could not ignore the injustices that were all around it. I couldn't either.

Cynthia: You speak Bill Leslie's name with great reverence. What did you admire most about him?

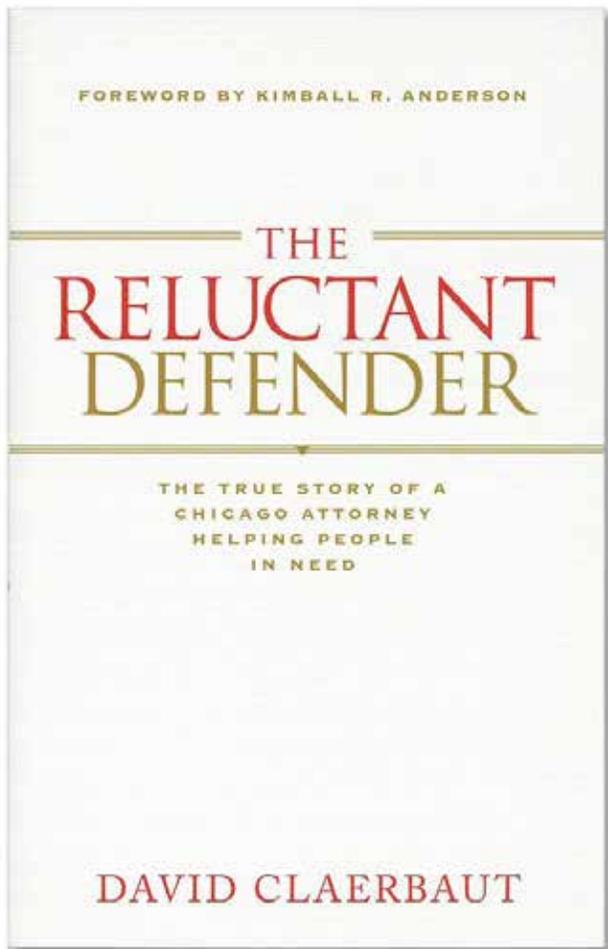
Chuck: Bill Leslie was a pioneer in urban ministry. Unlike many other evangelical ministers, Bill did not flee the city for the suburbs. He was probably one of the first, if not the first, Caucasian ministers to combine social justice with a pietistic approach to the gospels.

Bill was the inspiration behind other social programs at the church. We ministered to senior citizens; we had a counseling center; we ran a remedial reading program and a bookstore. Most of these programs were spun off from the church and are still thriving as independent entities, even though Bill has been gone for many years.

Bill encouraged people in the church to try new ideas, and he was willing to back them up. He was a mentor for so many people. We were blessed to have his leadership for 29 years. He left a powerful legacy, and that's partly why I have been a member at LaSalle Street Church for almost 50 years.

Cynthia: When your one-year commitment ended, why didn't you return to your real estate practice?

Chuck: There's a long-running myth that I walked away from a lucrative and promising career. That's simply not true. My real estate practice paid the bills, but it was a far cry from being lucrative. Nor was real estate law very satisfying, now that I think about it. I was a business major in college, so when I started law school, I thought international business law would be interesting, and the idea of international travel was enticing. Real estate law wasn't international business law, and that is what I had studied and what I had hoped to do.



By the end of the year, I found the work [at CGLA] more satisfying than any other legal work I had done, and I felt I was doing what the Bible had commanded. I was speaking up for the poor and needy and helping them find justice. I didn't want to go back to what I was doing before, so I agreed to stay on. I was representing tenants, not landlords; employees, not employers. I felt I was on the right side. By the grace of God, it all worked out.

Cynthia: As CGLA expanded its services and its reach, you had to expand your responsibilities, too. How did you handle your changing role?

Chuck: When I first started, I was the only lawyer, and I had a paid, part-time secretary. Later, I successfully applied for a grant and hired a lawyer for juvenile matters. Law students have always been an important part of the program. There were a few paid positions but most of the students were volunteers.

My role started changing after about 18 months. Bill had raised enough money to last that long, so it was up to me to keep it going. We operated as a part of the church initially, but when Bill felt like our wings were strong enough for us to fly on our own, he pushed us out of the nest, and we incorporated as a nonprofit.

The church continued to provide a lot of financial support. Bill would allow me to solicit donations from the congregation by making presentations during "Ministry Minutes," and then he would take up a special offering.

As more grants came in, through the efforts of the board of directors, I hired additional lawyers who bit by bit took pieces of the criminal work that I was doing. I gave up felony cases first, then misdemeanor cases, and finally some of the juvenile cases. I eventually hired a director of development to focus on grants and fundraising, but I would still make direct calls to donors. The new role wasn't a problem for me because I felt the story of CGLA was compelling, and I loved telling it.

When I retired after 24 years, I was working mainly on juvenile court issues, usually trying to help mothers, who had been arrested on drug charges, obtain rehabilitation and keep custody of their children.

I had a truly outstanding, high-quality staff of attorneys, law students, and support staff, some of whom have gone on to win awards and other recognition. On one of our murder cases, for instance, one staff attorney managed to hire the forensic expert who had performed President John Kennedy's autopsy. Another attorney found a handwriting expert that proved a CGLA client had forged another person's name on an emergency room admission form and, therefore, could not have been at the scene of a crime.

I found great satisfaction in seeing young, novice lawyers who were staunch public servants transform into excellent practitioners.

Cynthia: What core spiritual principles have guided your life?

Chuck: My grandparents and my parents were strong Christians, always very active in their churches. Their values and biblical teachings are in my DNA. I stay spiritually grounded in the knowledge that Jesus died for my sins and by serving Christ as I am led to do.

Cynthia: How did the book *The Reluctant Defender* come about?

Chuck: CGLA had been in operation for about four years when the idea came up at a meeting of our board of directors. The author, David Claerbaut, was chairman of the board of directors.

He had authored other books and thought a book about CGLA could be a perpetual fundraiser. Tyndale printed 15,000 books, but sold only 5,000. Now my sister tells me the book can be purchased for 99 cents on Amazon and addall.com. So, I guess

it wasn't much of a fundraiser. But, it does memorialize what the neighborhood was like so we don't forget.

Cynthia: Why is it important that we not forget?

Chuck: Cabrini Green Legal Aid is still relevant even though the Cabrini Green public housing complex no longer exists, except for the row houses. The same kind of oppression that we fought in the 1970s is still happening, and new challenges are on the rise.



Chuck Hogren was born in Chicago in 1936. He has a B.A. from Wheaton College, 1958, and a J.D. from Northwestern University School of Law, 1961. Together with Pastor William (Bill) Leslie, Chuck co-founded Cabrini Green Legal Aid (CGLA) in 1973, where he served as the executor director for 24 years. After retiring from CGLA, he worked at Michael Mosher and Associates Law Firm for nine years. Chuck has been a member of LaSalle Street Church for approximately 56 years.

Although now retired, Chuck Hogren continues to serve on the CGLA Advisory Board and on Christian Legal Society's Legal Aid Ministries Board Committee. CLS is forever grateful for Chuck's inspiration and heart for the poor.

CHRISTIAN LEGAL AID
is a critical ministry that increases
access to legal aid services
for the poor, the marginalized, and
the victims of injustice in America.

We provide...
**JUSTICE WITH
THE LOVE OF GOD**
... Join us!

Find and serve at your local
Christian Legal Aid Clinic today.

CHRISTIANLEGALAID.ORG

Insurance Run Around

BY AL JOHNSON

Most of us generally have good experiences with our auto insurance companies. We pay our monthly premiums and, when a mishap occurs, responsibility is assessed, and claims are paid. Unfortunately, for many in our inner cities, the insurance system does not always work that way. An example of this that we encountered recently was a 19-year old young man whom I will call “John.” John and his family legally immigrated to St. Louis several years ago from the Ivory Coast. He has done quite well for himself, graduating from high school and receiving training in the construction trade through Harambee, a faith-based youth training program in St. Louis. After graduation, John enrolled at Rankin Technical Institute in St. Louis, one of the finest technical schools in the country, seeking to learn a trade so he could support himself.

To get to and from school and a part-time job, John bought a used car. On November 28, 2016, he drove his car north on Highway 55 in St. Louis City. The road condition was slippery because of rain. As John came around a curve, he observed that another car had spun out of control and was actually traveling directly towards him in the north-bound lanes. Unable to stop or swerve, he collided head-on with the vehicle. Fortunately, he was able to slow his car down enough so that neither he nor the other driver were injured. His car, however, was a total loss. John thought he was covered under a family insurance policy, but soon learned that, through an unfortunate misunderstanding, the policy had lapsed.

Working with a friend and mentor, John then attempted to make a claim to the other driver’s insurance company. For months John got the run-around, being transferred from one person to another with no one giving him clear direction as to how he could assert his claim.

One day in late February 2019, John received a letter from a Massachusetts debt collection agency that was titled

“Subrogation Notice.” To his astonishment, the letter stated that John owed over \$6,400 to the other driver’s insurance company!

Subrogation is a legal concept used by insurance companies to recover monies they pay to settle claims against the person who is responsible for the accident. Translation: the other driver’s insurance company was alleging that John was 80% responsible for the accident, paid their insured for his damages, and now was trying to recover \$6,400 from John. All of this in a case where the other driver was going the wrong way on an interstate highway and hit John head-on!

The so-called “Subrogation Notice” ended with an ominous warning to John: “Please be advised that the amount reflected on this notice was determined by our client based upon its investigation surrounding the incident. . . . Failure to resolve this claim could lead to the possibility of legal action and/or license suspension.”

Incredibly, not only was John’s claim being denied, but the insurance company was threatening to file a lawsuit against John and potentially seek the revocation of his license.

John’s friend and mentor referred him to us at New Covenant Legal Services

(NCLS), and we agreed to take his case. We first sent a letter to the other driver’s insurance company demanding that they withdraw their threat of legal action against John and pay his damages in full. The company’s response was swift and final: pay us the \$6,400 you owe us or face legal action!

The insurance company in this case is well known to those of us in the legal profession who deal with these types of cases. They typically charge exorbitant rates to their customers – particularly those that reside in poor neighborhoods – and then deny legitimate claims. According to the company’s 2015 annual report, they made \$2.1 billion in income, and the CEO made over \$4 million in salary and bonuses. Many insurance companies are fair in their treatment of both their customers and third-party

“Do not exploit the poor because they are poor and do not crush the needy in court, for the LORD will take up their case and will plunder those who plunder them.”
- Proverbs 22:22-23

accident victims; this one is not. They assume that a young man like John will not be able to obtain a capable attorney over a claim that is worth under \$10,000.

After unsuccessful efforts to try to resolve the case with the insurance adjusters, NCLS filed suit against the company alleging that the referral of John to a collection company constituted defamation. We also filed suit against the other driver alleging that he owed John for the replacement value of his car. The insurance company filed motions to dismiss the case and resisted our efforts to obtain critical documents we believed would support and verify our claim. The trial court ultimately overruled the company's motions to dismiss and granted our motion to compel, thereby requiring them to give us copies of all pertinent records.

At this point the defendant's attorneys approached us about settling the case. We demanded they pay John the complete replacement cost of his car, plus additional money to compensate him for the enhanced insurance premiums that he was forced to pay because of the company's efforts to hold him liable for the accident. Additionally, we insisted that NCLS be paid for all the time and legal fees we incurred defending John's rights. We also insisted the company provide us with a letter exonerating John from any liability in the accident. The letter was critically important because it allowed John to obtain an immediate reduction in his liability insurance rates. Faced with the prospect of a jury trial on these issues, the insurance company relented and agreed to settle the case on our terms!

Proverbs 22:22-23 reads: *"Do not exploit the poor because they are poor and do not crush the needy in court, for the LORD will take up their case and will plunder those who plunder them."* These words were written over 2,500 years ago, but they could have as easily have been written for the insurance company who was attempting to exploit John's poverty and lack of resources. This verse from Proverbs is one of over 100 verses in the Bible

that speaks directly, and prophetically, to God's special care for the immigrant, the widow, the fatherless, the poor, and other groups of people whose plight requires special attention by the church.

If NCLS had not helped John, he would easily have been taken advantage of by the unscrupulous insurance company. Sadly, we at NCLS see injustices like John's case on a weekly, if not daily, basis in St. Louis. Businesses take advantage of poor people because they can get away with it. Without representation, the vast majority of people like John have no recourse whatsoever and are simply left as victims on the side of the road.

As Christian attorneys, we are God's instruments who need to "stand in the gap" between the poor and those who would oppress them. Like many other Christian legal clinics throughout the country, we are thankful to be instruments of God's hand in fighting injustices and standing in the gap for the poor and powerless.

New Covenant Legal Services is a faith-based legal aid ministry (and member of the CLS Christian Legal Aid network) serving people on fixed and low incomes in St. Louis, Missouri.



Al Johnson is the director of New Covenant Legal Services, a Christian Legal Aid program in St. Louis, Missouri. Al has been a practicing attorney for over 35 years and had his own law practice for 20 years. He has broad experience as a litigator with an emphasis on business and commercial litigation. Al has

handled small claims consumer fraud cases, multi-million dollar complex commercial litigation, personal injury cases, criminal prosecution and defense, civil rights violations involving both religious discrimination and police misconduct, and a variety of other matters. As a veteran of over 70 jury trials, he reevaluated his life and career and decided what provided him with the greatest professional satisfaction was helping those who struggle to afford experienced legal counsel.



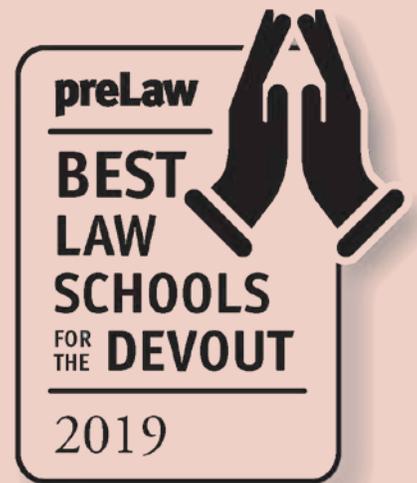


TRINITY
LAW SCHOOL



A LEGAL CAREER IS
MORE THAN A
PROFESSION; IT IS A

CALLING



2200 N. GRAND AVE.
SANTA ANA, CA 92705
TLS.EDU

The Case for “Low Bono” in Addressing the Access to Justice Crisis

BY KATINA R. WERNER

Justice for All

In this country we pride ourselves on being champions for justice. For years, children in every school were required to start their day with a hand over their heart, citing the Pledge of Allegiance that ends with the well-practiced words “with liberty and justice for all.” Those last words are ingrained in us as Americans. But what do they mean on a practical basis for ordinary people living in this country every day?

At the most basic level, low- to modest-income people expect lawyers to represent them in court if they get into trouble with the police or if they are sued. Those of us who serve such clients work to ensure fairness, helping them present witnesses or other evidence on their behalf. We help clients mediate or settle matters to achieve better results with less stress and less investment of money and time, always making sure clients understand the consequences of agreements before signing away rights. We educate people on their rights and obligations and counsel people on ways to avoid future problems. We advocate for them in many situations outside courts as well, including processes involving governmental agencies and others who are more powerful. We also help them find other needed resources and professionals.

Whose Standard of Living?

Many wonder why low-income individuals don't do more to help themselves, especially those who are working and able-bodied. The reality is the cost of legal services has generally far exceeded what most people can afford. A single person making even a fairly generous salary of say, \$30,000, has a hard enough time paying for all of his or her monthly obligations—a house, utilities, car, phone, clothes, food, insurance, medical bills, home maintenance, car repairs, and other basic items—to then have to cover unexpected legal fees of several hundred dollars per hour or even retainers that may require several thousand dollars in advance. Plus, many people who do make upwards of \$30,000 do so only because they have an education, which means they likely would have a school loan payment to add to the monthly debt list as well. Those that have a family may also need to pay for childcare and other child-related expenses. In our area (Toledo, Ohio), \$15-25,000 would not be unusual for a “decent” low-end job, especially for those in

their mid-twenties. A “high” paying job for many modest-income person would be \$40,000, but often the other parent has to stay home to raise children until the children are older because otherwise the cost of childcare usurps any earnings he or she might otherwise make.

By law, federally-funded legal aid organizations typically provide services only to clients whose income is no more than 125% of Federal Poverty Guidelines.¹ The amount someone may make to receive services at such organizations depends on their household size. To give you an idea, \$15,613 is the maximum amount a single person in 2019 could make to receive help. Most people can barely survive on that amount. For a family of four, the maximum allowable income is \$32,188. With such low cutoffs, the typical low- to modest-income person cannot qualify for legal aid. On the other hand, the same typical low- to modest-income person does not make enough to afford an attorney in the market place.

Limited Resources

According to CNBC, “just a single \$1,000 emergency would push many Americans into debt.”² CNBC reported that just “40 percent of Americans are able to cover an unexpected \$1,000 expense, such as an emergency room visit or car repair, with their savings, and 27% of adults would need to borrow or sell something to pay for an unexpected expense of \$400. So, millions of Americans who exceed the poverty threshold are often just on the edge. Missing just one paycheck or adding one unexpected large debt is enough to bring down the house of cards.” When a legal dispute disrupts their income, things spiral out of control quickly.

Further, money is not the only limited resource for many people. ProLiteracy reports that “36 million adults in the United States cannot read, write, or do basic math above a third-grade level.”³ With such low literacy rates, even those earning decent wages are often not able to write basic letters necessary to stand up for themselves or take advantage of small claims court processes to settle minor disputes. There is also great disparity across communities in the knowledge of, and access to, technology, which is required to meaningfully participate in legal proceedings. A lawyer's involvement, therefore, is critical in formal disputes and is extremely desirable in even informal disputes.

Are you receiving **quality** background checks at **affordable** prices?

We are passionate about making nonprofits & churches safer with the **most advanced** background checks.

VIGILANT is your nonprofit & ministry partner.

Get **25% OFF** all background checks through December 31.
Use promo code: **VIGILANTCLS**



877.731.1355

vigilantmp.com

support@vigilantmp.com

No Meaningful Access to Justice

Despite the clear benefits of having attorneys and the need for them, it is well known among public interest lawyers that most of our low-income—and many of our modest-income—persons in this country cannot afford an attorney and cannot represent themselves. They lack meaningful access to the justice that allegedly belongs to all Americans. This difference, between those needing legal services and those being able to access them, is referred to as the “Access to Justice Gap.” It is tracked by the Legal Services Corporation (LSC), the nonprofit established by Congress in 1974 that provides federal funds to legal aid programs around the country. According to its *2017 Justice Gap Report*, LSC reported:

In the past year, 86% of the civil legal problems reported by low-income Americans received inadequate or no legal help. 71% of low-income households experienced at least one civil legal problem in the last year, including problems with health care, housing conditions, disability access, veterans’ benefits, and domestic violence. In 2017, low-income Americans will approach LSC-funded legal aid organizations for support with an estimated 1.7 million problems. They will receive only limited or no legal help for more than half of these problems due to a lack of resources.⁴

Keep in mind, while daunting, these numbers only include low-income families, not modest-income families who do not qualify for legal aid. These numbers also do not include criminal issues at all.

While traditional legal aid is wonderful and helps so many people who are in abject poverty, it is, sadly, a system that is overwhelmed. So, what does someone do when they can’t afford an attorney and they can’t access legal aid? They typically are told to call their local bar association and see if an attorney is willing to take the case for free. Indeed, attorneys have an ethical duty to take pro bono cases. The American Bar Association (ABA) states:

The term “pro bono” comes from the Latin *pro bono publico*, which means “for the public good.” The ABA describes the parameters of pro bono for practicing lawyers in the Model Rules of Professional Conduct. Model Rule 6.1 states that lawyers should aspire to render—without fee—at least 50 hours of pro bono publico legal services per year, with an emphasis that these services be provided to people of limited means or nonprofit organizations

that serve the poor. The rule recognizes that only lawyers have the special skills and knowledge needed to secure access to justice for low-income people, whose enormous unmet legal needs are well documented.⁵

Many people are under the mistaken impression that attorneys “need” their cases because of our ethical obligation to help the community, so they think it will be no problem to get free assistance. They do not realize how many obligations attorneys already have and how much free time the average attorney is already giving away between official pro bono cases, unofficial pro bono work, and other community involvement. In the Toledo area, it is not unusual to hear that clients have called all over town—and sometimes

the neighboring towns as well—hitting up legal aid and all of the big law firms, agencies, universities, and bar associations looking for help to no avail, and are now making the rounds to every church and neighborhood association they can find trying to uncover some new avenue of assistance. The attorneys are very generous in our area, but they are tapped out while the demand just keeps growing.

As more and more Americans need assistance, repeatedly asking our colleagues to ignore their own rising expenses and time demands to do more pro bono work is not a good answer. Many lawyers are already overworked and have difficulty meeting the demands placed upon them. Both newer and more established attorneys are finding it harder to make a living when considering the high cost of doing business, including competing for and maintaining clients, as well as keeping up with new technology trends; let alone to pay back the crushing amount of student loan debt. Attorneys cannot solve the access to justice gap by simply taking all of the cases for needy people out there for free, especially when need is reaching such high proportions of the population. Adding more legal aid programs, even Christian Legal Aid clinics, is not the only option. Arguably, for many reasons, it’s not even the best option.

The “Low Bono” Option

Often, attorneys providing volunteer pro bono assistance can only spend limited time with the persons in front of them. While that help is a godsend to their clients, there are other options for expanding services. What if people were simply asked to pay what they could afford? There are reduced-fee and sliding-fee medical

Access to Justice Gap:
*the difference, between those
needing legal services and those
being able to access them*

clinics that we readily accept, but for some reason we have been slow to accept this concept in the legal profession. Yet reduced-fee and sliding-fee legal programs open up an opportunity for those that have been shut out of all services to receive services. For the nonprofit legal entity, it is able to receive funding where it previously had no income, instead of asking for money from the same funders from which everyone else is already asking. You are also giving a hand up instead of a handout where a handout is not needed. It reserves free services from LSC-funded legal aid for those in the truest need—those who are completely impoverished. It expands services to those who were previously left without services, who then become a contributing partner. People feel a much greater sense of dignity when they are contributing to their own cause.

“Low bono” (a term I instinctively used for my work in private practice with modest-income persons for years before I knew that any others did), is the idea that, like pro bono, you are helping those that have difficulty paying for services. While you are still doing work for the greater good, you are providing persons with reduced-fee services instead of for free as the term “pro bono” has come to be understood. Most people, when they hear the term, seem to understand that the work is not free and instead is reduced in some way. If not, the terms “reduced-fee” and “sliding scale” drive it home.

People who work enough to afford something and are shut out of LSC-funded legal aid are typically quite grateful to have the option of reduced-fee services when they cannot afford market rate services. At our Christian Legal Collaborative, Inc. (CLC) clinic, we find people are also grateful to be able to pay for their service—again preserving their dignity that they are a “paying client”—yet at a more affordable rate. We find the average person does not like to beg for things or be given anything for which they could otherwise find a way to afford to pay. We also ask people to come back and volunteer as they are able, to “pay it forward” so to speak, to help us keep costs down for the next person. There are plenty of non-legal tasks that can be done in an office. It allows us to further educate and empower the community through these volunteer hours. People actually enjoy the opportunity to work with us and help others. Plus, they get to sit in on free legal training as a perk for being a volunteer. While they cannot answer legal questions for others, this helps them gain more knowledge for themselves

to use for the benefit of their family, so they really appreciate that opportunity.

Model low bono clients

One thing to consider: without low bono legal programs, how would your organization or community help persons who cannot afford attorneys at standard market rates but also don’t qualify for (or receive) LSC-funded legal aid? In addition to the income limit, there are also other reasons—conflict of interest, they don’t handle that area of law, or the waiting list is simply too long—why LSC-funded legal aid cannot serve everyone. In our CLC model, some of the clients who have benefitted from “low bono” work include low-income persons who have been denied services by other entities at which they should otherwise have qualified for services.

We routinely assist modest-income persons up to 200% of the Federal Poverty Guidelines and will take people up to 300% if we have the capacity to do so. We also assist some nonprofit organizations and small businesses that meet our criteria. We offer low-income persons a lower rate, of course. Modest-income persons, as well as organizations and businesses, pay higher rates based on their income.

We offer monthly community education clinics where people learn about their legal rights and obligations for an extremely low rate, usually \$10, to help cover our cost of supplies. Sometimes the clinics are free if we have a sponsoring partner. In doing so, we focus on education, advocacy, and empowerment rather than on litigation. We believe we can help more people access justice this way as opposed to putting all of our time into a couple of complex litigation cases. We offer education sessions on most basic topics, like landlord-tenant law, where there is currently not enough representation in the area, and help people understand how they might be able to solve the issues without the courts or to represent themselves if needed.

While people often assume we are helping the homeless and those in abject poverty, the truth is that the people most in need of low bono legal assistance are those working who have trouble making ends meet or those who were managing fine until they hit a legal problem. In our area, a lot of people in the helping professions or ministry jobs fall into this category. Many times, politicians’ speeches are filled with concerns about those working in Walmart

People who work enough to afford something and are shut out of LSC-funded legal aid are typically quite grateful to have the option of reduced-fee services when they cannot afford market rate services.



barely making it, but many of our clients work in doctors' and lawyers' offices or are social workers or work in churches, legal aid, mental health facilities, or shelters. They are the very people taking care of everyone else in our community, or who used to take care of everyone else but those jobs didn't come with a retirement plan and now there is no back up for them.

Here's a few recent examples from CLC:

- A clergy member, living humbly, whose fledgling church does not provide a housing allowance is living in a home that turns out to be a fire trap for his family. It also has a leaking roof. The landlord comes and goes as he pleases, even while the family is sleeping or not dressed. He harasses them. The landlord will not refund their money, so they cannot afford to move elsewhere.
- A retired senior citizen who used to work in health-care was forced to move from her home because the other people living with her would not help her take care of it or pay for it. The bank told her it was foreclosing but it didn't, so her name is still on the deed and she is being held responsible for nuisance by the city who threatened jail time if she doesn't fix all the things wrong, including the roof, immediately. She cannot sign over the title for demolition because her siblings own part of the house too but won't get involved and don't live in the area so the city cannot pursue them. She cannot physically do

the repairs herself because of her age and heart, and she does not have the money to pay anyone else.

- A mother working in a blue-collar job whose adult child died under unusual circumstances and feels overwhelmed by what to do to resolve family's concerns. She has questions on how to address her child's creditors contacting her, noting he did not have assets. The funeral home would not move forward with the planned burial as family money was not available yet because of the circumstances surrounding the death. The mother also needed to help the rest of family better plan for death, including an aging mother now in her care.
- Young adults who age out of foster care have many issues. Some work and are trying to live on their own but are caught up in the system because even though they are 18, they are still considered a "ward" and told they have to get permission to live on their own, to work, or to go to doctor, and have to report to others about medical issues and records, etc. They have a conflict of interest with their foster parents who sometimes feel they have an incentive to not let the children emancipate so that they will continue to be paid for them to live in their house. They have a conflict of interest with their own assigned attorneys and caseworkers who sometimes are not keeping up with their status and are working off old information or otherwise not advocating for what they are trying to

do, but rather what the foster parent wants or what the worker's perspective of what a "child" should or should not be doing.

- Workers of all types not being paid correct wages they are due as their pay is being "docked" for some reason or they are told they have to stay for meetings or otherwise come early or stay late but remain clocked out. Businesses "helping" workers with paycheck loans or use of items or storage at their places, and then later charging major interest or rent that wasn't contracted and also threatening item or job loss, along with legal action.
- Naturalized citizens or other persons legally present in country having difficulty proving their legal presence and obtaining work, housing, schooling, financing, etc., because of someone withholding, stealing, or destroying their documentation, often as part of an abuse, exploitation, or illegal eviction situation. Such persons are terrified to reach out for help because of the current political state of affairs and fear that someone will misperceive them as having illegally entered the country and put them in detention away from their families. Likewise, we are seeing such persons afraid to pursue their rights even when they have their documentation in order, for fear it will draw unwanted attention to their families.
- High school students or parents of even younger students desiring to dispute unfair decisions or policies in their school system but not given an appropriate way to do so. For example, one student was not sent for medical treatment after passing out related to diabetes because she was "believed to not be in need of serious care." She was then disciplined for not being able to go back to class. Another student was being harassed at a bus stop by an adult but when attempting to get help by flagging a school bus driver, the driver declined because it "wasn't his regular bus" and wouldn't let student call for help either. Also, school drug policies where students have to pee in front of adults but are not allowed to call parents to monitor or help with other concerns.
- People interested in starting nonprofits and other small businesses are trying to determine how to file their organizing or incorporating paperwork and navigate other governmental rules. They may not have any profit yet but are wanting to do things the right way. In the early stages of their business, they often are not making any money and, if they have an employee, they need help navigating HR issues. The more we can help them

build a strong foundation, the more it improves the local economy and provides opportunity for future employment of others.

On occasion, our connections allow us to get a person or family matched with a larger organization that can provide them better service than our current small operation can, or even to refer them to an attorney in the marketplace when a component in their case may allow for statutory attorney fees or fees on a contingent basis.

Our Christian Witness

Some of the people that come for assistance also come in for the qualities of a Christian Legal Aid program. They have faith, and they want someone of faith to represent them. In the above scenario with the elderly woman whose house had become a city nuisance, she was so overwhelmed she was primed for a heart attack. She reported feeling better immediately, just by stepping into the church space where CLC meets and having someone actually care about her.

Not everyone desires prayer, but some do, and it can make a big difference for them. Many legal problems result in people feeling angry, bitter, or depressed. Secular legal aid can address technical legal issues, but providing spiritual ministry is an important means of helping clients holistically.

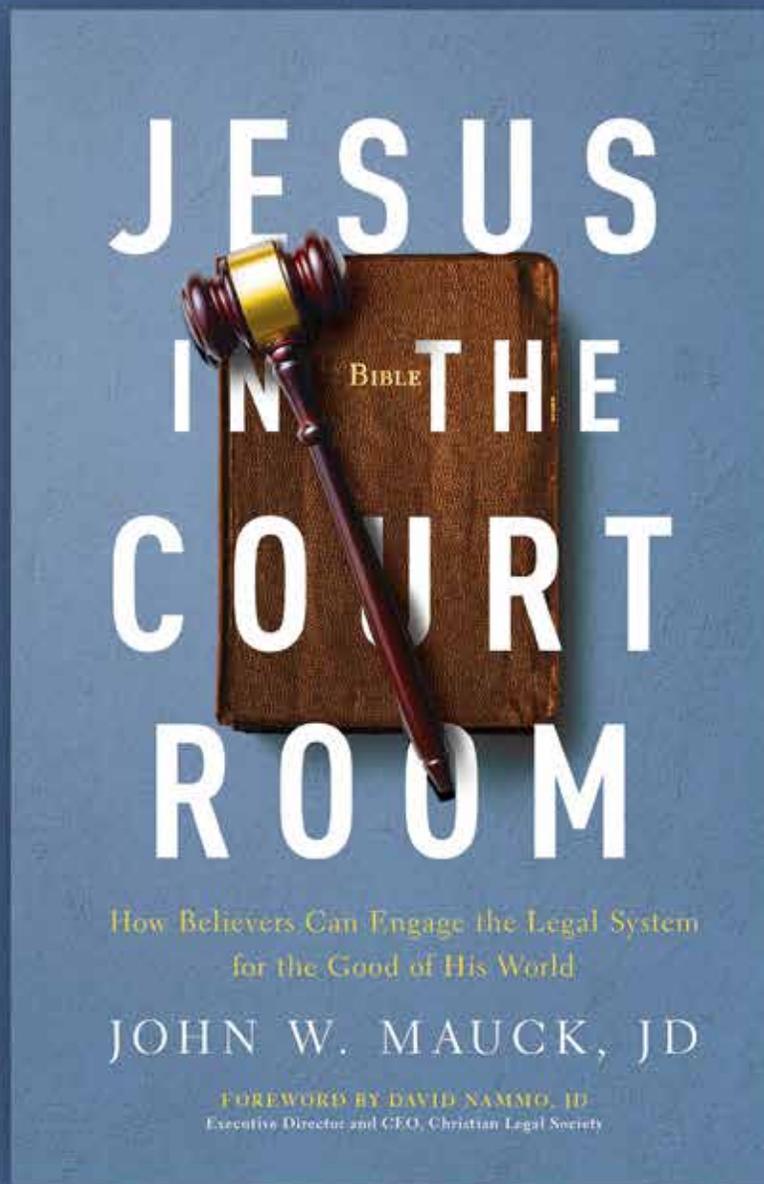
For example, we recently worked with a client who felt he was under attack personally and professionally. He was very scattered and uptight. We offered him a Bible verse. He took it gratefully and says he has used it ever since. I also took him to our chapel to pray over him and he said he felt very relieved. Since our meeting, he said he has been able to better handle his areas of conflict, calmly listening to the other side before stating his, making peaceful offers of resolution as we taught him, and being invested in fair and meaningful processes instead of fighting for a particular outcome. He was a Christian already, but he wasn't including God in his daily decisions or problem solving. Our urging him to slow down, take time to pray, and properly think things through and communicate with others made a huge difference for him.

Other clients enjoy the inspirational resources we have on site. We share inspired quotes and other materials with clients while they wait or before they leave. We also have monthly meetings for blessings, self-care discussion, and socials. We look for ways to help people connect with God and each other naturally to see that the church, and people of the church—including lawyers—are all here to support them.

The ministry of CLC is to bless not only clients, but also everyone we work with, including our volunteers. Recently our paralegal

Was Jesus a lawyer?

The legal aspects of Jesus' ministry have long been obscured or misunderstood.



JESUS IN THE COURTROOM helps us understand why we have not only failed to appreciate the legal aspect of Jesus' life, but also to understand and cooperate with his legal ministry to us and through us. If we are going to be faithful "citizen disciples" in this challenging new world, we need to look anew at how Jesus taught, thought, and interacted with the legal establishment of his day.

JESUS IN THE COURTROOM covers topics like:

- Strategic involvement in the law and with lawyers.
- How God has used the law to expand His Kingdom.
- Christian citizenship in matters like adoption, abortion, minimum wage, foster care, and schools.

amazon



**MOODY
Publishers**

**BARNES
& NOBLE**

extern Kimberly experienced a personal catastrophe. In the middle of the work day, we sat down and prayed fervently for her and through the week counseled her through her situation. As a result, she found renewed faith and strength to continue in life and pursue a career in law. Knowing that CLC is affiliated with Christian Legal Society, she wrote a note of thanks, stating, “Thank you Christian Legal Society for showing me there is a GOD-given family of Christian attorneys waiting for me, and I will be a good Christian lawyer!”

Showing compassion for clients and volunteers also elevates our profession and helps people realize that stereotypes of attorneys are not true for the majority of us. While we may not individually be able to accomplish justice for all, the clients are able to see that we, as individuals, strive with our whole heart to see justice accomplished for all individuals. And that is a good place to start.

Visit www.christianlegalcollaborative.org for more information about low bono programs and Christian Legal Collaborative or to donate to our grassroots initiative to serve low- to modest-income persons in NW Ohio, along with nonprofits and other small businesses; promote legal education, advocacy and empowerment in the community; and educate other legal professionals. We welcome both your sponsorship and offers to assist us with remote research. We also offer coaching sessions for those looking to start a Christian Legal Aid program. Please use the Contact Us page of our web for requests.



Katina R. Werner is the founder and the executive director of Christian Legal Collaborative, Inc. (CLC), a Christian Legal Aid program in Toledo, Ohio, that provides legal services to low- and modest-income persons on a sliding-scale fee basis. CLC provides limited and full representation, as well as information and referral services, pro se assistance, and community engagement activities. Prior to starting CLC, Ms. Werner ran her own law practice serving low- to modest-income persons, nonprofits, and small businesses for ten years. Before that, she was an Equal Justice Works Legal Fellow/AmeriCorps Pro Bono Legal Corps member at Legal Aid of Western Ohio (LAWO) and Advocates for Basic Legal Equality (ABLE).

END NOTES

- 1 www.lsc.gov/income-eligible.
- 2 www.cnbc.com/2019/01/23/most-americans-dont-have-the-savings-to-cover-a-1000-emergency.html.
- 3 <https://prolitteracy.org/Blogs/Article/290/36-Million-Reasons-Why-We-Participate-in-GIVINGTUESDAY>.
- 4 www.lsc.gov/justicegap2017.
- 5 www.americanbar.org/groups/legal_education/resources/pro_bono/.

CHRISTIAN LEGAL SOCIETY
LAW SCHOOL FELLOWS

Equipping Law Students to Walk with Integrity

May 17-23
2020

Applications accepted
September 3rd - March 1st.

CLSFellows.org

Congratulations 2019 CLS LAW SCHOOL FELLOWS

CLS congratulates the 2019 CLS Law School Fellows class! These young men and women invested a week of their summer engaging with professors and practitioners on issues surrounding jurisprudential and theological foundations of law, the doctrine of vocation, and the life of integrity in the law. It was an intense—but wonderful—week of fellowship, scholarly debate, and learning. We were encouraged by the attitude and commitment of these Fellows as they embraced the challenge of this scholarly community. Thanks to their efforts, this Fellows class will form an excellent foundation on which to build a scholarly community across several generations of law students. Congratulations!



· ELLIS ADLER · MARYAM ATTY · KAEDEN BAUMAN · BRENNAN BOWEN · JOSHUA CARP ·
VIKTORIYA CHEBOTAREV · LAUREN DOIG · AMBER DONIHUE · JOHN GARDNER
· JESSICA GERBER · CHRISTINE GUERRAZZI · STEPHANIE HADDAD · ANTHONY HARRIS ·
CAROLINE HOFFMANN · SUNG WOO HONG · RUTH JIANG · JOSHUA JONES · JOYCE KIM
· ANALISA LACHANCE · RAZI LANE · LOGAN LEONARD · SIMON LU · ELAINE MIKEL ·
MELISSA MITCHELL · MONICA MOLESTINA · CONNOR MOORE · ANDREW PETERSON
· G. KEITH PRIDGEN · GENESIS QUINTANA · ARLENE RAMIREZ · DIANA RAY ·
CANYON SANFORD · MIKELL WASHINGTON · KRIS YAGER ·



The Blessings of a CLS Attorney Chapter

BY CHARLIE OELLERMANN

Christian Legal Society is the sole national grassroots network of lawyers and law students committed to proclaiming, loving, and serving Jesus Christ through all that we do and say in the practice of law. For my first 15 years of legal practice, I was part of that network as an individual member of CLS; however, I did not take advantage of the opportunity to attend CLS' largest annual gathering, the national conference. I also did not envision how effective and encouraging the network can be when CLS members come together in local chapters. All of that changed in 2006.

That summer, thanks to some prompting from some long-time members and friends of Christian Legal Society, including Bob and Janice Trierweiler, four of us from Columbus, Ohio, decided to begin meeting together to discuss and, more importantly, pray about the process of forming a Central Ohio attorney chapter of CLS. Those discussion and prayer meetings started a wonderful journey filled with education, challenges, and blessings that continues today.

After a couple of meetings to explore general interest in a Central Ohio CLS chapter attracted first 15 and then 25 attorneys, we requested information from the national CLS office on how to start a chapter. The national office provided us extensive documentation on how to go about forming a chapter, including model bylaws. Based on the extensive information provided in those documents, our “core group” of four attorneys met to pray for and plan meetings and activities that would be beneficial to Christian attorneys in the Columbus area. We also received tremendous advice and support from the national CLS staff—including David Nammo, who was then attorney ministries director at CLS—that was very helpful. Some of the most important pieces of advice we received were the following:

- Share the leadership burden. If possible, at least four to six people should be in the “core group” that starts an attorney chapter. Over time, the Central Ohio chapter has adopted amended bylaws (with the national office's blessing) that require transition of leadership from year to year.

- First you pray. The psalmist writes: “Unless the LORD builds the house, the builders labor in vain” (Psalm 127:1). If the core group starting an attorney chapter begins its deliberations in prayer, we can be more confident that our efforts will be directed by the Lord and will honor Him.
- Stay away from partisan politics. Our Central Ohio core group was blessed to include two Democrats and two Republicans. CLS members are encouraged to be involved in all levels of government and to be active in political parties for that matter, but a CLS attorney chapter should be focused on serving Christ and His Kingdom, not partisan ends.

- Avoid denominationalism. While CLS asks all of its members to subscribe to a Statement of Faith (which is a core statement of long-standing Christian beliefs), an attorney chapter should not favor any Christian denomination over another. Our Central Ohio chapter has been blessed with representation from the entire gamut of Christian denominations from virtually its inception.

Relying on the national office’s advice and support, we proceeded to form the Central Ohio chapter in Fall 2006, when then-Executive Director Sam Casey spoke to a crowd of more than 50 people at our first luncheon meeting. Since that time, our chapter has grown to a network of 250 to 300 attorneys and friends of CLS. We have held numerous speaker luncheons, social events (including a couple pig roasts), and prayer and evangelical outreach meetings. We have offered an attorney-law student mentoring program and speakers for the law student chapters at the Ohio State and Capital law schools (which are located nearby). In recent years, our chapter’s largest annual event has been an all-day continuing legal education program in early December, which typically is attended by Christian attorneys and others from across Ohio. In a couple of instances, our chapter has been active in the public policy arena, helping to facilitate the Ohio General Assembly’s enactment of legislation protecting religious student groups at Ohio public universities and colleges and expanding religious liberty protections under the Ohio Civil Rights Law.

The Central Ohio chapter’s mission and activities are unique among the more than 50 CLS attorney chapters nationwide—as

they should be. Some chapters are focused on the provision of Christian legal aid. Others emphasize regular Bible study, and still others engage in service activities, such as prison ministry, religious liberty advocacy, or support for local law student chapters. In this way, the U.S. network of CLS attorney chapters illustrates the diversity of the body of Christ: many members working together to act as Christ’s hands and feet in the practice of law.

While the activities of a CLS chapter are often rewarding and educational to the participants, I believe the relationships developed with other Christian attorneys is the greatest blessing of being active in a CLS chapter. In the Central Ohio chapter,

I have personally gotten to know scores of Christian attorneys, from all kinds of backgrounds and legal practices—ranging from large commercial law firms (like the one I’m part of) to solo practice to government practice, among others—and have learned from all of them. Moreover, identifying oneself as a Christian attorney holds one accountable in the profession because, at a minimum, we do not want to disappoint our

fellow Christian practitioners when we encounter them in court or at the negotiating table. As one long-time attorney in our chapter commented, “The CLS chapter helps me to be a better attorney.” I can also testify that it indeed does.

Those of us on CLS’ national Attorney Ministries Committee are seeking to support attorney chapters that provide these encouragements and blessings around the country. Our goal is to expand the network of active attorney chapters to all major cities and to all 50 states. We have been and will be contacting attorney chapter leaders around the country this year to assist them in building their leadership teams and implementing new ideas. Lord willing, CLS will thereby be able to grow this grassroots network of Christian attorneys who serve as salt and light to this country’s legal profession.



Charlie Oellermann has practiced law in the Columbus, Ohio, office of Jones Day for more than 25 years, focusing his practice primarily on commercial bankruptcy and restructuring. Charlie is president-elect of CLS’ Board of Directors and currently serves as chair of the Board’s Attorney Ministries Committee.



Cross and Gavel Podcast

Brought to you twice a month by Christian Legal Society and the Institute for Christian Legal Studies.

Find us on iTunes or search Cross & Gavel on your podcast app.

CHRISTIANLEGALSOCIETY.ORG/PODCAST



FIND A **CLS Chapter** NEAR YOU TODAY.

ATTORNEYMINISTRIES.ORG/CHAPTERS



FIND A
CLS Winter Regional Retreat
NEAR YOU TODAY.

CHRISTIANLEGALSOCIETY.ORG/EVENTS



How *American Legion* Protects Religious Freedom

BY REED SMITH

In June, the Supreme Court voted 7-2 to preserve the WWI Veterans' Memorial, also known as the Peace Cross, in Bladensburg, Maryland, handing both the American Legion, who was represented before the Court by First Liberty Institute and Jones Day, and our religious heritage a significant victory. Christian Legal Society joined an amicus brief in support of the American Legion. Christopher DiPompeo, a partner at Jones Day, noted that "The Supreme Court's decision to protect the Peace Cross sends a clear message to all Americans: religious symbols and religious activity in public contribute to the diversity of this nation and must be protected."

The Peace Cross was first conceived in 1918, when residents of Prince George's County, Maryland, including ten mothers whose sons were killed in WWI, formed a committee to erect a memorial honoring the county's fallen. The committee decided in favor of a cross-shaped memorial, echoing the grave markers of those buried overseas. Martha Redman, one of those mothers whose son never returned from the war, wrote her senator to thank him for supporting the monument stating, "my son, [Wm.] F. Redman, lost his life in France and because of that I feel that our memorial cross is, in a way, his grave stone."

Groundbreaking for the memorial began in September 1919, but construction stalled in 1922 because of a lack of funding.

The American Legion took over the project and completed the memorial in 1925. The completed monument stands as a 32-foot-tall cross on a pedestal bearing a bronze plaque dedicating the monument "to the heroes of Prince George's County, Maryland who lost their lives in the Great War for the liberty of the world" and listing the names of 49 local men who died in the war.

Although the memorial was originally built using private funds and located on private land, urban development would later find the memorial at the center of a busy intersection. In 1961, the State of Maryland acquired the Peace Cross and the land to preserve the monument and ensure traffic safety. The memorial stood without controversy for ninety years before the American Humanist Association filed suit, alleging that the state's maintenance of the Peace Cross violates the First Amendment's Establishment Clause. Although the trial court initially held that the state's preservation of the Peace Cross is constitutional in light of its commemoration of the war dead and traffic safety concerns, a federal appeals court reversed, holding that the Peace Cross endorsed Christianity because "[e]ven in the memorial context, a Latin cross serves not simply as a generic symbol of death, but rather a Christian symbol of the death of Jesus Christ." The Supreme Court agreed to hear the American Legion's appeal.

What the Court Said

The Supreme Court ultimately considered not only the fate of the memorial, but also the fate of the *Lemon* test—an oft-maligned Establishment Clause analysis examining whether a government action (1) has a religious purpose, (2) has a religious effect, or (3) excessively entangles government and religion, any of which, when answered affirmatively, would violate the Establishment Clause. The Court answered the first question decisively—seven of the nine justices held the state’s preservation of the Peace Cross does not violate the Establishment Clause. The fate of the *Lemon* test, however, is murkier. The seven justices supporting the Peace Cross issued five opinions, although no fewer than five justices agreed that the *Lemon* test should be replaced with a test focused on whether the government’s practice is supported by history and tradition.

In the Court’s primary opinion, Justice Alito, joined by Chief Justice Roberts and Justices Breyer, Kagan, and Kavanaugh, held that the memorial was constitutional because the cross-shaped memorial took on special significance in light of “the simple wooden crosses that originally marked the graves of American soldiers killed in the war.” Justices Thomas and Gorsuch agreed that the Peace Cross is constitutional but would have held that the plaintiffs’ feelings of alienation were an insufficient injury to merit court intervention.

Although the Court did not expressly overrule *Lemon*, a majority of the Court had harsh words for *Lemon*. Justice Alito’s opinion, joined by Roberts, Breyer, and Kavanaugh, opined that courts should no longer “evaluate such cases [involving ceremonial, celebratory, or commemorative use of religious imagery] under *Lemon*,” but rather should presume that such “longstanding monuments, symbols, and practices” are constitutional. Echoing the Court’s decision affirming the constitutionality of sectarian legislative prayer in *Town of Greece v. Galloway*, this plurality departed from *Lemon* and stated that such monuments should not be viewed as constitutional not because they lacked religious content, but rather because they “fi[t] within the traditions long followed in Congress and the state legislatures.” Justice Kavanaugh separately emphasized that “the Court’s decisions over the span of several decades demonstrate that the *Lemon* test is not good law and does not apply to Establishment Clause cases.”

Justices Gorsuch and Thomas, like Kavanaugh, expressly rejected the *Lemon* test, concluding that the application of *Town of Greece* to monuments, symbols, and practices is “exactly right,” and that such uses of religious imagery are constitutional based on their “compliance with ageless principles.”

What it Means for Religious Freedom

Between the plurality opinion and Gorsuch’s concurrence, no fewer than six justices agreed that future cases involving monuments, symbols, and practices should be evaluated under a “history and tradition” analysis akin to the *Town of Greece* analysis rather than the *Lemon* test, although disagreement remains as to whether courts should consider the age of the challenged monument or practice itself in their analysis.

Even when read in the narrowest sense, the Court’s holding is significant because history matters. As the Court remarked, the removal or transformation of the Peace Cross and similar monuments “would be seen by many not as a neutral act but as the manifestation of ‘a hostility toward religion that has no place in our Establishment Clause traditions.’” Organized efforts to eliminate all vestiges of religion from the public square convey that religion is disfavored no less than Josef Stalin’s campaigns to airbrush

his political enemies signaled the condemnation of those politicians, as well as their supporters and families.

Moreover, the Court’s preservation of the memorial acknowledges that government monuments and practices need not be stripped of all religious significance to be considered constitutional, but rather, where not inherently exclusionary, should be presumed constitutional when they fall within longstanding traditions of religious accommodation practiced by Congress and state legislatures. This decision reaffirms the Court’s prior acknowledgement that the Constitution does not “require complete separation of church and state; it affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any.”¹

By replacing the *Lemon* test with one that examines whether a monument or practice is consistent with this country’s tradition of religious accommodation, the Court has appreciably limited the ability of activists to wage letter campaigns claiming religious offense so as to cow communities into abandoning

This decision reaffirms the Court’s prior acknowledgement that the Constitution does not “require complete separation of church and state; it affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any.”

longstanding memorials and practices with threats of expensive and uncertain litigation. The American Legion, whose members have secured numerous decisive victories protecting our nation overseas, can now claim a victory for our religious heritage at home.

Reed Smith is the director of litigation for Christian Legal Society's Center for Law and Religious Freedom, specializing in religious liberty litigation. Prior to joining CLS, Reed practiced at First Liberty Institute and at Ahmad Zavitsanos, a Chambers-rated commercial litigation boutique. Before going into private practice, Reed was a law clerk for the Fifth Circuit Court of Appeals, the Northern District of Texas, and the Solicitor General of Texas. Reed graduated from the University of Virginia School of Law, where he served on the Virginia Law Review.

END NOTES

- ¹ *Lynch v. Donnelly*, 465 U.S. 668, 673 (1983).

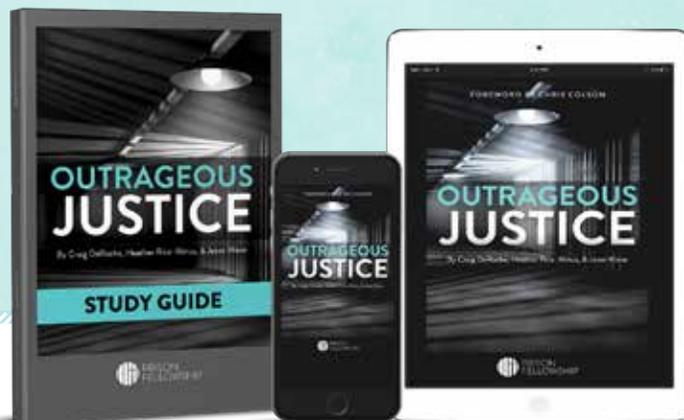


Introducing Reed Smith

CLS is excited to announce that it has re-opened its religious freedom litigation practice with the hiring of Reed Smith as its new director of litigation for the Center of Law and Religious Freedom. As the director of litigation, Reed will manage trials and appeals for CLS while representing churches, students, and others in cases that present important religious freedom issues. If you become aware of any religious freedom issues that need legal attention, please email Reed at rsmith@clsnet.org.

Reed came to CLS from First Liberty Institute where he worked on a variety of religious liberty issues. Reed brings considerable litigation experience to CLS, having served as a trial attorney for more than six years at AZA law in Houston, Texas, where he represented numerous Fortune 500 companies. Reed is a proud graduate of the University of Virginia School of Law, where he served as an editor of the Virginia Law Review.

JUSTICE THAT RESTORES



God loves justice and calls His people to seek it. But how do we respond to our complex—and broken—criminal justice system?

This **free small group study** will help you explore the American criminal justice system through a biblical lens and learn hands-on ways to pursue justice, hope, and healing in your community.

Request your **FREE** copy—including a study guide, companion book, and accompanying videos—today at prisonfellowship.org/CLSoutrageousjustice





Living Our Calling - Today

BY MIKE SCHUTT

James chastises those who would presume too much on the future:

Come now, you who say, “Today or tomorrow we will go into such and such a town and spend a year there and trade and make a profit”—yet you do not know what tomorrow will bring. What is your life? For you are a mist that appears for a little time and then vanishes. Instead you ought to say, “If the Lord wills, we will live and do this or that.” As it is, you boast in your arrogance. All such boasting is evil.

James 4:13-16. We are arrogant when we make our plans without the Lord.

His point is clear, but I for years wondered about the verse that closes that section, immediately following the passage above: “So whoever knows the right thing to do and fails to do it, for him it is sin” (James 4:17). James’s broader admonition just never seemed to fit well with “doing the right thing.”

On reflection, however, I’ve come to see how “boasting” on the future and making grand plans for my life does pose a danger: I can get so focused on the good I might do tomorrow that I fail to do the right thing I know I am to do today.

In our distracted and fragmented age, I have enough trouble being present with those around me, even without the temptation of living in my head about my grand plans for the future. But my entire life, I’ve always lived for what is coming next, as if looking forward to “someday” that my life would really begin, rather than embracing the life I am called to live in the moment. We all live that way at times, believing that “real” life begins as soon as we graduate from high school, then later college, then when we get married, then when we land that job, and on and on. We all are tempted to define our lives by our dreams and plans rather than as the walk we are walking today.

John Calvin’s short essay on vocation and ordinary work in his *Institutes* addresses this tendency. He suggests that because the Lord knows “the boiling restlessness of the human mind,”

He has placed us at our “stations”—our callings—and called us to specific tasks there:

[T]he Lord enjoins every one of us, in all the actions of life, to have respect to our own calling. He knows the boiling restlessness of the human mind, the fickleness with which it is borne hither and thither, its eagerness to hold opposites at one time in its grasp, its ambition. Therefore, lest all things should be thrown into confusion by our folly and rashness, he has assigned distinct duties to each in the different modes of life. And that no one may presume to overstep his proper limits, he has distinguished the different modes of life by the name of callings. Every man’s mode of life, therefore, is a kind of station assigned him by the Lord, that he may not be always driven about at random.

John Calvin, *Institutes of the Christian Religion*, II.10.6.

To consider our lives through the lens of calling and vocation not only gives us a greater vision for the good that God works through us, it also keeps us centered in our work for the present. When I know what I am called to do today—and that God is the caller that has given me these tasks—I am less tempted to presume on tomorrow, boast about my future, or “fail to do” the “good I ought to do” today. Not that I don’t plan for tomorrow, but when I think “vocationally,” I live in the present and approach tomorrow in wisdom and humility.

It is particularly easy for law students to live in the future. After all, sometimes law students see law school as simply training for the next step, for a career, for real life. Yet God has given you neighbors to love today. God has placed you at a post at a particular school, with specific people, today. He has given you classmates to serve, profs to love, and organizations in which and through which to engage your campus and community. To

neglect those callings in favor of the plans you have after graduation—to fail to do the right thing by your classmates, profs, and campus community—is sin.

My challenge to you law students is to take some time to evaluate your present calling. Not what God might have you do in the future, not where he is calling you with your legal gifts, but where He has placed you today. Take a minute to think about the “good” He is calling you to do today:

- Who are my neighbors? With whom do I rub shoulders every day that I can love and serve?
- What does God want to do for these neighbors, and how might I be involved with His work?
- What gifts do I have that He might use to pour out His grace on my classmates, law school staffers, my campus, or my professors?
- How is God using my involvement in my campus fellowship to help others think about their callings—both present and future?

“To consider our lives through the lens of calling and vocation not only gives us a greater vision for the good that God works through us, it also keeps us centered in our work for the present.”

To ask these questions is to take some easy steps toward thinking well about life and calling and toward living in the present.

May the Lord direct your steps as you seek the neighbors He has called you to love in this season.



Mike Schutt is the director of CLS’ Law Student Ministries and the Institute for Christian Legal Studies (ICLS), a cooperative ministry of CLS and Trinity Law School. Mike is the author of *Redeeming Law: Christian Calling and the Legal Profession* (IVP 2007) and the editor-in-chief of the *Journal of Christian Legal Thought*.



Christian Legal Society is a community.

The events described on these pages are just a few examples of the fellowship, learning, and fun going on at CLS events. We are reserving this space in every magazine issue to share what is going on around the country and, hopefully, to inspire you to plan a CLS event in your area. The goal is always to bring individuals and chapters in your communities together.

Want to be our next inspiration in Chapter & Event Highlights? Tell us about a successful event or meeting you organized yesterday, last week, or last month, and we will share it with our members nationwide (and remember, it must be accompanied by a picture). We look forward to hearing about your stories and events and celebrating with you!

Orange County (CA) Summer Social



David Nammo and Mike Schutt Take the Nation - Summer 2019!

This summer CLS' David Nammo and Mike Schutt spent time meeting with CLS friends from across the nation. Here are some highlights from their travels.



Minnesota CLS Chapter

The Minneapolis attorney chapter gathered to host Mike Schutt at the Green Mill restaurant in June. They were pleased to have Kyle Hamilton of the Anselm House join in, along with two CLS Law School Fellows, Andrew Peterson and Sung Woo Hong.



Western Pennsylvania Chapter

On July 10, Lauren Rushak, president of the Western PA attorney chapter, hosted a reception for law students and lawyers at the offices of Clark Hill in Pittsburgh. They were happy to have students from Pitt and Duquesne law schools, who work closely with chapter treasurer Pete Pross, who also serves as campus staff with the Coalition for Christian Outreach.



Northern Illinois Chapter

In June, CLS President Sally Wagenmaker hosted a lunch with the Northern Illinois chapter. Northern Illinois chapter president Steve Denny, several law students, and a hearty group of local lawyers showed up for pizza and fellowship.



Central Ohio Chapter

CLS President-elect Charlie Oellerman opened his home July 1 to lawyers and law students summering in Columbus. OSU CLS chapter president Josh Thomas and CLS Law School Fellows Emily Cunningham and Zach Miller joined them as well. They heard from Mike Schutt and, even better, enjoyed some great barbeque and homemade lemon cookies!



Oklahoma City Chapter

David met with the Oklahoma City chapter in July.



Memphis Chapter

David met with the CLS Memphis attorney chapter in July at The Hub Church. Here David is pictured with Jay Lifschultz, Memphis chapter president.



Wichita Chapter

David met CLS Wichita president Douglas Coe and CLS member Sam Foreman at Dempsey's Bisquit Co. for a productive brainstorming session.



Connect with other CLS members in your area

ALABAMA

Birmingham
CLS Birmingham
Mark Hogewood
mhogewood@wallacejordan.com

Mobile
CLS Mobile
William Watts
www@helmsinglaw.com

ARIZONA

Phoenix
CLS Phoenix
James Williams
james@azbarristers.com

Tucson
CLS Tucson
Jim Richardson
richardsonjim@icloud.com

CALIFORNIA

Inland Empire
CLS Inland Empire
Maureen Muratore
mmlawyer@peoplepc.com

Los Angeles
CLS Los Angeles
Arnold Barba
arnold.barba@limnexus.com

Orange County
CLS Orange County
Kelli Marsh
clsorangecountychapter@gmail.com

Sacramento
CLS Sacramento
Steve Burlingham
steveb@gtblaw.com

San Diego
CLS San Diego
Miles C. Lawrence
Miles@LTSLaw.net

San Fernando Valley
CLS San Fernando Valley
Ben Jesudasson
ben@bjslawfirm.com

San Francisco
CLS San Francisco
Kirstin L. Wallace
kwallace@archernorris.com

West Los Angeles
CLS West L.A.
Sarah Olney
sarah.olney@yahoo.com

COLORADO

Colorado Springs
CLS Colorado Springs
Theresa Sidebotham
tls@telioslaw.com

Denver
CLS Metro Denver
Matthew Hegarty
denvercls@gmail.com

DISTRICT OF COLUMBIA

CLS DC Metro
Paul Daebeler
pfdaeber@verizon.net

FLORIDA

Jacksonville
CLS Jacksonville
Michele Waddell
michele@youhurtwefight.com

Orlando
CLS Orlando
Joshua Grosshans
josh@lseblaw.com

West Palm Beach
CLS West Palm Beach
Betty Dunkum
bld@victorytrial.com

GEORGIA

Atlanta
CLS Atlanta
Clare Draper
Clare.draper@alston.com

HAWAII

Honolulu
CLS Hawaii
Terry Yoshinaga
yoshinagalaw@gmail.com

ILLINOIS

Chicago
CLS Northern Illinois
Steve Denny
sdenny@dennylaw.com

Wheaton
CLS Wheaton
Mark Sargis
msargis@bellandesargis.com

KANSAS

Wichita
CLS of Wichita
Doug Coe
doug@legacylegallc.com

LOUISIANA

New Orleans
CLS New Orleans
Frank Bruno
frankbruno4319@att.net

MARYLAND

Greater Baltimore
CLS Maryland
Kimberly Waite
kimlwaite@yahoo.com

MASSACHUSETTS

Boston
CLS Boston
Freya Shoffner
fashoffner@shoffnerassociates.com

MINNESOTA

Minneapolis
CLS of Minnesota
Ted Landwehr
tland@landwehrlaw.com

MISSISSIPPI

Jackson
CLS of Central Mississippi
Bob Anderson
andersonlawpllc@comcast.net

MISSOURI

Kansas City
CLS Kansas City
Jesse Camacho
jcamacho@shb.com

St. Louis
CLS St. Louis
Gary Drag
gddrag@lawofficeofgarydrag.com

Springfield
CLS of Springfield
Lydia Seifner
lydia@spfdfamilylaw.com

NEBRASKA

Lincoln
CLS Nebraska
Jefferson Dowling
jd@keatinglaw.com

NEVADA

Las Vegas
CLS Las Vegas
Carmen Amen
carmen.amen@yahoo.com

NEW JERSEY

Cape May
CLS Cape May
Anthony P. Monzo
amonzo@mchlegal.com

NEW YORK

New York City
CLS NYC
Jonathan Nelson
jnelson@nelsonmaddenblack.com

Syracuse
CLS Central New York
Ray Dague
rjdague@daguellaw.com

NORTH CAROLINA

Wake County
Wake County CLS
Max Rodden
mrodden@smithdebnamlaw.com

OHIO

Columbus
CLS of Central Ohio
Michael A. Renne
mrenne@dinsmore.com

Willoughby Hills
CLS of Ohio Northeast
Robert L. Moore
rob@robmoorelaw.com

OKLAHOMA

Oklahoma City
CLS Oklahoma City
David Van Meter
david@vanmeterlawfirm.com

OREGON

Salem
CLS of Oregon
Herbert Grey
herb@greylaw.org

PENNSYLVANIA

Greater Philadelphia
CLS Philadelphia/Delaware Valley
Ted Hoppe
thoppe@thoppelaw.com

Pittsburgh
CLS Western Pennsylvania
Lauren Rushak
lrushak@clarkhill.com

TENNESSEE

Memphis
CLS Memphis
Jay Lifschultz
Jay.lifschultz@usa.net

Nashville
CLS Greater Nashville
John Kea
jkea@southernbaptistfoundation.org

TEXAS

Austin
CLS Austin
Steve Campos
stevec@CCLLPaw.com

Dallas
CLS Dallas
Jessica Lewis
president@clsdallas.org

Houston
CLS Houston
Stephen Moll
smoll@reedsmith.com

San Antonio
CLS San Antonio
Chad Olsen
chad@braychappell.com

Williamson County
CLS Williamson County
Terence Davis
attorney@myfamilylawspecialist.com

VIRGINIA

Leesburg
CLS Northern Virginia
Mark Crowley
markvincentcrowley@earthlink.net

Richmond
CLS Richmond
Brian Fraser
brian.r.fraser@gmail.com

WASHINGTON

Seattle
CLS Seattle
Peter Dolan
Peterdolan14@gmail.com





Connect with the Christian Legal Aid Clinic in your community

ARIZONA

Phoenix Metro Area
Christian Legal Aid of Arizona

Tucson
Christian Legal Society of Tucson
Christian Legal Aid Program

CALIFORNIA

Los Angeles
Pepperdine University Legal Aid Clinic

Los Angeles Metro Area
Christian Legal Aid of Los Angeles

Oakland
Pope Francis Legal Clinic

San Bernardino Metro Area
Crosswalk Legal Clinic

San Diego Metro Area
San Diego Christian Legal Aid
(SDCLA)

San Jose
Silicon Valley Christian Legal Aid

Santa Ana
Trinity Law Clinic at the Orange
County Rescue Mission

Santa Ana
Trinity Mobile Legal Clinic

COLORADO

Colorado Springs
Ecumenical Christian Legal Services

Denver
Justice and Mercy Legal Aid Clinic

Denver Metro
Christian Legal Clinic of Metro Denver
Triage Legal Clinics

- Denver Rescue Mission Clinic
- Broomfield FISH Clinic
- Samaritan House Clinic

Christian Legal Clinic of Metro Denver
(continued)

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

Fort Collins
Serve 6.8 Legal Clinic

DELAWARE

Wilmington
Mission Legal Aid Clinic

DISTRICT OF COLUMBIA

Washington, DC
Christian Legal Aid of the District of
Columbia (CLADC)

- Central Union Mission
- DC Dream Center

FLORIDA

Jacksonville
CLS Pro Bono Project

Jacksonville Metro Area
Jericho Road Legal Service Ministry

ILLINOIS

Chicago
Cabrini Green Legal Aid

Chicago Metro Area
Administer Justice

- Wheaton Bible Church
- Christ Community Church
- Fox Valley Church
- Wayside Cross Ministries
- Christ Church of Oak Brook
- Willow Creek Care Center

INDIANA

Indianapolis Metro Area
Neighborhood Christian Legal Clinic

KANSAS

Wichita
Wichita Christian Legal Aid

KENTUCKY

Louisville
Metro Christian Legal Aid

MARYLAND

Gaithersburg
Good Samaritan Advocates

- Covenant Life Church
- Montgomery Village

Silver Spring and Baltimore
Christian Legal Aid Maryland (CLAIM)

MICHIGAN

Detroit Metro Area
Christian Legal Aid of Southeast
Michigan

Grand Rapids Metro Area
West Michigan Christian Legal Aid

Kalamazoo
Christian Legal Aid of Southwest
Michigan

Lansing
Christian Legal Aid of Lansing

MINNESOTA

Minneapolis
Park Avenue Walk-in Legal Clinic

Twin Cities
Twin Cities Christian Legal Aid
(TCCLA)

MISSISSIPPI

Jackson
Mission First Legal Aid Office

MISSOURI

St. Louis Metro Area
New Covenant Legal Services

NEW JERSEY

Newark Metro Area
Immigrant Hope

NEW MEXICO

Albuquerque
New Mexico Christian Legal Aid

Las Cruces
Catholic Charities of Southern New Mexico

NEW YORK

New York City
Open Hands Legal Services, Inc.

NORTH CAROLINA

Durham
Justice Matters

Raleigh
Campbell Community Law Clinic

OHIO

Cleveland
Scranton Road Legal Clinic

Westerville (Columbus Metro Area)
Vineyard Immigration Counseling Service

Toledo
Christian Legal Collaborative

OKLAHOMA

Oklahoma City Metro Area
Trinity Legal

- Crossings Community Center
- Cross and Crown Mission
- City Rescue Mission
- Living Faith Ministry
- Salvation Army – Norman

Tulsa
Tulsa Dream Center

Tulsa
Tulsa University College of Law CLS
Christian Legal Aid Clinic

PENNSYLVANIA

Philadelphia
Christian Legal Clinics of Philadelphia

- West Philadelphia Legal Clinic
- Hunting Park Legal Clinic
- South Philadelphia Legal Clinic
- Chester Legal Clinic
- Germantown Legal Clinic
- Kensington Legal Clinic
- Chosen 300 Legal Clinic
- North Philadelphia Legal Clinic

Pittsburgh
Christian Legal Aid of Pittsburgh

TENNESSEE

Murfreesboro
Murfreesboro Christian Legal Clinic

Nashville Metro Area
Compassionate Counsel

TEXAS

Houston
Houston Legal Aid Center

Houston
Community Christian Legal Aid

VIRGINIA

Arlington
Restoration Immigration Legal Aid

Northern Virginia
Good Samaritan Advocates

- Columbia Baptist Church
- Reston Bible Church
- The Lamb Center

Roanoke
Roanoke Rescue Mission

WASHINGTON

Seattle
Open Door Legal Services

For contact information and other details for the Christian Legal Aid clinics, view the full clinic directory at ChristianLegalAid.org/clinics



YOU CAN OWN A PIECE OF BIBLE HISTORY

Now is the time to consider purchasing
the **FIRST LAW** given to man.

Printed in the 1500's or 1600's, these Bibles are beautiful
and significant pieces of history. These 400 to 500 year old
investment-grade editions of God's Word are in excellent
condition and feature expertly restored leather bindings.

This **piece of history** is one
that your family will
pass on for generations.



learn more now . . .

GREATSITE.COM

1-800-422-6243



Sally Wagenmaker,
President and
Chairman of the Board

“How may I help you?” As an attorney, I often ask these words when beginning a dialogue with a potential client or responding to an established client’s call. Lawyers are in the helping business – to research issues and find answers, to share guidance and recommendations, and to solve problems. Do we help only for money in a purely transactional sense, or are greater opportunities available to provide legal assistance?

In answering that question, there is great encouragement from our featured legal aid authors in this magazine edition. They are truly heroes to those in need, with many more law heroes within and beyond our CLS ranks. Their solutions are generous, creative, inspiring, and convicting.

It’s biblical too to provide legal assistance to those in need – to promote justice, to care for the poor, and to recognize that we live in community. We help and support each other, and not just those we already know. As Paul instructed the Corinthians, “You are the body of Christ, and each one of you is a part of it.” As such, our calling includes the gift of helping (1 Cor. 12:28).

Do we help enough? Ah, a twinge of guilt, especially for lawyers pulled between the demands of work, family, community commitments, financial obligations, and other stress. Thankfully, the psalmist reminds us to lift up our eyes to the mountains (literally or figuratively) and ask, “Where does my help come from?” The answer: “from the Lord, the Maker of heaven and earth” (Psalm 121:1-2).

This answer plays out in big and small ways, as we experience God’s presence and discern how best and when to use our God-given resources. Yes, each of us may need to earn a living, whether through the practice of law or otherwise. Yet God

continually pulls at our hearts, awakening our passion to help others.

How will each of us respond? Volunteering at a local legal aid clinic? Helping to start a new Christian legal aid ministry? Financial support? Perhaps a pro bono project or two will surface as you prayerfully consider your gifts and surrounding needs. And perhaps a law student (or two) or an attorney needs mentoring. As you listen to God’s gentle whisper (or roaring admonition), the answer may well be some combination of all these options.

And as we respond to God’s call to help others, so too we must consider the help we need. Is it through other staff at your law firm, business, or ministry? Maybe a different job – or remaining steadfast at your current job? How do you lean on God’s “everlasting arms” (Deut. 33:27) in times of struggle and pain? In the ordinary day to day? In what areas do you need wisdom (James 1:5 – ask!) – for your yourself, your family, your legal work?

Ecclesiastes 4:10 reminds us that “Two are better than one – If either of them falls down, one can help the other up.” I invite you to live out that verse through CLS, giving and receiving help together in Christian community, as many of you already do. This may mean providing legal aid, participating in a local CLS chapter, even registering for this fall’s CLS national conference – I hope so! I can’t wait to welcome you all to my hometown of Chicago, with this fall’s CLS conference including a legal aid summit, a pastors’ forum, rich fellowship, fun outings, high-quality CLE workshops, and much more! So please pray with me, for reminders of God’s help to each of us personally, for holy promptings to help others, and for obedience and joy in responding.

God bless you all!

REGISTER
TODAY



CLS 2019 NATIONAL CONFERENCE

Chicago

WESTIN MICHIGAN AVENUE



OCTOBER 31 - NOVEMBER 3



CLSCONFERENCE.ORG