## THE LAWYER®

# Serving and Protecting the Church

Acts 20:28-30 (NIV)

Keep watch over yourselves and all the flock of which the Holy Spirit has made you overseers. Be shepherds of the church of God, which he bought with his own blood.

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#### FROM THE EXECUTIVE DIRECTOR





David Nammo

Executive Director

& CEO

The law is often described as either a sword or a shield. The attorneys are, therefore, either swinging that sword or holding that shield on behalf of their clients, the state, or whoever they represent. More often, when people think of attorneys, they usually conjure images drawn from television dramas or popular novels. The litigator, the fighter, the advocate – from Law & Order, Suits, or some other drama where the problems that take years in real life get resolved in 60 minutes. Attorneys are a necessary "evil" in a civilized culture. They prosecute criminals, they sue to right wrongs, but they also defend the accused and those being sued.

The idea of an attorney as "protector" – or shield – is the primary focus of this magazine issue. We attorneys are trained to anticipate risk and danger and, as a group, we are fairly risk averse. Yet we write our contracts and conduct our business with the assumption that everything will go wrong.

The attorney who represents a church or ministry should be acting as a shield and protector for that organization. The bigger issue is that many churches and small ministries do not have an attorney on retainer. These organizations are doing the best they can and trusting the Lord to protect them. I would say that we – the attorneys sitting in the pews or on a board – might be the unexpected answer to that protection.

It is inevitable that something will go wrong in a church or ministry. The breadth could range from small contract issues to labor issues and even as far as child protection issues. As attorneys who are present or engaged in these places, we should be thinking of ways to not only protect them, but also ways protect the people the church or ministry serves.

It is my prayer that all Christian attorneys be thinking of ways to protect the ministry, church, and people they love. We have forgotten more than most people will know about the law, and the excuse that you don't "practice" nonprofit or church law is unacceptable. We may not have the perfect answers, but we can help or begin the process to help those in leadership make good decisions.

For example, does your church require a background check for anyone working with children? If not, why not? If one child is harmed, wouldn't it be worth the time to take this simple step? Does the church have insurance? Does the ministry have directors and officers' insurance? I could go on and on. Sure, we cannot anticipate all the harms, but we can do many small things that will still be helpful.

The articles in this issue only cover a small part of the ways we can protect our churches and ministries or, if things go wrong, how to take the proper steps to ensure it never happens again.

Attorneys in so many practice areas unrelated to ministry work often wonder how they can use their skills for the Kingdom. I hope you will read through this issue and consider the immense value you can bring by just raising issues to leadership. As attorneys, we are trained to issue spot from our first semester of law school. Hiding in the pews is no longer acceptable.

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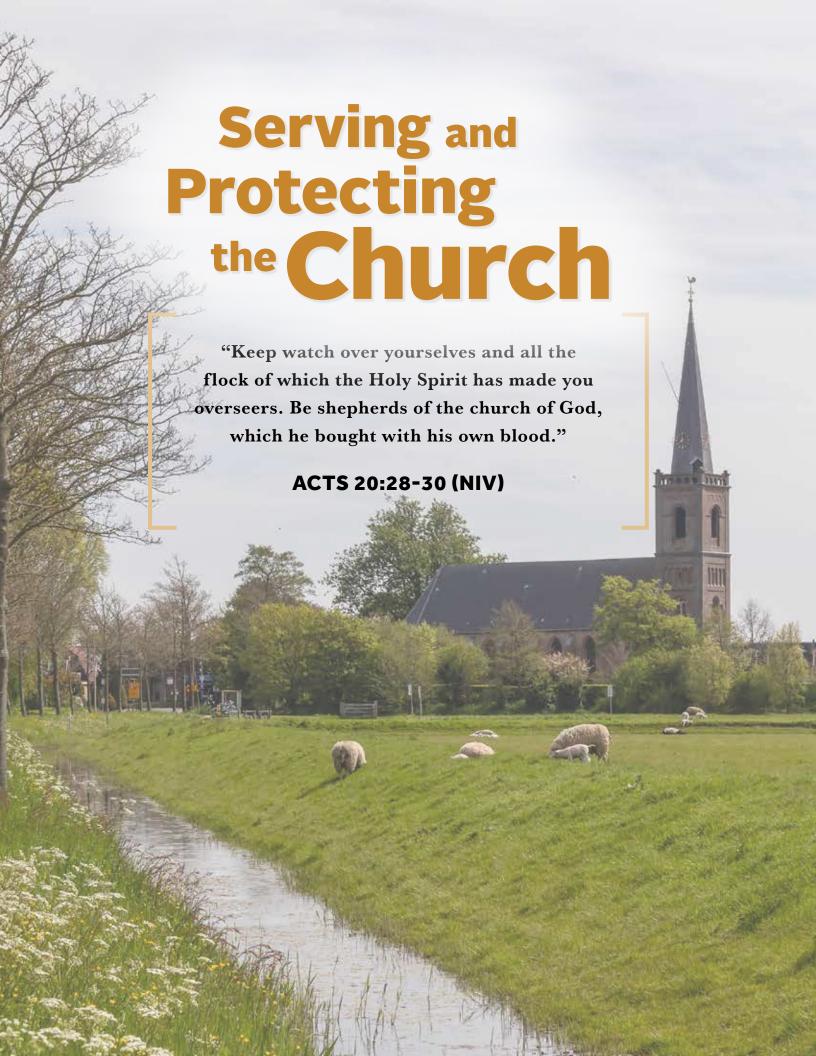
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#### EDITOR'S INTRODUCTION

#### **Are We Protecting His Bride?**

This past year, my spirit has been grieved and troubled with what has been occurring in our churches throughout the United States. Over the years, we have seen pastors across the nation exposed in everything from ungodly sexual acts to financial mistrust and stealing, as well as other unnamed sins. But for some reason, recently it has been exceptionally heart-breaking for me. We, the bride of Christ, are the *called out ones* (Greek "ekklesia"), set apart for God's work and purpose. Our light should be shining so brightly men see our good works and glorify our Father who is in heaven (Matthew 5:16 KJV).

Quite the opposite has occurred of late. At one point, the incidents occurred so frequently within megachurches that one article asked whether the days of celebrity pastors are over. The continuous litany of news stories has been so disheartening. Prominent men and women of God with massive followings have suffered investigations, resignations, and even indictments in some instances.

While none of us is perfect, and we all sin and fall short (Romans 3:23), some recent instances have particularly shocked the conscience. Perhaps many of them might have been prevented with good legal counsel and strategies in place. That is where you and I come into play! I really felt the lead of the Holy Spirit to devote this current issue of *The Christian Lawyer* to show ways we can serve and protect the Church as Christian attorneys and others within the legal profession.

The incidents have varied, some worse than others. Recent news articles have covered the lack of transparency among church leadership. Victim after victim has come forward. These allegations (and quite a number are confirmed) have crossed all aspects of the Christian community, including denomination, race, and socio-economic boundaries. We have seen exposés from the pastor of a small church in South Carolina to megachurches in Texas. While many of the cases are being resolved through settlement agreements, NDAs, criminal charges, and even resignations, these incidents have left behind many broken people within the four walls of the Church.

One man on TikTok said, "Planes that land safely don't make the news." It is true there are a lot of great churches and pastors out there. I am sure many of you, like myself, are blessed to personally experience this. And there are a lot of good things happening within the body of Christ. However, with such conduct being brought to the forefront as God is purifying His bride, it is important we understand how best to work through difficult situations and conversations. Many attorneys within Christian Legal Society serve on the boards of Christian nonprofits, schools, and churches. Others may serve as a trusted source to their pastors. Then there are quite a few of our members who have churches and nonprofits as clients. Hence, this call to action to help us Christians in the legal profession identify where we can step in with our legal expertise.

I recently attended a conference where, during one of the workshops, an attorney discussed the residual effects scandal can have on churches. Traumatic experiences within congregations can have a long-lasting impact. As Christian attorneys, I believe we have two tools that can prove to be extremely effective in navigating these difficult waters. We have Jesus, and we have a law license! It is just a matter of what we do with both and how we allow the Holy Spirit to have both working in tandem in us.

I hope you find this issue of *The Christian Lawyer* to be helpful to you and instrumental in understanding strategies for the issues churches face. Scripture teaches us to be wise as a serpent and harmless as a dove (Matthew 10:16). We must be wise as Satan who is roaming about like a roaring lion seeking whom he may destroy (1 Peter 5:8). I hope this magazine serves as a tool for all, providing guidance, resources, and places to turn. Or even better, I hope it will serve as a preventative measure you can rely on should you need it in the future. It is my prayer that many of us will be used by God to serve and protect God's Church and His precious sheep as the days continue to get darker among us. Let us be both sober and vigilant!



LAKUITA BITTLE, the director of CLS' Attorney Ministries, oversees CLS membership and provides support to CLS attorney chapters nationwide. Prior to joining CLS in March 2021, Lakuita worked in Prince George's County

State's Attorney's Office for over five years, most recently as a prosecutor in the Major Crimes Unit. She is actively involved in her family, community, church, and serves on a local nonprofit board, Kadesh CDC.

#### **ENDNOTES**

Abby Trivett, "Is This The End of the Christian Celebrity Era?", *Charisma News* (June 27, 2024), https://charismanews.com/culture/is-this-the-end-of-the-christian-celebrity-era/.

#### **Attorneys Serving and Protecting the Church**

BY DAVID SIDEBOTHAM AND THERESA SIDEBOTHAM



If there's anything attorneys are allergic to, it's potential liability. In the public perception, we say, "Don't do this, don't say that, and don't share the information." While evaluating liability is an important part of our role, many ministries and churches, consciously or subconsciously, don't think it applies to them. They think liability exists in other spaces, not theirs. But the whole reason liability exists as a legal concept is someone was, or could have been, or may still be, harmed in some way. Limiting liability, when done correctly, means protecting people from harm. This is relevant in the Church.

Volunteering, donating, teaching, and the like are important in the Church and can be done by most anyone, but evaluating liability calls for someone in particular. Just as there are certain situations best handled by a qualified police officer, evaluating liability requires an attorney. Why? Attorneys are qualified, legal experts trained in how to prevent and respond to situations that might cause people harm.

Let's consider misconduct and liability in the Church context. Since at least the late 1990s with the Catholic abuse scandals, the conversation has revolved around both child safety and community violence. In some international contexts, issues like kidnapping, war, and political violence have also become questions. But, in general, the conversation focuses on child safety (as it should) and infrequent instances of violence against churches like shootings. These highly destructive events, despite increasing awareness, keep happening.

But we don't talk as much about the more mundane, grumbling sins like harassment and discrimination, especially sexual harassment, that infest workplaces and communities. From 2018 to 2021, #ChurchToo complaints trended. We have seen allegations against leaders in multiple denominations. Nevertheless, the notion that sexual misconduct could affect a congregation is often met with bewilderment and denial: "It hasn't happened here" or, if it has, "It wasn't that bad" or "It won't happen again." This is a bit like saying, "There hasn't been a big fire yet, so we don't need to follow fire codes."

If or when misconduct starts to happen, or is alleged to have happened, people don't know what to do. An allegation like, "the head pastor made inappropriate remarks to me at the church BBQ last week" is often so surprising and unbelievable that, without training and awareness, members and leaders alike react poorly. People may consider reporting such an incident, but, at the same time, they also may doubt if they'll be believed. Often, they won't be. This means that "low-level" misconduct, once it starts happening, often continues to happen for years or even decades, slowly metastasizing from a minor problem into a major crisis.

People in churches may feel this is far-fetched, that the risk is small. Here is where data comes in. According to a 2020 report from Church Law and Tax, about one in six employees and volunteers in Christian workplaces reported being sexually harassed in that ministry context, with a higher rate of harassment for women than for men. For volunteers working at churches, this means they face exposure to sexual misconduct at their 9-5 job and then a similar risk at their house of God. On the issue of child protection, in the United States, 1 in 4 girls and about 1 in 20 boys are sexually abused. Pedophiles in the adult male population are estimated at 5%. While religious organizations seem to have lower rates of abuse than other institutions, these statistics means children at church are also at risk. It also means that leaders should be aware that they have sexual abuse victims in the pews.

Where there's no awareness and no prevention, it's going to be far worse than where there's awareness and confrontation. Returning to the analogy of fire codes: following safeguards might be inconvenient, but it does reduce the risk of harm. Or, as attorneys like to call it, liability.

But why is this so important? A lot of harassment involves someone saying something nasty, so why the elevated response? There are a few reasons for this. First, sin is sin, and Christians should never be content with the Church—the

It doesn't matter where that mold is, it needs to be dealt with. And it doesn't matter where the sin is, it needs to be confronted. When not confronted, it can spread.

body of Christ—falling short of Christ's standards. Second, sin so rarely stays in just one, limited area. The cold reality is there is a direct connection between sexual misconduct and sexual violence, and 9.6% of the women who reported harassment in Christian workplaces also reported sexual assaults.<sup>4</sup>

Similarly, someone who is willing to sexually abuse his coworkers—should that person be trusted with children? The answer is "probably not." Just like you wouldn't trust a known gossip with sensitive information, you shouldn't trust a known harasser with access to children. The driving point here is that "sin is sin, black mold is black mold." It doesn't matter where that mold is, it needs to be dealt with. And it doesn't matter where the sin is, it needs to be confronted. When not confronted, it can spread.

And that's where attorneys come in. That reputation for perhaps being a bit over-technical, and maybe a bit argumentative, comes in handy when it comes to confrontation. More importantly, attorneys have perspectives others don't have. Just like a police officer will generally be better at spotting dangers and threats on his beat, attorneys are able to identify the dangers and threats on their beat. While this means that expert attorneys can speak into best practices and liability surrounding sexual misconduct, it goes way beyond that. Existential legal threats can take a myriad of forms—maybe it's OSHA violations, maybe it's child safeguarding, maybe it's risks of workplace violence, or maybe it's just really bad contracts or financial misconduct.

So how can attorneys serve? The "traditional" ways of interacting with the church community are volunteering and leading. If you're an attorney and in a leadership position at your church, you're in a unique position to protect and serve your community and help it make dynamic changes and set the course for the future. But if, like many of us, you're just a member, there's still a lot you can do.

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Attorneys can undertake formal pro bono work to help churches reduce liability. Even when it doesn't rise to the level of legal advice, attorneys can flag issues and give guidance. Attorneys can help churches and ministries walk through self-evaluations, using resources like the Evangelical Council for Abuse Prevention standards, Telios Teaches' series of ministry audits, and others. Attorneys can help create policies and update important church documents using resources like Brotherhood Mutual's Safety Library. Attorneys can make sure adequate sexual harassment training and other employment training is in place, as well as child-safeguarding training, using resources like Telios Teaches' Learning Management System for ministries. Attorneys can work through adequate systems to handle and respond to complaints and engage in necessary reporting or investigating.

Addressing liability and misconduct within the Church is not simply about avoiding legal repercussions. It's also about protecting the vulnerable and upholding the integrity of the Christian community. Attorneys have a unique and vital role in this mission. By leveraging their expertise, whether in leadership positions or through pro bono work, they can help create safer and more just church environments. In doing so, they not only prevent potential harm, but also fulfill a higher calling of justice and protection within the body of Christ.



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employment law, child safety, and misconduct investigations

#### **ENDNOTES**

- 1 Church Law & Tax. (2020). "Church and Ministries Workplace Environment Survey 1." Sexual Harassment in the Christian Workplace Executive Report.
- 2 Centers for Disease Control. (May 16, 2024). About Child Sexual Abuse. https://www.cdc.gov/child-abuse-neglect/about/about-child-sexual-abuse.html?CDC\_AAref\_Val=https://www.cdc.gov/violenceprevention/childsexualabuse/fastfact.html.
- 3 VanderWeele, T. (March 17, 2021). "Preventing and Healing Child Abuse in Religious Communities." *Psychology Today*. https:// www.psychologytoday.com/us/blog/human-flourishing/202103/ preventing-and-healing-child-abuse-in-religious-communities.
- 4 Workplace Environment Survey, supra note 1, at 9.
- 5 Evangelical Council for Abuse Prevention. Child Safety Standards (Accessed August 11, 2024), https://ecap.net/standards/.
- 6 TeliosTeaches.com.
- 7 Brotherhood Mutual, Safety Library (Accessed August 11, 2024), https://www.brotherhoodmutual.com/resources/safety-library/.
- 8 TeliosTeaches.com.





#### Working Together to Prevent Abuse<sup>1</sup>

## How networks, associations, and denominations can support prevention measures

BY JEFF DALRYMPLE



We are often asked about the role of a ministry association, district, presbytery, or denomination in child protection and abuse prevention. Although each of these ministry associations functions differently, with varying levels of authority and resources, all membership-based affiliations function as networks. A network is a collection of entities that associate together on the basis of shared interest. In other words, net-

works represent relationships of trust. A network is well-suited to serve as a catalyst and resource hub for churches, schools, and other ministries. Networks typically don't provide direct programs for children or youth but are often well-positioned to support churches or ministries in creating safe places for children to learn about Jesus and grow.

Networks are great avenues for education, awareness, and sharing resources. For example, many networks work together to support cross-cultural mission work. One local church may be unable to support a missionary team going to the other side of the world, but ten local churches can work together to invest time, money, prayer, and wisdom in several families responding to God's call to share the Good News of Christ with unreached peoples. One local Christian school might not have the internal resources to raise curriculum standards for its own school, but it can belong to a network of Christian schools that collaborate to combine years of experience and wisdom to produce high achievable academic standards and best practices to bring a school up to the new standards. In other words, we can do more together than we can apart.

I believe we can follow a similar model when it comes to abuse awareness and prevention. This is a fairly new topic for most ministry leaders, and many of them have not received much training in this area as they prepared for ministry. But our networks can be a catalyst for leaders to learn together, encourage each other, and raise the standards for Christian ministry when it comes to safeguarding our most valuable asset: our children.

Here are some ways for networks to support child- and youthserving organizations in this important work.

#### **Education and Training**

Networks can encourage abuse prevention by raising awareness and providing education. Networks can host training events where their members can learn about child safety in ministry. Examples of this might include a training workshop from an ex-



pert on the problem of abuse or providing training on the topic of risk management. Other topics might include volunteer training, recognizing indicators of abuse, governance and legal topics, responding to allegations, and caring for survivors. Networks could also provide recommended resources such as books, workbooks, curriculums, or programs that address a specific topic. Ministry networks hold a unique position as they can provide expertise that aligns with both the theological commitments of its members and relevant local statutes.

#### **Connections and Solutions**

Networks can support child protection by developing relationships with product and service providers who can furnish support, resources, and solutions; by bringing members together around a common purpose; and creating connections by bringing multiple members to a particular solution. For example, a local association could vet and choose one background check provider to recommend for all their churches. The association assures that the background check provider is trustworthy and aligns with best practices. The association could also negotiate with the provider for lower rates because it would be the exclusive or recommended background check provider for all churches in the association. The churches would benefit, knowing the provider has been vetted, and they would save money based on the negotiated lower price.

Ministry associations could also help churches build relationships with local nonprofits seeking to help families and protect the vulnerable. For example, all ministry networks should pursue a relationship with their local child advocacy center (CAC). A CAC is usually a nonprofit, pseudo-governmental office where victims are placed in a safe and comfortable envi-

ronment and where law enforcement, district attorneys, chaplains, DCFS, counselors, and forensic professionals provide services to children and families following abuse or an assault. The Evangelical Council for Abuse Prevention (ECAP) encourages all Christian ministries to identify and contact their local CAC to make connections, learn about services, and be familiar with this important community resource. We are encouraged by the work of Zero Abuse Project to secure funding for a chaplain program for CACs, and we hope evangelical Christians will step up to support this vital role.<sup>2</sup>

#### **Leadership and Collaboration**

Network leaders play a role in setting an example for everyone else in the network. They can help other leaders know about important trends and connect them with the best and brightest thinkers on a particular subject. Because every church serves children and youth to some extent, ministry networks may consider creating an office of child protection and hiring a team member to provide coaching, support, and expertise in this area for all members as a benefit of membership. This resident expert should work to advance the network's mission by providing training and solutions for member ministries.

Networks are also excellent channels for collaboration and communication from member ministries to hear their challenges, learn about obstacles, and work together to identify solutions that benefit the entire network. Christians have been doing this for many years by building seminaries and other institutions. We learn from each other and help one other discover the best ideas and strategies to effectively minister to those under our care.

Christians have been working better together for centuries for the sake of missions, evangelism, theological education, mercy ministry, life and policy issues, and more. Why should we not work together to rally around the clear and present problem of sexual abuse? This is not limited to abuse in the ministry context, but also ministering to survivors of abuse who are in virtually every ministry. How will you safeguard them and respond when you hear of the trauma they have experienced?

We want our Christian ministries to be safe havens for those who are hurting and to provide hope and healing through the gospel of Jesus Christ. We, as Christians, believe every person is created in God's image and is worthy of dignity and respect. We believe that protecting people from abuse is an important matter of biblical stewardship, as well as a Great-Commission issue. ECAP supports Christian ministries by helping them create and sustain a child protection program that allows children to hear the gospel and grow in discipleship.

Together, we can impact our culture by living holy lives, defending the vulnerable, doing justice, loving kindness, and walking humbly with our God (Micah 6:8 ESV).

ECAP would be honored to meet with you and your network to explore ways in which you can serve and support your member min-

istries to help them safeguard the vulnerable. Set up an appointment with ECAP today to learn how we can support your network.



**JEFF DALRYMPLE** is the executive director of Evangelical Council for Abuse Prevention, a national association of Christian ministries dedicated to child and

youth protection and abuse prevention. Jeff has dedicated his life to serving Christ and His Church through organizational and transformational leadership. Jeff has been working to support Christian ministries with abuse prevention and child protection since 2017. Jeff is an elder at Sunrise Community Church in Atlantic Beach, Florida (EFCA), and serves on the boards of a number of Christian ministries including The Disciple Making Parent, The Northeast Florida Christian Chamber, Truth at Work, and Anchored Hope.

#### **ENDNOTES**

- 1 This article was originally published March 20, 2024, on the ECAP website. Some modifications have been made since the original publication.
- 2 See https://ojjdp.ojp.gov/programs/childrens-advocacy-centers to find your local CAC.
- For additional resources, I recommend On Guard by Deepak Reju, Handing an Allegation of Abuse in Ministry by Theresa Sidebotham, and "How your child/youth-serving organization measures up with child protection" (ECAP checklist). If you are interested, you may also contact ECAP online and mention CLS for a free copy of The Nonprofit Leader's Guide to Risk Management by John Murphy.



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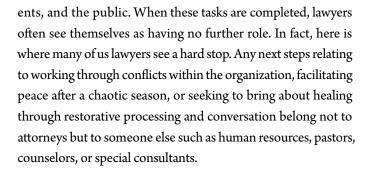




## Restorative Justice Processes and Tools for Painful Situations

BY KELLYE FABIAN STORY

At one point or another, most organizations will experience an organization-altering, even traumatic, event. This may be in the form of a fallen leader, a major corporate transition, a widespread conflict, a split in the organization, or a safety or security event. When these kinds of events happen, lawyers are hired to assess legal risks, investigate causes, and provide guidance for dealing with employees, authorities, constitu-



Of course, this work does not belong to lawyers alone, and it may not even be a good idea for many lawyers to engage in this work. But I do believe Christian lawyers may have a unique way to fill a significant gap that exists. Specifically, Christian lawyers have more tools in their toolbox and, hopefully, more motivation to serve clients beyond just identifying risks and solving problems in the way that any other lawyer might. The tools I'm referring to are what I'm calling restorative tools. The motivation I'm referring to is the gospel.



#### First, the Gospel

As Christians, we are called to extend forgiveness, seek reconciliation, and pursue restoration. The underpinnings of this call are found in the way Christ deals with us. In Christ, God did not enact retributive justice; He enacted restorative justice. He could have punished us, and, indeed, such punishment would have been just. Instead, He chose a different route—one to redeem and restore. Through Christ, we are spared punishment, redeemed, and restored. Notwithstanding this truth, when it comes to justice on earth, we spend our time wondering how God is going to achieve justice. Based on what we see in Scripture, God spends his time thinking about how His justice is going to achieve restoration. Restorative justice is not justice softened or justice abandoned; it is justice infused with a relational goal.

When Christian lawyers handle disputes, resolve conflicts, and seek justice in restorative and relational ways—ways that mirror Christ's ways—they bear witness to the kingdom of God. They preach the gospel with their actions.

As Christians, we are called to extend forgiveness, seek reconciliation, and pursue restoration. The underpinnings of this call are found in the way Christ deals with us.

#### Second, Restorative Tools

I am not the first, nor will I be the last, to suggest Christian lawyers are called to practice law consistent with the gospel. Indeed, there are organizations and law firms that specifically include this as part of their mission. Lots of individual lawyers incorporate their faith in their work. What I want to suggest here is we have some tools at our disposal as lawyers that we may not always realize. By using restorative tools in our practice and in the advice we give to our clients, we can participate with Christ in His restoration of all things.

## A Brief Detour to Talk About Restorative Justice

The term "restorative justice" sounds scary to some, I suppose, because the concept of justice can be scary, especially if you're aware of your need for grace and not justice in the spiritual sense. Restorative justice is variously referred to as an approach, a process, a set of tools, and a lens. It has its roots in Native American history and has been used for generations in faith communities like the Mennonite church. Notably, a form of restorative justice was the central component of South Africa's Truth and Reconciliation Commission and in justice efforts in Northern Ireland and Columbia. In the United States, restorative justice has been increasingly used in the juvenile criminal context and in schools where retributive justice and/or punishment have not worked to decrease crime, reduce recidivism, or bring about peaceful co-existence.

What is restorative justice? Fundamentally, restorative justice responds to wrongdoing by seeking first to repair the harm done through collaborative processes that focus on relationship. Restorative justice can take different shapes depending on the situation, but, generally speaking, a process or tool falls within the restorative justice rubric if it:

 Focuses on the harms and consequent needs of the individuals harmed, as well as those of the community and the agent of harm;

- b. Addresses the obligations that result from those harms;
- c. Uses collaborative processes;
- Involves those with a legitimate stake in the situation; and
- Seeks to put wrongs right.<sup>1</sup>

A key element of restorative justice is the concept of circles, which are conversation spaces designed to allow for (1) listening and problem solving among those impacted by a particular crime, offense, or traumatic event or (2) ongoing conversation and resolution of conflict and trust building. The foundation of circles designed to create restoration is that all the stakeholders—the victim, agent of harm, and community members—participate. This is the place where repentance and real transformation can occur.

#### **Back to Restorative Tools**

When I first read through the restorative rubric and the concept of circles several years ago now, my heart started to speed up, and something in me began to long for more restoration not only in my life, but also in my legal practice. I have set out on a journey, which continues today, to see how I might use restorative justice processes and tools in my everyday legal practice. In any given situation, I am asking how I can ensure my clients are legally well-protected and compliant and also being actively concerned for their own well-being and the well-being of those with whom they are in conflict. Don't mishear me lawyers are and must be advocates for their clients. I am not suggesting we become lax in our duties to our clients. What I am saying is that I believe part of our advocacy for our clients needs to include their overall situation and how a particular outcome may impact them and their constituents, employees, adversaries, and communities. In other words, we need to take seriously the truth that as lawyers we have a "special responsibility for the quality of justice." We are permitted to advise clients on moral, economic, social, and political matters when relevant to their situation.3

Restorative tools and processes include circles, listening, empathy, collaborative discussions, community involvement, apologies, forgiveness, restitution. How might we use listening circles at a board level when a dispute begins to break out? Or in employee conflicts? How might we encourage our clients to look at their adversary with empathy? How might we be more collaborative where appropriate so that solutions are not just



satisfactory but generative for everyone involved? How might stepping back and acknowledging the pain, discomfort, anger, or hurt certain individuals are experiencing contribute to a better, more Christ-honoring outcome? How might an apology allow a hurt person to move on? How might extending forgiveness provide relief to a wrongdoer?

There is so much more to be said, to be learned, to understand about the role of a lawyer and using restorative justice tools and processes. For now, though, let me suggest the following:

#### 1. Learn

In most situations we face as lawyers, a conflict of some kind exists, and I have yet to meet anyone who likes conflict. Even we litigators generally do not desire conflict (especially in our own relationships). Conflicts can end with everyone disappointed and angry, but they can also end with hope. Do some reading on restorative justice and the tools used to restore relationships, communities, churches, and classrooms. My favorites include: Zehr's book cited above; Howard Zehr's Changing Lenses: Restorative Justice for Our Times; Daniel W. Van Ness and Karen Heetderks Strong's Restoring Justice: An Introduction to Restorative Justice; and Aida Y. Hass-Wisecup and Caryn E. Saxon's Restorative Justice: Integrating Theory, Research, and Practice. I guarantee you will find wisdom for your legal practice.

#### 2. Pray

The fundamental message of the gospel is redemption and restoration. We are restored to relationship with our Heavenly

Father through Jesus Christ. By working toward restoration of relationship not only with God, but also with others, we are participating in the restorative work of Jesus. This means, of course, there will be opposition. Pray not only that God would open your eyes to the right situations to suggest the use of restorative tools and processes, but also for the courage to suggest it and the perseverance to follow through. Pray He would enable you to participate in His restoration through your work.

#### 3. Practice or Point the Way

Not every situation calls for the use of restorative tools, but once you learn what is out there and how you might engage those tools, practice! Research what restorative justice organizations might be in your community or available to you and point your client in that direction, if appropriate. You could recommend a client take their dispute to such an organization for assistance. Consider the situations that come your way where what is really needed is reconciliation and restoration of relationship. Maybe a listening circle would be helpful to your client. Maybe encouraging your clients to step into the shoes of their adversary would actually help them find a better outcome.

As lawyers, we are duty bound to advocate for our clients. Sometimes we add friction to situations, and that is what is needed. But sometimes, we may be presented with an opportunity where using restorative tools might help soothe and better serve our clients. We might be able to present a pathway to healing and restoration for their relationships and communities. I pray we would when we have the opportunity.

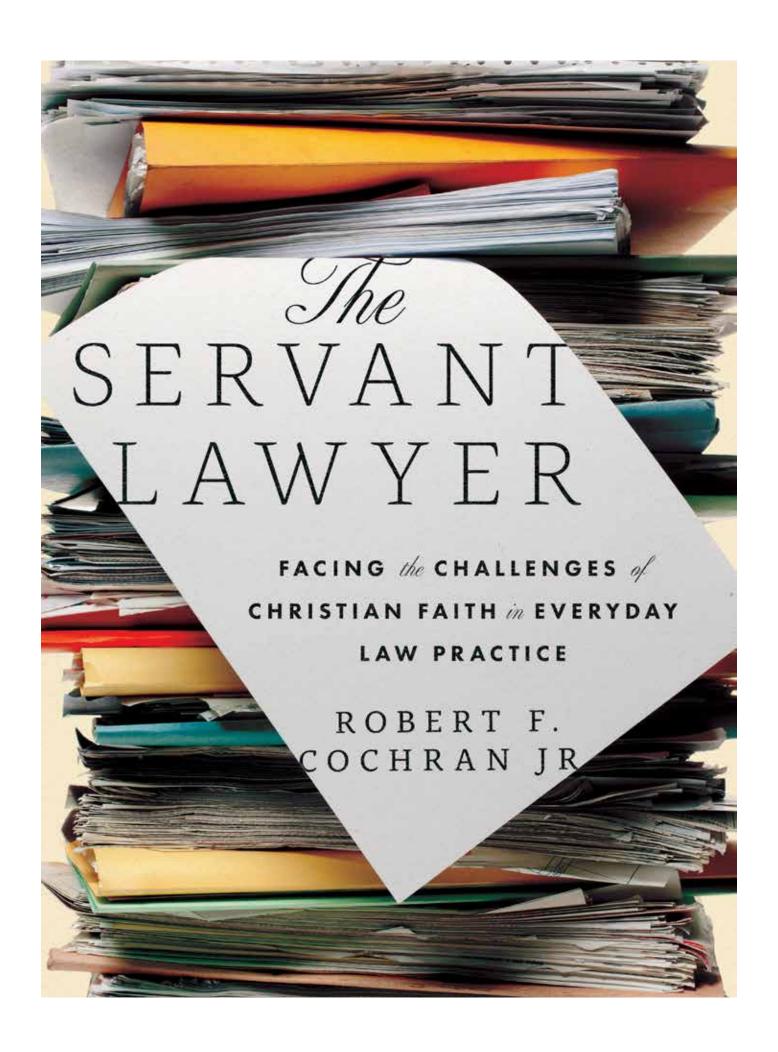


**KELLYE STORY** is an experienced litigator and counselor at Michael Best & Friedrich LLP, working in the litigation group and faith-based subgroup. She has experience

in various areas of law including employment, governance, investigations, and development of restorative justice and reconciliation plans for nonprofits and faith-based organizations that have experienced trauma or significant conflict. Kellye also served as a writer, teacher, and pastor at Willow Creek Community Church for eight years.

#### **ENDNOTES**

- Howard Zehr, The Little Book of Restorative Justice, 32-33 (2002).
- 2 Model Rules for Professional Conduct Preamble §1 (American Bar Association Center for Professional Responsibility 2024).
- Model Rules for Professional Conduct Rule 2.1 (American Bar Association Center for Professional Responsibility 2024).



### Nonprofit Board Service - Commitment, Challenges, and Counting It All Joy

BY SALLY WAGENMAKER



Have you ever been asked to serve on your church's leadership board? Or perhaps on the board of a Christian Legal Aid ministry, local Christian school, or other nonprofit? The nonprofit sector is incredibly large, including all sorts of religious and secular organizations and vast-ranging areas of mission focus such as animal rescue, international humanitarian assistance, mission outreach, and compelling backyard ministries to name a few.

Under state nonprofit laws, each organization must have a governing board, along with written bylaws that function as governance rules. Consistent with such bylaws, each nonprofit must have officers with designated specific roles (e.g., president, secretary). Nonprofits are subject to a huge array of legal compliance obligations too, such as filing annual state reports, complying with IRS tax-exemption constraints, and complying with state-specific fundraising requirements. Nonprofit directors and officers are also charged with executing ministry and other programs without running afoul of modern-day legal complexities, such as continually evolving employment laws, potential personal injury liability, and myriad other risk management issues depending on specific activities.

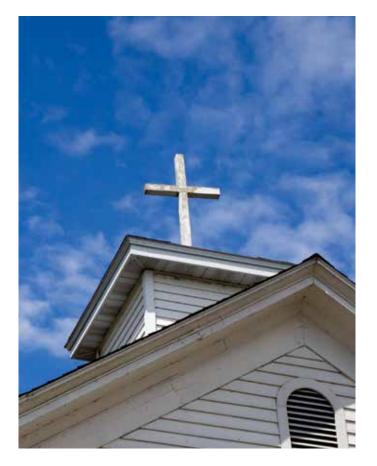
No wonder attorneys are often asked to serve on nonprofit boards! Serving on a nonprofit board of directors can be incredibly worthwhile. What should attorneys know in considering and carrying out these leadership opportunities, and how can they best fulfill their responsibilities as directors and officers? The following sections address fiduciary aspects per biblical mandates and otherwise, ethical implications, and key tips for excellent board service.

## Fiduciary Responsibilities of Care, Loyalty, and Obedience, With Biblical Wisdom

First, remember that nonprofit leaders owe fiduciary duties. At its most basic, the word "fiduciary" means entrusted—typically involving money or other assets, expectations of care, and with confidence and trust that the entrusted person will take care of others' interests. Within the nonprofit ministry context, a fiduciary owes responsibilities to the organization itself. Such responsibilities can become complicated when the overlays of personal relationships, volunteer involvement, and attorney ethics are considered. Should attorneys serve on nonprofit boards? Absolutely! But only with sober judgment, clarity, and faithful commitment.

The Bible offers key wisdom for nonprofit leaders. Proverbs is a great starting place: "Do not be wise in your own eyes; fear the Lord, and turn away from evil" (Proverbs 3:7 ESV). Good leaders seek wisdom, with humility and due awareness of lurking evil. What does that look like in practice? Nonprofit board members need not profess to know everything (although some attorneys can act like it). Effective leaders seek out others for help whether real estate brokers for property purchases, accountants for IRS reporting help, and attorneys for relevant legal issues. What if the ministry has an employment law issue? Antitrust lawyers need to resist the temptation to pinch hit as employment lawyers. Instead, they may be instrumental in connecting the nonprofit's executive leader to a capable employment law attorney.

Additionally, Proverbs 14:23 speaks to the importance of hard work: "In all toil there is profit, but mere talk tends only to poverty." Serving on a nonprofit ministry board can involve hard work, which is consistent with the duty of care. Showing up for meetings, reading board reports, and serving on committees fit within this responsibility. Nonprofit service thus can involve great sacrifice, so as Jesus instructs us, "count the cost" (Luke 14:28). Then serve the Lord with gladness and joy (Psalm 100:2).

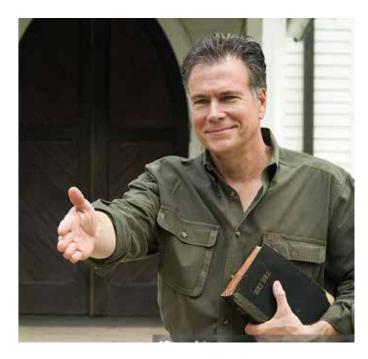


Nonprofit board service involves generosity too, particularly because directors most typically serve as volunteers. Commonly, this expectation is couched alliteratively in terms of "time, treasure, and talents" or "wealth, wisdom, and work." Some ministry boards are "working" boards, with plenty of pitching in by directors to get the work done. Other ministries have "policy" boards, most often those with very capable (and possibly large) staff who carry out daily operations. Still other ministries may suffer from growing pains, transitioning from a working board to a policy-only board—potentially with some leaders stepping on others' toes and possibly with other conflict or confusion. Clarify expectations for the board members through a policy document that includes financial and service expectations. Proverbs 11:24-25 provides a helpful contrast between a generous spirit and miserly attitude in serving others: "One person gives freely, yet gains even more; another withholds unduly, but comes to poverty. A generous person will prosper; whoever refreshes others will be refreshed."

Nonprofit board service also calls for loyalty, particularly through the legally enforceable fiduciary duty of loyalty. As Christians, we owe our ultimate allegiance to Christ. As Jesus promises in Mark 8:35, "For whoever wants to save their life will lose it, but whoever loses their life for me and for the gospel will save it." We follow Christ, especially in boldly proclaiming the gospel (Romans 1:16). Proverbs 3:3-4 instructs further so eloquently: "Let love and faithfulness never leave you; bind them around your neck, write them on the tablet of your heart. Then you will win favor and a good name in the sight of God and man."

In application, the duty of loyalty means that nonprofit leaders must make the ministry organization's interests paramount. If a board member feels more loyal to a friend than to the organization, he or she should step aside from decision making involving that friend. This legal principle may be challenging in application, however, because many ministry relationships involve deep ties. A more obvious example may involve money. A leader who is paid to serve an organization should never vote on his or her own compensation; only independent directors should vote. Similarly, a leader should not vote on a spouse's compensation, business transactions involving his or her own business, or other arrangements implicating conflicting loyalties. When in doubt, step aside.

The third and last fiduciary responsibility is the duty of obedience, which is closely related to the duty of loyalty. Anyone serving on a board should know the ministry's mission by heart, to



sufficiently share this mission with others and steer the organization well in fulfilling it. An organization's mission thus serves as a compass for all, guiding its leaders so they maintain and guard it. The Bible contains many examples of obedience, such as Peter's brave response to the religious leaders of his day: "We must obey God rather than men" (Acts 5:29). Who and what do ministry leaders obey? All too many organizational leaders go astray when they bow to forceful leaders who may not be leading the ministry correctly or ignore their responsibilities amidst the pressure of other worries and concerns. Be faithful to God and the mission to which He entrusted you.

#### Ethical Implications of Attorneys Serving on Nonprofit Boards

What about ethical implications? Plenty exist and should be carefully considered. Here are a few.

Client Representation: Most pivotally, an attorney serving on a nonprofit board should define as clearly as possible whether service is as an attorney or not. If not, the attorney should refrain from providing legal advice. Easier said than done! Resist the temptation to be the know-it-all. Advocate for getting other legal counsel for the nonprofit as one of your most beneficial leadership contributions.

If the attorney is indeed serving the nonprofit as retained counsel, which is legally permissible, then treat the nonprofit as the attorney's client. Get a written representation agreement in place, just like for other clients. It may be helpful to define the scope of the legal representation, such as to identify the attorney is also

Remember that nonprofit leaders owe fiduciary duties. At its most basic, the word "fiduciary" means entrusted—typically involving money or other assets, expectations of care, and with confidence and trust that the entrusted person will take care of others' interests.

serving on the board. These safeguards should be scrupulously followed—for both the attorney's and the nonprofit's benefit.

Other, related implications are covered under the ABA Model Rules of Professional Responsibility.

Defining the Client, Confidentiality: Correspondingly, if an attorney is serving the nonprofit as retained counsel, note Rule 1.13(a): "A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents." The attorney thus does not represent individuals—no single director or group of directors—but rather the organization itself. How does an attorney grapple with this corporate obligation? Perhaps the best answer is to define one's role as only a director or officer, not as an attorney with an attorney-client relationship. Such wisdom may be underscored by confidentiality aspects as well per Rule 1.6.2 Board meetings, deliberations, and reports are confidential in nature but always among the leadership and not necessarily consistent with attorney ethics obligations. Beware of potential landmines.

Competency: Rule 1.1 requires that "[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." Just because an attorney is practicing law and is fully committed to director service to a ministry does not mean the attorney is sufficiently competent to provide legal advice to the nonprofit. Be mindful of the critical distinction noted above for non-client/client specification. Regardless of the attorney/leader's relationship with the nonprofit, consider retaining a knowledgeable attorney for the needed area of expertise or learn about such area through mentoring from an experienced attorney.

Diligent Representation: Rule 1.3 requires that "a lawyer shall act with reasonable diligence and promptness in representing a client." This rule thus comports with the duty of care but from

an ethics perspective. Its application depends on whether an attorney-client relationship exists or not.

Conflicts of Interest: Consistent with all nonprofit leaders' duty of loyalty, stay aware of conflict-of-interest problems that may be especially thorny if an attorney does not clearly define his or her relationship with the nonprofit. For example, consider an attorney who serves on the board of a homeless shelter that is a church ministry and also serves on the church board. Quite impressive. But what happens if the attorney learns information about the church's finances that could be problematic for the shelter, such as that the church can no longer fund the homeless shelter or that the two organizations may be applying for the same grants? Does the attorney have an ethical conflict of interest because the organizations could be at odds? Not if he does not serve as attorney for either organization. But possibly if he serves as attorney for one or both organizations, and he does not affirmatively seek informed consent. See Rule 1.7 (current conflict of interest); Rule 1.8(b) (informed consent); and Rule 1.9 (duties to former clients). 5 Particularly within ministry contexts that can often overlap relationally, it may become essential to define (and maintain) an attorney's board service role as not within an attorney-client relationship.

Keep in mind too Paul's admonition in Romans 12:3-6a, emphasizing how we best function within Christian community, not as maverick heroes:

For by the grace given me I say to every one of you: Do not think of yourself more highly than you ought, but rather think of yourself with sober judgment, in accordance with the measure of faith God has given you. Just as each of us has one body with many members, and these members do not all have the same function, so in Christ we who are many form one body, and each member belongs to all the others. We have different gifts, according to the grace given us.

This biblical wisdom rings true for nonprofit boards, which are legally required to comprise multiple leaders all working together to further the organization's mission.

#### **Key Pointers for Leading Well**

I have now served as legal counsel to hundreds of nonprofits over nearly twenty years. I am exceedingly blessed. I have also served on nonprofit boards and in other advisory/committee roles. Through these wide-ranging opportunities, I have learned valuable lessons along the way, including the following:

- Leading well means wearing the right hat. As above, attorneys should define whether they are serving as directors and legal counsel too. For all nonprofit leaders, determine whether service is only as a volunteer or possibly paid. Generally speaking, nonprofit boards should be constituted with volunteer leaders, with the notable exception of executive directors and other key staff.
- Ask "Why am I here?" The answer should involve good reasons, most importantly to advance the organization's mission
- Stay accountable. All nonprofits are accountable to their stakeholders (e.g., donors, program participants), as well as to the government. Christians are accountable above all to God.
- 4. Be aware of potential personal liability. In tandem with accountability, nonprofit leaders need to know they can be held personally liable in connection with their board service—such as for intentional misconduct or gross negligence. Directors and officers insurance thus may be vital for protection, including provision of legal defense counsel in case of claim. Such possibility is increasingly more real, as our society continues to become more litigious. That is especially true in areas such as child protection, sexual abuse allegations, and defamation.
- 5. Address potential conflicts proactively. What if the directors run into an intractable leadership problem? Good governance includes a written dispute policy (within bylaws or standalone) providing for dispute resolution consistent with Matthew 18 and 1 Corinthians 6.
- 6. Remain independent. Effective and legally compliant boards continually strive for independence of all directors. When conflicts arise (whether involving finances or confidential information, as noted above), excuse conflicted directors and proactively address the situation at hand and then make appropriate decisions in light of such conflicts. A sound conflict of interest policy should prescribe the correct steps for identifying, addressing, and resolving conflicts consistent with applicable fiduciary and other legal requirements.
- 7. Keep watch through oversight. The proverbial buck stops with the board. Directors thus must show up, stay reasonably informed, and know when and what to delegate. A key point to remember is boards exercise oversight; they do not manage. The related difference between governance

and operations can prove elusive, especially for boards of new organizations that are getting off the ground and other nonprofits with "working" boards. One governance guideline is to exercise "constructive skepticism," asking incisive questions that foster effective governance, while rejecting a "culture of passivity."

8. Count it all joy. As James 1:2-4 instructs, "Count it all joy, . . . . when you meet trials of various kinds, for you know that the testing of your faith produces steadfastness. And let steadfastness have its full effect, that you may be perfect and complete, lacking nothing." Through my years of nonprofit service, including several years on Christian Legal Society's national board, I have been repeatedly humbled, I have grown immeasurably, and I have enjoyed rich bonds of deep friendship gained through striving together to advance worthwhile nonprofit goals. May that be true for every reader here, whether an attorney, law student, or other person seeking to serve meaningfully. To God be the glory!



**SALLY WAGENMAKER** is a partner at Wagenmaker & Oberly, a Chicago-based law firm serving nonprofit organizations across the nation. She has many clients

who are faith-based, and all seek to improve the world in meaningful ways. Sally served previously as a former president and director of CLS.

#### **ENDNOTES**

- 1 Model Rules for Professional Conduct Rule 1.13(a) (American Bar Association Center for Professional Responsibility 2024).
- 2 Model Rules for Professional Conduct Rule 1.6 (American Bar Association Center for Professional Responsibility 2024).
- 3 Model Rules for Professional Conduct Rule 1.1 (American Bar Association Center for Professional Responsibility 2024).
- 4 Model Rules for Professional Conduct Rule 1.3 (American Bar Association Center for Professional Responsibility 2024).
- Model Rules for Professional Conduct Rule 1.7 (American Bar Association Center for Professional Responsibility 2024); Model Rules for Professional Conduct Rule 1.8(b) (American Bar Association Center for Professional Responsibility 2024); Model Rules for Professional Conduct Rule 1.9 (American Bar Association Center for Professional Responsibility 2024).
- 6 Peregrine, M., and Broccolo, B. (Spring 2006). "'Independence' and the nonprofit board: a general counsel's guide." *Journal of Health Law*, 39(4), 27-29.







## How CLS Seeks to Defend the Church in Today's America

#### BY STEVE MCFARLAND

"Is this government action or policy threatening the freedom of the body of Christ to fulfill its mission?"

That is what Christian Legal Society's Center for Law & Religious Freedom ("the Center") asks when we consider defending a client. What is the mission of the Church? Our Lord told us very clearly: two great commandments and a great commission. We are to love God with all our heart, soul, mind and strength and to love our neighbor as ourselves (Mark 12:30-31). We are also commissioned to make disciples of all nations. So, the Center asks of each case of government interference whether it is threatening the fulfillment of these commandments and commission now or in the near future.

Specifically, we at the Center ask if the government act or failure to act threatens the ability of believers to worship, to teach the faith to our children, to evangelize, to disciple, to follow our biblically informed conscience, or to love our neighbor.

How does that play out in the various venues in which believers live?

#### The Local Church

The Center implements this strategy by prioritizing the following in defense of the Church. Is the church free to meet regularly and free to locate in a reasonable place in the community? Is the preacher free to speak prophetically from the pulpit the uncompromised Word of God? Can Sunday school and vacation Bible school flourish, as well as youth outreach? Is pastoral counseling unencumbered? Is church camp ministry possible? If the answer to the relevant question is "No" or "Threatened," it is a Center priority, subject to other factors below.

#### The School and Campus

This Kingdom mission of the Great Commandments and Great Commission also extends to the educational campus. Campus access was the original focus of the Center at its inception in the early 1970s and remains an area of particular expertise, so the Center looks for the necessity to defend access to campuses at all grade levels of public schools and public universities, but especially on law school campuses working with CLS' Law Student Ministries. This includes the right to have creed and conduct standards for the leaders of student ministries.

The Center similarly prioritizes private religious schools, universities, and seminaries. This significantly includes defense of their right to require that their faculty and all employees share the faith and, by the grace of God, endeavor to live according to biblical conduct standards.

#### The Christian Home and Family

The Center's mission-focused, prioritized strategy also extends importance to the home of the believer, so the Center asks whether the prerogative of parents to control the education and upbringing of their children is being threatened. The Center seeks to determine whether a parent can prevent sexual confusion and surgical alteration of their children. The Center asks whether believers are being disqualified from adoption or foster care because of their beliefs.

#### Faith-Based Ministries

The Center also defends parachurch organizations that seek to fulfill the mission of the Church. This means prioritizing the defense of their right to hire like-minded employees and volunteers in fidelity to their mission. The organization that cannot choose its staff on those bases will soon drift from its Christian moorings.

This priority target includes homeless missions, domestic abuse shelters, pregnancy centers, and international relief and development organizations. This too is the essential work of the Church that must be protected.

#### The Workplace

The Center's strategy for protecting the mission of the Church extends to where many of us spend most of our waking time—at the workplace. In that regard, the Center asks whether the religious freedom rights of public-school teachers and other government employees are being threatened. The Center asks whether secular employees are discriminating against believers because of their faith or their belief about marriage, including refusing to make reasonable accommodation of believers' conscience at work.

#### **Religious Conscientious Objection**

Finally, the Center defends the freedom of the believer to obey his or her biblically informed conscience: to decline participation in abortion, sex-change treatment, assisted suicide, dispensing chemical abortion pills, or working on the Sabbath.

#### The Center's Expertise

One other consideration the Center weighs is whether Christian Legal Society's Center is particularly, and even uniquely, qualified to meet this government challenge. The Center is not alone in this work; many like-minded organizations defend religious freedom and the sanctity of human life. Rather than piling on or duplicating efforts, the Center asks, as a matter of stewardship, if the Center is perhaps uniquely qualified to meet this challenge. Are there no other defenders that are apparently equally equipped and willing to fight this?

These are the lenses or filters that Christian Legal Society's Center for Law & Religious Freedom uses to choose what cases to get involved in. We do not ask, "Will taking this case attract headlines or donor dollars?" Rather, we try to distinguish the important from the urgent, that which is strategic to the fulfillment of our Lord's Great Commandments and Great Commission by the people of God.

Most importantly, we at the CLS Center depend upon the guidance of the Holy Spirit every day. We ask our Lord how we might wisely and effectually steward and deploy our time, reputation, and resources among only the most important strategic challenges today and tomorrow. The questions above are those we ask each time something confronts us. Because defending the body of Christ and its ability to love God, love neighbor, and share the Good News are the strategic priorities in which the Church cannot afford to fail. So be it, by God's grace.



**STEVE MCFARLAND** practiced employment, commercial and religious freedom litigation in Seattle; has directed the religious freedom and pro-life advocacy of Christian Legal Society (1991-99 and again

currently); was the first executive director of the U.S. Commission on International Religious Freedom, a federal agency; worked on prison reform at Prison Fellowship International and in the Office of the Deputy Attorney General, U.S. Department of Justice; and served World Vision/USA as its chief legal officer (2009-23).



#### **CLS' NATIONAL MENTORING INITIATIVE**

Over the years, strong mentoring programs have been prevalent in our attorney chapters. We are looking to continue building upon this by launching a brand-new national mentorship initiative. Each chapter has identified a mentor liaison to strengthen relationships with both younger attorneys and law students desiring mentors. Visit us online to connect with mentors.

AttorneyMinistries.org



#### BY ANTON SORKIN

The craftsman strengthens the goldsmith, and he who smooths with the hammer him who strikes the anvil, saying of the soldering, "It is good"; and they strengthen it with nails so that it cannot be moved.

**Isaiah 41:7 (ESV)** 

#### Introduction

Writing in *New Lines Magazine*, author Zinara Rathnayake describes a phenomenon that shaped the culture of Sri Lanka.<sup>1</sup> "Short eats," often described as a quick hunger fix, are embodied as a type of snack that has become synonymous with community and memory for the people of the region. "Each bite serves up a dose of nostalgia," said Ranji Thangiah, a Londonbased food photographer and food blogger of Sri Lankan heritage. "For me, short eats hold memories of the gatherings my parents would have with relatives and friends arriving to eat,

drink, discuss, debate, and attempt to solve Sri Lanka's problems from our small living room in a suburb of London."

Reading this piece, I was struck by the honesty of the culinary arts. Certainly, I've seen the artistry of food in films like *The Taste of Things* from Tran Anh Hung. Or the capacity of food for constructing (and sometimes destructing) communities in shows like *The Bear* on Hulu. But in this article on short eats, I found another layer to the meaningful presence of food and its remedial effect on history and memory. The author writes,

During my many conversations, both within and outside Sri Lanka, it was certain that short eats are a window into the island's social fabric. For some, it's a full meal itself, one that momentarily fills you up. Others find home in the food. Short eats for decades have shaped the lives of those who shape them.

C.S. Lewis would memorialize the moment at Addison's Walk with a poem that now stands as a monument on the property. In it, he writes about the contrast between the temporal and the eternal state—about the overcoming of things that confuse and the prevailing spirit of divine serendipity. He talks about the overcoming of nature and the natural self.

Short eats—such simple and inconsequential items—string together a pattern of memory and time, weaving together the social fabric of a community to create not only bonds of affections but also a tapestry of strength and deeper awareness.

#### What the Bird Said

As I was thinking about shorts eats on an empty stomach and the role of the Church in society in the midst of Sunday service at Capitol Hill Baptist Church, I began to understand the ways food taps into our collective memory and shapes the very relationships we embody. I was reminded by a simple reality of the nature of food and the preparation it entails. Food made is a process that requires premeditation. It requires intentionality and ingredients. It requires time and space, patience and finesse. The taste remains forever the judge and witness to this process. Oftentimes what this preparation allows for is community and the creation of history that seeps into the fabric of society. It is a process by which we hone our craft, and, in this pattern, we learn to love the other in all their struggles. It allows for what Dietrich Bonhoeffer described as a two-fold effect from God to us and to our brothers. "When God was merciful to us," he writes, "we learned to be merciful with our brethren."2 Alone we are often lost to the limitations of our own capacities that in community becomes the opportunity for new vision. Together we hold the multifaceted vantages that come together to create the tapestry of knowledge. It is in the kitchen we hone the metaphors of grace and divine witness—even in the mundane preparation of seed and soil.

One of the most remarkable stories in the history of the Church is C.S. Lewis' conversion. Retold in Holly Ordway's spiritual biography of J.R.R. Tolkien, she describes the moment along

Addison's Walk where Lewis, Tolkien, and their friend Hugo Dyson took frequent walks that were filled with discussion and debate over the nature of myth and theology. Lewis, who was renowned for his knowledge of the pagan gods, had always seen the Christian story as a reiteration of the myths of old widely held to be a course of fiction. But, on one faithful walk, something changed. Something in their conversation triggered a new social reality. As Ordway recounts, "[t]hey began with discussions of myth and metaphor;" and, as their talk progressed, Lewis, who was often prone to understanding Christianity through allegorical lenses, "began to see that Christianity was primarily a story, not a system of thought, and that it had to be approached with the same imaginative embrace that enabled him to enjoy myths in general."3 In the poem Tolkien wrote shortly after this incident, Ordway recounts the change she believes finally took place in Lewis. For the first time, he was able to pierce through the "endless multitude of forms" into the "real intrinsic value" of things perceived. 4 Despite us being estranged from God, we still can tread on the shadows of His creation and see, even for a moment, the radiance of His glory. In our momentary sight, even the most reluctant of all converts, when surrounded by friends, can grow to become the preeminent Christian apologist of the 20th century.

I am convinced that for the Church to stand strong in the coming decade, we must accept a two-fold process in the intermingling of our lives with society writ large. The first is we must remind ourselves to trust God and to pray in earnest for a small glimmer of His movement and repose. To dedicate anew to seek His face and study His Word as the process by which we increasingly become conformed into the image of His son. In Isaiah 41:8-10, the Lord speaks to the children of Israel through the movements of time—demonstrating God's power and agency over the course of history and His sheer supremacy over man and their idols alike.

But you, Israel, my servant,
Jacob, whom I have chosen,
the offspring of Abraham, my friend;
you whom I took from the ends of the earth,
and called from its farthest corners,
saying to you, "You are my servant,
I have chosen you and not cast you off";
fear not, for I am with you;
be not dismayed, for I am your God;
I will strengthen you, I will help you,
I will uphold you with my righteous right hand.

Second, we must heed the instruction of Christ to Peter in the midst of his failure that failure must lead to a renewing of strength for the development of others. The warning in Luke 22:31-32 was clear, and the command salient: "Simon, Simon, behold, Satan demanded to have you, that he might sift you like wheat, but I have prayed for you that your faith may not fail. And when you have turned again, strengthen your brothers." When Tolkien and Dyson took that faithful walk alongside their friend and ally, they only hoped their words could pierce through the levers of Lewis' design and turn the nob toward an ever-greater vision for the meaning of myth. When Lewis wrote his essay, *Myth Made Fact*, he was infinitely aware at the change in his awareness, writing poignantly, "Myth is the mountain whence all the different streams arise which become truths down here in the valley."

I've been in ministry for almost two decades now, and I've seen far too much "looking to God" and far too little "strengthening our brothers." In fact, what I've seen is the flattening of the first as a point of reminder and the negligence of the second as a process that happens by chance. If the Church desires to strengthen its members, we must become the type of steel that carries weight and forms through impact.6 We must avoid becoming complacent with the idea of God but live in step with the mandate of being sent by God as vice-regents. That takes dedication—as Paul notes, it takes discipline (1 Corinthians 9:27). It requires a daily commitment to growth and vigilance, an unwavering jealousy for the things of God with a mediating wisdom to speak with truth and love. We have become absurd and obnoxious in the application of our fears to the lifestyles of those we consider to be at odds with our own preferred patterns. And we have ceased to become conformed to the image of the Son. The only image we have remaining as a point of comparison is our own. My advice to you is to find friends who will challenge your commitments to the life of simple-favor and push you toward a life of increased strength and vision.

#### Conclusion

C.S. Lewis would memorialize the moment at Addison's Walk with a poem that now stands as a monument on the property. In it, he writes about the contrast between the temporal and the eternal state—about the overcoming of things that confuse and the prevailing spirit of divine serendipity. He talks about the overcoming of nature and the natural self, reminding us how we too often find ourselves unable to see past our immanent frames and become like Edmund consumed by "Turkish delights" under the spell of the Witch, for "there's nothing that

spoils the taste of good ordinary food half so much as the memory of bad magic food."<sup>7</sup>

It is in the community of Saints that we can overcome these things—to have our limits scaled back and for our eyes to see the glory of the Lord with overcast lenses. To enjoy the presence of the Lord and not quench the Spirit through wanton self-reasons. It is here we can find the truth in the bonds of our common affection and yield the labor of our hands as the strengthening nails that hold the foundation in place. "This year, this year, as all these flowers foretell, we shall escape the circle and undo the spell."



ANTON SORKIN is the director of CLS' Law Student Ministries, where he helps Christian law students across the nation better integrate their work and worship. He

has a passion for helping students study the interaction between law and religion, engage with the complexity of the modern forms of public witness, and better love God and serve their neighbors. Anton is also a visiting scholar at the University of Texas School of Law.

#### **ENDNOTES**

- <sup>1</sup> Zinara Rathnayake, "Why Short Eats Are an Emblem of Sri Lankan Identity," New Lines Magazine, July 26, 2024, https://newlinesmag.com/spotlight/why-short-eats-are-an-emblem-of-sri-lankan-identity/.
- 2 Dietrich Bonhoeffer, Life Together: A Classic Exploration of Christian Community 24-25 (1954).
- 3 Holly Ordway, Tolkien's Faith: A Spiritual Biography (Washington, D.C.: Word On Fire Academic, 2003) 177-80.
- 4 Id.
- s C.S. Lewis, The Grand Miracle: And Other Selected Essays on Theology and Ethics from God in the Dock, 41 (New York: Ballantine Books, 1986).
- 6 Proverbs 27:17
- 7 C.S. Lewis, The Lion, the Witch, and the Wardrobe, 84 (1950).
- 8 C.S. Lewis, "What the Bird Said Early in the Year," https://www.thegospelcoalition. org/blogs/justin-taylor/c-s-lewiss-poem-what-the-bird-said-early-in-the-year/





#### BY ANNIE BECKER

My older brother and I overlapped in high school for one year. If you share a similar age gap with a sibling, you may also know this didn't mean we shared high school memories or friends or some wise shepherding through the halls of a new school. It meant he was tasked with taking his little sister to school every day. Now being the shrewd future attorney he was, my brother wanted to be compensated for what he saw as an extra task dropped on his plate. Unsurprisingly, our parents turned down this request.

Why? Well, let's ignore for the moment the fact he was taking me somewhere he was already going (a fact that does not get ignored when discussed around the Bennett family table). Taking his younger sister to school wasn't considered employment, such that he'd be compensated, or some sort of charity, such that he would get community service hours. It was simply what family did. We all understand, either intrinsically or extrinsically through cultural norms, there is a difference between volunteer work and serving your role in your family.

When we talk about Christian Legal Aid, we often talk about using our legal skills as external outreach or an extracurricular volunteer activity. But do we *also* see it as a powerful way to serve the family of God? If we are to see our legal ability as one means of playing our family role, we need to have an accurate view of both our *identity* and our *misconceptions*.

The Lord continues to ordain biological family units with unique responsibilities as one means of ordering society—but we must recognize our identity in Christ gives us a fundamental familial tie to our brothers and sisters in faith as well. We have been adopted into God's family, and this family is united not by sharing blood but by sharing redemption through the blood of Christ. Admittedly, it is difficult to see this relationship as primary when so many divisions exist in the church. Yet we are still called, as Paul tells us, to persist in doing good to all people—especially those who are of the household of faith (Galatians 6:9-10 ESV). If our legal abilities are one way we have been gifted and equipped to do good, we must see the opportunity to serve both in and outside the family.

However, we may be blinded by misconceptions that our brothers and sisters are not those in need of legal help. Perhaps we believe members of our household aren't the clients walking in the doors of Christian Legal Aid clinics. Legal aid then becomes *solely* an outreach activity—a volunteer service activity—rather than a way to love our family. These misconceptions, however, are wrong.

First, God calls us to not simply "do good" but to actually address the real havoc wrought by injustice and, in doing so, bring restoration. Injustice spares neither Christians nor non-Christians. People of all faiths face all matters of injustice in today's age—from predatory landlords to financial scams aimed at the elderly to domestic violence to religious persecution around the globe to wrongful criminal charges. And we know, in fact, our very status as His beloved puts a target on our backs for the evil one. Christian attorneys have a huge role to play in serving the Church by wading through the injustices that threaten to ensnare God's beloved.

Second, let us not be self-righteous enough to think that Christians do not also find themselves in messy legal situations because of their own mistakes. We are made new, but we are not yet without fault. When our brother or sister sins and finds themselves in a bad situation, that does not mean we walk away. That may be the time they need the body of Christ

most, and it may be the opportunity to walk with someone through repentance. While there is nuance, it is not enabling a person in their sin to help address the situation head on and perhaps walk with them through spiritual and legal restoration. After all, we know we have an Advocate who intercedes for us night and day, not because we are innocent but because He exchanged our guilt for His righteousness.

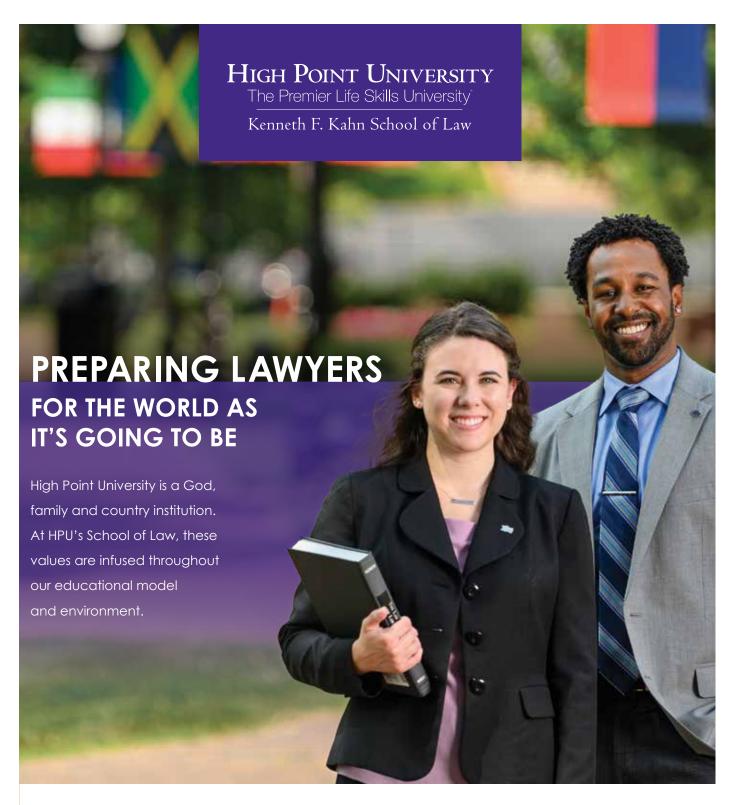
Playing our role in God's family does not mean that we must be every Christian's personal attorney. But it does shift our lens to see our legal service less as community service and more as familial love. It is this sacrificial love, after all, that will continue to knit together the church and display God's majesty to a watching world.



ANNIE BECKER is the director of CLS' Christian Legal Aid. Prior to joining CLS, Annie worked in civil legal aid in Washington, D.C., representing clients at all stages of

complex custody and domestic violence matters. Throughout her time in legal aid, Annie also provided brief legal services to indigent clients facing a variety of civil legal issues, including housing conditions, evictions, and consumer issues.





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CLS attorney chapters provide the opportunity for regular fellowship activity, mentorship, resources, and so much more. Each of our chapters listed below holds monthly or regular meetings that will help you integrate your faith and the practice of law while establishing healthy relationships with Christian attorneys in your community. An asterisk below indicates an inactive chapter (attorneys are not currently meeting). If you are interested in restarting this chapter, please send an email to clshq@clsnet.org. To learn more about your local chapter or for current contact information, visit our website at **AttorneyMinistries.org**.

#### **ALABAMA**

CLS Birmingham CLS Mobile

#### **ARIZONA**

CLS Phoenix CLS Tucson

#### **CALIFORNIA**

CLS Inland Empire CLS Los Angeles CLS Orange County CLS Sacramento

CLS San Diego

CLS San Fernando Valley

CLS San Francisco

#### **COLORADO**

CLS Colorado Springs CLS Denver

#### CONNECTICUT

See New England

#### **DISTRICT OF COLUMBIA**

CLS DC Metro

#### **FLORIDA**

CLS Central (Orlando) CLS Jacksonville CLS Tallahassee CLS West Palm Beach

#### **GEORGIA**

CLS Atlanta

#### **HAWAII**

CLS Hawaii

#### **ILLINOIS**

CLS Chicago

#### **INDIANA**

CLS Indianapolis

#### **KANSAS**

CLS Topeka CLS Wichita

#### **LOUISIANA**

CLS New Orleans\*

#### MAINE

See New England

#### **MARYLAND**

**CLS Baltimore** 

#### **MASSACHUSETTS**

CLS Boston
See New England

#### **MINNESOTA**

**CLS Minnesota** 

#### **MISSISSIPPI**

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#### **VERMONT**

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#### **VIRGINIA**

CLS Leesburg CLS Richmond CLS Virginia Beach

#### **WASHINGTON**

**CLS Seattle** 

#### **WISCONSIN**

**CLS Madison** 

View complete chapter information by scanning the code below:





#### CLS LAW SCHOOL FELLOWS 2024

This past May, 36 Christian law students traveled from all over the nation to gather in Washington, D.C., for the annual CLS Law School Fellows program. Each day, students, staff, and faculty gathered to engage in biblical worldview topics and delve into what it means to integrate their Christian faith into the practice of law. This intense, week-long experience was packed with wonderful worship, dynamic speakers, and meaningful discussions.

The program culminated with a little fun and the cultivation of lifelong relationships. If you would like to learn about the CLS Law School Fellows program, visit the website at www.christianlegalsociety.org/lsm/cls-fellows or contact Anton Sorkin, the director of Law Student Ministries.



Photo Credit: Kaitlynn Deboy Photography

Photo Credit: Kaitlynn Deboy Photography





Photo Credit: Kaitlynn Deboy Photography

#### CHAPTER EVENTS AND HIGHLIGHTS

Things normally slow down for some chapters in the summer, but not this year. The CLS attorney ministries and law student chapters have been busy over the past few months. We are excited about the gathering of Christian attorneys and law students across the nation, and we hope you will join your nearest attorney or law student chapter to get plugged in with other like-minded Christians within the legal profession. CLS attorney chapters gather to encourage, fellowship, serve, and pray together with other Christian attorneys. To find your local CLS attorney ministries chapter, visit us online at www.christianlegalsociety.org/am/find-a-cls-chapter.

If you would like to start, lead, or find your closest CLS law student ministries' chapter, visit us online at www.christianlegalsociety.org/lsm/connect/.



CLS Chicago attorney chapter gathered at a local chapter leaders' home for some fun in the sun.

Photo Credit: Mike Wang

CLS Memphis law student chapter gathered to pray on their first day of classes. The students served coffee and donuts and used this time to focus on praying over their law school, city, and community.

Photo Credit: Merry Ashlyn Gatewood





A group of Colorado CLS attorneys came together for a CLE session led by Telios Law founder Theresa Sidebotham, who covered essential DEI topics to help protect law firms, ministries, and organizations; to gain a deeper understanding of legal frameworks around DEI and anti-discrimination laws; and to learn how to create more inclusive environments.

Photo Credit: Rebecca Sidebotham

#### Connect with a Christian Legal Aid clinic in your community.

#### **ALABAMA**

Montgomery
Faulkner University Law
School Legal Clinics

#### **ARIZONA**

Tucson

Christian Legal Society of Tucson Christian Legal Aid Program

#### **CALIFORNIA**

Auburn 3R Ministries

Los Angeles

Pepperdine University Legal Aid Clinic

Los Angeles Metro Area Christian Legal Aid of Los Angeles

Oakland

Pope Francis Legal Clinic

Sacramento

Love & Wisdom (LAW) Clinic

San Diego Metro Area San Diego Christian Legal Aid

Santa Ana

Christian Legal Aid of Orange County Trinity Law Clinic Mobile Legal Clinic

#### **COLORADO**

Denver

Justice and Mercy Legal Aid Center

Denver Metro

Christian Legal Clinic of Metro Denver Triage Legal Clinics

- · Denver Rescue Mission Clinic
- · Broomfield FISH Clinic
- Samaritan House Clinic
- Salvation Army Clinic
- Providence Network Clinic
- More Life Center Clinic
- · Life Center Clinic
- SECOR Clinic
- The Rising Church Clinic
- Dry Bones Clinic
- Arvada Covenant Church

Fort Collins

Serve 6.8 Legal Clinic

Loveland

House of Neighborly Services Clinic

#### **DELAWARE**

Wilmington

Sunday Breakfast Mission Legal Aid Clinic

#### **DISTRICT OF COLUMBIA**

Christian Legal Aid of the District of Columbia

- Central Union Mission
- · DC Dream Center

#### **FLORIDA**

Jacksonville

CLS Pro Bono Project

Jacksonville Metro Area
Jericho Road Legal Service Ministry

Miami

City on a Hill Legal Ministry

#### **ILLINOIS**

Chicago

Cabrini Green Legal Aid

#### INDIANA

Indianapolis Metro Area

Neighborhood Christian Legal Clinic

#### **KANSAS**

Wichita

Wichita Christian Legal Aid

#### **KENTUCKY**

Lexington

Merciful Justice Legal Clinic

Louisville

Access Justice

#### **LOUISIANA**

Shreveport

Christian Legal Aid of North Louisiana

#### **MARYLAND**

**Baltimore** 

Good Samaritan Advocates

· City of Refuge

Montgomery County

Good Samaritan Advocates

- · Covenant Life Church
- Montgomery County Correctional Facility
- The Salvation Army Center

#### **MICHIGAN**

Detroit Metro Area

Christian Legal Aid of Southeast Michigan

Detroit

The Joseph Project

Grand Rapids

West Michigan Christian Legal Aid

Kalamazoo

Christian Legal Aid of Southwest Michigan

Lansing

Christian Legal Aid of Lansing

#### **MINNESOTA**

Minneapolis

Park Avenue Walk-in Legal Clinic

Twin Cities

Twin Cities Christian Legal Aid

#### **MISSISSIPPI**

Jackson

Mission First Legal Aid Office

#### **MISSOURI**

St. Louis Metro Area

New Covenant Legal Services

#### **NEW JERSEY**

Newark Metro Immigrant Hope

#### **NEW MEXICO**

Albuquerque

New Mexico Christian Legal Aid

Las Cruces

Catholic Charities of Southern New Mexico

#### **NEW YORK**

New York City
Open Hands Legal Services, Inc.

#### **NORTH CAROLINA**

Durham

Justice Matters

Greensboro

Wilberforce Center for Justice and Human Rights

Raleigh

Campbell Community Law Clinic

#### OHIO

Cleveland

Scranton Road Legal Clinic

Columbus Metro (Westerville)

Vineyard Immigration Counseling Service

Richland County

Richland County Legal Aid

Toledo

Christian Legal Collaborative

Delaware

Delaware Dream Center

#### **OKLAHOMA**

Oklahoma City Metro Trinity Legal Clinic

- Crossings Community Center
- Cross and Crown Mission
- City Rescue Mission
- · Living Faith Ministry

- · OKC First Church of the Nazarene
- · Salvation Army—Norman

Tulsa

Tulsa University College of Law CLS Christian Legal Aid Clinic

#### **OREGON**

Portland

Union Gospel Mission of Portland Christian Legal Aid Clinic

Salem

Christian Legal Aid of Marion and Polk Counties

#### **PENNSYLVANIA**

Philadelphia

Christian Legal Clinics of Philadelphia

- West Philadelphia Legal Clinic
- · Hunting Park Legal Clinic
- · South Philadelphia Legal Clinic
- Chester Legal Clinic
- Germantown Legal Clinic
- Kensington Legal Clinic
- Chosen 300 Legal Clinic
- · North Philadelphia Legal Clinic

Pittsburgh

Christian Legal Aid of Pittsburgh

#### **TENNESSEE**

Nashville Metro

Compassionate Counsel

#### **TEXAS**

Dallas

**Revive Justice** 

Houston

Restoring Justice

Houston Metro (Cypress)
Houston Legal Aid Center

Houston Metro (The Woodlands) Community Christian Legal Aid

#### **VIRGINIA**

Arlington

Restoration Immigration Legal Aid

Northern Virginia

Good Samaritan Advocates

- Columbia Baptist Church
- Reston Bible Church
- · The Lamb Center

#### **WASHINGTON**

Seattle

Open Door Legal Services

Spokane

Union Gospel Mission of Spokane Christian Legal Aid Clinic

#### **WISCONSIN**

Milwaukee

JC Legal Resources Center Inc.

#### **INTERNATIONAL**

Toronto, Canada CCM Toronto Legal Clinic

Nairobi, Kenya

Africa Justice and Restoration Kenya

For contact information and other details for the Christian Legal Aid clinics, view the full clinic directory at Christian Legal Aid.org.





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#### Serving and Protecting the Church

When I was twelve years old, I went to a whole-church workday with my mom, and I was very angry when the two of us were the entire work crew. I learned a valuable lesson though. As Christians, we are called to serve, and our call to service is not conditional. It does not depend on whether the service is popular, easy, fun, or even whether we are the best candidate. We are called to serve (1 Peter 4:10 ESV).

I spent most of the next fifty years confident I was not qualified for the service I undertook, but that is not the criteria. I need to—and can—rely on God to help me do what He needs.

My best example is volunteering at a Christian Legal Aid clinic. My entire legal career concentrated on representing employers. No surprise, there were no employers coming to a legal aid clinic when I volunteered. The people who came had issues for which I lacked training or experience, so at the beginning of every meeting I prayed for them and also prayed God would give me what I needed to help them. And He Did! Every time!

Through another call to service—this time in church leadership—I learned an important part of my role was protecting the church. Recognizing that pastors are integral to a healthy church, I often saw my role as protecting the pastor. Sometimes this meant protecting the pastor from hav-

ing to be responsible for unpopular decisions (Proverbs 11:14). Usually though, it meant being there to help the Pastor, whether by counsel or muscle (Exodus 17:10-13).

Sometimes though—and hopefully rarely—protecting the Church means addressing unwise decisions. I want to believe it is rare for pastors to engage in evil (1 Thessalonians 5:22). The Bible teaches Christians to abstain from even the appearance of evil. This is where we must be most vigilant in order to protect the Church. Too often, leaders do not realize the appearance their actions take. Counsel to prevent such appearances may be unpopular, even unwelcome, but here too, we are not called to provide counsel only when it is popular or what others want to hear. Sometimes the counsel may be to educate people to eliminate inaccurate perceptions. Other times, the counsel may instead be to stop doing something, and that can be especially hard when the leader does not see the potential harm.

There have been many other ways of serving and protecting the Church discussed in the pages of this magazine To me, the bottom line is not whether you are called to serve, but what you are called to do.

## 2025 CLS REGIONAL RETREATS



MIDWEST (LAKE GENEVA, WI)

JANUARY 31 TO FEBRUARY 2, 2025

**SOUTHEAST (CHATTANOOGA, TN)** 

FEBRUARY 21 TO FEBRUARY 23, 2025

**NORTHWEST (CANNON BEACH, OR)** 

MARCH 28 TO MARCH 30, 2025

**NORTHEAST (SOUTHBURY, CT)** 

APRIL 4 TO APRIL 6, 2025

**SOUTHWEST (CARLSBAD, CA)** 

MARCH 21 TO MARCH 23, 2025



**CHRISTIANLEGALSOCIETY.ORG/EVENTS**