

LESSONS FOR LAWYERS FROM JESUS CHRIST

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Good Evening Bishop Doherty, Clergy, Judges, Lawyers. As a child, my parents and I would attend daily Mass during Lent. It was cold, and dark, but those moments formed a bond between me and my parents. It was rare alone time, I was one of five but the only one who went to Mass. I remember vividly the morning Eddie Curtin – likely suffering from low blood sugar – keeled over backwards holding his candlestick during the gospel. Timber. Down he went. Other than a bump on the head, he was fine.

I have rekindled that tradition as an adult, and come Lent I can tell you where and when daily Mass is held downtown and on the near North side of Indianapolis. The daily mass presents some Scripture readings we don't necessarily hear during Sunday Mass. One caught my fancy because of it created a legal precedent that we honor today. Written around 600 BC , the book of Daniel, chapter 13, contains the story of Susanna, a beautiful, happily married woman who was raised by a good family. Two elders, who served as judges, lusted after Susanna and when she spurned their advances, they accused her of adultery. Susanna maintained both her innocence and her faith in God. Yet she was condemned. As she was being led to be executed, God spoke to Daniel. Daniel insisted on an investigation and evidence. And significantly he insisted on separating the witnesses. One elder said the alleged adultery had taken place under a mastic tree, the other claimed it was an oak. Their inconsistency revealed their falsehood and sealed their fate. It also created a tradition of separation of witnesses, which our justice system honors some 2700 years later, as a means of discerning the truth. I think that's pretty cool.

Celebration of the Red Mass provides a special opportunity for Christians and all concerned with justice to pray for guidance and wisdom for lawyers, judges, elected officials, and everyone to whom public authority is entrusted. As the Chief Judge of the second busiest federal court in the country, I considered focusing my remarks on Christ's teachings as noted in Matthew Chapter Five and Luke Chapter 12: Make friends quickly with your opponent at law while you are with him on the way, or For while you are going with your opponent to appear before the magistrate, on your way there make an effort to settle with him ... Who knew it was Christ himself who encourages settlement on the courthouse steps?!

Having celebrated the Mass together we have been provided a special opportunity for introspection, a chance for us to take a fresh look at how Christ would want us to exercise the privilege of being part of the legal profession. Throughout the Gospels, Jesus encourages those around him to use their gifts to forgive, to elevate children, and to help the poor. Our legal profession provides abundant opportunities to serve Christ in these and many other ways.

Forgiveness

Jesus' insistence that we forgive one another is most easily illustrated with his oft-recounted words from Matthew. When Peter asked Jesus, "Lord, if my brother sins against me, how often must I forgive him? As many as seven times?" Jesus answered, 'I say to you, not seven times but seventy-seven times.'" Matthew 18:21-22.

And John recounts the story of the Pharisees, preparing to stone an adulterer "caught in the very act." The Pharisees explained, "Now in the law, Moses commanded us to stone such women. So what do you say?' . . . [W]hen they continued asking him, he straightened up and said to them,

‘Let the one among you who is without sin be the first to throw a stone at her.’ . . . And in response, they went away one by one, beginning with the elders.” John 8:4-5, 7, 9a.

Jesus’ focus was not on the woman, her background, or her alleged misdeed. In fact, Jesus did not even mention the woman in his discussion with the Pharisees. Rather, Jesus immediately turned the discussion to the Pharisees themselves—not to the alleged wrongdoer, but to those dispensing the punishment. This is a vastly different focus from the customary court proceeding. But it is an appropriate focus for Christian Catholics to keep in mind. Biblical forgiveness is not simply a matter of apologizing, or even of forgiving someone who has personally wronged you. Rather, Jesus takes a much broader view of forgiveness. He expects that everyone engage in self-reflection, empathize, and avoid punishment for punishment’s sake. Forgiveness – or grace – in the practice of law may mean we don’t call out an opponent for every slip. That we attempt to resolve a discovery dispute not through hyperbole and overly strict construction of a discovery request, and that we encourage clients to seek just and not punitive resolutions of cases.

I suggest that the notion of forgiveness extends even to those charged with enforcing the law. At times self-reflection may mandate leniency. And leniency in the U.S. criminal justice system is not dispensed by the judge alone. Prosecutors have been greatly empowered by legal developments like mandatory sentencing minimums to determine, in their discretion, how much time a criminal defendant may face. Everyone involved in the process has the obligation to challenge their assumptions and, at least for a moment, to turn their focus inward when making decisions that implicate another’s freedom. This includes carefully evaluating opportunities geared toward rehabilitation and giving people meaningful second chances.

As Matthew describes and Christ teaches, “The whole law and the prophets depend” on just two commandments: first, “You shall love the Lord, your God, with all your heart, with all

your soul and with all your mind”; and second, “You shall love your neighbor as yourself.” Matthew 22:37, 39-40. Again, in response to an inquiry from the Pharisees, Jesus emphasizes self-reflection—love your neighbor *as yourself*—while turning the attention outward: to God, in the first instance, and, right there with it, to your neighbor. This goes beyond forgiveness for wrongdoing, and mandates respectful treatment of others. For those of us in the legal profession, this means in part that we must remain civil with one another. Treat your adversary just as you wish to be treated. When you experience disappointment, channel it into respectful action.

These are not just issues of etiquette, or of interpersonal niceties. Rather, incivility and outbursts of challenging another’s integrity impact the public’s perception of the justice system and of the legal profession. And when forgiving another and remaining civil may seem like a difficult task, remember that Jesus expects forgiveness not once, twice, or seven times, but seventy times seven times.

I am mindful that these lessons apply equally to judges. That most powerful of judicial tools, judicial discretion, allows us to consider the big picture impact of small mistakes, to coach wobbly lawyers instead of calling them out, and to seek justice on the merits in all we do.

Children

In testament to the important work of Chief Justice Rush when she served as judge of the Lafayette Juvenile Court, children must be a priority of the legal profession. Children, too, are our neighbors, and in fact are our most vulnerable neighbors. It should be no surprise that Jesus directed his followers to pay special attention to them. As quoted in Luke, Jesus once warned in somewhat graphic terms that “[i]t would be better for him if a millstone were put around his neck and he be thrown into the sea than for him to cause one of these little ones to sin.” Luke 17:2.

But fortunately, Jesus also gave clear instructions of what we are expected to do for children. Mark tells the story of the disciples walking, discussing who was the greatest among the twelve. Jesus was less than impressed. He said to them, “If anyone wishes to be first, he shall be the last of all and the servant of all.” Jesus then put his arms around a child, explaining, “Whoever receives one child such as this in my name, receives me; and whoever receives me, receives not me but the One who sent me.” Mark 9:34-37.

Legal professionals are uniquely positioned to understand the complicated situations that children face. Thus we are also uniquely situated to help protect, educate, and elevate children. Consider advocating for a child’s interest as a guardian ad litem, helping as a mentor or volunteer tutor, or, if you are able, even serving as a Big Sister or Big Brother or as foster parent. Use your gifts to help children who need advocates, role models, and mentors. Refuse to allow children to become pawns in dissolution proceedings. Many children desperately need an adult to listen to their concerns and to take them seriously. As Jesus explained to his disciples: “Let the children come to me; do not prevent them, for the kingdom of God belongs to such as these. Amen, I say to you, whoever does not accept the kingdom of God like a child will not enter it.” Mark 10:13-15.

Social Science studies show that one caring adult can make a difference in a child’s life. Our state is in crisis right now because of the number of children whose lives are being shattered by the opioid crisis. Find a child, be a friend. I know Chief Justice Rush can recommend innumerable opportunities of ways you can engage.

The Poor

The poor, too, are our neighbors. And just as Jesus explained that we must care for children, so too must we help those struggling financially. As Matthew explains,

Then the king will say to those on his right, 'Come, you who are blessed by my Father. Inherit the kingdom prepared for you from the foundation of the world. For I was hungry and you gave me food, I was thirsty and you gave me drink, a stranger and you welcomed me, naked and you clothed me, ill and you cared for me, in prison and you visited me.' 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.'

Matthew 25:34-40.

The inverse of course is true: whatever you did NOT do for one of these least brothers of Christ, you did not do for him. The courts are a place of recourse for all people. They do not exclude the young, the old, the poor, or any other people. One week ago I swore in a new colleague, and among other promises, he swore to do equal right to the poor and to the rich. Judicial process does not change based upon the status of the litigants. But many other barriers prevent the poor from achieving the measure of justice promised by our laws Constitution. Lawyers have the distinct ability and obligation to help those facing barriers to justice through *pro bono* service. So serve the ill, hungry, and thirsty. Treat them as neighbors, brothers, and sisters.

The poorest of the poor are those in prison. Christ's lesson I just quoted in Matthew specifically teaches that assistance to those in prison is assistance to him. So use your unique gifts. The courts will be delighted when you volunteer, even on cases outside of your comfort zone, and will help to connect you with resources to ensure that you, too, have the best experience possible. In fact, in my experience, *pro bono* volunteers find the experience to be richly rewarding, even as it requires lawyers to divert some of their valuable time from their regular practice.

Just yesterday we sang at Mass:

To proclaim liberty to captives
Release to prisoners
You have anointed me

The You of course is God, and the me is you.

Conclusion

There are myriad more lessons from Jesus Christ that can inspire us in the practice of law. I have chosen to emphasize forgiveness, care for children and help to the poor. Luke teaches that Christ came to “bring glad tidings to the poor,” “to suffer the children” and as the song goes “to proclaim liberty to captives.” We can learn from those lessons and follow Christ’s teachings in the practice of law.

Thank you.