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## Practice What You Preach: Power, Paternalism, and the Christian Lawyer for the Poor

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# Practice What You Preach: Power, Paternalism, and the Christian Lawyer for the Poor

## **Cover Page Footnote**

Thank you to my husband Johnny Acevedo for his support, affirmation, and critical theological insights on this topic and to Adrian and David, our children, for making sure I do not work too hard. Also thanks to Amy Uelmen, Howard Lesnick, and the Rev. Jeff White for their helpful suggestions and encouragement.

# PRACTICE WHAT YOU PREACH: POWER, PATERNALISM, AND THE CHRISTIAN LAWYER FOR THE POOR

Melanie D. Acevedo\*

## INTRODUCTION

“Nearly all men can stand adversity, but if you want to test a man’s character, give him power.”<sup>1</sup>

There was a time when lawyers were considered by many to be America’s governing class, intellectually trained and socially positioned to provide leadership in our society and to seek the common good.<sup>2</sup> Although arguably undemocratic in tone and somewhat out of fashion, this characterization still resonates. One can hardly help but acknowledge the unsurpassed power of the attorney-laden Congress<sup>3</sup> in setting our national agenda and the critical role of the Federal and Supreme Court judiciary, whose power extends from the operation of industry<sup>4</sup> and the results of presidential elections<sup>5</sup> to the most intimate areas of our private lives.<sup>6</sup>

On a less national scale, individual lawyers wield their power as both saviors and villains, winning redress for the injured, vindication for the accused, and protection for the corporate mogul. Law-

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1. This aphorism is popularly attributed to Abraham Lincoln. See *THE SPEAKER’S BOOK OF QUOTATIONS* 67 (Henry O. Bormann ed., 1987).

2. For a discussion on the history and implications of this view, see Russell G. Pearce, *Lawyers as America’s Governing Class: The Formation and Dissolution of the Original Understanding of the American Lawyer’s Role*, 8 U. CHI. L. SCH. ROUND-TABLE 381 (2001). See also John P. Heinz, *The Power of Lawyers*, 17 GA. L. REV. 891 (1983) (examining the sociological origins of lawyers’ power).

3. See Harvey Berkman & Marcia Coyle, *Voters Trim Lawyers’ Presence in House and Senate*, NAT’L L.J., Dec. 26, 1994, at A16 (noting that 235 of the 435 members of the 104th Congress had law degrees).

4. See, e.g., *West Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937) (upholding the constitutionality of state minimum wage laws).

5. See, e.g., *Bush v. Gore*, 531 U.S. 98 (2000) (halting the recounting of votes in Florida following the 2000 presidential vote, effectively declaring George W. Bush the victor).

6. See, e.g., *Lawrence v. Texas*, 123 S. Ct. 2472 (2003) (striking down Texas’s anti-sodomy laws as unconstitutional).

yers are simply able to do what others cannot do, and they do it almost entirely under the mantle of self-regulation, with neither public accountability nor, at times, public approval.<sup>7</sup> For compensation, lawyers receive hefty salaries and considerable social clout.<sup>8</sup> Whether we like it or not, lawyers have tremendous power.

Power, unfortunately, can have its price in a poverty law setting. When the lawyer, who is more than aware of her own social superiority, counsels and represents her poor client, she tends to affirm what society, and even the client, may already believe: namely, that poor people are, by definition, weak and in need of a lawyer or some other stronger person to take care of them.<sup>9</sup> Rather than being a competent person who is engaged in resolving his own issues and running his own life, poor clients are “something less, as children perhaps, or as broken objects needing to be fixed.”<sup>10</sup> Even if the legal situation is successfully resolved, the client leaves the relationship knowing that it was the lawyer, not himself, who made the difference and that it will be the lawyer who will handle the next problem as well.<sup>11</sup> As one practitioner wrote, “The lawyer

7. DEBORAH L. RHODE, *IN THE INTERESTS OF JUSTICE* 145 (2000). The traditional rationale for self-regulation, according to Rhode, is “that judges need to control the conduct and qualifications of lawyers . . . and that self-regulation preserves the separation of powers and protects the independence of the legal profession from government domination.” *Id.* Rhode adds, however, that although self-regulation is designed to “protect the public,” the public has almost no role in establishing or enforcing standards. *Id.*

8. *See id.* at 31 (citing statistics showing that lawyers have the second highest-ranking salary and make five times as much money as the average full-time worker).

9. *See, e.g.*, Joseph Allegretti, *Lawyers, Clients, and Covenant: A Religious Perspective on Legal Practice and Ethics*, 66 *FORDHAM L. REV.* 1101, 1111 (1998) (noting that the typical model of practice “encourages lawyers to dominate their clients and act paternalistically towards them”); Ingrid V. Eagly, *Community Education: Creating a New Vision of Legal Services Practice*, 4 *CLINICAL L. REV.* 433, 443-44 (1998) (calling a reconsideration of traditional views of the client and client services in light of the need to empower poor clients); Paul E. Lee & Mary M. Lee, *Reflections from the Bottom of the Well: Racial Bias in the Provision of Legal Services to the Poor*, 27 *CLEARINGHOUSE REV.* 311, 312 (1993) (blaming poverty lawyers for “gain[ing] self-esteem by looking down up on their poor clients” and thereby creating a gap between themselves and their clients); Mark Spiegel, *The Case of Mrs. Jones Revisited: Paternalism and Autonomy in Lawyer-Client Counseling*, 1997 *BYU L. REV.* 307 (1997) (comparing the “refined paternalist” and “refined autonomy” models of lawyer-client interaction); Stephen Wexler, *Practicing Law for Poor People*, 79 *YALE L.J.* 1049, 1052 (1970) (listing the numerous factors that “tend to divide rather than unite poor people and their lawyers,” including class, education, race and social standing).

10. Allegretti, *supra* note 9, at 1112.

11. *See* Raymond H. Brescia et al., *Who's In Charge, Anyway? A Proposal for Community-Based Legal Services*, 25 *FORDHAM URB. L.J.* 831, 847 (1998); Eagly, *supra* note 9, at 441 (noting that the lawyer's actions do not typically utilize the client's power and abilities).

for poor clients is likely, whether he wins cases or not, to leave his clients precisely where he found them, except that they have developed a dependency on his skills to smooth out the roughest spots in their lives."<sup>12</sup>

Advocates for the poor have worked hard to overturn the lawyer's monopoly on power, and have, instead, sought to reshape the role of lawyers in poor communities. Some have suggested that lawyers for the poor should act entirely at the direction of their poor clients, regardless of the lawyers' own viewpoints or moral imperatives—a vision of the lawyer's role colloquially referred to as the "hired gun" model.<sup>13</sup> In other words, the "lawyer must help them do *their* thing [and do it their way], or get out."<sup>14</sup> Those who are less than comfortable with this "hired gun" mentality, either because it threatens their sense of moral autonomy<sup>15</sup> or because they fear it interferes with the larger goal of eradicating poverty,<sup>16</sup> suggest more of a partnership role for the lawyer. Under this paradigm, lawyers are to use their legal knowledge and skills, presumably obtained as a result of fortuitous placement in the socioeconomic structure, to engage and empower poor people and to rebuild poor neighborhoods.<sup>17</sup> The lawyer and client form a relationship in which the client brings goals and skills and the lawyer

12. Wexler, *supra* note 9, at 1053.

13. See RHODE, *supra* note 7, at 6-7.

14. Wexler, *supra* note 9, at 1065. Dissent on this view of the lawyer's role has been well documented. See, e.g., RHODE, *supra* note 7, at 53 ("Prevailing concepts of the advocate's role effectively serve professional interests even as they compromise public values."); Julian Wright, *Beware of the Adversarial Shield: Possible Roles for Christian Ethics in Legal Ethics*, 23 MEMPHIS ST. L. REV. 573, 597 (1993) (examining the model of lawyer who follows his conscience even if that requires dropping a client).

15. For a discussion on the inner moral impact of the "hired gun" model in legal practice generally, see Amelia J. Uelmen, *Can a Religious Person Be a Big Firm Liti-gator?*, 26 FORDHAM URB. L.J. 1069 (1999).

16. See Brescia et al., *supra* note 11, at 850-51 (discussing the tension between "communitarian" values and our nation's "liberal tradition . . . emphasizing the rights of individuals"); Paul R. Tremblay, *Toward A Community-Based Ethic for Legal Services Practice*, 37 UCLA L. REV. 1101, 1129-30 (1990) (noting that because resources and concerns are different, a "hired gun" view of the lawyer's role may be unrealistic and undesirable in a poverty law setting).

17. See generally Brescia, et al., *supra* note 11 (promoting partnership with community entities as a means of advocacy). See also HAROLD J. BERMAN, FAITH AND ORDER: THE RECONCILIATION OF LAW AND RELIGION 351 (1993) (identifying as one of a lawyer's roles the allocation of power); Eagley, *supra* note 9, at 441-42 (promoting community education as on means of transferring power between lawyer and client).

brings power and innovation.<sup>18</sup> Both lawyer and client contribute in this partnership and empowerment driven paradigm.<sup>19</sup>

Without this imperative for power-sharing, advocates insist, poverty lawyers relate to their clients in a way that is not only inappropriately paternalistic but is also ultimately defeating to both the client and the client community.<sup>20</sup> Underlying this highly client-centered, empowerment-based model of lawyering is the idea that a lawyer must somehow divest herself of her power while equipping the client to achieve the client's own goals.<sup>21</sup> She must create a partnership with a person whom almost everyone (including herself, if she is honest) regards as her inferior.

This idealized vision of the lawyer-client relationship has been largely unsatisfied, despite the best intentions of many in the profession.<sup>22</sup> Advocates today decry the same pervasive gap between the *idea* of power-sharing and the *reality* of everyday practice, just as did advocates a generation ago.<sup>23</sup> The concept has simply failed to take hold to any remotely universal extent.<sup>24</sup> As a result, the ongoing proposal of this model raises critical questions regarding the assumptions necessary to make the model attainable in a world where lawyers are chief among those with power and poor people are simply disregarded.<sup>25</sup>

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18. See Spiegel, *supra* note 9, at 325-26.

19. See *id.*

20. See Brescia et al., *supra* note 11, at 862.

21. See Wexler, *supra* note 9, at 1055 ("The hallmark of an effective poor people's practice is that the lawyer does not do anything for his clients that they can do or be taught to do for themselves.").

22. See Eagly, *supra* note 9, at 440-42.

23. See *supra* note 9.

24. See, e.g., Eagly, *supra* note 9, at 441 ("As a result of this high volume of cases, [Legal Services] attorneys have little time to spend with each client to strategize about options and to discuss the ways in which the client could participate in the lawyering process."); Ann Southworth, *Lawyer-Client Decisionmaking in Civil Rights and Poverty Practice: An Empirical Study of Lawyers' Norms*, 9 GEO. J. LEGAL ETHICS 1101, 1105 (1996) (Reporting on a survey of Legal Services attorneys in Chicago in which many concluded that clients are served best by taking problems and decisions out of their hands).

25. In addition to the more philosophical issues discussed herein, the author would like to acknowledge the critical role of funding, and underfunding, in determining the practice of poverty lawyers, a topic beyond the scope of this essay. Simply put, when resources are few, the temptation to work as efficiently as possible (which may preclude significant client involvement) is significant. For a discussion of the issue of scarcity and the "triage" of clients, see David Barringer, *Downsized Justice*, 82 A.B.A. J. 60 (July 1996) (forecasting "hastier, more cursory representation, or none at all" for poor clients following Congress's reduction by a third of the funding for the national Legal Services Corporation); Matthew Diller, *Lawyering for Poor Communities in the Twenty-First Century*, 25 FORDHAM URB. L.J. 673 (1998) (citing the need for new

How can a poverty lawyer function in a way that contravenes both societal role and, at least in some cases, client expectations? How can she restrain and redirect her own power with the aim of empowering her client and the client community? Ultimately, why would she even *want* to? And if she does, what would be the lawyer's necessary understanding of herself that would allow such a radical thing to happen, yet enable her to retain her own moral accountability?

This Essay will focus on the approach a Christian poverty lawyer can take to answering these questions.<sup>26</sup> This Essay will argue that because a lawyer's actions are ultimately based on what she believes about herself and her place in the world,<sup>27</sup> the Christian lawyer will begin her move away from paternalism and towards power-sharing. She will do this by embracing a Christian self-understanding and integrating that understanding into her work in the most significant ways possible.<sup>28</sup> Further, when she looks at power itself through a biblical lens, the Christian poverty lawyer sees a framework for practice that is radically different from that which her lawyer's training instilled in her.<sup>29</sup> Yet, that framework is attainable and sustainable because of its roots in her deepest beliefs.<sup>30</sup> In short, when the Christian lawyer practices what she

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strategies of representation of the poor in the face of scarce funds); Paul R. Tremblay, *Acting "A Very Moral Type of God": Triage Among Poor Clients*, 67 *FORDHAM L. REV.* 2475 (1999) (examining the ethical issues resulting from legal triage for the poor). According to many, however, greater power-sharing will result in more effective use of limited resources. See Brescia et al., *supra* note 11, at 856-57; Eagly, *supra* note 9, at 444-45.

26. The question of whether or not a Christian lawyer should bring her religious beliefs to bear on her professional actions *at all* is a matter beyond the scope of this essay and one that has been written about extensively elsewhere. For more information, see JOSEPH G. ALLEGRETTI, *THE LAWYER'S CALLING, CHRISTIAN FAITH AND LEGAL PRACTICE* (1996); THOMAS L. SHAFFER, *ON BEING A CHRISTIAN AND LAWYER: LAW FOR THE INNOCENT* (1981); Azizah Y. Al-Hibri, *Faith and the Attorney-Client Relationship: A Muslim Perspective*, 66 *FORDHAM L. REV.* 1131 (1998); Bruce A. Green, *The Role of Personal Values in Professional Decisionmaking*, 11 *GEO. J. LEGAL ETHICS* 19 (1997); Martha Minow, *On Being a Religious Professional: The Religious Turn in Professional Ethics*, 150 *U. PA. L. REV.* 661 (2001); Russell G. Pearce, *The Jewish Lawyer's Question*, 27 *TEX. TECH L. REV.* 1259 (1996); Melanie D. Acevedo, Note, *Client Choices, Community Values: Why Faith Based Legal Service Providers are Good for Poverty Law*, 70 *FORDHAM L. REV.* 1491 (2002).

27. See Spiegel, *supra* note 9, at 333-34 (arguing for the relevance of a lawyer's intention in determining the rightness of her actions).

28. See ALLEGRETTI, *supra* note 26, at 41.

29. *Id.* at 43.

30. *Id.* at 41.

preaches, she finds the resources necessary to relate to her client in accordance with her, and the profession's, highest aspirations.<sup>31</sup>

### I. TOWARDS A CHRISTIAN SELF-UNDERSTANDING

In many respects, of course, the Christian poverty lawyer lives and breathes the air of lawyer power. She has graduated from a prestigious institution, has been admitted to her state bar and has thereby won status as an officer of the court and an advocate for the disenfranchised. Whether her salary is high or—as compared to the big-firm lawyer—relatively low, she enjoys social position and a lifestyle that, by almost any measure, is enviable to her poor client.<sup>32</sup> She is regarded by others as competent, articulate, and powerful—maybe even as a hero of sorts.<sup>33</sup>

But, when she is most introspective, how does she regard herself? The Christian poverty lawyer's view of herself, while not denying the very real external benefits of her position, relies on a Christian framework to radically transform popular notions of superiority and power. Rather than viewing herself as a hero, she may view herself as something else entirely.

In response to biblical reflection, the Christian lawyer finds that, despite her social position, she lacks superiority over her poor client. She and her client are both broken people, recipients of God's mercy and yet unmerciful in their relationships with others. Further, the lawyer knows that she is merely one part of a larger community, and that her client, even if inferior by popular, social measures, is also an invaluable member with a God-given role in making the world a better place. Under such an understanding, the lawyer is, in the most meaningful way possible, no more than an equal to her client.

Ultimately, she may be even less than equal, for when the lawyer understands and applies the biblical preference for the poor and the corresponding suspicion of social power and those who retain it, she consistently places herself in a position of vulnerable self-examination, wherein she questions the use of her power and the goals she pursues with it. Not only will this understanding be consistent with the Christian lawyer's deepest beliefs, but it will result in a lawyer-client relationship in which power is shared and paternalism is nearly impossible.

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31. *Id.*

32. *See id.* at 39-40.

33. *See id.*



### A. The Christian Lawyer Knows She Is An Unmerciful Servant

[T]he kingdom of heaven is like a king who wanted to settle accounts with his servants. As he began the settlement, a man who owed him ten thousand talents was brought to him. Since he was not able to pay, the master ordered that he and his wife and his children and all that he had be sold to repay the debt. The servant fell on his knees before him. 'Be patient with me,' he begged, 'and I will pay back everything.' The servant's master took pity on him, canceled the debt and let him go.

But when that servant went out, he found one of his fellow servants who owed him a hundred denarii. He grabbed him and began to choke him. 'Pay back what you owe me!' he demanded.

His fellow servant fell to his knees and begged him, 'Be patient with me, and I will pay you back.' But he refused. Instead, he went off and had the man thrown into prison until he could pay the debt. When the other servants saw what had happened, they were greatly distressed and went and told their master everything that had happened. Then the master called the servant in. 'You wicked servant,' he said, 'I canceled all that debt of yours because you begged me to. Shouldn't you have had mercy on your fellow servant, just as I had on you?'<sup>34</sup>

This parable of Christ captures two critical elements of human nature. The first is the desperate need of people for God's mercy.<sup>35</sup> The second is our quickness to be unmerciful to others, particularly when we are in a position of power. In short, the Christian lawyer is an unmerciful servant. As a sinner, she cries out for mercy and, by God's grace, she receives it.<sup>36</sup> Also as a sinner, she continues to wound others with her selfishness, pride and, above all, her profound lack of mercy. She is, by definition, incapable of passing on the blessing she has so recently and powerfully received.

The lawyer is not alone in this dilemma. If anything is clear from Scripture, it is that all people, from the greatest to the least, are in the same position.<sup>37</sup> As the Apostle Paul writes, "There is no one righteous, not even one; there is no one who understands, no one who seeks God."<sup>38</sup> Paul's words, restating those of Hebrew scrip-

34. *Matthew* 18:23-33.

35. See LOUIS BERKHOF, *A SUMMARY OF CHRISTIAN DOCTRINE* 68-71 (1960) (describing the origin and nature of sin).

36. ALLEGRETTI, *supra* note 26, at 126.

37. See, e.g., 1 *John* 1:8 ("If we claim to be without sin, we deceive ourselves and the truth is not in us.")

38. *Romans* 3:10-11 (emphasis added).

tures,<sup>39</sup> are even more startling when considered in context. He asserts that "Jews and Gentiles *alike* are all under sin,"<sup>40</sup> in a society where Jews and Gentiles could not have viewed themselves as more *distinct* from each other socially,<sup>41</sup> racially,<sup>42</sup> and religiously.<sup>43</sup> This is a radical concept of equality in a world where we separate and distinguish ourselves from others based on any number of factors including, of course, the lawyer's favorite criteria: education, wealth, and social status. The philosopher and theologian C. S. Lewis echoes this idea of the inclusiveness and pervasiveness of sin, stating that it is a condition of "young children and ignorant peasants as well as [of] sophisticated persons, [of] solitaries no less than by those who live in society; it is the fall in every individual life, and in each day of every individual life."<sup>44</sup>

As such, our broken nature is a tremendous equalizer. Like death and taxes, sin is a certainty; like a disease, sin is no respecter of persons. Lawyer and client each enter the professional relationship as broken people who both have much for which they can be thankful and much of which they can be ashamed. They are, at the very core, equals, even if neither they nor society view themselves as such.

### B. The Christian Lawyer Knows She and Her Poor Client are Part of a Body

"[E]verybody can be great . . . because anybody can serve. You don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve. . . . You only need a heart full of grace, a soul generated by love."<sup>45</sup>

Equality between lawyer and client goes beyond equality before God as sinners. Lawyer and client are both created in God's image, with an obligation to serve and the resources and skills neces-

39. *Ecclesiastes* 7:20; *Psalms* 14:1-3; 53:1-3.

40. *Romans* 3:9 (emphasis added).

41. See, e.g., *Acts* 10:28 ("[Peter] said to them: 'You are well aware that it is against our law for a Jew to associate with a Gentile or visit him.'")

42. See, e.g., *Romans* 9:3-4 (Paul, born a Jew, writes of "those of my own race, the people of Israel").

43. See, e.g., *Romans* 14:13-19 (Paul argues that Christians need not obey Kosher dietary laws.)

44. C. S. LEWIS, *THE PROBLEM OF PAIN* 66-67 (1962); see also BERKHOF, *supra* note 35, at 71 ("Scripture and experience both teach us that sin is universal.")

45. Martin Luther King, Jr., *The Drum Major Instinct*, Sermon Before Ebenezer Baptist Church of Atlanta, Ga. (Feb. 4, 1968), in *A KNOCK AT MIDNIGHT: INSPIRATION FROM THE GREAT SERMONS OF REVEREND MARTIN LUTHER KING, JR.* 182-83 (Clayborne Carson & Peter Holloran, eds., 1998).

sary to do so. Scripture teaches that the poor are not merely *objects* of ministry, in need of our help (although, in accordance with God's commands, we do help those in need<sup>46</sup>); rather, the poor, are primarily *actors* in ministry.<sup>47</sup> They have dignity and God-given gifts that not only enable, but mandate, their service for Christ.<sup>48</sup> The poor have something to offer and in some cases, much to the world's dismay, it is a greater gift than what the non-poor can give. Consider, as an analogy, the account of the widow's offering from *Luke 21*.

Jesus saw the rich putting their gifts into the temple treasury. He also saw a poor widow put in two very small copper coins. "I tell you the truth," he said, "this poor widow has put in more than all the others. All these people gave their gifts out of their wealth; but she out of her poverty put in all she had to live on."<sup>49</sup>

The widow is praised for giving all she had, even though the rich give a greater amount, because in her poverty she gave from her heart.<sup>50</sup> Such a conclusion is at tremendous discord with popular notions of who the "generous" and "valuable" people are.

The poor are called, along with the comfortable, to contribute to the common life of the church and to love their neighbors as themselves.<sup>51</sup> Their social powerlessness is neither excuse nor barrier. As Paul tells the church at Corinth, which although diverse, was, like the rest of the early Gentile church, composed of many poor people.<sup>52</sup>

Brothers, think of what you were when you were called [to ministry]. Not many of you were wise by human standards; not many were influential; not many were of noble birth. *But God chose the foolish things of the world to shame the wise; God chose the weak things of the world to shame the strong.* He chose the lowly things of this world and the despised things—and the things that are not—to nullify things that are, so that no one may boast before him.<sup>53</sup>

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46. See *Acts* 10:1-5.

47. Interview with the Rev. Jeffrey O. White, New Song Community Church in New York, N.Y. (Mar. 7, 2003) (on file with the author).

48. See Allegretti, *supra* note 9, at 1118.

49. *Luke* 21:1-4.

50. See *id.*

51. See *Mark* 12:33; see also *Luke* 10:27.

52. RONALD J. SIDER, *RICH CHRISTIANS IN AN AGE OF HUNGER* 50-51 (Word Publishing 1997) (1977).

53. *1 Corinthians* 1:26-29 (emphasis added).

The members of the Corinthian church were called to serve each other and their community, even though most of those being called were not of any social standing or significant financial means.<sup>54</sup> We are to understand that the power wielded by these “foolish things” comes from God himself and the characteristics he bestows on those who follow him.<sup>55</sup>

Christians are told to question society’s valuation of individuals,<sup>56</sup> particularly the manner in which the poor and powerless are underestimated in terms of what they have to give. The Apostle Paul, in response to man-made distinctions, analogizes Christ’s followers to parts of the human body, each different and yet each necessary.

The body is a unit, though it is made up of many parts; and though all its parts are many, they form one body. So it is with Christ. . . . If the foot should say,

Because I am not a hand, I do not belong to the body, it would not for that reason cease to be part of the body. . . . The eye cannot say to the hand, ‘I don’t need you!’ And the head cannot say to the feet, ‘I don’t need you!’ *On the contrary, those parts of the body that seem to be weaker are indispensable . . .*<sup>57</sup>

Paul’s words are directed toward the church and have their most specific application there. They do, however, create a context and an expectation for our relationships with others, even those outside of the community of faith. In short, we need each other and “become who we are through our relations with each other.”<sup>58</sup> We each have value and a purpose according to God’s design and we are called to work alongside each other in his service.<sup>59</sup>

The Christian lawyer is thus drawn to the conclusion that her client, despite his low social position, is a fellow member of a larger body and, as such, plays an irreplaceable role not only in his own legal situation but in the larger community. The lawyer’s understanding of her client as a “co-laborer,” rather than merely one to be cared for, cements his identity as her equal.

54. *See id.* at 1:26.

55. *See, e.g., Ephesians* 2:10 (“For we are God’s workmanship, created in Christ Jesus to do good works, which God prepared in advance for us to do.”); *James* 1:17 (“Every good and perfect gift is from above. . .”).

56. *See, e.g., Galatians* 3:28 (“There is neither Jew nor Greek, slave nor free, male nor female, for you are all one in Christ Jesus.”).

57. *1 Corinthians* 12:12-26 (emphasis added).

58. Allegretti, *supra* note 9, at 1117.

59. *Id.* at 1116 (“Despite our fallibility and sinfulness, human beings are subjects of reverence. Each of us is of unconditional value.”).

### C. The Christian Lawyer is Suspicious of Her Power and Position

“God . . . is both the source of all power and the only source that can be trusted.”<sup>60</sup>

Even though Christianity teaches that lawyer and client are equal in brokenness and in their duty and ability to serve, Christianity takes the lawyer’s self-understanding one step further. As the next section of this Essay explains, an examination of the consistent biblical suspicion of worldly power, read in the context of a clear preference for the poor leads the Christian lawyer to the view that she may somehow be “less than equal” to her client.

#### 1. *Woe to the Rich and Powerful*<sup>61</sup>

Even a cursory understanding of the New Testament reveals a deep suspicion, if not an abiding antagonism, for the rich and the powerful: Jesus regularly denounced the religious and political leaders of his time,<sup>62</sup> called them “hypocrites” who put rule-following ahead of true worship and, critically, ahead of service to others.<sup>63</sup> They abused their power at the expense of the truly faithful.<sup>64</sup> Jesus refused to either engage them on their own terms or to align himself with their interests.<sup>65</sup>

If Jesus was at odds with the social and religious elite, to whom did he turn for companionship and support? When Jesus called his disciples as followers and future leaders, those he chose were almost invariably powerless, if not downright unappealing. In fact, with the exception of Luke the physician,<sup>66</sup> none carried a social position of any importance. None had influence in the political or religious arenas. The disciples were fishermen<sup>67</sup> (and not very good ones, at times<sup>68</sup>), fringe political radicals,<sup>69</sup> and a despised tax

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60. SHAFFER, *supra* note 26, at 9.

61. *See Luke 6:24-26.*

62. *See, e.g., Matthew 16:5-12.*

63. *See Mark 7:5-8.*

64. *See Matthew 23:14.*

65. *See Luke 11:37-54* (wherein Jesus criticizes the religious leaders for the misuse of money and wisdom); *Luke 12:1* (“Be on your guard against the yeast of the Pharisees, which is hypocrisy.”); *Matthew 23* (“Woe to you, teachers of the law and Pharisees, you hypocrites!”).

66. *See Colossians 4:14.*

67. *Matthew 4:17-19.*

68. *Luke 5:4-6.*

69. *See, e.g., Acts 24:1.*

collector.<sup>70</sup> Jesus' broader group of followers included women<sup>71</sup> (to the surprise of many, including his disciples<sup>72</sup>), Gentiles,<sup>73</sup> children,<sup>74</sup> prostitutes,<sup>75</sup> beggars<sup>76</sup> and the lame<sup>77</sup>—all in the context of a society that placed power solely in the hands of a very small group of wealthy, educated men with proper pedigrees and visible virtue.<sup>78</sup>

Further, Jesus frequently taught through parables that were, to say the least, less than kind to the rich and powerful.<sup>79</sup> Wealthy, pious, law-abiding men are told that, without God's mercy, they have as much chance of entering the kingdom of heaven as a camel has walking through the eye of a needle.<sup>80</sup> Those who store "treasures on earth" will lose them<sup>81</sup> and have, in fact, already received their reward in full.<sup>82</sup> To enter the kingdom of Heaven, we are told to become like children, certainly the most powerless members of any culture.<sup>83</sup> The faith of tax-collectors and prostitutes, both among the lowest members of society, would help them enter the kingdom of God ahead of the religious leaders of the day.<sup>84</sup>

These parables echo the biblical tradition of understanding power in a way that is not only contrary to our everyday thinking but that turns the popular notion of power on its head. Before Moses could free the Hebrews from Egyptian slavery, he had to lose his position as a member of the Egyptian royal family<sup>85</sup> and receive power from God himself.<sup>86</sup> Joseph exercised control over all of Egypt from the position of a slave,<sup>87</sup> again, due not to his own

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70. See, e.g., *Matthew* 10:3. Tax collectors were considered corrupt sinners. See *id.* 9:10-11.

71. *Luke* 10:38-42.

72. *John* 4:27.

73. *Matthew* 15:22-38.

74. *Id.* at 19:38-42.

75. See *id.* at 21:32.

76. *Luke* 18:35-43.

77. *Matthew* 15:29-31.

78. *Acts* 7:21-23; see also *1 Kings* 3:10-12.

79. See, e.g., *Matthew* 21:28-45 ("When the chief priests and the Pharisees heard Jesus' parables, they knew he was talking about them.")

80. *Luke* 18:25.

81. *Matthew* 6:19.

82. *Luke* 12:17; *Matthew* 6:19.

83. *Matthew* 18:3-4.

84. See *id.* at 21:31.

85. *Exodus* 2:11-15.

86. See *id.* at 3:1-15.

87. *Genesis* 37:36

credentials (he had none) but to God's action in his life.<sup>88</sup> David, a slight herdsman previously relegated to bringing food to the Israelite soldiers,<sup>89</sup> slew the mighty Philistine army's<sup>90</sup> giant.<sup>91</sup> Mary, an unmarried peasant engaged to a carpenter,<sup>92</sup> was chosen above all women to bring the Christ child into the world.<sup>93</sup>

It is the incarnation of Christ Himself, the birth of God into a sinful world,<sup>94</sup> which serves as the greatest indictment of power and those who possess it. Those who were awaiting the coming Messiah, including the disciples, did not have their original expectations met in Christ.<sup>95</sup> They awaited a conquering king, of noble lineage, who would overthrow the Roman occupiers and bring in a new reign of Jewish self-government. What they got was a humble carpenter<sup>96</sup> who associated himself with undesirable people,<sup>97</sup> washed people's feet,<sup>98</sup> and rode a donkey to the Passover feast.<sup>99</sup> Their Messiah was crucified in disgrace alongside common criminals.<sup>100</sup> Yet they followed him.

Paul speaks to the contradiction and the unexpectedness of Christ:

Who, being in very nature God, did not consider equality with God something to be grasped, but made himself nothing, taking the very nature of a servant, being made in human likeness. And being found in appearance as a man, He humbled himself and became obedient to death—even death on a cross!<sup>101</sup>

The Christian lawyer knows that she is called to be an "imitator of Christ," who gave himself up entirely in service of others.<sup>102</sup> She knows that any power granted to her is subject to that same standard of forsaking one's identity for the sake of others. She knows

88. *See id.* at 41:41-43.

89. 1 *Samuel* 17:14-19.

90. *See id.* at 4:1-3, 10-11.

91. 1 *id.* at 17:12-50.

92. *See, e.g., Matthew* 13:55.

93. *Luke* 1:26-38.

94. BERKHOF, *supra* note 35, at 91-92.

95. SIDER, *supra* note 52, at 52 (noting that the Messiah come not in the form of a Roman ruler or Jewish priest but as a humble carpenter living in an insignificant town).

96. *See id.*

97. *See supra* notes 63-74 and accompanying text.

98. *John* 13:5.

99. *Luke* 19:28-35.

100. *Matthew* 27:38.

101. *Philippians* 2:6-8; *see also* BERKHOF, *supra* note 35, at 91.

102. *See* TIMOTHY J. KELLER, *MINISTRIES OF MERCY: THE CALL OF THE JERICO ROAD* 63-64 (1989).

that she may need to lose her lawyer's power to be used by God. Finally, she knows that with her power comes a tremendous responsibility to approach life in a way that reflects God's preference for the poor, the marginalized and the forgotten.

## 2. *Blessed are the Poor*

As evident as it is that Scripture questions and subverts the status of the powerful, it is just as evident that Scripture elevates the status of society's powerless: the widow, the orphan, the stranger, the aged and lame. In the Sermon on the Mount, Christ teaches that:

Blessed are you who are poor, for yours is the kingdom of God.  
 Blessed are you who hunger now, for you will be satisfied.  
 Blessed are you who weep now, for you will laugh.

.....

But woe to you who are rich, for you have already received your comfort.

Woe to you who are well fed now, for you will go hungry.

Woe to you who laugh now, for you will mourn and weep.<sup>103</sup>

Clearly, Christ is not telling us to feel sorry for the poor; rather, he tells us to understand God's love for and intention to bless the poor.<sup>104</sup> In fact, Christ placed himself among the poor, literally "moved in" with them,<sup>105</sup> as a message to the poor and to the rest of us as to the poor's importance in God's eyes. At the onset of his public ministry, Christ proclaimed himself not as a king, nor even as a religious leader, but as one who was "anointed . . . to preach good news to the poor . . . to proclaim freedom for the prisoners and recovery of sight to the blind, to release the oppressed, to proclaim the year of the Lord's favor."<sup>106</sup>

This last phrase, "to proclaim the year of the Lord's favor," refers to the Levitical concept of the Year of Jubilee when, once every fifty years, slaves were freed, debts were canceled and ancestral property was returned to its original owners.<sup>107</sup> Christ "an-

103. *Luke* 6:20-25.

104. See SIDER, *supra* note 52, at 41.

105. See KELLER, *supra* note 102, at 42 (citing *2 Corinthians* 8:9).

106. *Luke* 4:18-19.

107. See *Leviticus* 25:8-55. The Jubilee was designed to prevent the existence of a permanent under-class. Note that many Christian theologians today give this passage a primarily spiritual application, claiming that Christ's sole purpose was to preach the gospel to the poor *in spirit*. Read in the context of Jesus' other teachings and the whole biblical narrative, it seems that the reader needs to understand the message as having both material and spiritual dimensions. See SIDER, *supra* note 52, at 47-48.



nounce[d] the gospel, bound up with his person, as a new beginning for the poor [and] the oppressed.”<sup>108</sup> This is to be understood as “good news” for both the poor and the non-poor, as all participate in this plan and receive the benefit of a more just and godly world.

Even more strikingly, the believer is ultimately judged by the manner in which she treats the poor.<sup>109</sup> As one writer has said, “God’s Word teaches a very hard, disturbing truth. *Those who neglect the poor and oppressed are really not God’s people at all*—no matter how frequently they practice their religious rituals nor how orthodox are their creeds and confessions.”<sup>110</sup>

In his description of the final judgment, Christ tells those who fed the hungry, clothed the naked and welcomed the stranger that they were in fact caring for Christ himself when they cared for the “least of these.”<sup>111</sup> On the other hand, those who did not serve Christ in this way are “accursed” and sent away from God’s presence for eternity.<sup>112</sup> The Christian lawyer knows that as she follows Christ, she is to be a bearer of good news for the poor and reflect God’s special concern for them.

## II. THE CHRISTIAN LAWYER AS A WISE BUILDER

I will show you what he is like who comes to me and hears my word and puts them into practice. He is like a man building a house, who dug deep and laid the foundation on rock. When a flood came, the torrent struck the house but could not shake it, because it was well built. But the one who hears my words and does not put them into practice is like a man who built his house on the ground without a foundation. The moment the torrent

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108. See MARK R. GORNIK, *TO LIVE IN PEACE: BIBLICAL FAITH AND THE CHANGING INNER CITY* 27-28 (2002). Christ reworks the Jubilee idea thusly: “The Spirit of the Lord is on me, because he has anointed me to preach good news to the poor. He has sent me to proclaim freedom for the prisoners and recovery of sight for the blind, to release the oppressed, to proclaim the year of the Lord’s favor.” *Luke* 4:18-19. Harold Berman places the initial obligation for service in law schools, who train tomorrow’s lawyers. See BERMAN, *supra* note 17, at 350-51.

109. See SIDER, *supra* note 52, at 78-85; see Nicholas Wolterstorff, *The Contours of Justics: An Ancient Call for Shalom*, in *GOD AND THE VICTIM* 107-08 (Lisa Barnes Lampman ed., 1999) (“God commands us to be lovers and practitioners of justice as He is – and pronounces judgment on those of us who are not.”).

110. SIDER, *supra* note 52, at 59.

111. *Matthew* 25:37-40

112. *Id.* at 25:34-46; see KELLER, *supra* note 102, at 39 (1989) (calling mercy for the poor a “test”); Joseph Allegretti, *The Relevance of Religion to a Lawyer’s Work: An Interfaith Conference The Theological Perspective*, 66 *FORDHAM L. REV.* 1101, 1117 (1998).

struck that house, it collapsed and its destruction was complete.<sup>113</sup>

To consider the preceding characterization of the Christian lawyer's identity and even agree with it is one thing. To consider how to apply this to one's professional life and, specifically, the issue of power in the lawyer-client relationship is something else. As she approaches her practice, how does the Christian lawyer apply these understandings of herself? If she believes that she and her client are fundamentally equal, how does she relate to and advise an equal? If she sees herself as no more than one part of the body, and her client as another, equally important part, how does she fulfill her role and encourage and equip her client to fulfill his? Finally, if she is rightly suspicious of her own power and position, how does she use that power and position to show God's special concern for the poor without disparaging her client?

What follows is a preliminary suggestion of how the Christian lawyer might apply what she knows about herself and power as she seeks to "hear [Christ's] words and put them into practice."<sup>114</sup> In doing so, she can begin to build her legal practice on a foundation of truth, just, as Christ taught, like a wise man who built his house on solid rock and was therefore able to withstand any storm that came his way.<sup>115</sup> As the Apostle James said, "Show me your faith without deeds and I will show you my faith by what I do. . . . faith without deeds is dead."<sup>116</sup>

### A. Equality: A Prerequisite for Power Sharing

The knowledge that her client is her equal, in both brokenness and value, is fundamental to the goal of power-sharing in the lawyer-client relationship. The client is no longer the powerful lawyer's inferior, whom she must "fix" or "educate" or somehow make a better, wiser, or simply different person. On the other hand, the client is not the lawyer's "boss," who can dictate everything about the lawyer-client relationship and the legal representation with neither argument nor moral input from the lawyer.<sup>117</sup> Rather, if

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113. *Luke* 6:47-49.

114. *Id.* at 6:47.

115. *Id.* at 6:46-49 (contrasting the wise builder from one who built on sand and was swept away at the firm sign of trouble).

116. *James* 2:18, 26.

117. See Allegretti, *supra* note 9, at 1127 (discussing saying "no" to clients based on one's own moral compass). Allegretti proposes that a covenant view of the lawyer-client relationship precludes either party as the dominant one and lawyer and client are isolated from each other. See *id.* at 1121.

the client is the lawyer's equal, the client is the lawyer's peer. As the lawyer approaches her client as a peer, the lawyer and the client can begin to share power.

Joseph Allegritti has characterized this type of lawyer-client relationship as a covenant.<sup>118</sup> Under a covenantal relationship, the lawyer and client "entrust themselves to each other" and engage in both moral dialogue and truth-telling.<sup>119</sup> Although, as Allegritti acknowledges, it is easy to see how a client entrusts herself to the knowledgeable, powerful lawyer, a covenant is not possible unless the lawyer is willing to "take the risk of encountering her client as a human being of unconditional value, made in the image and likeness of God. . . . [T]he lawyer may be challenged. . . . She may even be changed."<sup>120</sup>

If the lawyer, based on her understanding of both herself and her client, can do this, Allegritti asserts, a "moral community" is created in which both lawyer and client work together to arrive at a morally satisfactory solution to the client's legal situation.<sup>121</sup> Under these circumstances, while the lawyer is not obligated to act against her own conscience, her conscience may be changed by *her client*, who is created in God's image and is a necessary part of a "body," working together in the world.<sup>122</sup>

Some have rightly suggested that Allegritti's notion of covenant, even with its good intentions and solid theological grounding, might not be realistic in light of the "broader realities" of tremen-

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118. Allegritti contrasts covenant with the more conventional idea of the lawyer-client relationship as one rooted in contract. *See id.* at 1112. A contractual view of the professional relationship is one in which the client hires the lawyer to deal with a specific problem, the client agrees to pay and each may *seek* redress for a failure of the other to meet his obligations. *See id.* at 1112-16. Under such a model, Allegritti asserts, there is no room for compassion or relationship, nothing beyond a professional situation that is both "minimalistic" and controlled by "the letter of the law." *See id.*

Allegritti proposes a model of covenant as an alternative to the dehumanizing contractual relationship. *See id.* at 1117. Unlike a contract, which is based on autonomy and individual rights and responsibilities, a covenant is based on relationship and the belief that both lawyer and client have dignity and power. Under this model, lawyer and client entrust themselves to each other, form a moral community in which either can be changed by the other and each has responsibilities to the other that go beyond the strictures of a contract. *Id.* at 1117-29.

119. *Id.* at 1119-20.

120. *Id.* at 1120.

121. *Id.* at 1119-22.

122. *Id.* at 1121 ("In a covenant, no one is an island. Lawyers and clients are in it together.").

dous and deeply internalized social inequities.<sup>123</sup> Lawyers simply have too much power relative to their poor clients. Even if she sees her client as her true equal, as one who is broken and yet valuable, and even if the lawyer and client have a relationship characterized by trust and mutual transformation, the lawyer will never be able to give her client her power. The lawyer, by necessity, will continue to control the relationship. If this is true even in part, the Christian lawyer must continually strive to use her power in such a way that the power is ultimately shared with the client.

### **B. Power: Beyond Charity and Toward Transformation**

Conventional charity . . . like all aspirations of men to discern and do what is good, can cope only partially, impersonally, temporarily, superficially, and piecemeal with the issues that assail the poor. . . . For a Christian to be poor and to work among the poor is not at all conventional charity but a use of the freedom for which Christ has set us free.<sup>124</sup>

Many advocates have said, from both a strictly theological perspective and not, that the poor do not need more charity, with charity defined as a legal "hand-out," as the lawyer does everything for her passive client.<sup>125</sup> Such a model is not only arguably ineffective, but, as has been previously discussed, implies that the client is less of a person than the lawyer.<sup>126</sup> Further, this paternalistic model is unacceptable to the Christian lawyer, in light of what she believes about herself and her client.

And yet, the lawyer can deny neither her legal skills nor the power that accompanies them. In fact, she is called to thank God for entrusting her with her power, and to use it for God's purposes in the world, purposes that include, at the front, affirming the dignity of God's created persons and making the world a more just and peaceful place.<sup>127</sup>

Beyond simply applying her power in a proper context, for the service of the poor, the Christian lawyer also must consider which specific uses of her power both grow out of a covenantal relation-

123. See Ana Maria Pineda, *Covenanting with the Powerless: Strangers, Widows and Orphans*, 66 *FORDHAM L. REV.* 1177, 1179 (1998).

124. William Stringfellow, *Christianity, Poverty and the Practice of Law*, 8 *CAP. U. L. REV.* 451, 457-58 (1979) (citing *Galatians* 5:1).

125. See *id.*; see also Brescia et al., *supra* note 11; Eagly, *supra* note 9; Wexler, *supra* note 9.

126. See Stringfellow, *supra* note 124, at 455-58.

127. Harold Berman calls this role in the transformation of society the "prophetic vocation" of the lawyer. See BERMAN, *supra* note 17, at 350.

ship with her client and maximize power sharing over lawyer control. This use of power goes beyond a “hand-out” to the poor client, extended as to one on the other side of a soup kitchen line. Rather, a Christian view of power and its use results in a “hand-off” of power, transferred as a baton from one runner in a relay race to another.

### 1. *Knowledge: Sharing Power by Sharing Information*

“Knowledge is the most democratic form of power.”<sup>128</sup>

While the fear of the Lord is the beginning of all wisdom,<sup>129</sup> knowledge of the law and its impact in our lives is probably the second step towards self-sufficiency within what is often a harsh, complex and unjust legal system.<sup>130</sup> Fortunately, knowledge is something of which lawyers have a lot. The Christian lawyer, who understands that keeping her power to herself results in the degradation of her soul and a failure of her mission in life, shares the power of knowledge with her client.

Within the context of a professional relationship characterized by equality, relationship, and the lawyer’s self-suspicion, the lawyer need not hide harsh legal realities from her poor client. If the client is likely to be evicted, the lawyer should tell her so. If the client is acting in a way that is harmful to either the legal outcome or the bigger picture of the client’s life, the lawyer should, with respect, discuss this with the client. Her client is not a child to be protected from bad news or self-evaluative thinking. In other words, the lawyer, as the holder of legal knowledge, should provide her client with all of the information that she herself would want and expect. The client, in conversation with his lawyer, will ultimately decide what to do with the information.

On an even broader scale, the Christian lawyer for the poor should devote a significant component of her professional life to client and community education. Rather than working under the premise that education will “fix” an ignorant client, the Christian lawyer views her efforts as providing tools to help her client more fully reflect his nature as created in God’s image and as a valuable member of the community. The client is no more in need of fixing

128. ALVIN TOFFLER, *POWERSHIFT: KNOWLEDGE, WEALTH, AND VIOLENCE AT THE EDGE OF THE 21st Century* 20 (1990).

129. See *Proverbs* 1:7.

130. For a discussion on the importance of information for clients, see Eagly, *supra* note 9 (urging lawyers to involve the community in legal issues raised by clients, thereby empowering community members with education and experience to deal with challenges).

than the lawyer, and both benefit from a dynamic educational program. As the client gains the knowledge necessary to make wise legal decisions, he becomes truly free to do so. On the other hand, as the lawyer engages in a dialogue with her client and the client community, she learns things about her client, herself, and the world she can learn no where else.<sup>131</sup> As Thomas Shaffer has said, "God intends to deal with me through my client."<sup>132</sup>

Unfortunately, client and community education, while promoted by a few die-hard advocates,<sup>133</sup> is a relatively infrequent practice and receives only minimal resources within most legal services offices.<sup>134</sup> Lawyers too often view it as unglamorous and a waste of their time and lawyer's power.<sup>135</sup> They may be afraid that clients will misunderstand or misuse "complex" legal information (a fear that says something about how they view their clients). Because the Christian lawyer operates under no illusions of personal importance, she is not bound by such considerations. Because she has no vested interest in courtroom drama and self-serving heroics, she can help people avoid problems and, when problems are unavoidable, resolve them knowledgeably and even peacefully. Rather than hoarding power like a treasure, she is free to transfer her power, in the form of knowledge, and allow her clients, whom she sees as equals, to use the information as they will.

## 2. *Involvement: Sharing Power by Sharing the Work*

"The hallmark of an effective poor people's practice is that the lawyer does not do anything for his clients that they can do or be taught to do for themselves."<sup>136</sup>

The Christian lawyer sees her client as a co-laborer in God's kingdom. The client has not only the right, but the obligation, to serve alongside the lawyer in resolving the client's own legal problems. The lawyer has not only the discretion, but the mandate, to "make room" for her client in this endeavor.

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131. See SHAFER, *supra* note 26, at 8.

132. See *id.*

133. Eagly, *supra* note 9, at 443-44.

134. For a discussion of community education as a model for advocacy, see Eagly, *supra* note 9, at 446.

135. Interview with Rose Pierre-Louis, Harlem Legal Services in New York, N.Y. (March 2002) (on file with author).

136. Wexler, *supra* note 9, at 1055. Interestingly, Wexler also asserts that a lawyer should always do what his client wants, but does not indicate what the lawyer should do if the client wants the lawyer to do everything. See *id.* at 1065.

Client involvement does not end with keeping appointments or picking up documents, although it may begin there for clients living at a particular level of personal crisis. True client involvement entails meaningful contribution to decision-making, shaping of means and goals, and the opportunity to change his mind about what he wants to accomplish: in short, full engagement in his legal situation.

When the Christian lawyer gives her client the greatest level of opportunity possible, she works alongside her client not as a superior, but as a co-member of a very small problem-solving community made up of client, lawyer and, when appropriate, family or community members. She encourages her client to function in his role as one "part of the body" and she limits her activity, if necessary, to prevent her overtaking of his role. In fact, the lawyer realizes that attempts to limit the full participation of her client are ultimately futile, just as an eye cannot limit the function of a hand. The lawyer is not threatened by this more fluid and less results-oriented approach; she sees it as reflective of God's purposes and the most natural response to our God-ordained inter-relatedness.

### 3. *Transformation: Sharing Power by Sharing the Vision*

"There is . . . a sharp contrast between God's procedure and ours. When we want to effect change, we almost always contact people with influence, prestige, and power. When God wants to save the world, he often selects slaves, prostitutes, and sundry other disadvantaged folks."<sup>137</sup>

The Christian lawyer knows that although God loves the poor, God does not love poverty. He promises a world in which:

[All God's people] will build houses and dwell in them; they will plant vineyards and eat their fruit. No longer will they build houses and others live in them, or plant and others eat. For as the days of a tree, so will be the days of my people; my chosen ones will long enjoy the works of their hands.<sup>138</sup>

Every man will sit under his own vine and under his own fig tree, and no one will make them afraid, for the Lord Almighty has spoken.<sup>139</sup>

When "people live without fear, without want of food or shelter," and when they benefit from the fruits of their own labor<sup>140</sup> they live in a condition of *shalom*, "the state of flourishing in all

137. SIDER, *supra* note 52, at 71.

138. *Isaiah* 65:21-23.

139. *Micah* 4:4.

140. GORNIK, *supra* note 108, at 101.

dimensions of one's existence: in one's relation to God, in one's relation to one's fellow human beings, in one's relation to nature and in one's relation to oneself."<sup>141</sup> *Shalom* is dependent on justice, because without right relationships among people, and between people and social structures, those at the bottom of society's pecking order inevitably live in fear and in want.<sup>142</sup> Each person has a claim to *shalom*; without justice, however, such a claim is impossible to realize.<sup>143</sup>

Together, lawyer and client can share a vision of *shalom* for the client's community and they can work alongside each other towards the goal. The client's status as a "co-laborer" does not end with his personal legal situation but extends, along with the lawyer, to making the world a more just and peaceful place. While the lawyer's power lies in her credentials, her knowledge and, to some extent, her experiences, the client's power resides in his identity as a poor person, as a person especially cared for by God and in his experiences within an unjust and painful world. As such, the client is an indispensable leader and member of any movement towards advancing peace and justice in communities, and in reducing poverty and its consequences.<sup>144</sup>

### CONCLUSION

"[T]he question is not whether we will be extremists, but what kind of extremists we will be."<sup>145</sup>

Extremism can be threatening. It certainly was to those who accused Martin Luther King, Jr. of it. Yet, as King points out, his brand of extremism was merely a reasoned response to the extreme racism, injustice, and fear in which he found himself.<sup>146</sup> As the ultimate extremist, Christ's ministry was in response to the ex-

141. Wolterstorff, *supra* note 109, at 113.

142. *See id.*; *see also* GORNIK, *supra* note 108, at 101-02.

143. *See* Wolterstorff, *supra* note 109, at 116-17.

144. This emphasis on the client and the poor community in effecting change is not a solely Christian conception. It is, in fact, at the heart of a community-based model of poverty law, an idea that is increasingly promoted as a means to attack poverty from the ground up. *See* Brescia et al., *supra* note 11, at 855 ("We are just beginning to appreciate the extent to which poverty is a community problem. The keys to fighting such poverty lie in community-based approaches."); Tremblay, *supra* note 16, at 1147. This model is, however, arguably difficult to realize without the deeply held belief that lawyers and clients are truly partners in changing the world.

145. Martin Luther King, Jr., *Letter from Birmingham City Jail*, in *CIVIL DISOBEDIENCE: IN FOCUS* 68 (Hugo Adam Bedau ed., 1991). King cites Jesus Christ, Martin Luther, Thomas Jefferson, and Abraham Lincoln as other well-known extremists. *Id.*

146. *See id.* at 69. ("I am in Birmingham because injustice is here.")



treme neediness and hypocrisy he encountered during his time on earth, and his extremism earned him many enemies among the powers of the day and, in the end, brought him to death.

In the same way, the Christian lawyer is called to a professional life destined to be viewed by some as extreme, yet it is one that takes place in the context of the extreme paternalism and arrogance which plague both poverty law and the legal profession generally. Rather than rejecting extremism, she chooses to respond with an extremism of her own—one that embraces the biblical views of people and of power.

The Christian lawyer can have an extreme view of herself and her client. If she sees herself as her client's true equal, she rejects all voices that tell her that the nature of her work is to save her client from himself. She sees herself as broken and her client as God's representative in her life, as someone who God wants to use to change her.

The Christian lawyer can have an extreme vision of her client's role. If the Christian lawyer understands that she and her client are each part of the same functioning body, both equal and interdependent, she rejects the model of practice in which she does all the serving and the client does all the receiving. She consistently seeks to work in a way that promotes full participation by her client, which utilizes her client's gifts and recognizes her client's dignity and mandate for service.

Finally, the Christian lawyer can have an extreme view of power. If she holds herself to the scrutiny imposed by the biblical understanding of power, she rejects the notion that her power is hers by right and is there to do with as she will. Instead, she sees her power as a tool, given by God, and as one that must be truly shared, by whatever means necessary, with her client.

