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# BACCALAUREATE MASS REFLECTION: THE CATHOLIC LAWYER AND THE MEANING OF “SUCCESS”

JOHN M. BREEN\*

I am grateful to have the opportunity to be with you this morning and to share my reflections at this Baccalaureate Mass. I especially wish to address these remarks to the members of the graduating class who are both the people we plan to honor this afternoon as well as the people who, in one way or another, brought us all together in this sacred space. It is, indeed, a real blessing to be with you today to share in the joy of this wonderful occasion and to celebrate your success.

And it is about success that I wish to speak with you this morning, for success is really at the heart of the Gospel reading for today. In it, Christ says that “I am in the Father and the Father is in me.”<sup>1</sup> Moreover, in the passage that immediately precedes this reading, Christ declares that He is “the way and the truth and the life.”<sup>2</sup> These are hardly modest words, nor are they to be construed as words of failure. Instead, they speak to the identity of Jesus and His mission in the world and the

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\* Assistant Professor, Loyola University Chicago; B.A., University of Notre Dame, 1985; J.D., Harvard University, 1988. This article is based on a reflection which I delivered following the reading of the Gospel at the Baccalaureate Mass celebrated on May 20, 2000 at Madonna della Strada Chapel, Loyola University Chicago. I am grateful for the comments and suggestions I have received from others in preparing these remarks. I especially wish to thank Thomas M. Donnelly, Rev. John C. Haughey, S.J., Timothy R. Kane, Rev. John J. Piderit, S.J., James R. Zullo, F.S.C., and most of all Susan Nelligan Breen.

<sup>1</sup> *John* 14:11 (New American).

<sup>2</sup> *John* 14:6 (New American).

promise of success that He makes to each of us. What, then, is this success, and how does it compare to the understanding of success dominant in our culture? Moreover, how does success as it is defined in the Gospel relate to your future work as attorneys?

As a general matter, lawyers are thought by many to epitomize the idea of success. In part this is because they are known to wield some degree of power, and in our society power carries with it a certain stature. In representing both private clients and government entities in litigation, lawyers help to define the rights and freedoms that all citizens enjoy. Lawyers are also essential in structuring the form and content of transactions. From the most simple will, or sale of a home, to the most complex merger of multinationals, lawyers help to protect property and to secure the transfer and growth of wealth.

In all these things lawyers exercise power and so help to shape the law and our society, not only for people today, but for generations to come. Thus, there can be no denying the fact that in graduating from law school today and soon entering the legal profession, you are, in a very real sense, entering into the circle of American elites.

Aside from the exercise of power, how else do lawyers define success? As you are well aware, the culture we inhabit tends to define success in terms of consumption and acquisition, and lawyers are no exception. Indeed, perhaps we are among the most enthusiastic supporters of this materialist conception of success.<sup>3</sup> On the one hand this should come as no surprise. After all, so much of what many lawyers do is directly concerned with property or income or, as in the case of personal injury law, is expressed in terms of money. On the other hand, this fixation with wealth is strangely at odds with what we purport to be. As a group, we lawyers take pride in defining ourselves as a

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<sup>3</sup> For a diagnosis of how unbridled greed has created a climate of widespread unhappiness and moral failure in the legal profession, see generally Patrick J. Schlitz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871 (1999). For a brief account of the generational change that has occurred within large law firms with respect to the importance of generating ever-increasing revenues, see MARY ANN GLENDON, *A NATION UNDER LAWYERS* 25-35 (1994); see also RICHARD ZITRIN & CAROL M. LANGFORD, *THE MORAL COMPASS OF THE AMERICAN LAWYER* 74-93 (1999).

"profession" and not as a mere trade or business.<sup>4</sup> Increasingly, however, lawyers appear to take their cues from the business world as witnessed by the tremendous growth in attorney advertising and the recent moves to allow the merger of law firms with other business entities.<sup>5</sup>

The benchmarks by which lawyers judge success, the signs and symbols that announce one has achieved a certain stature, are well known even outside the legal community: Making partner and obtaining a share of the firm's profits; receiving the corner office; hosting the power lunch and directing legions of associates; the spacious house in the suburbs or the oversized condominium in the city, and the second home in Florida or Arizona, with the car of one's choice in the driveway; the plump 401K and the robust investment portfolio. All of these are signs that a lawyer has "arrived" and that he or she should be thought of as a real "success."<sup>6</sup>

I hope that during your time at Loyola you have been exposed to some alternate views of what it means to be a successful attorney. Perhaps, however, you have not had occasion to consider what the faith has to say about the meaning of success and your chosen profession. How should you, as a Catholic lawyer, define success in the life you are to lead?

The way our Christian faith defines success and the sign that represents it are radically different from the understanding of success prevalent in American society. According to the faith, success is to act with love in the imitation of Christ, and the sign

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<sup>4</sup> See, e.g., *Shapero v. Kentucky Bar Ass'n*, 486 U.S. 466, 488-89 (1988) (O'Connor, J., dissenting) ("One distinguishing feature of any profession, unlike other occupations that may be equally respectable, is that membership entails an ethical obligation to temper one's selfish pursuit of economic success by adhering to standards of conduct that could not be enforced either by legal fiat or through the discipline of the market."); see also Report of the Commission on Professionalism to the Board of Governors and the House of Delegates of the American Bar Association, ". . . *In the Spirit of Public Service: A Blueprint for the Rekindling of Lawyer Professionalism*", 112 F.R.D. 243 (1986).

<sup>5</sup> See generally AMERICAN BAR ASSOCIATION, COMMISSION ON MULTIDISCIPLINARY PRACTICE: REPORT TO THE HOUSE OF DELEGATES (1999); Daniel R. Fischel, *Multidisciplinary Practice*, BUS. LAW. 951 (2000).

<sup>6</sup> A particularly vivid example of the importance of material goods in the minds of many attorneys is the "Lifestyle" section of the ABA JOURNAL MAGAZINE which features luxury automobiles, travel packages and other conspicuous forms of consumption designed to appeal to lawyers' tastes and vanities.

that quite literally embodies this love is the Cross.

Love, of course, is fundamentally not a matter of sentiment, or instinct, or emotion. Instead, love in the true sense is an act of the free will, whereby one intends to bring about the good of another.<sup>7</sup> Although there are many ways of expressing love, they all have this in common: That the human person gives himself away to another for the benefit of the beloved. In doing this, men and women reflect their point of origin, their purpose in life and their final end, namely, God, for each of you has been created out of love, and it is love to which you are finally called.

The Second Vatican Council beautifully captured this point in all its simplicity and depth. “[M]an,” the Council taught, “who is the only creature on earth which God willed for itself, cannot fully find himself except through a sincere gift of himself.”<sup>8</sup> In exploring the meaning of this passage at the beginning of his pontificate, Pope John Paul observed:

Man cannot live without love. He remains a being that is incomprehensible for himself, his life is senseless, if love is not revealed to him, if he does not encounter love, if he does not experience it and make it his own, if he does not participate intimately in it.<sup>9</sup>

That is to say, you cannot truly be who you are and who God intended you to be unless you respond to others with love, unless you act in such a way as to bring about their genuine good.

It should be plain to everyone that this is in fact the opposite of what our culture teaches, a culture of acquisition and consumption in which success is thought to lie in drawing more and more things to oneself. But success is not found in acquiring more and more things or in bringing more and more people under your control. Instead, real success is found in making a sincere gift of yourself in love.

Moreover, the ultimate sign of success, that is, of love, has nothing to do with wealth or power. It is instead the poverty of Christ<sup>10</sup> as he hangs in agony upon the Cross. Miles away from

<sup>7</sup> See 2 THOMAS AQUINAS, *SUMMA THEOLOGICA* 1269 (Fathers of the English Dominican Province trans., 1947) (Part II – II, ques. 23, art. 1).

<sup>8</sup> SECOND VATICAN ECUMENICAL COUNCIL, *PASTORAL CONSTITUTION ON THE CHURCH IN THE MODERN WORLD, GAUDIUM ET SPES* §24 (1965) [hereinafter *GAUDIUM ET SPES*].

<sup>9</sup> JOHN PAUL II, *ENCYCLICAL LETTER REDEMPTOR HOMINIS* ¶10 (1979).

<sup>10</sup> 2 *Corinthians* 8:9 (“For you know the gracious act of our Lord Jesus

any corner office, the view from Golgotha is somewhat different from the world's perspective on success.

Indeed, from the perspective of the contemporary world, to celebrate Christ and His Cross is absolute nonsense, or, to the extent it is intelligible at all, the world sees the Cross as only a dark and perverse kind of humor.

From the world's point of view, consider the pitiful figure whom we worship, the hero, as it were, that the Church exalts as the paradigm of success: a lowly servant, indeed a servant among servants,<sup>11</sup> beaten and scourged and sentenced to death; branded a criminal and executed by the state in the company of common thieves; betrayed and abandoned by his friends, and spit upon by his enemies. How is it that we have come to adore, to worship this gruesome and pathetic figure; this object of ridicule; this broken man who gasps for breath as he hangs dying, dripping with blood and sweat, his hands and feet pierced with metal stakes, a soldier's lance thrust into his side? From the perspective of today's culture, it would be absurd to claim that this abject failure has anything remotely to do with success.

Yet success is what this is, the success of perfect love, a love that knows no bounds, that endures all suffering, and conquers even death. In the Cross we see the ultimate sign of divine love, not in some sanitized, abstract, or other-worldly image. Rather, we encounter that love in the flesh, in the fullness of humanity: Jesus Christ, God incarnate, who embraced death so that we might live. No material object, or level of income, or wealth of any kind can ever make you truly happy—only love, the love of the Cross and the glory of the Risen Lord.<sup>12</sup>

Accepting this truth, the truth about the very purpose of human life, can be overwhelming for us. But the difficulty of accepting this reality is not new to our age. This is the Scandal

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Christ, that for your sake he became poor although he was rich, so that by his poverty you might become rich.") (New American); *Philippians* 2:6-9("Though he was in the form of God [he] did not regard equality with God something to be grasped. Rather, he emptied himself, taking the form of a slave, coming in human likeness, and found human in appearance, he humbled himself, becoming obedient to death, even death on a cross.") (New American).

<sup>11</sup> See *Isaiah* 42:1-4 (New American).

<sup>12</sup> Cf. JOHN PAUL II, ENCYCLICAL LETTER *VERITATIS SPLENDOR* ¶120 (1993) ("No absolution offered by beguiling doctrines, even in the areas of philosophy and theology, can make man truly happy: only the Cross and the glory of the Risen Christ can grant peace to his conscience and salvation to his life.").

of the Cross which has been an impediment to believers from the very beginning of Christianity. As St. Paul wrote about his efforts to evangelize:

The message of the cross is foolishness to those who are perishing, but to us who are being saved it is the power of God . . . [For] it was the will of God through the foolishness of the proclamation to save those who have faith. For Jews demand signs and Greeks look for wisdom, but we proclaim Christ crucified, a stumbling block to Jews and foolishness to Gentiles, but to those who are called, Jews and Greeks alike, Christ the power of God and the wisdom of God.<sup>13</sup>

Indeed, the power and the wisdom of God can be found in the perfect love of Christ revealed in the Cross.

Moreover, it is in the Cross that we find the meaning of the gospel passage where Christ declares that He is the ultimate success, "the Way, the Truth, and the Life." In the Lord's footsteps we discover that *the Way* to true success, the Way to the joyful light of Easter, leads us to the foot of the Cross and the shadow of human suffering. In Jesus Christ *the Truth* of love is revealed without which human life would be meaningless and all creation would cease to exist. In Christ, *the Life* of the Resurrection is promised to those who seek their human perfection by holding fast to Him despite adversity. And so it is, as the Council taught, that in the love of Christ, God "fully reveals man to man himself and makes his supreme calling clear."<sup>14</sup>

You, too, have a calling, a specific vocation to serve others through the practice of law. As an attorney, you must bring to bear your legal skills and knowledge to advance your client's interests. But as a Catholic lawyer, you have a calling that goes beyond mere competence or technical proficiency. You have a vocation to serve others *in love* in the imitation of Christ.

Now, I think it would be fair to say that most people do not think that either law or lawyers have much to do with love. We can hardly blame them for this opinion, for in some ways it is altogether correct. After all, love is not something that can be legislated or ordered by a court. Indeed, because love is the free and sincere gift of a person, to demand love, to order it, to compel

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<sup>13</sup> 1 *Corinthians* 1:18, 21-24 (New American).

<sup>14</sup> GAUDIUM ET SPES, *supra* note 8 §22.

or coerce love under the threat of punishment would be to contradict its very essence.

Although love has necessarily little to do with the law as such, it has *everything* to do with your vocation as a lawyer. That is, you must work for the good of your clients as it can be justly found and developed within the law. In doing this, you will also help to uphold the rule of law and the common good and thereby benefit the public at large.

Now, although you are called to give of yourself, that does not mean that you must always work for free, nor does it mean that you should seek to live in poverty or avoid wealth of any kind. It is entirely proper and consistent with the Gospel for you to seek to obtain some degree of material success. The reasons for this are plain. I dare say you need no reminding that legal education is an expensive process and the obligations that you have incurred must be satisfied. Of even greater importance than this is the fact that you have a responsibility to care for your own physical needs as well as the needs of your spouse and children or others who might depend on you.<sup>15</sup> Indeed, to neglect these duties would be sinful. Consequently, the fact that the practice of law can provide an excellent means of earning a living is not something to be shunned, but something for which we should be thankful.

Moreover, it would be wrong to think that the sizeable incomes many lawyers enjoy are an evil in themselves. On the contrary, wealth in the hands of a man or a woman who embraces the Christian virtues of mercy, charity, and justice can benefit society in many ways. Wealth is not an evil in itself; rather, the desire for wealth becomes evil when it manifests itself as a kind of self-love, a self-love which, despite the appearance of glamour and vitality, is both hopeless and without life. The desire for wealth becomes evil when people regard wealth as a

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<sup>15</sup>*Cf.* JOHN PAUL II, ENCYCLICAL LETTER *Laborem Exercens* ¶10 (1981) ("In a way, work is a condition for making it possible to found a family, since the family requires the means of subsistence which man normally gains through work."). In urging parents to employ modestly in the management of their households St. John Chrysostom implores: "Let riches be lost ten thousand times over! Or rather let not the riches be lost, but the frame of mind that doesn't know how to use money, but holds it in higher esteem than all other things." ST. JOHN CHRYSOSTOM, *ON MARRIAGE AND FAMILY LIFE* 62 (Catharine P. Roth & David Anderson trans., 1997) (Homily 20 on Ephesians 5:22-33).



principal value in life and as a reason for living, rather than as a means of supporting life and other values important to it.<sup>16</sup> As the Pope wrote reflecting on this very point:

It is not wrong to want to live better; what is wrong is a style of life which is presumed to be better because it is directed toward "having" rather than "being" and which wants to have more, not in order to be more but in order to spend life in enjoyment as an end in itself.<sup>17</sup>

To love another person is the highest level of "being" to which the Pope refers. Although your Christian faith does not require you to embrace a life of poverty, it does require you to embrace a life of love.

At the very least, this calling demands that you not treat your client simply as a source of revenue or means of obtaining work. Your client is a person, and the purpose of the representation is to benefit that person, not yourself.

Nevertheless, a commitment to work on behalf of the client does not mean that you must do whatever he or she commands. Although the relationship between client and lawyer is one of principal and agent,<sup>18</sup> you are not a mere instrument or tool to be used however the client sees fit.<sup>19</sup> You, too, are a person and your integrity as such must be respected if you are to be of real service.<sup>20</sup>

Sometimes your desire to achieve the client's good will preclude you from doing what he or she asks you to perform, such as withholding documents in litigation that are subject to discovery, or threatening to disregard a prior agreement in order to gain an advantage in negotiations. At other times, your

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<sup>16</sup> See *Luke 12:13-21* (New American).

<sup>17</sup> JOHN PAUL II, ENCYCLICAL LETTER *CENTESIMUS ANNUS* ¶36 (1991).

<sup>18</sup> See e.g. *Lyndon v. Eagle Food Centers, Inc.* 297 Ill.App.3d 90, 93, 696 N.E. 2d 1211, 1214 (2d Dist. 1998) ("In general, the law of principal and agent applies to an attorney-client relationship."); DAVID LUBAN, *THE GOOD LAWYER: LAWYERS' ROLES AND LAWYERS' ETHICS* 8 (1984) (noting that "[l]awyers are considered to be agents of client-principals").

<sup>19</sup> See e.g. *In re Himmel*, 125 Ill.2d 531, 539, 533 N.E.2d 790, 793 (1988) ("A lawyer may not choose to circumvent the rules by simply asserting that his client asked him to do so.").

<sup>20</sup> See THOMAS L. SHAFFER & ROBERT F. COCHRAN, JR., *LAWYERS, CLIENTS, AND MORAL RESPONSIBILITY* 59 (1994) (arguing that "clients and lawyers should resolve the moral direction of legal representation from the moral values that each of them has and both of them have").

vocation will require you to give voice to "those uncomfortable truths which do not please public opinion but which are necessary to safeguard the authentic good of society."<sup>21</sup> Any law that denies the humanity of any human being or which violates human dignity does violence to the common good.<sup>22</sup> Such a law deserves your opposition even if this, in turn, makes you an object of ridicule.

Regardless of the circumstances, and no matter what your field of practice, I can assure you that if you hope to work for the real good of your clients and society, then you will have to work harder and give much more of yourself than is contemplated in any salary or fee. You will, as the Church teaches, have to make a gift of your life to others. Gifts, of course, if they are genuine, do not seek compensation or reward. The faith has a word for work of this kind, namely, *sacrifice*. The authentic service of a lawyer, service which is professional in nature but inspired by faith and ultimately grounded in love, can be sacrificial in nature and so bind you to the sacrifice of Christ on the Cross, the ultimate act of love which brings salvation to the whole world.<sup>23</sup>

If you do not do this, if you do not give yourself away, if you are unable or unwilling in heart and mind to sacrifice yourself for others, then you will have failed to be a success in the only way that really matters. But with faith in God and with the help of divine grace abundantly poured out for you in the Church's sacraments, you will be prepared to meet all the challenges that life will present.

The first reading for today, taken from the Acts of the Apostles, reminds us of these challenges. It reminds us that we will not always achieve the tangible forms of success recognized by the world, but that real success, the success of the Cross, is always possible. Unable to convince the community in Antioch that Jesus is the Messiah, St. Paul and St. Barnabas leave the

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<sup>21</sup> JOHN PAUL II, APOSTOLIC CONSTITUTION *EX CORDE ECCLESIAE* ¶32 (1990).

<sup>22</sup> See e.g. GAUDIUM ET SPES, *supra* note 8 §27; JOHN PAUL II, ENCYCLICAL LETTER *EVANGELIUM VITAE* (1995).

<sup>23</sup> See *Colossians* 1:24 ("Now I rejoice in my sufferings for your sake, and in my flesh I am filling up what is lacking in the afflictions of Christ on behalf of his body, which is the church") (New American); *2 Corinthians* 4:8, 10-11 ("We are afflicted in every way. . . always carrying about in the body the dying of Jesus so that the life of Jesus may be manifested in our body. For we who live are constantly being given up to death for the sake of Jesus, so that the life of Jesus may be manifested in our mortal flesh.") (New American).

town, shaking the dust from their feet in defiance.<sup>24</sup> Their apostolic work has not been a failure and they do not hang their heads in shame. Instead, they rejoice in the Holy Spirit because they have been successful. Their success is that they have been faithful to the Gospel. They have taught the truth about Jesus and His victory over death.

Throughout your career you will surely encounter setbacks, times when, like the apostles, you and your message will not enjoy a welcome reception. There will undoubtedly be motions you will lose, trials that end in defeat, transactions that do not close, and clients who walk away. No matter what the outcome, and regardless of how the world construes it, these need not be thought of as real failures. If you have acted in a loving manner to those around you, if you have given yourself in authentic service, then, no matter how disappointed you may be, you will have enjoyed the richest success that our profession has to offer.

At the end of the Gospel reading for today the Lord Jesus promises that He will do what we ask of Him. He says, "If you ask anything of me in my name, I will do it."<sup>25</sup> As we look back and celebrate the end of your law school career and as we look forward to the advent of your career in legal practice, what should we ask of the Lord? What should be our prayer?

Our prayer for you is this: That your practice will enable you to provide for your needs and the needs of your family, and that it will be stimulating and challenging so that you may use the rich talents God has given you.

Beyond this, however, our prayer is for your true success. Jesus Christ, true God and true man, has redeemed you by His blood and showed you the path of true salvation, the way of perfect love. Even today He stands ready to embrace you, His arms spread wide upon the Cross. Do not refuse His embrace. Do not turn away from Him, for *He* is your true success!

As you embark upon your vocation as a lawyer, we pray that God, the Most Holy Trinity, the Father, the Son and the Holy Spirit, will bless you and give you the grace for all these things. May you seek justice for your clients as you work for the common good. May you counsel them in wisdom so that they may come to know the truth and respect the rights of others. May you act in

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<sup>24</sup> Acts 13:44–52 (New American).

<sup>25</sup> John 14:14 (New American).

love so that the dignity of every human person is recognized and upheld. May you be willing to make the sacrifices that will be required of you. May you embrace your true success. May you embrace the Cross. Amen.

