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Agenda: Moral [and Religious] Counseling of Clients

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AGENDA:

MORAL [AND RELIGIOUS] COUNSELING OF CLIENTS

Group #4

- I. LAW PRACTICE
 - A. Explore whether there are “core values” that lawyers might share with clients.
 - B. Explore whether a poor client can have a volitional, fully “autonomous” relationship with a lawyer.
 - C. Explore whether different kinds of clients with different vulnerabilities require different kinds of lawyer-client relationships.
 - D. Explore the possibilities of collaboration between lawyer and client.
- II. LAW SCHOOLS
 - A. Explore client counseling in a variety of contexts as a central mission of lawyering.
 - B. Explore the deficiencies of traditional lawyer-client counseling.
 - C. Consider whether there is a role for religion in the work of a lawyer.
 - D. Critique professional role.
- III. SCHOLARSHIP
 - A. Explore goals of lawyering, such as:
 - 1. Individual Dignity
 - 2. Furthering client “interests”
 - 3. Subverting the legal order
 - 4. Teaching clients “moral values”
 - 5. Obtaining justice
 - 6. Protecting rights
 - 7. “Connecting” with clients
 - B. Explore the consideration of spiritual perspectives in client counseling
 - 1. Attempt to define “spirituality,” “religion,” “morality,” “values,” “virtues”
 - 2. Examine hostility toward the notion of “moral and religious counseling”
 - 3. Examine the embrace of “religion”

4. Explore whether lawyering includes conveying “core values”
 5. Explore the role of conscience
 6. Explore whether a lawyer’s religion should be “ruled out” of the lawyer-client relationship
 7. Examine how a lawyer’s spiritual perspective might connect with his/her practice
 8. Explore the use of ADR as a tool for conflict resolution in faith communities
- C. Explore the nature of the lawyer-client relationship
1. Is it a covenant?
 2. Who directs the relationship?
 3. Client-centered or community-centered?
 4. Is it a collaboration between lawyer and client?
 5. What is the role of autonomy?
 6. What is the role of money?
 7. The lawyer as “friend”?
 8. Law as business or law as ministry?
 9. The lawyer as “helper”?
 10. Should lawyers disclose religious or ideological perspectives to clients before engaging in “moral counseling”?
- D. What is moral and religious counseling?
1. The definition of counseling
 2. Listening as counseling
 3. The unlicensed practice of psychotherapy and/or social work and/or theology
 4. Are there “core values”?
 5. Directive vs. nondirective counseling
 6. Religious counseling only if the lawyer is sought out for his/her religious beliefs?
 7. The roles of lawyer’s “conscience,” client’s “conscience,” and “the conscience of the community”
 8. Do we adopt the MacCrate Commission’s recommendations?
 9. Might counseling consist of something different for paying clients from clients upon whom lawyers are “foisted”?
- E. Explore partisanship as a moral matter
1. Alternative Dispute Resolution
 2. The role of “truth”

3. Partisanship and advocacy as inherently moral
- F. Explore power and related questions
1. Wealthy vs. indigent clients
 2. Danger of attorney domination
 3. The law as oppressive or repressive, upholding domination, capitalism, the status quo
 4. Historical context of colonialism of some clients
 5. The immorality of the cost of legal education and the values that are created as a result
 6. Is the danger of lawyers imposing views on clients greater for religious lawyers? What about lawyers with other strongly-held views?
 7. Can lawyers be "self-critical"?
 8. The potential problem of "proselytizing"
- IV. Theology
- A. Explore whether churches and lawyers might work together to combat social problems
 - B. Encourage Bar Associations, law schools, and seminaries to train pastors and congregation in alternative dispute resolution

Notes & Observations