

Putting your religion to work in your law practice

Course Outline by Dan Read

Wednesday, February 12, 2020

Practicing law is stressful—substance abuse, depression, social isolation, and suicide result. Programs abound—LAP, mindfulness seminars, and more. Virtually absent in the professional help literature is religion. This will be a session led by serious religious people about how they use their religion to (1) establish goals for their personal and professional lives, (2) help them organize and run their businesses, (3) decide what kinds of cases they will do, and (4) deal with clients and stress. Obviously there are many religions with many perspectives. The session will however in the Quaker tradition, which is Christian in origin. There will be references to the teachings of Jesus.

The Problem: mental health and associated problems

Solutions in place—are they working?

Rarely do you hear that religion can be a solution—why?

For us it starts with not being afraid. If there is one thing Jesus said often, is “Be not afraid.”

Basic concept: What is religion?

This session will be from a Quaker Christian perspective, that is who we are

What do Quakers do?

How do you apply religion to law practice—four main areas

- Setting goals

- Business practices

- Case selection

- Treating clients/others

SETTING GOALS

What is the goal of your life?
What kind of person do you want to be?
What kind of lawyer do you want to be?
How do you share your goals?

BUSINESS PRACTICES

Treatment of Employees
Setting Fees
Borrowing and Paying Debts
Purchasing Decisions

CASE SELECTION

TREATING CLIENTS/OTHERS

CASE STUDY: Scott Holmes on Why I Do not Wear a Tie

How Quakers Worship

Quakerism does not consist of accepting specific beliefs or of engaging in certain practices; it involves each person's direct experience of God. Worship begins when the first person enters the room and takes a seat. The practice of sitting together in silence is often called "expectant waiting." It is a time when Friends become inwardly still and clear aside the activities of mind and body that usually fill our attention in order to create an opportunity to experience the presence of the Holy Spirit. It is not a time for "thinking," for deliberate, intellectual exercise. It is a time for spiritual receptivity, so it is important not to clog one's mind with its own busy activities. Nonetheless, thoughts will occur in the silence. Some thoughts or images or feelings may arise that seem to come from a deeper source and merit attention. If you are visited by a spiritual presence, if you seem to experience perceptions that are drawn from a deeper well or are illuminated with a brighter light, then let those impressions dwell in you and be receptive to the Inward Teacher. Each person finds his or her own ways of "centering down," or entering deep stillness during meeting. From time to time, an individual may be moved to offer a "message" (or "spoken ministry") to the group. Spoken messages may occur many times during a meeting, or there may be none at all. Such a message is delivered by an individual, but is understood to be coming through that person from God. When such a message is delivered, no outward response is expected from you--in fact, it is not Friends' practice to offer vocal approvals, or even turn around in one's seat to look at the speaker. There may be a kernel of truth in it that will speak to you. If that does not happen, trust that the message was meant for others, and return to your own worship.

Internet Resources

How I Practice Quakerism Through the Week

https://www.youtube.com/watch?time_continue=302&v=69w47fjisns&feature=emb_title

Lloyd Lee Wilson on Quaker Faith and Practice

<https://www.youtube.com/watch?v=0PjQNV13088>

British Quakers Talking about how Business is done

<https://www.youtube.com/watch?v=CHSOdM70gjs>

Religion in the workplace from a management perspective

<https://hbswk.hbs.edu/item/religion-in-the-workplace-what-managers-need-to-know>

Supreme Court Cases

EEOC v. Abercrombie & Fitch

https://www.supremecourt.gov/opinions/14pdf/14-86_p86b.pdf

Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission

<https://www.scotusblog.com/case-files/cases/masterpiece-cakeshop-ltd-v-colorado-civil-rights-commn/>

S.P.I.C.E.S.

Quaker Testimonies: Simplicity, Peace, Integrity, Community, Equality, and Stewardship - or S.P.I.C.E.S. as we like to call it..

Simplicity

The testimony of simplicity is about arranging one's life so that the inner light is unobstructed.

Peace

The testimony of peace focuses on the importance of creating harmony within oneself and within one's community.

Integrity

The testimony of integrity calls for truth and honesty in all of one's dealings.

Community

The testimony of community speaks to the power that emerges when individuals are united in purpose.

Equality

The testimony of equality stems from the Quaker belief that there is that of God in everyone.

Stewardship

Implicit in all the Quaker testimonies is the importance of caring for what has been given us by God including our possessions, our talents, and our natural environment.

The Golden Rule—Examples from Around the World

Christianity

Matthew 7:12

In everything, do unto others what you would have them do to you. For this sums up the law and the prophets.

Buddhism

Udanavarga 5:18

Do not offend others as you would not want to be offended.

Islam

Prophet Muhammad

None of you are true believers until you love for your brother what you love for yourself.

Judaism

Hillel, Talmud, Shabbat 31a

What is hateful to you, do not do to your neighbor. This is the whole Torah; all the rest is commentary.

Confucianism

Analects 15:23

Tzu-kung asked, "Is there one word which can serve as the guiding principle for conduct throughout life?" Confucius said, "It is the word altruism (shu). Do not do to others what you do not want them to do to you."

Sikhism

Guru Granth Sahib, pg. 1299

I am a stranger to no one; and no one is a stranger to me. Indeed, I am a friend to all.

Taoism

T'ai Shang Kan Ying P'ien, 213–218

Regard your neighbor's gain as your own gain and your neighbor's loss as your own loss.

Jainism

Mahavira, Suttrakritanga

One should treat all creatures in the world as one would like to be treated.

Aboriginal Spirituality

Chief Dan George

We are much alive as we keep the Earth alive.

The Legal Implications of Witnessing at Work
Christian Law Association (David Gibbs)

<https://www1.cbn.com/legal-implications-witnessing-work-1>

If you've ever wondered "Will I get into trouble for witnessing at work?" you are not alone. Realizing that full-time American workers spend an average of 8.3 hours a day on the job, many believers recognize that their workplaces provide an obvious venue for sharing the gospel. But, such Christians are facing increasing opposition from employers for engaging in such witnessing activities.

Often company officials do not understand their employees' religious rights, and sometimes they wrongfully discipline them for activities that are entirely appropriate. Far too often, employers mistakenly treat religious speech like sexual harassment and create a "zero tolerance" policy for religion that is similar to policies for sexual harassment. Religious speech and sexual harassment are worlds apart, though. Religious speech enjoys both constitutional and statutory protections that have never been granted for sexual harassment.

More and more, Christians are being told that religion has no place in the workplace. Some employees have even been terminated for exercising their right to religious expression. Here are a few examples:

A state university department supervisor faced disciplinary action for violating the university's "harassment" policy. Human Resources personnel informed him that because he was a supervisor, he could never talk about religion to another employee. This interpretation of the law was incorrect.

An employee of a large retail establishment in Illinois frequently shared her faith with coworkers. Because this employee knew the laws regarding religious speech, she always made a point to ask her coworkers to tell her if they did not want to discuss religion. None of her colleagues ever complained to her, yet she was terminated for violating the store's "harassment policy."

The employer of a Florida man warned him to cease all voluntary religious discussions with coworkers. Employees who consistently violated the company's profanity policy, however, were not disciplined.

As these individuals learned, one key to being an effective witness in the workplace is to understand exactly what your rights are. Some important questions to consider are:

When does sharing your faith constitute harassment?

Are there greater restrictions on religious expression for supervisors?

Does it matter if you are witnessing to your company's customers or to your coworkers?

Do the laws vary depending on whether you are employed in the private sector or by the government?

Religious Discussions with Coworkers

Title VII Civil Rights Act of 1964 provides general rules for all private workplaces employing fifteen or more people. It stipulates that a company that allows employees to engage in non-work related conversations, such as those about politics, family, sports or other such topics, may not prohibit voluntary religious discussions between employees either. The water cooler and employee lunchroom are a type of public forum where citizens share ideas and interact at a variety of levels. In informal settings, such as break rooms or hallways, and at times when workers voluntarily interact about non-work issues, employees may discuss their religious views or voluntarily pray together. The same rules apply as would to any other private conversation.

Other employees may not stop religious exchanges simply because they overhear a religious conversation. For example, at a large retail store in Indiana, an employee and several coworkers met informally and as privately as possible each day for a brief word of prayer before clocking in for work. They asked God to bless their supervisors and colleagues and prayed for other needs. One day, company management asked the group to stop because another employee had been offended when she saw them quietly praying. The employee contacted Christian attorneys who informed store management that another worker's offense at this quiet religious activity did not justify prohibiting it. If the workers had been discussing the previous night's TV programming, no question would have been raised.

Despite clear legal protections, Christian employees often face discipline for sharing their faith. Incredibly, some employers will allow non-Christian religious expression yet forbid religious expression from Christians. For example, an employee was disciplined for sharing his Christian perspective on suicide and salvation with a coworker who had just expressed his belief in reincarnation and stated that he was contemplating suicide. The Christian was fired for sharing the hope of life found in Jesus Christ and for pleading with his coworker not to commit suicide!

Limits on Religious Discussions with Coworkers

While Christian employees have broad rights to express their faith to coworkers, there are two legal limitations.

An employee must not allow religious discussions to interfere with work. Stated differently, an employer has the right to insist on the employee's full attention during working hours. Therefore, a Christian employee should be careful not to create even the perception that religious discussions are interfering with job performance. Also, it is easier to prove that talking about religion is the reason for discipline if the employee has a good work reputation and a clean record as an excellent, dedicated employee. In one case, a Christian employee's attorney was able to point to the employee's glowing performance evaluations (copies of which he always kept at home) when management insisted the employee was not a victim of religious discrimination, but rather was being disciplined for poor work performance.

If a coworker indicates directly or indirectly that she does not wish to discuss matters of religion, the Christian employee should immediately stop discussing it with her. If the Christian does not stop, he can be disciplined for harassment. This rule is legitimate. Think of this limitation in terms of "the shoe being on the other foot." If a Christian works with a Satanist, that Christian worker has the right to prevent the Satanist from talking to him about occultist practices. This

precaution does not mean, however, that every time someone who has asked you not to talk about religion walks into the room, your conversation with others must stop. But, you should be sure not to direct the religious conversation to the employee who has objected. Religious conversations at work should take place privately and voluntarily. In fact, it may be wise to take a conversation elsewhere when a person who has objected comes on the scene, since this type of person would be most likely to press the issue.

Religious Discussions with Customers

Although nothing prevents Christians from discussing faith with coworkers during free time on the job, any employer—public or private—may restrict employee conversations with clients, patients or customers about religion. On the other hand, a business owner may also choose to permit such religious conversations—and many do. The decision regarding religious conversations with clients rests with the private employer and not with the employee.

We recently handled a case in which a California employer terminated an employee for engaging in a religious conversation with a client. The employee had inquired about a mutual acquaintance who happened to be a pastor. The client shared how the pastor encouraged her and her children to attend church and how excited she was to have her children learning about the Bible. A coworker reported this completely voluntary conversation to a supervisor, who fired the Christian. This termination was unlawful, because the Christian employee had never been instructed not to discuss religion with customers, and because it was the client who brought religion into the conversation.

Christian Employers Who Witness

There are no limitations concerning the right of a Christian employer to witness to his customer base. In fact, many Christian employers regularly incorporate witnessing into their business practices. For example, Christian employers may place a gospel tract in outgoing mail and print Bible verses on company invoices, purchase orders or other commercial documents. They may answer the phone with Christian greetings, either on a regular basis or on religious holidays, such as Christmas.

Despite the right Christian employers have to share their faith with customers, federal and state laws regulate the rights of Christian business owners to witness to their employees. Many Christian employers desire to witness to the spiritual needs of their employees, but at the same time, want to comply with employment laws to avoid being sued.

It is important for Christian employers and supervisors to become familiar with their obligations under Title VII law. While Title VII law only applies to government employers and private businesses with fifteen or more employees, companies with fewer than fifteen employees may be subject to state requirements that make it unlawful to discriminate against employees on the basis of religion. Religious organizations, such as churches and ministries, are generally exempt from Title VII religious requirements.

Under Title VII, business owners or supervisors are permitted to communicate their religious

beliefs through their company policies and practices provided that 1) they do not give prospective or current employees the perception that employment or advancement requires workers to adopt a certain religious belief, 2) they accommodate employee objections, and 3) they do not require employees to participate in religious worship experiences.

In short, an employer or supervisor may witness to employees so long as he is careful to accommodate employees who object to any of the company's religious practices, and as long as employees are clearly informed that their religious beliefs or non-beliefs play no role in hiring, termination, promotion, or in the terms, conditions or privileges of employment.

As the above examples show, there is growing hostility in modern America to religious speech at work. Despite some employers' desire to create a "religion free workplace," Christians have the right to witness in the workplace—subject to certain limitations. If you face difficulties for sharing your faith in the workplace, contact a Christian attorney who specializes in religious discrimination. Such an attorney can provide information regarding your rights and assist you if you are disciplined or terminated for sharing your faith at work.

David Gibbs is the president of the Christian Law

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Scott Holmes: Lawyering, the Quaker way

A Durham lawyer says his faith changed the course of his career, transforming his legal practice into a vocation -- a true calling filled with joy, integrity and love.

by [Scott Holmes](#)

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July 30, 2013

It's no secret that for many lawyers today, legal practice is a miserable existence. With high rates of depression and substance abuse and a suicide rate reportedly higher than in many other fields, lawyers can struggle to find meaning, clarity and joy in their work.

As a trial lawyer, specializing in criminal defense and civil trials, I know the stress and pressures inherent in the legal profession. I have experienced them myself, and I have seen the damage they can cause in my colleagues -- and, earlier in my career, the damage they caused me.

[Lawyers](#) are asked to carry virtually alone the most difficult problems of our clients. Various codes of professional conduct discourage and even prohibit lawyers from talking about their clients' problems except in the most limited circumstances -- generally, in meetings with opposing attorneys.

Clients expect their attorneys to produce a near-magical outcome from what are almost always horrible circumstances. And, as in most other professions today, new technologies have made the volume of work -- information to be collected and shared, communications to be made among multiple parties, conferences to be held -- grow like an avalanche. Legal practice now moves at a pace that would have been unimaginable a generation ago.

But those are just the superficial trappings of lawyering today. At a deeper level, the legal profession requires lawyers to wear masks and armor that distance us from our clients and dehumanize both us and them. Our clients are "defendants" or "plaintiffs." Their problems are "cases" to be "disposed" or "settled."

In a profoundly adversarial system, lawyers often have to make difficult, even questionable, choices. Eventually, if not sustained and nurtured by other resources, if not offered other models and ways of practice, lawyers can find that their professional masks become emotional and moral prisons.

As a Quaker, I found such a resource and a model in my faith. It seems obvious now, but it wasn't always clear to me that my faith could shape how I practice law. Fortunately, I realized many years

ago that my faith and my profession were not separate realms. My spiritual practice as a Quaker changed the course of my career, transforming my legal practice into a vocation, into a true calling.

I did not always feel that way. Just out of law school, I worked as a public defender -- and within months of starting, was profoundly depressed. I was drowning in the deep end, ill-equipped to handle either my clients' legal issues or the complex and overwhelming social circumstances in which they found themselves.

After leaving the public defender's office to start my own practice, I began handling some civil litigation in addition to my criminal cases. But even then, when litigating over money and property, I sometimes found myself an instrument of interests that I didn't agree with.

I was a hired gun. The long hours spent preparing and trying a case and the high stakes that were riding on my skills as a lawyer -- from money to an individual's freedom or even life -- created great stress. Practicing law put tremendous pressure on my marriage and made me emotionally unavailable to my children.

But slowly, I began to realize that as a Quaker, I was called to a different way of legal practice. My Quaker faith is grounded in a belief that there is something of the Divine within each person. From that flows a belief in radical equality, generosity, peace, integrity and the importance of a loving and inclusive community. Though they're not usually associated with the legal profession, I found myself wondering whether these core beliefs could indeed reshape the way I practice law.

The more I thought about it, the more I realized that my faith could guide my path as a lawyer. My Quaker beliefs were not essential just to my home life but to how I practice law.

Integrity, for example, is central to Quaker practice -- and to the law. For Quakers, integrity means more than telling the truth and being honorable and trustworthy. It also means being "integrated" -- being a whole person. Integrity rejects the fragmentation of professional lives. Integrity means discerning my most central values and living them in the world, however difficult that might be.

Jesus taught me that the most central value is love. And so for me, as a Quaker lawyer, integrity requires me to take off my professional mask and experience and share in the suffering of my clients, my opponents, and everyone else caught up in the conflicts that I try to help resolve. In a legal practice shaped by Quaker values of integrity, I no longer keep a professional distance but bring my whole self to the whole situation. What previously were "conflicts" to be "disposed" are now opportunities for healing and deeper community.

Equality is another Quaker practice that helped me rethink my life as a lawyer. We are all children of God, with a divine spark in our hearts -- even my clients who are charged with murder. This deep belief in equality has helped me escape some of the unhealthy hierarchical and demeaning behaviors that often characterize my profession and the justice system.

I see God at work not only in my poor client but also in the judge, the prosecutor, the bailiff, the clerk of court and the juror. I am no better and no worse than any of them. We are all human beings struggling to figure out how to handle difficult conflicts together. We are in a community together, trying to figure out hard things.

This more holistic way of practicing law is liberating me from the prison of my professional mask. In my work as a trial lawyer, I experience the loving presence of God as I serve my clients, who are caught in a demeaning system that aims to take their freedom or resources.

I represent all kinds of people -- drug addicts, immigrants, people who are homeless, people charged with a variety of crimes, including murder. Even my most "hardened" clients are afraid, lost, remorseful and in great need. All of them have the spark.

In my Quaker-shaped practice of law, I am not only their advocate; I am their guide, walking with them on their journey. Through them and in my relationship with them, I meet God. I share information and develop choices to help them make the decision between bad and worse. I am their guide, their counselor, their advocate and, when necessary, their fighter.

Thanks to this more spiritual approach to practicing law, I now begin each day with joy, opening a space for the Divine to work in my life and to help me be an instrument of love and compassion. I am less weighed down by pressure, by attachment to outcomes and by the suffering around me.

The suffering, of course, is still there. But rather than distance myself from it, I embrace it. I "suffer with" -- I have compassion for -- my clients. This shared suffering itself is redemptive and helps awaken me to community, the kingdom here and now.

My teacher and guide, Jesus, ended his time as a criminal, tried and convicted, crucified on a cross, along with two other criminals. He cultivated loving relationships with thieves, prostitutes and outcasts. He taught in his life the healing and transformative power of suffering sacrificial service. As strange as it might sound, my work -- my calling -- as a lawyer is to follow a similar path.

As a Quaker lawyer, I am called to make my work the loving of the world by serving folks in trouble. When I fail, it isn't because I didn't keep the right professional distance but because I have not loved enough. It is because I have not brought love into the world. My spiritual path has helped transform what was for me a miserable profession into a calling, one that wraps me in a tapestry of community and Spirit.

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