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## Finding and Incorporating Spirituality in the Work of the Clinic

Ana M. Novoa

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# Finding and Incorporating Spirituality in the Work of the Clinic

Ana M. Novoa

## I. Introduction

The basis of Catholic social theory begins with Scripture,<sup>1</sup> where it is found in the Old Testament, and is a major theme of the New Testament.<sup>2</sup> Additionally, throughout the centuries since the death of Christ,<sup>3</sup> it has been demonstrated by the actions and writings of a number of saints,<sup>4</sup> and more formally explained by the Church in the encyclicals of the last few centuries.<sup>5</sup> Catholic social teaching (CST)<sup>6</sup> explores the basic social and spiritual position of the Church by converting theory to proposals for action; it moves the living Church to develop practices that put the theory into action; and it ignites in the

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Professor of Law, St. Mary's University School of Law. I wish to thank Carolyn Skogman for her assistance and support, her energy, her wonderful skills, and her well centered spirit.

<sup>1</sup> POPE JOHN PAUL II, CENTESIMUS ANNUS ¶ 5 (1991) (suggesting "there can be no genuine solution of the 'social question' apart from the Gospel").

<sup>2</sup> See NATIONAL CONF. OF CATHOLIC BISHOPS, ECONOMIC JUSTICE FOR ALL: PASTORAL LETTER ON CATHOLIC SOCIAL TEACHING AND THE U.S. ECONOMY ¶ 8 (1986) [hereinafter ECONOMIC JUSTICE FOR ALL], which reads:

The life and words of Jesus and the teaching of his Church call us to serve those in need and to work actively for social and economic justice. As a community of believers, we know that our faith is tested by the quality of justice among us, that we can best measure our life together by how the poor and the vulnerable are treated.

*Id.*

<sup>3</sup> POPE JOHN XXIII, MATER ET MAGISTRA ¶ 159 (1961) ("The Church has always emphasized that this obligation of helping those who are in misery and want should be felt most strongly by Catholics, in view of the fact that they are members of the Mystical Body of Christ.").

<sup>4</sup> Including, for example: Our lady of Guadalupe, Saint Francis of Assisi, Vincent de Paul, Francis of Salles, John Bosco, Martin of Tours, Pius X, Anthony of Padua, John of God, Giles, Martin de Porres, and Saint Damien.

<sup>5</sup> Beginning with Pope Leo XII's *Rerum Novarum*. See POPE LEO XII, RERUM NOVARUM (1891).

<sup>6</sup> CST is often used interchangeably with Catholic social thought.

faithful an understanding of—and desire for—a life based on the principles expounded:

[The] mission of truth is something that the Church can never renounce. Her social doctrine is a particular dimension of this proclamation: it is a service to the truth which sets us free. Open to the truth, from whichever branch of knowledge it comes, the Church's social doctrine receives it, assembles into a unity the fragments in which it is often found, and mediates it within the constantly changing life-patterns of the society of peoples and nations.<sup>7</sup> Catholic social teaching gives us guideposts for the ways in which we live our lives, for the ways in which we interact with each other, with society, and government. The encyclicals are particularly directed at the practice of virtue and social justice (which has not changed) within the context of the current global dynamic.<sup>8</sup>

This paper purports to examine how Catholic law schools might incorporate Catholic social teaching in clinical programs, through an examination of what is expected of us as lawyers, members of the Church, and followers of Christ.<sup>9</sup> It further explores specific application through an examination of what St. Mary's University does within its clinical program, as well as what professors and clinicians could change or improve within the clinic.<sup>10</sup>

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<sup>7</sup> POPE BENEDICT XVI, *CARITAS IN VERITATE* ¶ 9 (2009). See *John* 8:32 (New Am.) (“If you remain in [Jesus'] word, you will truly be [His] disciples, and you will know the truth, and the truth will set you free.”).

<sup>8</sup> See *CARITAS IN VERITATE*, *supra* note 7, ¶ 9 (citing PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, *COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CHURCH* ¶ 76 (2005)), which reads:

[The Church] does, however, have a mission of truth to accomplish, in every time and circumstance. . . Without truth, it is easy to fall into an empiricist and sceptical [sic.] view of life, incapable of rising to the level of praxis because of a lack of interest in grasping the values—sometimes even the meanings—with which to judge and direct it. . . [T]he Church searches for truth, proclaims it tirelessly and recognizes it wherever it is manifested. . . Open to the truth, from whichever branch of knowledge it comes, the Church's social doctrine receives it, assembles into a unity the fragments in which it is often found, and mediates it within the constantly changing life-patterns of the society of peoples and nations.

*Id.*

<sup>9</sup> SYNOD OF THE BISHOPS, *JUSTITIA IN MUNDO* ¶ 6 (1971), available at [http://www.osjspm.org/majordoc\\_justicia\\_in\\_mundo\\_offical\\_test.aspx](http://www.osjspm.org/majordoc_justicia_in_mundo_offical_test.aspx) (“Action on behalf of justice and participation in the transformation of the world fully appear to us as a constitutive dimension of the preaching of the Gospel, or in other words, of the Church's mission . . .”).

<sup>10</sup> As such, it is in a way an examination of conscious. I have directed the clinical program for about ten years, and as I write this I must ask myself what have I done to make our clinical program truly Catholic, what have I failed to do, and what should I do in the future to make it Catholic? Is our clinic a place where students, staff and faculty can encounter God?

Catholic social teaching can be understood and experienced as a natural outgrowth of God-centered living, in which case Catholic social theory would be embraced as part of the responsibility of choosing to live life in a God-centered prayerful way.<sup>11</sup>

The celebration of the Eucharist should thus increase our love for one another and remind us of our responsibilities toward one another. Furthermore, as members of the Mystical Body, we have a duty to represent Christ and to bring Christ to the world. We have a responsibility to share the Good News of Christ not only by our words but also by how we live our lives. We also have a responsibility to work against all the forces in our world that oppose the Gospel, including all forms of injustice.<sup>12</sup>

However, it is clear that many people could and do engage in the activities suggested by CST from a political or moral or philosophical perspective without regard for the Church, the Gospel, or God. Consequently, an analysis of the practices suggested by CST, undertaken for the purpose of following our Catholic mission, must include consideration of why or how any set of activities are—or can be—distinguished as Catholic (or Christian) in nature. My conclusions are that, more often than not, the difference is in the intent and nature of the commitment out of which the activities spring, rather than in the method of execution, and that the practice of Catholic social teaching—as compared to a political conviction—comes from deliberate and intentional God-centered behavior. I use “God-centered” to mean behavior that recognizes the ever presence of our loving God;<sup>13</sup> behavior that recognizes the mystery of the Mystical

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<sup>11</sup> “The most important setting for the Church’s social teaching is not in a food pantry or in a legislative committee room, but in prayer and worship.” STATEMENT OF THE U.S. CATHOLIC BISHOPS, COMMUNITIES OF SALT AND LIGHT: REFLECTIONS ON THE SOCIAL MISSION OF THE PARISH, *THE SOCIAL MISSION OF THE PARISH: A FRAMEWORK OF INTEGRATION* (Jan. 1996), available at <http://www.usccb.org/sdwp/saltandlight.shtml#integration>.

<sup>12</sup> UNITED STATES CONF. OF CATHOLIC BISHOPS (USCCB), *THE REAL PRESENCE OF JESUS CHRIST IN THE SACRAMENT OF THE EUCHARIST: BASIC QUESTIONS AND ANSWERS* ¶ 14 (June 15, 2001) [hereinafter *REAL PRESENCE OF JESUS CHRIST*].

<sup>13</sup> *Deuteronomy* 7:9 (New Am.) (“Understand, then, that the LORD, your God, is God indeed, the faithful God who keeps his merciful covenant down to the thousandth generation toward those who love him and keep his commandments. . .”); *Psalms* 136:23-26 (New Am.) (“The LORD remembered us in our misery, God’s love endures forever; Freed us from our foes, God’s love endures forever; And gives food to all flesh, God’s love endures forever. Praise the God of heaven, God’s love endures forever.”); *CARITAS IN VERITATE*, *supra* note 7, ¶ 2 (“Charity is at the heart of the Church’s social doctrine. Every responsibility and every commitment spelt out by that doctrine is derived from charity. . .”).

Body of Christ<sup>14</sup> and how the Body of Christ is intrinsically related to the mystery and recognition of the Real Presence in the Eucharist;<sup>15</sup> behavior that understands Saint John's admonition: How can you say that you love God who you do not see unless you love your brothers who you do see;<sup>16</sup> and behavior that understands the responsibility of membership in the church as expressed by the gospel literally and seriously.<sup>17</sup>

The presentation or teaching of CST in clinical programs could and perhaps should be very different from the way in which it is incorporated or taught in other doctrinal courses. Certainly, any of the methods used in any law school class could be employed in the classroom component of a clinical class.<sup>18</sup> However, clinical education by its nature is very different from other doctrinal courses. Clinical education is most often accomplished with a one-to-one ratio; it uses an experiential method,<sup>19</sup> as opposed to a Socratic or lecture or even vibrant class participatory method; it incorporates the frequent practice and execution of a variety of lawyering skills; and it extrapolates legal theory

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<sup>14</sup> See *I Corinthians* 12:12-14 (New Am.), which reads:

As a body is one though it has many parts, and all the parts of the body, though many, are one body, so also is Christ. For in one Spirit we were all baptized into one body, whether Jews or Greeks, slaves or free persons, and we were all given to drink of one Spirit. Now the body is not a single part, but many.

*Id.*;

For as in one body we have many parts, and all the parts do not have the same function, so we . . . are one body in Christ and individually parts of one another. Since we have gifts that differ according to the grace given to us, let us exercise them . . .

*Romans* 12:4-6 (New Am.).

See generally, POPE PIUS XII, *MYSTICI CORPORIS CHRISTI* (1943); *REAL PRESENCE OF JESUS CHRIST*, *supra* note 12.

<sup>15</sup> "The Mystical Body of Christ and the eucharistic Body of Christ are inseparably linked." *REAL PRESENCE OF JESUS CHRIST*, *supra* note 12, ¶ 14.

<sup>16</sup> See *1 John* 4:20-21 (New Am.) ("If anyone says, 'I love God,' but hates his brother, he is a liar; for whoever does not love a brother whom he has seen cannot love God whom he has not seen. This is the commandment we have from him: whoever loves God must also love his brother."). Of course God-centered behavior reflects our intentions rather than our outcomes.

<sup>17</sup> See *Matthew* 25:40 (New Am.) ("And the king will say to them in reply, 'Amen, I say to you, whatever you did for one of these least brothers of mine, you did for me.'").

<sup>18</sup> All clinical courses are required to include a classroom component of some sort. ABA, *2009-2010 ABA Standards for Approval of Law Schools*, ABA Sec. of Legal Educ. and Admissions to the Bar, Interpretation 304.3(e) (2009).

<sup>19</sup> ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION* 121 (2007) ("Experiential education integrates theory and practice by combining academic inquiry with actual experience.").

from the practice of law,<sup>20</sup> rather than hinting at legal practice by extrapolating legal theory from reported cases.

Most live-client clinical programs, like the programs at St. Mary's, utilize faculty supervisors to teach representation of individuals whose income falls below the federal poverty guidelines.<sup>21</sup> At St. Mary's we have three clinical courses that are not unlike clinical programs at other law schools: (1) The Immigration and Human Rights Clinic<sup>22</sup> works primarily with removal cases which include claims of asylum, relief under the provisions of the Violence Against Women Act,<sup>23</sup> and applications for T visas (for trafficking victims)<sup>24</sup> and U visas (for victims of violent crimes);<sup>25</sup> (2) The Criminal Justice Clinic represents individuals charged with low-grade felonies and misdemeanors, petitions associated with innocence claims, and representation of juveniles;<sup>26</sup> (3) The Civil Justice Clinic represents the street homeless in

<sup>20</sup> See *id.* at 166-67, 171-73.

<sup>21</sup> See *id.* at 178-79.

<sup>22</sup> See POPE JOHN XXIII, *PACEM IN TERRIS* ¶ 25 (1963) (describing the Church's view on human rights); POPE JOHN PAUL II, *WORLD MIGRATION DAY* ¶ 5 (2000) ("In the light of this Revelation, the Church, Mother and Teacher, works so that every person's dignity is respected, the immigrant is welcomed as a brother or sister, and all humanity forms a united family which knows how to appreciate with discernment the different cultures which comprise it.").

We call upon all people of good will, but Catholics especially, to welcome the newcomers in their neighborhoods and schools, in their places of work and worship, with heartfelt hospitality, openness, and eagerness both to help and to learn from our brothers and sisters of whatever religion, ethnicity, or background.

USCCB, *WELCOMING THE STRANGER AMONG US: UNITY IN DIVERSITY*, (Nov. 15, 2000), available at <http://www.usccb.org/mrs/unity.shtml>.

<sup>23</sup> INA § 240A(b)(2). In addition to relief for undocumented victims of domestic violence, the Immigration and Naturalization Act added a strict removal ground for noncitizens convicted of violent crimes including domestic violence or acts in violation of protection orders. *Id.* See Violence Against Women and Department of Justice Reauthorization Act of 2005, H.R. 3402. The International Marriage Brokers Regulation Act of 2005, (IMBRA), was enacted as part of the Violence Against Women Act reauthorization to help combat abuse associated with mail-order brides.

<sup>24</sup> INA § 101(a)(15)(T); 8 U.S.C. § 1101(a)(15)(T). See POPE JOHN PAUL II, *EVANGELIUM VITAE* ¶ 105 (1995) (offering a prayer for those who fall victim to those who threaten human life). "The Gospel of Life is at the heart of Jesus' message." *Id.* ¶ 1. "O Mary, bright dawn of the new world, Mother of the living, to you do we entrust the cause of life[.] Look down, O Mother, upon. . .the poor whose lives are made difficult, of men and women who are victims of brutal violence. . ." *Id.* ¶ 105.

<sup>25</sup> INA § 101(a)(15)(U), 8 U.S.C. § 1101(a)(15)(U).

<sup>26</sup> USCCB, *RESPONSIBILITY, REHABILITATION, AND RESTORATION: A CATHOLIC PERSPECTIVE ON CRIME AND CRIMINAL JUSTICE* (Nov. 15, 2000), available at <http://www.usccb.org/sdwp/criminal.shtml>.

many areas including Social Security disability claims, most of which are based on mental disability. The Civil Justice Clinic also represents victims of violent crimes in family cases,<sup>27</sup> identity theft and recovery, and any other civil matters that arise out of violence. Recently, the Civil Justice Clinic began representing victims of consumer fraud who are very poor; and persons who are undocumented in civil cases.<sup>28</sup> Clearly the work of our clinics—like many others—reflect the major themes of Catholic social theory,<sup>29</sup> and many times Dignity of the Human Person, Economic Justice, and the Common Good are all incorporated into any one case. The all-encompassing theme of the clinics at St. Mary's, like that of most law school clinics, is the practice of the option for the poor.

Saint Mary's University is one of three Marianist universities in the United States.<sup>30</sup> It has been very deliberate and successful in maintaining its Marianist charism. Over twenty years ago, St. Mary's instituted the "Marianist Forum," a voluntary group of religious and lay employees specifically tasked with promoting the Marianist charism within the University. Nine years ago the new position of

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The commandments, in particular the negative moral precepts, are the beginning and the first necessary stage of the journey towards freedom. As Saint Augustine writes, "the beginning of freedom is to be free from crimes . . . like murder, adultery, fornication, theft, fraud, sacrilege and so forth. Only when one stops committing these crimes (and no Christian should commit them), one begins to lift up one's head towards freedom. But this is only the beginning of freedom, not perfect freedom."

EVANGELIUM VITAE, *supra* note 24, ¶ 75.

<sup>27</sup> See EVANGELIUM VITAE, *supra* note 24, ¶ 105 (addressing the pains of victims of violent acts, offering prayers on their behalf, and recognizing that the message of the Gospel calls Christ's followers to oppose these acts of violence). Through the Civil Justice Clinic, we respond to Pope John Paul II's admonition.

<sup>28</sup> See CENTESIMUS ANNUS, *supra* note 1, ¶ 10:

When there is question of defending the rights of individuals, the defenseless and the poor have a claim to special consideration. The richer class has many ways of shielding itself, and stands less in need of help from the State; whereas the mass of the poor have no resources of their own to fall back on.

Currently, legal services groups who receive LSC funds are prohibited from representing persons who are undocumented unless the representation is necessary to protect them from violence. As a result, many persons in south Texas whose immigration status is unclear are ineligible for representation in most civil matters.

<sup>29</sup> For a summary of many of the themes from the papal documents, see USCCB, SHARING CATHOLIC SOCIAL TEACHING: CHALLENGES AND DIRECTIONS (1997), available at <http://www.usccb.org/sdwp/projects/socialteaching/contents.shtml>. This summary identifies the following seven major themes: Life and Dignity of the Human Person; Call to Family, Community, and Participation; Rights and Responsibilities; Option for the Poor and Vulnerable; The Dignity of Work and the Rights of Workers; Solidarity; and Care for God's Creation.

<sup>30</sup> The others are Chaminade University of Honolulu and University of Dayton.

Vice-President for Mission and Identity was established in order to institutionalize the goals of the forum. New members of the faculty are required to attend a yearlong orientation program that covers many of the programs and institutions within the St. Mary's community. Saint Mary's clearly makes a deliberate effort to nurture a Catholic, Marianist atmosphere on campus. Of course, as one would expect, whenever the topic of the Catholic or Marianist mission, or the school's commitment to social justice is publically raised, the Center for Legal and Social Justice is one of the highlighted programs, as well it should be.<sup>31</sup> Our clinical program is, after all, Catholic social teaching on the ground, in action, and is part of the movement of the curbing of injustice, which, according to Pope John Paul II, has been spurred by the social Magisterium (teaching authority of the Catholic Church).<sup>32</sup> Nonetheless, the question for administrators is the following: in what way is our clinical program any different from the program at any of the many secular schools? Do we not all serve the poor; do we not all strive to teach our students good, ethical, client-centered practice?<sup>33</sup>

## II. The Apostolic Mission

As the Body of Christ, we are charged with the mission of promoting justice,<sup>34</sup> and in doing so, we exhibit the life and teachings of Christ.<sup>35</sup>

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<sup>31</sup> The "CLSJ" is housed in its own building and includes all of the clinics and the pro bono program.

<sup>32</sup> See CENTESIMUS ANNUS, *supra* note 1, ¶ 3, which reads:

Acting either as individuals or joined together in various groups, associations and organizations, these people represent a *great movement for the defence of the human person* and the safeguarding of human dignity. Amid changing historical circumstances, this movement has contributed to the building up of a more just society or at least to the curbing of injustice.

*Id.*

<sup>33</sup> See generally Robert D. Dinerstein, *Client-Centered Counseling: Reappraisal and Refinement*, 32 ARIZ. L. REV. 501 (1990) (defining client-centered practices).

<sup>34</sup> See *Matthew 23:23* (New Am.) ("Woe to you, scribes and Pharisees, you hypocrites. You pay tithes of mint and dill and cummin, and have neglected the weightier things of the law: judgment and mercy and fidelity."); *Proverbs 29:7* (New Am.) ("The just man has a care for the rights of the poor, but the wicked man has no such concern.")

When we fight poverty and oppose the unfair conditions of the present, we are not just promoting human well-being; we are also furthering man's spiritual and moral development, and hence we are benefiting the whole human race. For peace is not simply the absence of warfare, based on a precarious balance of power; it is fashioned by efforts directed day after day toward the establishment of the ordered universe willed by God, with a more perfect form of justice among men.

POPE PAUL VI, POPULORUM PROGRESSIO ¶ 76 (1967).

<sup>35</sup> See ECONOMIC JUSTICE FOR ALL, *supra* note 2, ¶ 8.



Pope Paul VI, in *Ecclesiam Suam*, characterized the salvation story as a dialogue between Father, Son and Holy Spirit, giving life to a continuous dynamic dialogue of love to which we are invited. The salvation dialogue of Christ's life is manifested in Catholic social teaching. As such, it should be incorporated into the life of a Catholic law school<sup>36</sup> and in a special way into its clinical program. Clinical teaching calls for justice, and in seeking the gift of justice we can participate in the apostolic mission of the Church described by Pope Paul VI. He noted that the Body of Christ possesses "a state of mind which we intend to communicate to others and to foster in all our neighbors."<sup>37</sup> As members of the Body of Christ we should develop "the burden of the apostolic mandate . . . [and] strive constantly to put the message of which [we are] custodian into the mainstream of human discourse"<sup>38</sup> and human action.<sup>39</sup>

Many years ago, feeling the "burden" of the apostolic mission, I dreamed of becoming a theologian. My path, guided as my whole life has been, by the Holy Spirit, led me to law instead. Clearly it was the right path; from the moment I attended my first law school class, I knew that I loved the law, thinking about the law, considering the interplay, the complexity, the simplicity, the internal logic—and even the twisted self-perpetuating, inbred, invisible, preference for power and property.<sup>40</sup> I have never regretted this path, although there were times when I thought wistfully about theology. I am much wiser today and much more self and God-aware. I know that I can easily lose myself in intellectual maneuvering, intricacies, and surprises found in the history and philosophy of the law. Had I been a theologian I might have similarly lost myself in the study of God, the philosophy, the complexity, the simplicity of God's nature; or the richness of scripture, the arguments about language and context. And in doing that, I might

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<sup>36</sup> See Barbara B. Aldave, *Symposium on Religiously Affiliated Law Schools: The Reality of a Catholic Law School* 78 MARQ. L. REV. 291, 294-95 (1995) (describing the life of attending a Catholic law school).

<sup>37</sup> POPE PAUL VI, *ECCLESIAM SUAM* ¶ 80 (1964).

<sup>38</sup> *Id.*

<sup>39</sup> See CENTESIMUS ANNUS, *supra* note 1, ¶ 54 (emphases in original), which reads:

Thus the Church's *social teaching* is itself a valid *instrument of evangelization*. As such, it proclaims God and his mystery of salvation in Christ to every human being, and for that very reason reveals man to himself. In this light, and only in this light, does it concern itself with everything else: the human rights of the individual. . . .

*Id.* (emphasis in original).

<sup>40</sup> See generally CHARLES A. BEARD, *AN ECONOMIC INTERPRETATION OF THE CONSTITUTION OF THE UNITED STATES* (1913) (detailing the history of the drafting of the Constitution, including the specific economic needs addressed, and identifying the privileged classes that influenced its language).

have lost God, lost the relationship, lost the spontaneity of prayer, lost the dependence, lost the humor, lost the joy of learning—not just with my brain—but also with my faith.

For me, teaching family law<sup>41</sup> is related to teaching clinic, in the same way that the study of theology is related to the practice of loving God. Clinic has kept me grounded in reality, kept me from being lost in my head and oblivious to the world around me. One of my colleagues, a classroom professor who has chosen to teach in clinic, says that clinic keeps her honest. Clinic carries, or can carry, the honesty of Truth in the practice of Charity.<sup>42</sup> There is no doubt that I personally would have been lost without involvement in clinic. If that is true for me, might it not also be true for some of our students? Might the students not also find the law seductive and demanding, and risk being completely enveloped if they are not consciously anchored in Christ?

The Catholic themes and perspectives of Dignity of the Human Person, Community, the Common Good, Option for the Poor, Rights and Responsibilities, and Economic Justice are easily translatable to the practice of law, to the theory of the practice of law, and to jurisprudence. As such, the Catholic themes can be woven into many of our law school courses. Given that clinical programs deal with the actual practice of advancing legal goals that mirror these themes, Catholic law schools should assure that Catholic social teaching is found in the lived experience of—and gives purpose to—their clinical programs.<sup>43</sup>

### III. Clothe Yourself in Virtue

In Ephesians, Saint Paul instructed every person to practice a life of virtue.<sup>44</sup> Becoming good at anything requires a commitment to the act

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<sup>41</sup> I can pick a handful of times when, in family law, I incorporate something about Church doctrine. For example, I incorporate the Catholic Church's teaching on marriage in a discussion of common law marriage. I hint at the difference between a social contract and the sacrament of marriage. An astute studious interested student will understand the concepts, and maybe sometime in the future think about them with some depth. But it is an intellectual exercise. How can it be transformed from words and thoughts to faith and prayer?

<sup>42</sup> See *CARITAS IN VERITATE*, *supra* note 7, ¶ 5. This doctrine is a service to charity, but its locus is truth. Truth preserves and expresses charity's power to liberate in the ever-changing events of history. It is at the same time the truth of faith and of reason, both in the distinction and also in the convergence of those two cognitive fields.

<sup>43</sup> *Id.* ¶¶ 1-7 (2009).

<sup>44</sup> See *Ephesians* 4:1-6 (New Am.), which reads:

I, then, a prisoner for the Lord, urge you to live in a manner worthy of the call you have received, with all humility and gentleness, with patience, bearing with one another through

or skill involved coupled with the consistent practice of that act or skill. Our regulatory and licensing organizations require, as do those of all professions, the regular engagement in continuing education.<sup>45</sup> The requirement stems—at least in part—from the recognition that attorneys cannot retain the necessary skill or knowledge without practice and exposure to renewed challenges on a regular basis. As professionals, we have a duty to all with whom we come in contact to be good competent attorneys.<sup>46</sup> The Church calls us to do even more.<sup>47</sup>

Just as we must engage in the reflective practice of teaching to be good teachers, we must also engage in the reflective practice of virtue to be good Christians. As James admonishes us, we cannot leave the gift of faith dormant, locked in a closet or stored in a vault.<sup>48</sup> Faith must be practiced to survive.<sup>49</sup> Jesus very clearly affirmed the necessity for exercising faith in the parable of the talents.<sup>50</sup> As Paul

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love, striving to preserve the unity of the spirit through the bond of peace: one body and one Spirit, as you were also called to the one hope of your call; one Lord, one faith, one baptism; one God and Father of all, who is over all and through all and in all.

*Id.*

<sup>45</sup> See ABA, *Summary of MCLE Jurisdiction Requirements*, <http://www.abanet.org/cle/mcleview.html> (last visited Oct. 19, 2009) (outlining specific continuing legal education (including ethics) annual requirements for each state).

<sup>46</sup> ANNOTATED MODEL RULES OF PROF'L CONDUCT, R. 1.1 (1983) ("A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.").

<sup>47</sup> See *Matthew* 5:16 (New Am.) ("Just so, your light must shine before others, that they may see your good deeds and glorify your heavenly Father."); *1 Timothy* 6:18 (New Am.) ("Tell them to do good, to be rich in good works, to be generous, ready to share. . . .").

<sup>48</sup> See *James* 2:24 (New Am.) ("See how a person is justified by works and not by faith alone.").

<sup>49</sup> See *James* 2:14-26 (New Am.), which reads:

What good is it, my brothers, if someone says he has faith but does not have works? Can that faith save him? If a brother or sister has nothing to wear and has no food for the day, and one of you says to them, 'Go in peace, keep warm, and eat well,' but you do not give them the necessities of the body, what good is it? So also faith of itself, if it does not have works, is dead. Indeed someone might say, 'You have faith and I have works.' Demonstrate your faith to me without works, and I will demonstrate my faith to you from my works. You believe that God is one. You do well. Even the demons believe that and tremble. . . . For just as a body without a spirit is dead, so also faith without works is dead.

*Id.* See also *James* 3:13 (New Am.) ("Who among you is wise and understanding? Let him show his works by a good life in the humility that comes from wisdom.").

<sup>50</sup> See *Matthew* 25:14-30 (New Am.), which reads:

It will be as when a man who was going on a journey called in his servants and entrusted his possessions to them. To one he gave five talents; to another, two; to a third, one—to

explained, we must exercise our faith through the virtues of humility, gentleness, justice, patience and love for one another.<sup>51</sup> The themes of CST are all anchored in these virtues. Consequently, to engage in Catholic social teaching as more than an intellectual exercise requires that we practice and nurture these virtues. It matters little whether we begin to carry out the themes and virtues of CST from a commitment to God, or from our own self-interest or political inclination.<sup>52</sup> What matters is that somewhere along our path we make a commitment to continue practicing virtue and working towards justice out of the love of God.<sup>53</sup>

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each according to his ability. . . Immediately the one who received five talents went and traded with them, and made another five. Likewise, the one who received two made another two. But the man who received one went off and dug a hole in the ground and buried his master's money. After. . . the master of those servants came back . . . [t]he one who had received five talents came forward bringing the additional five. He said, "Master, you gave me five talents. See, I have made five more." His master said to him, "Well done, my good and faithful servant. . . [Then] the one who had received two talents also came forward and said, 'Master, you gave me two talents. See, I have made two more.'" His master said to him, "Well done, my good and faithful servant. . . Then the one who had received the one talent came forward and said, 'Master, I knew you were a demanding person, harvesting where you did not plant and gathering where you did not scatter; so out of fear I went off and buried your talent in the ground. Here it is back.'" His master said to him in reply, "You wicked, lazy servant! So you knew that I harvest where I did not plant and gather where I did not scatter? Should you not then have put my money in the bank so that I could have got it back with interest on my return? Now then! Take the talent from him and give it to the one with ten."

*Id.*

<sup>51</sup> See *Ephesians* 4:1-6 (New Am.), which reads:

I, then, a prisoner for the Lord, urge you to live in a manner worthy of the call you have received, with all humility and gentleness, with patience, bearing with one another through love, striving to preserve the unity of the spirit through the bond of peace: one body and one Spirit, as you were also called to the one hope of your call; one Lord, one faith, one baptism; one God and Father of all, who is over all and through all and in all.

*Id.* See *Philippians* 2:1-4 (New Am.) (imitating Christ's humility):

If there is any encouragement in Christ, any solace in love, any participation in the Spirit, any compassion and mercy, complete my joy by being of the same mind, with the same love, united in heart, thinking one thing. Do nothing out of selfishness or out of vainglory; rather, humbly regard others as more important than yourselves, each looking out not for his own interests, but (also) everyone for those of others.

*Id.*

<sup>52</sup> See *Ephesians*, *supra* note 51.

<sup>53</sup> See *CARITAS IN VERITATE*, *supra* note 7, ¶ 6, which reads:

The *earthly city* is promoted not merely by relationships of rights and duties, but to an even greater and more fundamental extent by relationships of gratuitousness, mercy and communion. Charity always manifests God's love in human relationships as well, it gives theological and salvific value to all commitment for justice in the world.

Catholic social theory is clearly based on the understanding that we cannot love God without demonstrating love and respect for God's beloved children.<sup>54</sup> Love of God is nurtured and grows through frequent and constant prayer and frequent and constant practice of virtue and of the "good acts" that Saint Paul described above.<sup>55</sup> Throughout the Gospel, Jesus teaches us to embrace the practice of virtue. He teaches by example (by every miracle,<sup>56</sup> by his concern for the crowds,<sup>57</sup> for his friends,<sup>58</sup> for the outcasts, and even for the lawyers), through direct

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*Id.* (emphasis in original). Faith and love of God and neighbor (Charity) must be joined with the practice of Justice. "Our relationship to our neighbor is bound up with our relationship to God; our response to the love of God, saving us through Christ, is shown to be effective in his love and service of people." *JUSTICIA IN MUNDO*, *supra* note 9, ¶ 34. See SAINT TERESA OF AVILA, *THE WAY OF PERFECTION*, ch. 21 (Kieran Kavanaugh & Otilio Rodriguez trans., ICS Pub's, Study ed. 2000) (1946) ("As I say, it is most important—all important indeed—that they should begin well by making an earnest and most determined resolve not to halt until they reach their goal, whatever may come, whatever may happen to them, however hard they may have to labour. . . .").

<sup>54</sup> See *CENTESIMUS ANNUS*, *supra* note 1, ¶ 11, which reads:

[F]rom this point forward it will be necessary to keep in mind that the main thread and, in a certain sense, the guiding principle of . . . all of the Church's social doctrine, is a *correct view of the human person* and of his unique value . . . God has imprinted his own image and likeness on man conferring upon him an incomparable dignity.

*Id.* Cf. Genesis 1:26.

<sup>55</sup> See *supra* notes 48-49 and accompanying text.

<sup>56</sup> *Mark* 6:34 (New Am.) ("When he disembarked and saw the vast crowd, his heart was moved with pity for them, for they were like sheep without a shepherd; and he began to teach them many things.").

<sup>57</sup> See *Luke* 9:12-17 (New Am.), which reads:

As the day was drawing to a close, the Twelve approached him and said, 'Dismiss the crowd so that they can go to the surrounding villages . . . and find lodging . . . . He said to them, "Give them some food yourselves." They replied, "Five loaves and two fish are all we have . . . Now the men there numbered about five thousand. Then he said to his disciples, 'Have them sit down in groups of (about) fifty" . . . Then taking the five loaves and the two fish, and looking up to heaven, he said the blessing over them, broke them, and gave them to the disciples to set before the crowd. They all ate and were satisfied.

*Id.*

<sup>58</sup> See *John* 2:1-10 (New Am.), which reads:

On the third day there was a wedding . . . and the mother of Jesus was there. Jesus and his disciples were also invited to the wedding. When the wine ran short, the mother of Jesus said to him, "They have no wine." (And) Jesus said to her, "Woman, how does your concern affect me? My hour has not yet come." His mother said to the servers, "Do whatever he tells you." Now there were six stone water jars there for Jewish ceremonial washings, each holding twenty to thirty gallons. Jesus told them, "Fill the jars with water." So they filled them to the brim. . . . And when the headwaiter tasted the water that had become wine . . . the headwaiter called the bridegroom and said to him, "Everyone serves good wine first . . . but you have kept the good wine until now."

*Id.*

instruction (the beatitudes,<sup>59</sup> the last judgment admonition, that whatsoever you do to others you do to me;<sup>60</sup> love one another as I have loved you;<sup>61</sup> and love your neighbor as yourself).<sup>62</sup> Clinic teaches law students the habits that are necessary for good, competent, careful lawyering.<sup>63</sup> Clinic is certainly about providing excellent service to the community,

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<sup>59</sup> See *Matthew* 5:3-16 (New Am.), which reads:

Blessed are the poor in spirit, for theirs is the kingdom of heaven. Blessed are they who mourn, for they will be comforted. Blessed are the meek, for they will inherit the land. Blessed are they who hunger and thirst for righteousness, for they will be satisfied. Blessed are the merciful, for they will be shown mercy. Blessed are the clean of heart, for they will see God. Blessed are the peacemakers, for they will be called children of God. Blessed are they who are persecuted for the sake of righteousness, for theirs is the kingdom of heaven. Blessed are you when they insult you and persecute you and utter every kind of evil against you (falsely) because of me. Rejoice and be glad, for your reward will be great in heaven. Thus they persecuted the prophets who were before you. "You are the salt of the earth. But if salt loses its taste, with what can it be seasoned? It is no longer good for anything but to be thrown out and trampled underfoot. You are the light of the world. A city set on a mountain cannot be hidden. Nor do they light a lamp and then put it under a bushel basket; it is set on a lamp stand, where it gives light to all in the house. Just so, your light must shine before others, that they may see your good deeds and glorify your heavenly Father."

*Id.*

<sup>60</sup> See *Matthew* 25:40 (New Am.) ("And the king will say to them in reply, 'Amen, I say to you, whatever you did for one of these least brothers of mine, you did for me.'").

<sup>61</sup> See *John* 15:12 (New Am.) ("This is my commandment: love one another as I love you.").

<sup>62</sup> See *Matthew* 22:38-40 (New Am.), which reads:

He said to him, "You shall love the Lord, your God, with all your soul, and with all your mind. This is the greatest and the first commandment. The second is like it: You shall love your neighbor as yourself. The whole law and the prophets depend on these two commandments."

*Id.* See also *Mark* 12:29 (New Am.) ("Jesus replied, 'The first is this: Hear, O Israel! The Lord our God is Lord alone!'; *Luke* 10: 25-28 (New Am.), which reads:

There was a scholar of the law who stood up to test him and said, "Teacher, what must I do to inherit eternal life?" Jesus said to him, "What is written in the law? How do you read it?" He said in reply, "You shall love the Lord, your God, with all your heart, with all your being, with all your strength, and with all your mind, and your neighbor as yourself." He replied to him, "You have answered correctly; do this and you will live."

*Id.*; *Matthew* 7:12 (New Am.) ("Do to others whatever you would have them do to you. This is the law and the prophets.").

<sup>63</sup> See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 2.12 (on Institutional Stature and Credibility):

The provider's stature with the low income population is developed through legal assistance that is responsive to low income person's legal needs and that is successful in achieving lasting results on their behalf. . . . The provider should have established its presence in the communities it serves by effective outreach and by offering a range of assistance that is responsive to identified needs of low income persons.

*Id.*

but it is also about teaching specific, client-centered skills, forming excellent lawyering habits, and instilling the understanding and concern of the plight of the poor.<sup>64</sup> Through client-centered lawyering we give each of our students a good foundation in the practice of kindness, respect for the individual,<sup>65</sup> a thirst for justice, and the means to fight for justice. In other words, we give them the foundation for the practice of virtue. At St. Mary's, the clinics strive to include a reflective process by each student on how they will live their professional lives,<sup>66</sup> and for some students on how they will integrate their professional, religious, and private lives. We require the students to write reflections<sup>67</sup> on specific events,<sup>68</sup> and on additional events chosen by the student or directed by their supervisor. We do not, but could easily, incorporate a reference to CST as part of each reflection, to help them, without being overbearing, to make the connection between the practice of law and the practice of virtue. The students are free to determine whether they will build on the foundation we have provided, increase their skill, continue a commitment to social justice, and advance in their relationship with God. We clinicians could, however, make the connection between the work they do and the application to the Gospel message clearer.

#### IV. Option for the Poor

“Did not God choose those who are poor in the world to be rich in faith and heirs of the kingdom that he promised to those who love him?”<sup>69</sup>

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<sup>64</sup> ECONOMIC JUSTICE FOR ALL, *supra* note 2, ¶ 16. “As followers of Christ, we are challenged to make a fundamental “option for the poor” – to speak for the voiceless, to defend the defenseless, to assess life styles, policies, and social institutions in terms of their impact on the poor.” *Id.*

<sup>65</sup> ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION 170-71 (2007).

<sup>66</sup> *Id.* at 171-73.

<sup>67</sup> The use of reflection is one part of the “continuous circular four stage sequence” that constitutes the optimal experiential learning process: experience, reflection, theory, and application. *Id.* at 166.

<sup>68</sup> I require students to draft reflections on first client interviews, first negotiations, and first hearings.

<sup>69</sup> *See James 2:5* (New Am.)

My brothers, show no partiality as you adhere to the faith in our glorious Lord Jesus Christ. For if a man with gold rings on his fingers and in fine clothes comes into your assembly, and a poor person in shabby clothes also comes in, and you pay attention to the one wearing the fine clothes and say, ‘Sit here, please,’ while you say to the poor one, ‘Stand there,’ or ‘Sit at my feet,’ have you not made distinctions among yourselves and become judges with evil designs? Listen, my beloved brothers. Did not God choose those who are poor in the world to be rich in faith and heirs of the kingdom that he promised to those who love him? But you dishonored the poor person. Are not the rich oppressing you? And do they themselves not haul you off to

The law clearly incorporates a form of the Option for the Poor in its emphasis on pro bono work. Our most secular institutions recognize the need to be responsive to those who are poor and marginalized.<sup>70</sup> Every state has either a minimum pro bono requirement or suggestion, and/or required reporting.<sup>71</sup> National<sup>72</sup> and local<sup>73</sup> foundations and governmental agencies foster pro bono activity and fund legal services for the poor. For example, in Bexar County, Texas, the San Antonio Bar Association created the Community Justice Program whose theme is "Just Take One." The program hosts three events each month at which local attorneys are paired with pre-screened individuals seeking free legal services. District and appellate judges promote the program among major law firms and local bar associations. For each event, a law firm or legal entity is paired with approximately twenty scheduled clients. Volunteer lawyers are awarded CLE participatory credit for each case.

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court? Is it not they who blaspheme the noble name that was invoked over you? However, if you fulfill the royal law according to the scripture, 'You shall love your neighbor as yourself,' you are doing well. But if you show partiality, you commit sin, and are convicted by the law as transgressors. For whoever keeps the whole law, but falls short in one particular, has become guilty in respect to all of it.

*James 2:1-10 (New Am.).*

<sup>70</sup> See, e.g., Univ. of S. Cal., Law Commitment to Pub. Serv., <http://law.usc.edu/why/public/index.cfm> (last visited Oct. 14, 2009) ("USC encourages students to pursue careers in public interest, pro bono opportunities, and other public service beyond law school . . ."); Univ. of Tex. Sch. of Law, Clinical Educ. at UT Sch. of Law, <http://www.utexas.edu/law/academics/clinics/> (last visited Oct. 14, 2009) (providing an overview of the multiple clinical programs offered at the University of Texas, including—among others—The Actual Innocence Clinic, Children's Rights Clinic, Domestic Violence Clinic, Housing Clinic, Human Rights Clinic, and Immigration Clinic); Univ. of Virginia Sch. of Law Pub. Serv., <http://www.law.virginia.edu/html/publicserv/publicservice.htm> (last visited Oct. 14, 2009) ("[Two-hundred thirteen] students logged public service hours in" the 2008-09 school year.).

<sup>71</sup> See ABA Comm. on Pro Bono and Pub. Serv. and the Ctr. for Pro Bono, <http://www.abanet.org/legalservices/probono/stateethicsrules.html> (last visited Oct. 14, 2009) (indicating that all states require lawyers to render public legal service). Seven states require lawyers to report pro bono work and eleven states implement voluntary reporting policies. ABA Comm. on Pro Bono and Pub. Serv. and the Ctr. for Pro Bono, (2009) <http://www.abanet.org/legalservices/probono/reporting.html> (last visited Oct. 14, 2009).

<sup>72</sup> See Legal Servs. Corp., [www.lsc.gov](http://www.lsc.gov) (last visited Oct. 16, 2009) ("[P]romoting 'equal access to justice' and 'provid[ing] grants for high-quality civil legal assistance to low-income Americans.'").

<sup>73</sup> The Interest on Lawyers Trust Accounts (IOLTA) program is administered and operated in every state of the United States. See <http://www.iolta.org/grants> (last visited Oct. 16, 2009). The Texas IOLTA program is administered through the Texas Access to Justice Foundation. See Texas Access to Justice Foundation, [http://www.teajf.org/attorneys/what\\_is\\_iolta.aspx](http://www.teajf.org/attorneys/what_is_iolta.aspx) (last visited Oct. 16, 2009). The Texas Access to Justice Commission, the Texas Bar Foundation, and others also provide statewide support for legal services. See, e.g., Texas Access to Justice Commission, <http://www.texasatj.org> (last visited Oct. 19, 2009); Texas Bar Foundation, <http://www.txbf.org> (last visited Oct. 19, 2009).



Likewise, most major legal associations have instituted a program to foster pro bono services by its membership.<sup>74</sup> The Church specifically identified the option for the poor in the writings of Pope Pius XI,<sup>75</sup> Pope John XXIII,<sup>76</sup> Pope Paul VI,<sup>77</sup> Pope John Paul II,<sup>78</sup> Pope Benedict XVI,<sup>79</sup> Vatican Council II,<sup>80</sup> United States Catholic Bishops,<sup>81</sup> and the Synod of Bishops.<sup>82</sup> Additionally, the magisterium is replete with the experience of saints who gave everything to the poor and/or lived a life of services to the poor, the marginalized, and the outsiders. Unfortunately, our history is also full of just the opposite: church leaders who, like ancient religious leaders, were forcefully and consistently criticized by Jesus.<sup>83</sup>

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<sup>74</sup> See ABA Comm. on Pro Bono and Pub. Serv. and the Ctr. for Pro Bono, (2009) available at <http://www.abanet.org/legalservices/probono/standards.html> (enumerating the committee's recommended standards for pro bono programs).

<sup>75</sup> POPE PIUS XI, QUADRAGESIMO ANNO ¶ 25 (1931).

<sup>76</sup> MATER ET MAGISTRA, *supra* note 3, ¶¶ 38-39; PACEM IN TERRIS, *supra* note 22, ¶¶ 35-36.

<sup>77</sup> POPULORUM PROGRESSIO, *supra* note 34, ¶ 44 (1967); POPE PAUL VI, OCTOGESIMA ADVENIENS (1971).

<sup>78</sup> CENTESIMUS ANNUS, *supra* note 1, ¶ 58 (1991); POPE JOHN PAUL II, SOLLICITUDO REI SOCIALIS ¶ 39 (1987).

<sup>79</sup> POPE BENEDICT XVI, DEUS CARITAS EST ¶¶ 20-25 (2005); CARITAS IN VERITATE, *supra* note 7.

<sup>80</sup> POPE PAUL VI, GAUDIUM ET SPES ¶¶ 23-32 (1965).

<sup>81</sup> ECONOMIC JUSTICE FOR ALL, *supra* note 2.

<sup>82</sup> JUSTICIA IN MUNDO, *supra* note 9.

<sup>83</sup> See *Matthew* 15:5-9 (New Am.), which reads:

But you say, "Whoever says to father or mother, 'Any support you might have had from me is dedicated to God,' need not honor his father." You have nullified the word of God for the sake of your tradition. Hypocrites, well did Isaiah prophesy about you when he said: "This people honors me with their lips, but their hearts are far from me; in vain do they worship me, teaching as doctrines human precepts."

See *Luke* 11:43-54 (New Am.) (addressing pride, hypocrisy and callousness). "Woe to you Pharisees! You love the seat of honor in synagogues and greetings in marketplaces. Woe to you! You are like unseen graves over which people unknowingly walk." *Id.* at 11:43-44. "Woe to you, scholars of the law! You have taken away the key of knowledge. You yourselves did not enter and you stopped those trying to enter." *Id.* at 11:52; *Luke* 13:15 (New Am.) ("The Lord said to him in reply, 'Hypocrites! Does not each one of you on the sabbath untie his ox or his ass from the manger and lead it out for watering?'); *Matthew* 23:23 (New Am.) ("Woe to you, scribes and Pharisees, you hypocrites. You pay tithes of mint and dill and cummin, and have neglected the weightier things of the law: judgment and mercy and fidelity. [But] these you should have done, without neglecting the others."). See also *Matthew* 23:27-28 (New Am.) ("You are like whitewashed tombs, which appear beautiful on the outside, but inside are full of dead men's bones and every kind of filth. Even so, on the outside you appear righteous, but inside you are filled with hypocrisy and evildoing.").

The biblical authority for the Option for the Poor is well known and found in multiple sources, and is more direct and forceful than the writings of the Church.<sup>84</sup> There are many biblical references for the need to care for the poor and marginalized.<sup>85</sup> In the Old Testament admonitions exist concerning widows, orphans and aliens, along with the reminder that God hears the cry of the poor.<sup>86</sup> The New Testament is full of references, including the story of Lazarus and the rich man,<sup>87</sup> where the rich man was punished for his lack of concern even though

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<sup>84</sup> See ECONOMIC JUSTICE FOR ALL, *supra* note 2, ¶ 87, which reads:

As individuals and as a nation, therefore, we are called to make a fundamental "option for the poor." The obligation to evaluate social and economic activity from the viewpoint of the poor and the powerless arises from the radical command to love one's neighbor as one's self. Those who are marginalized and whose rights are denied have privileged claims if society is to provide justice for all. This obligation is deeply rooted in Christian belief.

*Id.*

<sup>85</sup> See *Exodus* 22:22-24 (New Am.), which reads:

If ever you wrong them and they cry out to me, I will surely hear their cry. My wrath will flare up, and I will kill you with the sword; then your own wives will be widows, and your children orphans. If you lend money to one of your poor neighbors among my people, you shall not act like an extortioner toward him by demanding interest from him.

See *Deuteronomy* 14:28-29 (New Am.), which reads:

At the end of every third year you shall bring out all the tithes of your produce for that year and deposit them in community stores, that the Levite who has no share in the heritage with you, and also the alien, the orphan and the widow who belong to your community, may come and eat their fill; so that the LORD, your God, may bless you in all that you undertake.

*Id.* See *id.* at 24:19 ("When you reap the harvest in your field and overlook a sheaf there, you shall not go back to get it; let it be for the alien, the orphan or the widow, that the LORD, your God, may bless you in all your undertakings."); *Isaiah* 1:17 (New Am.) ("[L]earn to do good. Make justice your aim: redress the wronged, hear the orphan's plea, defend the widow."); *Jeremiah* 7:6 (New Am.) ("[I]f you no longer oppress the resident alien, the orphan, and the widow; if you no longer shed innocent blood in this place, or follow strange gods to your own harm . . ."); *id.* at 22:3 (New Am.) ("Thus says the LORD: Do what is right and just Rescue the victim from the hand of his oppressor. Do not wrong or oppress the resident alien, the orphan, or the widow, and do not shed innocent blood in this place."); *Job* 34:28 (New Am.) ("But caused the cries of the poor to reach him, so that he heard the plea of the afflicted."); *James* 1:27 (New Am.) ("Religion that is pure and undefiled before God and the Father is this: to care for orphans and widows in their affliction and to keep oneself unstained by the world.").

<sup>86</sup> See *Job* 34:23, 28 (New Am.) ("For he forewarns no man of his time to come before God in judgment. . . . But caused the cries of the poor to reach him, so that he heard the plea of the afflicted.").

<sup>87</sup> See *Luke* 16:19-21 (New Am.) ("There was a rich man who dressed in purple garments and fine linen and dined sumptuously each day. And lying at his door was a poor man named Lazarus, covered with sores, who would gladly have eaten his fill of the scraps that fell from the rich man's table. Dogs even used to come and lick his sores.").

there is no evidence that he actually knew Lazarus personally.<sup>88</sup> What is clear is that the rich man knew, or should have known, about Lazarus' existence.<sup>89</sup> Additionally, Jesus provides us with the beatitudes,<sup>90</sup> with the instruction to the rich young man,<sup>91</sup> and of course, with his own example. Finally, there is the example of our own mother Mary whose public apparitions are always to the poor and powerless.<sup>92</sup> Why did Mary not appear to a bishop?<sup>93</sup>

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<sup>88</sup> See *Luke* 16:22-25 (New Am.), which reads:

When the poor man died, he was carried away by angels to the bosom of Abraham. The rich man also died and was buried, and from the netherworld, where he was in torment, he raised his eyes and saw Abraham far off and Lazarus at his side. And he cried out, "Father Abraham, have pity on me. Send Lazarus to dip the tip of his finger in water and cool my tongue, for I am suffering torment in these flames." Abraham replied, "My child, remember that you received what was good during your lifetime while Lazarus likewise received what was bad; but now he is comforted here, whereas you are tormented."

*Id.*

<sup>89</sup> *Id.*

<sup>90</sup> See *Matthew* 5:2-12 (New Am.), which reads:

He began to teach them, saying: "Blessed are the poor in spirit, for theirs is the kingdom of heaven. Blessed are they who mourn, for they will be comforted. Blessed are the meek, for they will inherit the land. Blessed are they who hunger and thirst for righteousness, for they will be satisfied. Blessed are the merciful, for they will be shown mercy. Blessed are the clean of heart, for they will see God. Blessed are the peacemakers, for they will be called children of God. Blessed are they who are persecuted for the sake of righteousness, for theirs is the kingdom of heaven. Blessed are you when they insult you and persecute you and utter every kind of evil against you (falsely) because of me. Rejoice and be glad, for your reward will be great in heaven."

*Id.*

<sup>91</sup> See *Matthew* 18:21 (New Am.) ("Then Peter approaching asked him, 'Lord, if my brother sins against me, how often must I forgive him? As many as seven times?'); *Luke* 18:20-25 (New Am.), which reads:

You know the commandments . . . . And he replied, "All of these I have observed from my youth." When Jesus heard this he said to him, "There is still one thing left for you: sell all that you have and distribute it to the poor, and you will have a treasure in heaven. Then come, follow me." But when he heard this he became quite sad, for he was very rich. Jesus looked at him (now sad) and said, "How hard it is for those who have wealth to enter the kingdom of God! For it is easier for a camel to pass through the eye of a needle than for a rich person to enter the kingdom of God."

*Id.*

<sup>92</sup> See, e.g., Manuela Testoni, *Our Lady of Guadalupe: History and Meaning of the Apparitions* 27-28 (Jordon Aumann trans., Alba House 2001) (Our Lady of Guadalupe); POPE PIUS XII, SAECULO EXEUNTE OCTAVO ¶ 52 (1940) ("And the Blessed Virgin Mary of the Rosary, who is venerated at Fatima and is the same great Mother of God who obtained a great victory at Lepanto, will be with you with her powerful protection."); POPE PIUS XII, LE PELERINAGE DE LOURDES ¶ 18 (1957).

<sup>93</sup> See Ana M. Novoa, *Lessons from La Morenita del Tepeyac*, 20 J.L. & RELIG. 267, 276-78, 282-83 (2004-05) (discussing the spiritual, religious, and political implications of Mary's decision to appear to Juan Diego rather than to the Bishop).

A few years ago a student asked, "What is so special about the poor?" However, the question that is answered by the gospel is not why the poor are special, but why we are instructed so forcefully to care for them.<sup>94</sup> Jesus very clearly instructed that the way to practice acts of love towards God is by engaging in acts of love for others.<sup>95</sup> Jesus professed that to love one's neighbor is to love God.<sup>96</sup> Through the beatitudes,<sup>97</sup> and through the example of a child,<sup>98</sup> Jesus taught that we must protect and accept the least powerful among us. Taking to heart the lesson of the final judgment,<sup>99</sup> that everyone must love and

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<sup>94</sup> See CENTESIMUS ANNUS, *supra* note 1, ¶ 28 (offering a positive approach on the opportunity the poor provides for humanity).

But it will be necessary above all to abandon a mentality in which the poor—as individuals and as peoples—are considered a burden, as irksome intruders trying to consume what others have produced. The poor ask for the right to share in enjoying material goods and to make good use of their capacity for work, thus creating a world that is more just and prosperous for all. The advancement of the poor constitutes a great opportunity for the moral, cultural and even economic growth of all humanity.

*Id.*

<sup>95</sup> *Matthew* 25:37-40 (New Am.).

Then the righteous will answer him and say, "Lord, when did we see you hungry and feed you, or thirsty and give you drink? When did we see you a stranger and welcome you, or naked and clothe you? When did we see you ill or in prison, and visit you?" And the king will say to them in reply, "Amen, I say to you, whatever you did for one of these least brothers of mine, you did for me."

*Id.*

<sup>96</sup> See *Matthew* 22:37-38 (New Am.) ("[L]ove the Lord, your God, with all your heart, with all your soul, and with all your mind. This is the greatest and the first commandment.").

<sup>97</sup> See *Matthew* 5:1-16 (New Am.) (providing the ethical requirements for followers of Christ and those who will enter the Kingdom of Heaven in Jesus' renowned Sermon on the Mount).

<sup>98</sup> *Matthew* 18:1-5 (New Am.).

At that time the disciples approached Jesus and said, "Who is the greatest in the kingdom of heaven?" He called a child over, placed it in their midst, and said, "[A]men, I say to you, unless you turn and become like children, you will not enter the kingdom of heaven. Whoever humbles himself like this child is the greatest in the kingdom of heaven. And whoever receives one child such as this in my name receives me.

*Id.* *Matthew* 19:13-14 (New Am.) ("Then children were brought to him that he might lay his hands on them and pray. The disciples rebuked them, but Jesus said, 'Let the children come to me, and do not prevent them; for the kingdom of heaven belongs to such as these.'"); *Mark* 10:13-15 (New Am.) ("And people were bringing children to him that he might touch them . . . Jesus . . . said to them, 'Let the children come to me . . . [W]hoever does not accept the kingdom of God like a child will not enter it.'").

<sup>99</sup> See *Mark* 16:16 (New Am.) ("Whoever believes and is baptized will be saved; whoever does not believe will be condemned.").

serve the naked, the hungry, the imprisoned—because each of these<sup>100</sup> is God-present to us—it seems clear that the call to serve the poor is the most direct way in which humankind can engage in loving God, and is, therefore, the direct path to an intimate relationship with God. Knowing human weakness, Jesus explained that we might naturally be kind and considerate to those who have power and wealth.<sup>101</sup> Justice is measured by how we treat our poorest citizens,<sup>102</sup> because kindness, love and respect for the poor and marginalized require a deliberate act of the will.

It is our own composite sinful nature,<sup>103</sup> which results in always having the poor with us, and serving the poor is our own individual path away from sinfulness and towards holiness.

Clinics all across the country primarily serve clients who fall below the poverty guidelines.<sup>104</sup> The connection between clinic and the option for the poor is the clearest aspect of clinic as the practice of Catholic social teaching. When the current clinical program at St. Mary's began, our mission was to serve the homeless. As the program grew, the clinical program added the other client populations indicated above.<sup>105</sup>

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<sup>100</sup> See POPE JOHN PAUL II, *ECCLESIA DE EUCHARISTA* ¶ 14 (2003). (“The Eucharistic Sacrifice makes present not only the mystery of the Saviour’s passion and death, but also the mystery of the resurrection . . . It is as the living and risen One that Christ can become in the Eucharist the ‘bread of life’ . . . the ‘living bread.’”).

<sup>101</sup> See *Matthew* 5:46 (New Am.) (“For if you love those who love you, what recompense will you have? Do not the tax collectors do the same?”).

<sup>102</sup> *ECONOMIC JUSTICE FOR ALL*, *supra* note 2, ¶ 123.

<sup>103</sup> See *Genesis* 3:16-19 (New Am.) (discussing the punishment with which humankind will eternally be afflicted).

To the woman he said: “I will intensify the pangs of your childbearing; in pain shall you bring forth children. Yet your urge shall be for your husband, and he shall be your master.” To the man he said: “Because you listened to your wife and ate from the tree of which I had forbidden you to eat, Cursed be the ground because of you! In toil shall you eat its yield all the days of your life. Thorns and thistles shall it bring forth to you, as you eat of the plants of the field. By the sweat of your face shall you get bread to eat, Until you return to the ground, from which you were taken; For you are dirt, and to dirt you shall return.”

*Id.* See *Romans* 5:12 (New Am.) (“Therefore, just as through one person sin entered the world, and through sin, death, and thus death came to all, inasmuch as all sinned.”); *Matthew* 26:11 (New Am.) (“The poor you will always have with you; but you will not always have me.”); *Mark* 14:7 (New Am.) (“The poor you will always have with you, and whenever you wish you can do good to them, but you will not always have me.”). See also *CARITAS IN VERITATE*, *supra* note 7, ¶¶ 34, 36.

<sup>104</sup> The poverty guidelines are updated periodically in the *Federal Register* by the United States Department of Health and Human Services under the authority of 42 U.S.C. § 9902(2).

<sup>105</sup> See *supra* notes 22-28 and accompanying text.

Shortly after becoming director, I instituted a program that shifted the clinics' representation of the homeless. What was once one paralegal at shelters conducting new client intake transformed into student pairs maintaining office hours for half a day at all of San Antonio's emergency shelters and day centers for the homeless. The change fostered two goals: (1) it provided the students more direct contact, and a better understanding of the homeless; and (2) it allowed St. Mary's to more effectively reach out to the street population, many of whom could never be served by an office-based law practice. The street homeless of today are the lepers of the time of Jesus; they are the dirty outcasts avoided by the general population. Yet, many students have learned to work with them in a respectful considerate way. The students have learned to relate to the street people as individuals, rather than as an undesired group. They have been so successful that in 2009, the Clinic won \$16,336 of continuing monthly benefits and \$341,175 in back pay for members of the street population. During that same period, the Clinic provided legal services in 538 cases for homeless clients.<sup>106</sup>

The Clinic's shift to serving the street population resulted in redefining itself and in recasting its vision: to primarily serve those who are not being served by other legal service groups in our geographic area. Our current client population provides the Clinic and students with a plethora of "teaching moments" regarding personal service to the poor, patience, solidarity, as well as other aspects of Catholic social teaching.<sup>107</sup>

## V. Human Dignity

Our legal system, based on the United States Constitution, purports to protect the rights of the individual—and through those protections—the dignity of each human being. As history also reflects, the application of those rights and freedoms to marginalized groups, especially people of color, has required extensive legal battles,<sup>108</sup> and a considerable body

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<sup>106</sup> Clinical Program Database, query of all homeless cases during 2009.

<sup>107</sup> One hopes that the clinical faculty grasps the opportunity offered; clearly, for many of our students, these mini lessons are self-taught.

<sup>108</sup> See Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241 (codified as amended in scattered sections of 2 U.S.C., 28 U.S.C., and 42 U.S.C. § 2000) (landmark legislation promulgated for the purpose of achieving equity for people of color and minority groups); *Grutter v. Bollinger*, 539 U.S. 306 (2003) (recognizing that the university's utilization of race as one of the deciding admission factors is not violative of the Equal Protection Clause of the Fourteenth Amendment). "[The Court] endorses Justice Powell's view in *Bakke* that student body diversity is a compelling state interest that

of scholarship which names and brings to consciousness the failure of the system of justice.<sup>109</sup>

Within the legal and business community there is an inherent understanding that we have a responsibility to society. In addition to pro bono work, most large firms expect lawyers to engage in civic involvement. Lawyers all over the country provide many hours of volunteer work for non-profit entities, churches, and the arts.

Once again, the teaching of the Church holds its people to a much higher standard than the law. John Paul advises that the duty to others “is not limited to one’s own family, nation or State, but extends progressively to all mankind, since no one can consider himself extraneous or indifferent to the lot of another member of the human family.”<sup>110</sup> Catholic social teaching particularly propounds the idea that each person is unique and is specifically, individually, and totally loved by God,<sup>111</sup> and is therefore deserving of the utmost respect: personally, economically, socially, and communally. Pope Pius XII wrote:

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can justify the use of race in university admissions.” *Id.* at 325. See *Bakke v. Regents of Univ. of Cal.*, 438 U.S. 265, 320 (1978) (finding state may consider racial and ethnic origin as a factor in admissions). “For this reason, so much of the California court’s judgment as enjoins petitioner from any consideration of the race of any applicant must be reversed.” *Id.* *Brown v. Bd. of Educ.*, 347 U.S. 483, 493 (1954) (“[S]egregation of children in public schools solely on the basis of race, even though the physical facilities and other tangible factors may be equal, deprives the children of the minority group of equal educational opportunities.”).

<sup>109</sup> See Kevin R. Johnson, “*Melting Pot*” or “*Ring of Fire*”? : *Assimilation and the Mexican-American Experience*, 85 CAL. L. REV. 1259 (1997) (discussing assimilation, barriers with which Latinos and Mexican-Americans are faced, and the complexities of ethnic relations in modern-day America); Margaret E. Montoya, *Máscaras, Trenzas, y Greñas: Un/masking the Self While Un/braiding Latina Stories and Legal Discourse*, 15 CHICANO-LATINO L. REV. 1, 2-26 (1994); Paulette M. Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 40 DUKE L.J. 365 (1991) (discussing the intersection of legal theory, social policy and racial and gender diversity). “Black women’s issues ‘slip through the cracks’ of legal protection, and the gender components of racism and the race components of sexism remain hidden.” *Id.* § II (C) (footnote omitted).

<sup>110</sup> CENTESIMUS ANNUS, *supra* note 1, ¶ 51.

<sup>111</sup> See *Matthew* 5:26, 28 (New Am.) (“Look at the birds in the sky; they do not sow or reap, they gather nothing into barns, yet your heavenly Father feeds them. Are not you more important than they? . . . Learn from the way the wild flowers grow. They do not work or spin.”); *Psalms* 139:2, 4, 13 (New Am.) (“[Y]ou know when I sit and stand; you understand my thoughts from afar. . . . Even before a word is on my tongue, LORD, you know it all. . . . You formed my inmost being; you knit me in my mother’s womb.”); DEUS CARITAS EST, *supra* note 79, ¶ 1 (reinforcing God’s image as one of love). God’s love for humankind is fundamental, concrete, sacred, ever-lasting, ever-present, forever and perfect. *Id.* ¶¶ 1-4.

But, corresponding to this love of God and of Christ, there must be love of the neighbor. How can we claim to love the Divine Redeemer, if we hate those whom He has redeemed with His precious blood, so that He might make them members of His Mystical Body? . . . Rather it should be said that the more we become [one] and [care for one another] the closer we shall be united with God and with Christ . . . the more ardent the love that binds us to God . . . the closer we shall be united to each other in the bonds of charity.<sup>112</sup>

The gospel message on the dignity and worth of the human person is so strong, and it so clearly demands a radical change in our lives, that from a practical perspective, it seems to be glossed over within the local Church.<sup>113</sup> For whatever reason, my experience or perception is that it is not directly, fully and forcefully taught or practiced.<sup>114</sup> On the other hand, there is no question that the dignity of every person is clearly included in papal documents. Pope John Paul II tells us that "Love for others, and in the first place love for the poor, in whom the Church sees *Christ himself* is made concrete in the promotion of justice."<sup>115</sup> And yet the language of the last judgment found in the twenty-fifth chapter of the gospel of Matthew is much stronger. Did Jesus say that feeding the hungry is like feeding him? Both the condemned and the saved asked: When did we do this to you? And Jesus' response for both was: "[W]hatever you did for one of these least brothers of mine, you did for me."<sup>116</sup>

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<sup>112</sup> *MYSTICI CORPORIS CHRISTI*, *supra* note 14, ¶ 74.

<sup>113</sup> The clinical program at St. Mary's has worked with the homeless for almost twenty years. Several churches located in the inner city area where the street people congregate have historically served the homeless. The Catholic church, of which there are several in "downtown," is conspicuously absent. The Methodist Church is clearly in the forefront.

<sup>114</sup> For several years I was one of the leaders of the Peace and Justice committee (also called the Social Concerns committee) in my church. It has, in my experience, always been one of the smallest committees.

<sup>115</sup> *CENTESIMUS ANNUS*, *supra* note 1, ¶ 58 (emphasis added):

Love for others, and in the first place love for the poor, in whom the Church sees Christ himself, is made concrete in the *promotion of justice*. Justice will never be fully attained unless people see in the poor person, who is asking for help in order to survive, not an annoyance or a burden, but an opportunity for showing kindness and a chance for greater enrichment. Only such an awareness can give the courage needed to face the risk and the change involved in every authentic attempt to come to the aid of another. It is not merely a matter of "giving from one's surplus", but of helping entire peoples which are presently excluded or marginalized to enter into the sphere of economic and human development.

*Id.*

<sup>116</sup> See *Matthew* 25:40, 45 (New Am.) ("And the king will say to them in reply, 'Amen, I say to you, whatever you did for one of these least brothers of mine, you did for me' . . . He will answer them, 'Amen, I say to you, what you did not do for one of these least ones, you did not do for me.'").



The gospel calls us to treat each other with the same individual dignity and respect that we recognize as being owed to God,<sup>117</sup> the same dignity, respect and reverence that we have been taught to show for the Eucharist.<sup>118</sup> It is also (or should be) clear that the love and respect that we should have for one another does not have to be earned.<sup>119</sup> Our love and respect for one another should be a necessary and natural outpouring of our love for God, and should not be conditioned on the status, or behavior, or apparent worth or lack of worth of those around us. Our internal measure of our own love for God should not be the reverence we show in Church, but the patience and kindness we show at work, at home, on the street, in our cars.<sup>120</sup>

The mystical body “through the Word incarnate, made brothers according to the flesh of the only-begotten Son of God . . . receive[s] also the power to become the sons of God.”<sup>121</sup>

Every year there is a recurring theme at the Clinic. Usually during the second semester, students begin to complain about their “unworthy

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<sup>117</sup> NAT. CONF. OF CATHOLIC BISHOPS, *THE CHALLENGE OF PEACE: GOD’S PROMISE AND OUR RESPONSE, A PASTORAL LETTER ON WAR AND PEACE* ¶ 15 (1983).

The human person is the clearest reflection of God’s presence in the world.; all of the Church’s work in pursuit of both justice and peace is designed to protect and promote the dignity of every person. For each person not only reflects God, but is the expression of God’s creative work and the meaning of Christ’s redemptive ministry.

*Id.*

<sup>118</sup> Just as our One God is beyond understanding Three Persons, so God has, beyond understanding, united us as one with the one Christ, who, beyond understanding, is really and fully present in the Eucharist.

The fact that the one Eucharist is celebrated in each Diocese around its own Bishop helps us to see how those particular Churches subsist *in* and *ex Ecclesia*. Indeed, “the oneness and indivisibility of the eucharistic body of the Lord implies the oneness of his mystical body, which is the one and indivisible Church.”

POPE BENEDICT XVI, *SACRAMENTUM CARITATIS* ¶ 15 (2007).

<sup>119</sup> *JUSTITIA IN MUNDO*, *supra* note 9, ¶ 34. (“[E]very person is truly a visible image of the invisible God . . .”).

<sup>120</sup> It is easy to be reverent in Church, not so easy to be respectful and kind to those that get on our nerves. We should take heart in remembering that we are called to strive for perfection, not to be perfect.

<sup>121</sup> *See John 1:12-14* (New Am.), which reads:

But to those who did accept him he gave power to become children of God, to those who believe in his name, who were born not by natural generation nor by human choice nor by a man’s decision but of God. And the Word became flesh and made his dwelling among us, and we saw his glory, the glory as of the Father’s only Son, full of grace and truth.

*Id.*

clients." The unworthy client is usually one who is exceptionally hard to find, or who is perceived by the student to have lied to her (him), or who does not follow our advice, who is not appreciative, etc. Teaching continued respect for, and kindness to the "unworthy client," is always challenging. We teach the precept that "we take our client as we find him." From the perspective of professional responsibility, we rely on the rule of ethics of zealous representation,<sup>122</sup> and on the courts' rules on withdrawal from an ongoing case.<sup>123</sup> In teaching good practice, we cover cultural competence, especially the idea that a difference in culture can easily result in a failure of communication.<sup>124</sup> Students are usually unaware that they experience cultural practices as if they were universal human practices. We use simple differences in language to demonstrate differences in cultural perspectives. Nonetheless, it never seems that these are enough. Perhaps we should communicate John Paul II's instruction that a "*correct view of the human person and of his unique value*" is based on the knowledge that "God has imprinted his own image and likeness on [us] . . . conferring upon [us] an incomparable dignity . . . which do not correspond to any work . . . but which flow from [our] essential dignity as a person."<sup>125</sup>

## VI. Servant Leadership and the Common Good

During his entire public ministry, Jesus made his expectation of service and kindness to others—especially the poor and outcast—very clear. However, the disciples were slow to catch on.<sup>126</sup> There is no doubt that Jesus intended his teaching on service to others to include everyone,

<sup>122</sup> MODEL RULES OF PROF'L CONDUCT, R. 6.1 (1983).

<sup>123</sup> See Tex. R. Civ. P. 10, Withdrawal of Attorney. ("An attorney may withdraw from representing a party only upon written motion for good cause shown."). Counsel may withdraw only after meeting the strict requirements of Rule 10 (including written notice to the party, approval by the court and immediate notification to the party of any pending deadlines with which the party must comply). *Id.*

<sup>124</sup> Clark D. Cunningham, *A Tale of Two Clients: Thinking About Law as Language*, 87 MICH. L. REV. 2459 (1989).

<sup>125</sup> CENTESIMUS ANNUS, *supra* note 1, ¶ 11.

<sup>126</sup> See *Luke* 9:46-49 (New Am.), which reads:

An argument arose among the disciples about which of them was the greatest. Jesus realized the intention of their hearts and took a child and placed it by his side and said to them, "Whoever receives this child in my name receives me, and whoever receives me receives the one who sent me. For the one who is least among all of you is the one who is the greatest." Then John said in reply, 'Master, we saw someone casting out demons in your name and we tried to prevent him because he does not follow in our company.'

*Id.*; *Luke* 9:54-56 (New Am.) ("When the disciples James and John saw this they asked, 'Lord, do you want us to call down fire from heaven to consume them?' Jesus turned and

particularly his apostles and disciples.<sup>127</sup> Just prior to the last supper and to his passion, Jesus emphatically demonstrated exactly what he intended by the washing of the feet. This act was not merely a symbol, nor did he intend that it be carried forward as a symbolic act.<sup>128</sup> The washing was direct and real and the instruction that followed was an instruction to direct action and behavior.<sup>129</sup> Clearly, the Church has always understood the requirement of servant leadership;<sup>130</sup> if not, why would bishops be referred to as shepherds, and be given a shepherd's staff rather than a king's scepter as their symbol? The symbolic act of feet washing on Holy Thursday does not meet the instruction given by Jesus on that day. Throughout the New Testament Jesus teaches and demonstrates what is—and has been—a very hard lesson: God does not think as we do,<sup>131</sup> but God wants us to learn to the best of our ability to think and act from God's perspective. Every lesson that Jesus gave is more than a discrete instruction on behavior or thought in a particular situation. The message, taken as a whole, is that if we make the commitment and train ourselves to incorporate the gospel message in every

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rebuked them, and they journeyed to another village.”); *Matthew* 20:16 (New Am.) (“Thus, the last will be first, and the first will be last.”).

<sup>127</sup> See *Matthew* 20: 27-28 (New Am.) (“[W]hoever wishes to be first among you shall be your slave. Just so, the Son of Man did not come to be served but to serve and to give his life as a ransom for many.”); *Matthew* 23:11-12 (New Am.) (“The greatest among you must be your servant. Whoever exalts himself will be humbled; but whoever humbles himself will be exalted.”).

<sup>128</sup> See *John* 13:12-17 (New Am.), which reads:

So when he had washed their feet (and) put his garments back on and reclined at table again, he said to them, “Do you realize what I have done for you? You call me ‘teacher’ and ‘master,’ and rightly so, for indeed I am. If I, therefore, the master and teacher, have washed your feet, you ought to wash one another’s feet. I have given you a model to follow, so that as I have done for you, you should also do. Amen, amen, I say to you, no slave is greater than his master nor any messenger greater than the one who sent him. If you understand this, blessed are you if you do it.”

*Id.*

<sup>129</sup> See *Matthew* 25:40 (New Am.) (“And the king will say to them in reply, ‘Amen, I say to you, whatever you did for one of these least brothers of mine, you did for me.’”); *Colossians* 3:17 (New Am.) (“And whatever you do, in word or in deed, do everything in the name of the Lord Jesus, giving thanks to God the Father through him.”).

<sup>130</sup> The Church further understands that there is a direct relationship between power/authority and responsibility:

The more the power of men and women increases the greater is their responsibility as individuals and as members of the community. There is no question, then, of the Christian message inhibiting them from building up the world or making them disinterested in the good of others: on the contrary it makes it a matter of stricter obligation.

GAUDIUM ET SPES, *supra* note 80, ¶ 34.

<sup>131</sup> See *1 Corinthians* 1:25 (New Am.) (“For the foolishness of God is wiser than human wisdom, and the weakness of God is stronger than human strength.”).

aspect of our lives, we will begin to shift our way of thinking and behaving towards having God always at the center. Among all of the lessons, the aspiration of servant leadership is certainly one of the most difficult to accomplish. Jesus identified himself as Teacher, Lord and Master;<sup>132</sup> today many lawyers will attain a very high status equivalent to teacher, lord, or master; they will be judges, senators, mayors, or governors. To “wash the feet”<sup>133</sup> requires that we strive to give up pride but not authority, status but not leadership; that we attempt to recognize and avoid false humility—it requires that we endeavor to be centered in love within the one body, one faith, one God.<sup>134</sup>

In the story that is considered the founding of the Church and the installation of Peter as the head-leader-authority in the Church, Jesus has a profound conversation with Peter.<sup>135</sup> Jesus asks, “Do you love me?”<sup>136</sup> And Peter responds, “[Y]ou know that I love you.”<sup>137</sup> There is no doubt that Jesus knew the exact parameters of Peter’s love and devotion, from the triple denial,<sup>138</sup> through his

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<sup>132</sup> See *John* 13:13 (New Am.) (“You call me ‘teacher’ and ‘master,’ and rightly so, for indeed I am.”).

<sup>133</sup> See *id.* at 13:10. (“Jesus said to him, ‘Whoever has bathed has no need except to have his feet washed, for he is clean all over; so you are clean, but not all.’”). Exemplifying love and humility, Jesus washes Peter’s feet and tells Peter, “I have given you a model to follow, so that as I have done for you, you should also do.” *Id.* at 13:15.

<sup>134</sup> *I Corinthians* 12:12-14 (New Am.).

As a body is one though it has many parts, and all the parts of the body, though many, are one body, so also Christ. For in one Spirit we were all baptized into one body, whether Jews or Greeks, slaves or free persons, and we were all given to drink of one Spirit. Now the body is not a single part, but many.

*Id.*

<sup>135</sup> Jesus’ conversations with Peter are all particularly instructive.

<sup>136</sup> See *John* 21:15 (New Am.) (“Jesus said to Simon Peter, ‘Simon, son of John, do you love me more than these?’”).

<sup>137</sup> See *id.* at 21:15. (“[Peter] said to him, ‘Yes, Lord, you know that I love you.’ He said to him, ‘Feed my lambs.’”).

<sup>138</sup> See *Luke* 22:34 (New Am.) (“But he replied, ‘I tell you, Peter, before the cock crows this day, you will deny three times that you know me.’”); *id.* at 22:55-61.

They lit a fire in the middle of the courtyard and sat around it, and Peter sat down with them. When a maid saw him seated in the light, she looked intently at him and said, “This man too was with him.” But he denied it saying, “Woman, I do not know him.” A short while later someone else saw him and said, “You too are one of them”; but Peter answered, “My friend, I am not.” About an hour later, still another insisted, “Assuredly, this man too was with him, for he also is a Galilean.” But Peter said, “My friend, I do not know what you are talking about.” Just as he was saying this, the cock crowed, and the Lord turned and looked at Peter; and Peter remembered the word of the Lord, how he had said to him, “Before the cock crows today, you will deny me three times.”

*Id.*

devoted service and final death. Nonetheless, Jesus' response was, "Feed my lambs."<sup>139</sup> Once again, Jesus teaches us, through this exchange, that it is not enough that we *say* that we love God. Loving God through a true commitment requires that we specifically *do something more*—that we love and minister to others.<sup>140</sup> Jesus tells us and Peter that being a spiritual leader, having moral authority and possessing true power comes from, and is dependent upon, our service to those who are the most weak and most in need of help. Unfortunately, this is not an area where the Church has a glowing history.<sup>141</sup>

The decision to be a pastoral servant leader has too often been corrupted by the importance for the people of giving their best to God,<sup>142</sup> of showing love and respect for God by providing the first

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<sup>139</sup> *Id.*

<sup>140</sup> See *John* 15:12 (New Am.) ("This is my commandment: love one another as I love you.").

<sup>141</sup> The lack of servant leadership is evident throughout the centuries. In current news there is the sex scandal of the last several years and the failure of the Church to protect children from priests who were known to be dangerous, including the resignation of Cardinal Law, and recently, Pope Benedict XVI, *Letter to Catholics of Ireland* (March 20, 2010). Five hundred years ago the spiritual and cultural conquest of Mexico by the Church ravished the native population. The converted Amerindians were baptized but considered too inferior to be allowed into religious congregations or into the priesthood. This racial discrimination continued well into the twentieth century. VIRGIL ELIZONDO, *GUADALUPE MOTHER OF THE NEW CREATION* 44-46, 71, 89 (1999). A few hundreds years earlier the seduction of power lead to the Great Western Schism; for a number of years there were two popes, two sets of papal sees, two colleges of cardinals, and for a while an additional claimant, John XXIII. WILLIAM J. BAUSCH, *PILGRIM CHURCH*, 209-11 (2004); *THE ORIGINAL CATHOLIC ENCYCLOPEDIA*, available at [http://oce.catholic.com/index.php?title=Western\\_Schism](http://oce.catholic.com/index.php?title=Western_Schism).

<sup>142</sup> See *Nehemiah* 10: 36 (New Am.) ("We have agreed to bring each year to the house of the LORD the first fruits of our fields and of our fruit trees, of whatever kind . . ."); *Acts* 5:1-5 (New Am.) (exposing the fraud of Ananias and Sapphira, Peter instructs that to keep the first fruits is not lying to men, but God):

A man named Ananias, however, with his wife Sapphira, sold a piece of property. He retained for himself, with his wife's knowledge, some of the purchase price, took the remainder, and put it at the feet of the apostles. But Peter said, "Ananias, why has Satan filled your heart so that you lied to the holy Spirit and retained part of the price of the land? While it remained unsold, did it not remain yours? And when it was sold, was it not still under your control? Why did you contrive this deed? You have lied not to human beings, but to God." When Ananias heard these words, he fell down and breathed his last, and great fear came upon all who heard of it.

fruits.<sup>143</sup> It takes an extremely holy man (unfortunately it is really only men within the Catholic Church who find themselves in this particular area of temptation) to not take the first fruits (gold, money, prestige, power) onto himself.

We teach very basic servant leadership in clinic through words and concepts. We have a class and exercise on ways in which attorneys enforce the dominant-subservient relationship, and the ill effect it can have on the communication between attorney and client. We teach deference to the client's wishes, goals, and expressed interests, and very specifically emphasize that, what appears to an attorney to be the best, most favorable, or appropriate goal, might in fact not be what the client wants or needs. When we teach cultural competence, we again emphasize that the attorney should step away from their own perspective in order to understand their client (and even witnesses). As part of our many classes on interviewing, we teach the various uses of silence, and the skill of listening. Neither listening nor silence can be accomplished without the student learning to be deliberately focused on the other, without learning to put themselves in the background and their client in the fore. A person who learns this skill has the skill necessary to practice love of neighbor, and the virtues of humility and Christian charity.<sup>144</sup> They need only add the decision to do so.<sup>145</sup>

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<sup>143</sup> See Acts 10:1-4 (New Am.), which reads:

[I]n Caesarea there was a [devout and God-fearing] man named Cornelius . . . who used to give alms generously to the Jewish people and pray to God constantly. One afternoon . . . he saw plainly in a vision an angel of God come in to him and say to him, "Cornelius." He looked intently at him and, seized with fear, said, "What is it, sir?" He said to him, "Your prayers and almsgiving have ascended as a memorial offering before God."

*Id.* Here, the angel of the Lord indicates that Cornelius' acts of giving to God, charity, and reaching out to the poor have pleased God, and have risen as an offering in the same way the aroma of the food offerings, for example, rise to God. See *Leviticus* 2:2 (New Am.) ("When he has brought it to Aaron's sons, the priests, one of them shall take a handful of this fine flour and oil, together with all the frankincense, and this he shall burn on the altar as a token offering, a sweet-smelling oblation to the LORD.")

<sup>144</sup> See ECCLESIIUM SUAM, *supra* note 37, ¶ 81 (discussing that utilizing the dialogue of the Gospel as a means of achieving the apostolic mission necessarily includes exercising the characteristics of humility, patience, generosity and peace).

<sup>145</sup> Faith is a gift, as are all virtues, but as with all virtue, to accept the gift of Faith means that we practice it. We practice faith by recognizing, and accepting that the love of God and neighbor require that we act in justice, and by intentionally performing our acts of justice as expressions of faith. I came to justice from Faith, but many people come to justice from a social or political, or human inclination. Those very lucky individuals need only decide to accept the gift of faith, recognize and accept the connection between the "other" who they serve and God, and accept and decide that each act of

We set the stage for the willing and guide them in the right direction, but humility is a uniquely internal virtue that only occasionally manifests itself clearly, and usually only when the virtue is well developed. Consequently, we may never see this transformation in the life of our students.

## VII. Solidarity and the Common Good

At St. Mary's, we are very deliberate about our professional commitment to the common good. Our current practice concerning the recognition and determination to alleviate systemic problems came about as a result of the Community Development Clinic being eradicated.<sup>146</sup> After that clinic was dissolved, we began to practice an intentional and thoughtful assessment of the recurring problems common to our homeless clients. Students and faculty identified the systemic causes for those problems, and began to strategize what could be done to correct or influence the resolution of those systemic problems.<sup>147</sup> Our practice of the Common Good—while limited in scope—stems directly from our practice of direct legal services. This relationship presents a unique teaching opportunity that we do not utilize as completely as we are capable of—or perhaps called to do. I believe that the message of the relationship between the acts of direct representation and the fight for the common good could be introduced in the classroom component in the fall; it could be explored during supervision of outreach activities, and addressed again in the classroom during the spring.

## VIII. Conclusion

Will a student make a connection between the words, concepts, tools, and practice of good client-centered lawyering and God-centered lawyering? I do not know, but here is what I do know: For about ten years, I very frequently spoke at retreats, and other

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kindness and justice be a gift back to God. Accepting and practicing virtue does not require any emotional reaction, one need not “feel” love, one need only decide to act with a conscious recognition of God.

<sup>146</sup> In 2000, the then current Dean made numerous changes to the clinical program including elimination of two clinical courses: the Human Rights Clinic and the Community Development Clinic. In order to somewhat preserve the work, the clinical faculty decided to absorb the work of each by the Immigration Clinic and the Civil Justice Clinic respectively.

<sup>147</sup> ECONOMIC JUSTICE FOR ALL, *supra* note 2.

religious gatherings; I always prepared well, and prepared prayerfully; many times I would be able to see in the faces and tears of the people that they were being touched by the Holy Spirit, perhaps having a mystical experience. Oftentimes, these people would come to me later; some to just give me a hug or a kind word, but some to tell me what they had learned. The amazing thing was that—in as many times as not—what they learned was not related to *or barely related* to what I had said. Nonetheless, it was clear that their revelation was a blessing. What I learned is, if I speak from love and faith and in a truly God-centered way, people who open their souls to God will hear whatever it is that God wants them to hear. In the same way, I know that when clinical faculty adopt a God-centered commitment to teaching, the clinical students who are open to God and God's touch—to any degree—will be blessed by their experience, and will consciously (or not) learn something about God-centered lawyering. We could teach, in the classroom component, the relationship between the practice of law and faith—and to a certain extent we do. But, words run the risk of being just words just as being a theologian runs the risk of using intellect as a wall to keep God out. The impact will come from the words coupled with modeling how student attorneys should behave towards their clients. This can be modeled through our own actions towards clients and towards the students themselves. Clinicians can model God-centered teaching and lawyering; we can pray for the students, we can treat them as valued, beloved children of God.

How well do I do that? I don't know—you would have to ask my students fifteen years from now, but what I absolutely do know is that if we approach teaching in a deliberate God-centered way, the students will have the opportunity to see and hear whatever the Holy Spirit has to say to them, and that the opportunity is not time constrained; it lasts their whole lives.

In summary, some of the improvements that we can make at St. Mary's to clearly distinguish it from clinic in any secular school are: to be more deliberate and open about living out a God-centered option for the poor; to regularly improve our process of reflection; to allow the students the opportunity to make the connections between what they do and the practice of virtue; to make the relationship between power relationships and servant leadership more clear; to emphasize that client-centered lawyering is not only good effective legal practice but also good effective, moral and religious practice. Finally, we can carry God in the center of our being each and every day. Those of us who are Deans, Directors, and Professors can set the



example, set the atmosphere and give the rest of the faculty and staff the freedom to practice justice in the love of God,<sup>148</sup> day in and day out, in every contact that any of us have with the students, with the clients, and with each other.

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<sup>148</sup> See *JUSTICIA IN MUNDO*, *supra* note 9, ¶ 34, which reads:

Christian love of neighbor and justice cannot be separated. For love implies an absolute demand for justice, namely a recognition of the dignity and rights of one's neighbor. Justice attains its inner fullness only in love. Because every person is truly a visible image of the invisible God and a sibling of Christ, the Christian finds in every person God himself and God's absolute demand for justice and love.

*Id.*