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Agenda: The Practice of Law as a Vocation or Calling: Group #3

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AGENDA:

THE PRACTICE OF LAW AS A VOCATION OR CALLING

Group #3

I. Recommendations

A. The Bar should discuss the implications of having a Model Rule which states that lawyers are morally accountable for all their actions.¹

1. The purpose of this rule is to recognize that lawyers have an obligation to serve God and neighbor, or common good, power greater than oneself/ourselves.

2. Arguments in favor of such a rule

(1) Initiate discussion.

(2) Enforcement through peer pressure.²

(3) Sets tone: lawyers are not morally justified in their actions merely because they have not violated the Model Rules.

3. Arguments against such a rule

(1) The risk that such a rule could be used to punish unpopular people or opinions.

(2) Skepticism that such a model rule would have any real impact on lawyers' behavior.

(3) The rule would conflict with the lawyers' obligation to be a zealous advocate for her clients.

B. COMMUNITY BUILDING

1. Encourage communities in which lawyers can explore issues of vocation or call.

Recommended characteristics of these groups include:

(a) supportive

(b) small but diverse

(c) "safe," i.e. mutual trust

2. Suggested types of groups:

(a) same faith, interfaith

1. Such a rule would recommend deletion of Model Rule 1.2(b): "A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities." Model Rules of Professional Conduct 1.2(b) (1983).

2. This would operate in a manner similar to the "voluntary aspirational standard" of pro bono work, Rule 6.1.

- (b) new communities
- (c) conference-generated communities
- (d) existing communities
- 3. Potential sponsors and existing sources of group membership:
 - (a) Bar associations
 - (b) law school
 - (c) religious communities
- 4. Goals:
 - (a) challenging and verifying sense of call
 - (b) spirituality—within law profession
- 5. Programmatic idea: study, discussion, prayer (monthly group)

C. GOALS OF COMMUNITY: SERVING

- 1. All lawyers should:
 - (a) do acts of loving kindness
 - (b) repair the world
 - (c) redeem society
 - (d) seek reconciliation/equality in our communities
 - (e) seek social justice (a society which is “just”)
 - (f) engage in “I-thou” relationships with clients
- 2. Law professors have obligation to teach students:
 - (a) craft
 - (b) character
 - (c) justice
- 3. Religious communities, seminaries and clergy:
 - (a) Clergy should model (i.e. role model) and assist lay people to understand their own call/vocation.
 - (b) Religious communities and seminaries should encourage scholarship and teaching of professional ethics and vocation.
- 4. All of these communities should explore religious foundations of law and ethics as an interdisciplinary approach.

II. Questions and Issues to be Explored by Law Schools, Bar Associations, Seminaries, and Religious Communities

- A. In serving God and neighbors, do lawyers have an obligation to subvert, maintain, or repair the law and the legal system?
- B. What is justice?

- C. What are the roles of mercy and compassion in law?
- D. Do lawyers have a prophetic obligation?
- E. Do judges have a prophetic obligation?
- F. How do law professors teach craft, character and justice?
- G. How do issues of financial compensation and the need to support oneself fit into the question of calling/vocation?
- H. Is calling limited to representation of the poor and oppressed, or does it enter all forms of legal work?
- I. How does the concept of calling/vocation fit into various religious traditions, as well as non-religious moral traditions?
- J. Can lawyers develop virtue and character through law practice? If so, how?

Notes & Observations