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# HONORING THE SPIRIT IN THE LAW: A LAWYER'S CONFESSION OF FAITH

*Melissa M. Weldon\**

Every Sunday morning we gather at the church on top of the hill — literally the highest point in our town. We stand together and, as part of our worship to God, confess our faith. This confession unites us in our common beliefs, strengthens our credence in the words at the very moment we say them and affirms our individual and collective faith. But to truly affirm our faith, we must not only recite the words, but also live them out in our daily lives. This is true whether one is a maid, a priest, a mother, a truck driver or a lawyer.

I do not believe that I, as a lawyer, struggle with daily issues that are of greater importance than those of any other person trying to live out his or her faith in a practical and concrete way.<sup>1</sup> Nor do I believe that I, as a Christian, have a special claim on morality or truth. All people of faith, regardless of the religion or belief, struggle in search of moral answers to life's questions, and God speaks to each of us in a unique way. God has chosen to speak to me through the example of Jesus Christ and through the presence of the Holy Spirit working through and living in me.

Despite my religious commitment, it is often difficult for me to find a place where I feel comfortable publicly and openly using the words of my faith. Even as I prepared this Essay, I searched for an academic theme or an intellectual spin to put on my faith story. Something scared me about publicly using the words of my faith — not generic terms like “higher power,” or even simply “God” —

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1. I reject the notion that lawyers somehow face greater conflicts between their faith and their work than anyone else. *See, e.g.*, James F. Nelson, *The Spiritual Dimension of Justice*, 27 TEX. TECH L. REV. 1237, 1239 (1996) (“The potential for conflict between moral conviction and practical convenience is probably higher in the practice of law than it is in most other professions.”). Yes, lawyers face ethical issues that sometimes conflict with our clients’ or employer’s demands. But so do business executives who must downsize companies, retail store clerks who are required to work on their Sabbath and doctors who are pressured to put the bottom line before bedside manner.

but rather the words that get to the heart of my faith, such as “Jesus,” “Savior” and “Holy Spirit.” But now I have been given an unusual and precious opportunity — the chance to publicly proclaim my beliefs, using the words of my faith. Therefore, I offer to you and to God my public confession of faith:<sup>2</sup>

*I believe in God, who has created all life and continues to create new life within me.*

Through my faith in God, I am able to see God’s presence in all life around me. As one scholar wrote, “[c]reation is not about what happened ‘in the beginning’ but about what is always happening.”<sup>3</sup> Throughout the day, I try to see God in the face of my clients, in the face of opposing counsel and, on winter nights, in the sunset that I watch from my office window. As I watch the sun dip below the horizon and see the striking fiery colors spread across the sky, I remember to be thankful for all I have and for the joy that my faith in God brings to my life.

Too often we focus on the negative side of the practice of law, and not often enough do we celebrate its joys.<sup>4</sup> As lawyers, we

2. The italicized text that follows is one version of a Lutheran confession of faith. See HANDT HANSON & PAUL MURAKAME, *PLAIN TALK BEFORE GOD: THE LANGUAGE OF WORSHIP* 119 (1992). For those unfamiliar with the Lutheran faith, a brief explanation of the Christian belief in a triune God may be helpful. We believe that there is one God in three beings — the Creator, Jesus Christ and the Holy Spirit. The Trinity is a difficult concept to grasp on an intellectual level or reduce to words, but one scholar explains it well:

To speak of one God and three persons is to say that God is known to us wearing three different “masks” — in other words, in three different roles.

The experiential meaning of the Trinity is actually quite simple: God is one and known to us in three primary ways.

MARCUS J. BORG, *THE GOD WE NEVER KNEW: BEYOND DOGMATIC RELIGION TO A MORE AUTHENTIC CONTEMPORARY FAITH* 98 (1997) [hereinafter BORG, *THE GOD WE NEVER KNEW*].

3. BORG, *THE GOD WE NEVER KNEW*, *supra* note 3, at 77.

4. I was extremely fortunate to be able to attend the Conference at Fordham Law School in December 1998, titled “Rediscovering the Role of Religion in the Lives of Lawyers and Those They Represent” [hereinafter the “Conference”]. The Conference participants and speakers were incredibly interesting, and the Conference sessions were thought-provoking. However, I was disappointed in the overall tone of the Conference. The Conference focused on the irreconcilable conflict between being a lawyer and a person of faith; there was little discussion about the joys and privilege of practicing law. For example, the Conference ended with one of the speakers describing the practice of law as soul-devouring and calling for the “healing to begin.” I appreciate that lawyers face conflicts between their careers and their faith, but this internal conflict can serve to constructively challenge our priorities and strengthen our faith.

I hope that this Conference series continues, and I hope I am able to attend again. But next time, I hope that we will take some time to celebrate our profession and reflect on the gifts that God has given us through the practice of law.

have been blessed with a profession that allows us to make a generous living by using our minds and creativity to help people solve problems. What a wonderful life! By recognizing God's presence throughout the day, by seeing the face of God in everyone we meet and by realizing that we are ministering<sup>5</sup> to our clients and colleagues every day, we can reclaim the joy and pride of being a lawyer.

*I believe in Jesus, son of God, son of man, the Savior of the world. By his life, his death and resurrection from the grave, I can know the true depth of human possibility and experience the true joy of abundant life.*

Jesus has provided me with a powerful example of how to live my life. Sometimes, however, the teachings of Jesus appear to collide with a successful litigation practice. Although the popular image of Jesus portrays a peace-loving man who advocated the avoidance of conflict, a closer look at Jesus the man and historical figure reveals that this is an incomplete portrayal.

Jesus, all too frequently, is portrayed as a one-dimensional, rather dull character. Thanks to a renewed public interest in the historical Jesus, however, a rich multi-dimensional understanding of Jesus is emerging. One of the most widely known authors in the new Jesus scholarship is Marcus Borg, a Professor of Religion and Culture at Oregon State University. Professor Borg describes the historical Jesus as a Jewish mystic, a healer, a wisdom teacher, a social prophet and the founder of a radical new movement.<sup>6</sup> While Jesus is often portrayed as nonviolent and peace-loving (which He certainly was), the fact that Jesus was a radical thinker and preacher is too often unknown or underemphasized. A closer look at one widely misunderstood radical teaching of Jesus demonstrates how His teachings can be applied to litigation in a way that benefits our clients.

When faced with conflict, we are often told to turn the other cheek.<sup>7</sup> This saying, and others like it, are used to encourage conflict avoidance and to make a sweeping condemnation of any litiga-

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5. The concept that we are all ministers comes from my Lutheran background. Lutheran theology teaches that we all act as ministers to each other. Every week, the front of the bulletin at my church reminds me that, while we have pastors who have been called to serve at our church, all members of the congregation serve as ministers to the world.

6. See BORG, *THE GOD WE NEVER KNEW*, *supra* note 3, at 89-90.

7. This is based on a verse found in *Matthew* 5:39: "But if anyone strikes you on the right cheek, turn the other also." (The New Revised Standard Version).

tion.<sup>8</sup> An understanding of the culture in which Jesus lived, however, may reveal a much different and deeper meaning to his command to turn the other cheek.

Imagine that you are a poor slave in ancient Palestine and your master is facing you and about to strike you. He cannot use his left hand, since it was used only for unclean tasks. Therefore, he must use his right hand. He cannot strike you on your right cheek with a fist or with the front of his right hand, since this would require him to twist or contort his arm. Thus, in order to strike you on your right cheek he will have to use the back of his right hand. In Jesus' culture, hitting someone with the back of the hand was a gesture that had a very specific meaning. This gesture was used only by those in a position of more power to humiliate those with less power . . . .

If you do as the passage says and turn your other cheek (your left cheek) and your master must still use his right hand, then he can no longer backhand you. If he hits you again, he will have to use a fist. Hitting another with a fist was a gesture used only between equals. Thus, by turning your other cheek, you have reclaimed your dignity and communicated that you refuse to be humiliated. You have also invited your master to reclaim his true dignity by examining the lie by which he lives, that one human being is better than another. And you have done all this nonviolently, without striking back.<sup>9</sup>

By telling us to turn the other cheek, Jesus is not telling us to avoid conflict or to acquiesce in injustice. Rather, he is encouraging us to face conflict head-on and to resolve our disputes creatively in ways that allows us all to retain or regain our dignity.

Litigators today also have the unique opportunity to negotiate and mediate conflicts. Interestingly, one legal scholar has referred to negotiation during litigation as a "healing process" and to lawyers as healers in this process.<sup>10</sup> Jesus was a healer in his day as well. Even if one lacks faith in the actual healing stories of the Bible, historical scholars today say that, at the least, people of His day perceived Jesus as a healer of disease and an exorcist of de-

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8. See, e.g., Steven H. Hobbs, *The Lawyer's Duties of Confidentiality and Avoidance of Harm to Others: Lessons from Sunday School*, 66 *FORDHAM L. REV.* 1430, 1446 (1998) ("Since God is a God of peace, none should need to resort to lawyers and litigation if the commandment to love others is followed.").

9. DENNIS LINN ET AL., *DON'T FORGIVE TOO SOON: EXTENDING THE TWO HANDS THAT HEAL* 5 (1997).

10. Gerald D. Williams, *Negotiation as Healing Process*, 1996 *J. DISP. RESOL.* 1, 15 (1996). This article also states that successful negotiation requires both sacrifice and a leap of faith — again, both spiritual faith images. See *id.* at 48-55.

mons.<sup>11</sup> As litigators, we can also be healers in our day. Given that most cases settle, litigators have the wonderful opportunity to craft creative resolutions to our clients' conflicts that can bring healing to their lives.

Litigators can follow Jesus' example as they work to resolve legal conflicts in their clients' lives. I believe that the best tactics are those that are non-confrontational and honest, tactics that allow everyone to retain their dignity. For the rare case that goes all the way to trial, we can still follow Jesus' example by being both creative and honest as we play our role in the judicial process.

*I believe the Holy Spirit is present now and always, calling me to faith, giving me gifts, and empowering me for service.*

It is difficult to describe how I experience the Holy Spirit. The Holy Spirit is symbolized in many ways — as a dove, a flame and air itself. Like the dove who brought the olive branch to Noah,<sup>12</sup> She brings me hope and encouragement when I need it.<sup>13</sup> Like a flame,<sup>14</sup> She gives me passion and a great joy for life and all it has to offer.

But, for me, air is the symbol that most closely describes how I experience the Holy Spirit every day.<sup>15</sup> She is both invisible and powerful. Although Her presence is often taken for granted, I simply could not experience life in its fullest without the sustenance She provides. Think of the relief that a long slow breath can provide — the air enters your body and rejuvenates every fiber of your being. In the same way, the Spirit rejuvenates me.

So how does that relate to my legal practice? When the days are hectic, I take in a deep breath, remember that the Spirit is with me,

11. MARCUS J. BORG, MEETING JESUS AGAIN FOR THE FIRST TIME: THE HISTORICAL JESUS & THE HEART OF CONTEMPORARY FAITH 36 (1994).

12. *Genesis* 8:10-11 ("He waited another seven days, and again he sent out the dove from the ark; and the dove came back to him in the evening, and there in its beak was a freshly plucked olive leaf.").

13. For many, use of the feminine pronoun to describe God is jarring. However, there are numerous (but underutilized) feminine images of God found in the Bible. See BORG, THE GOD WE NEVER KNEW, *supra* note 3, at 76. See, e.g., *Isaiah* 66:12-13 ("For thus says the Lord . . . as a mother comforts her child, so I will comfort you."). Feminine images can especially be applied to the Holy Spirit, because the Hebrew word used in the Bible for Spirit is *ruach*, a word that is feminine in gender. See BORG, THE GOD WE NEVER KNEW, *supra* note 3, at 76. For me, if I have to put the Spirit into a human form, it works best if I think of the Spirit as Mother or Sister.

14. "Divided tongues, as of fire, appeared among them, and a tongue rested on each of them." *Acts* 2:3 (describing the descension of the Holy Spirit on the crowd).

15. "And suddenly from heaven there came a sound like the rush of a violent wind, and it filled the entire house where they were sitting." *Acts* 2:2 (describing the descension of the Holy Spirit on the crowd).

and try to become aware of Her presence. Through the Spirit, I am able to serve God everyday by being truly present for others. Following Her lead, I try to be considerate of all parties and always be respectful to everyone that I deal with, including my colleagues.<sup>16</sup> Sometimes, especially in the middle of contentious litigation, being considerate and respectful can become incredibly difficult, and I often fail in my attempts. At that point, I take in a deep breath, reconnect with Her and give thanks for Her presence.

*I believe the church is the community of faith called to experience the fullness of life through God's Word made flesh in Jesus Christ.*

Throughout the week, I attempt to live out my confession of faith. But on Sunday morning, I return to my church to be spiritually rejuvenated and refreshed for the week ahead. My church has a motto, "Founded in Peace, Set Free to Serve," and this is the gift that the church provides for me. I thank God for this community and this house of worship. However, I believe that God has provided me with an even larger church and community where I can experience the fullness of life that God has provided.

On the last day of the Conference, I got up early and went out by myself for breakfast in a small cafe. The cafe was loud — people were speaking in many dialects and accents, the waiters were yelling out orders to the cook behind the counter and the griddle was sizzling with pancakes, eggs and bacon.

The waiter had a thick accent — part Hispanic and part just plain New York. After he refilled my coffee, he stopped at the booth in front of me to check on another woman, also sitting by herself. She was an older woman, probably in her seventies, and her eyes were tired. The waiter cleared her dishes.

"What's wrong, ma'am? You don't look too happy."

Her voice was low and quiet, her eyes looking to the floor. "I'm tired and I haven't been feeling well."

"I'm sorry, ma'am. What can I get to make you feel better?"

She lowered her head and said nothing.

The waiter returned with her bill and placed his hand on her shoulder. "You have a good day, ma'am. And I hope you feel better. Get some rest."

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16. It is important to remember to treat our colleagues — including secretaries, janitors, paralegals, and other attorneys — as if we see the face of God in each of them as well: "[W]e are called to treat those within the firm the same way we are called to treat all others — with love and justice." Teresa Stanton Collett, *To Be a Professing Woman*, 27 TEX. TECH L. REV. 1051, 1055 (1996).

She looked up at the waiter, while a small smile crossed her face. And I couldn't help but smile with her.

The waiter came over and I asked for my bill.

"Are you sure ma'am? How about some more coffee?"

"No, I better not. Just the check."

I thank God for revealing Her presence through the kind and thoughtful acts of that waiter. Whether he was a man of faith or not, whether he knew it or not, God was working through him and God was revealed to us as the waiter ministered to us that morning while we ate our breakfasts and drank our coffee.

May God also find a way to minister to the world through those of us who have the privilege of practicing law. May God's presence be revealed to our clients and colleagues through our actions — whether we are aware of it or not, and whether they know it or not.



