

# ETHICS IN CONVERSATION

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## *The Servant Lawyer*

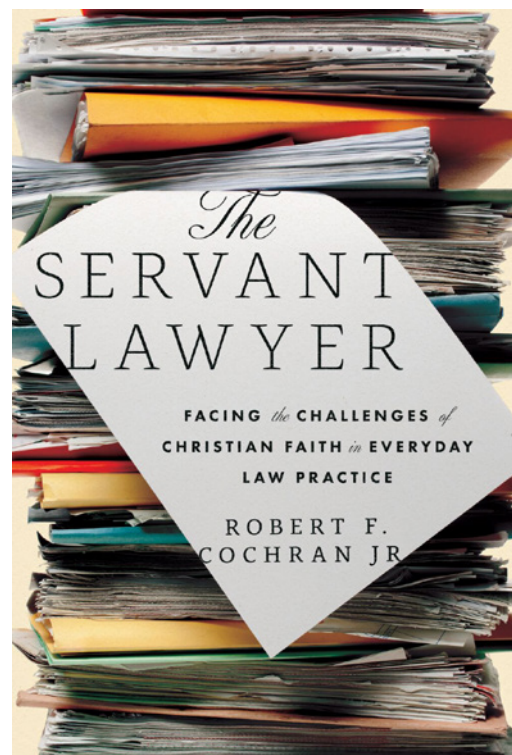
### **Facing the Challenges of Christian Faith in Everyday Law Practice**

Robert F. Cochran, Jr. (Downers Grove, IL: IVP Academic, 2024)

#### REVIEWED BY DR DAVID McILROY

Bob Cochran's book is a must-read for any Christian lawyer or any student thinking about whether a career in law is a worthwhile calling for a disciple of Christ. Cochran offers the practical wisdom gleaned from a lifetime of legal practice and teaching in the USA. Cochran is consistently affirming of the role of law and of the potential for lawyers to participate in creating, sustaining, and repairing right relationships. He is concerned to help lawyers struggling with burn-out or with a sense of alienation from their work (pp.34-35) to (re)discover how it can be a service to others and done to the praise of Almighty God. He is, however, constantly mindful of the ways in which clients, lawyers, and the legal system can frustrate these objectives and perpetuate patterns of injustice, oppression, and the abuse of power.

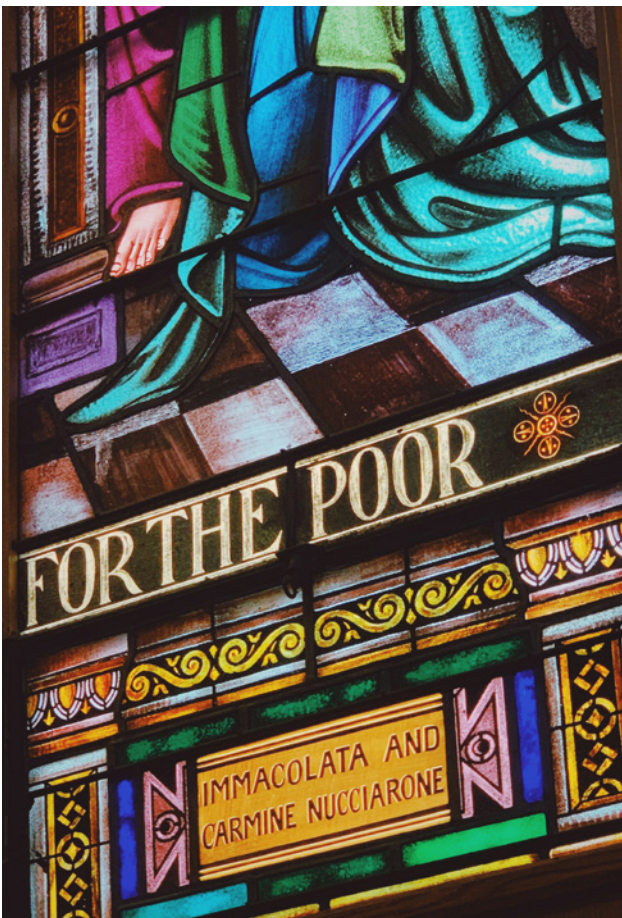
Cochran's writing style is lucid, his points are clearly set out and his illustrations are well-chosen. Where Christians might reasonably reach differing conclusions on particular points, he sets out both views fairly.







*Justice*, Albrecht Dürer (1499)



Cochran encourages Christian lawyers to view their clients as people whom God has brought into their lives (p.5). Clients need someone to listen to them, someone to treat them with dignity, someone to stand with them, and someone to tell their side of the story (p.12). For Cochran, being a servant lawyer means giving the client what the client needs, rather than simply becoming a mouthpiece for what the client wants (pp.14-15). Sometimes clients need to be empowered and protected, sometimes they need to be challenged (p.15, pp.72-83). Christian lawyers should be neither unconcerned for their clients nor should they take on their clients' problems as their own. Cochran advises that Christian lawyers should advise their clients from a position of "sympathetic detachment" (p.17), whilst asking Christ to carry their clients' burdens (p.19).

Cochran grounds legal practice in both creation and providence. Just laws and contracts provide creative opportunities for human flourishing. Good dispute resolution processes and practices mitigate the effects of the Fall (p.58).

He offers practical guidance (and examples) to help think through the lines between justifiable tactics to win a client's case, deceitful gamesmanship, and dishonest cheating (pp.65-72). He grapples with the specific challenges facing criminal prosecutors and defence lawyers (pp.85-122).

Cochran challenges us to think about whether the lawyer's role is that of the godfather (where neither the lawyer nor the client takes moral responsibility), a hired gun (who abdicates their own moral judgment in favour of doing whatever the client demands), a guru (who makes all the key decisions in accordance with their own moral views, instead of their client), or a friend (someone who raises moral issues with their client and helps their client to work through them) (pp.123-52). Cochran suggests that sympathetic detachment towards clients means encouraging them to make moral choices but not overriding their responsibility to do so.

Some of Cochran's suggestions need translation for lawyers working in different contexts. An obvious example are his suggestions about how Christian lawyers might decide which clients to act for (pp.20-27). It is unlikely to be possible, for example, for a lawyer to refuse to act for a client if their local Bar has a "cab-rank rule" or they are a junior lawyer who has been told by a partner to act for a particular client. Nonetheless, all readers are likely to find it helpful to think about their cases and clients as "opportunities for ministry" (p.23).

There are also points where Cochran could have added some theological depth to his arguments. For example,

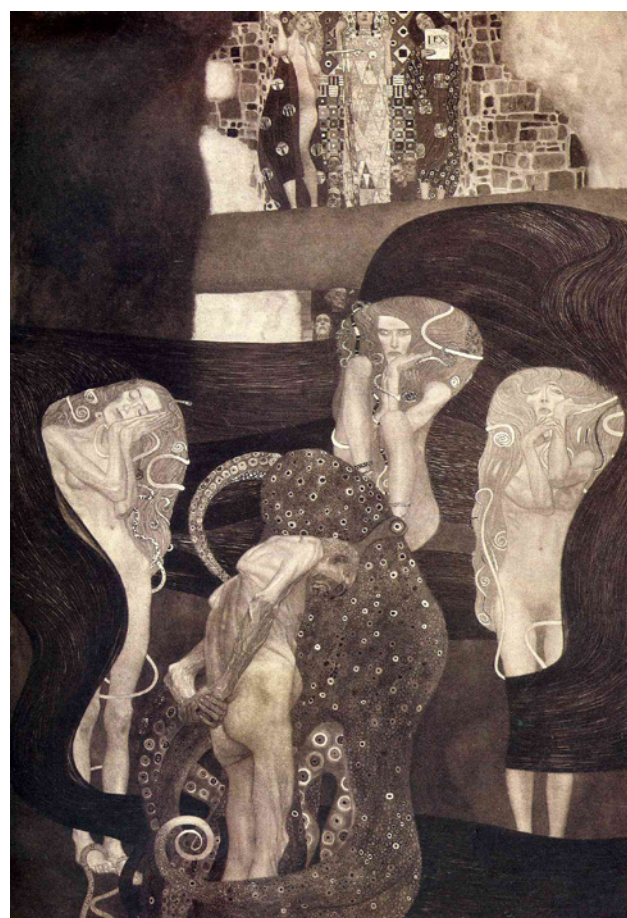




although he says that “Far from being in conflict with one another, shalom and justice complement and reinforce one another” (pp.73), he does not explore how the Old Testament sees both just institutional decisions (*mishpatim*) and just interpersonal actions (*tsedeq*) as the means by which shalom is promoted (Isaiah 32:17; Hosea 10:12). Overall, though, Cochran is both inspirational and helpful. He calls Christian lawyers to “join God in combating injustice and helping those in need, especially those highlighted by Jesus: poor people, prisoners, and the oppressed (p.156). He offers both historical and contemporary examples to broaden our vision of how we might do so.

Cochran has a sensitivity to the besetting sins of lawyers, which include competitiveness, overconfidence, arrogance, indifference, and cynicism. The final chapter of his book faces us to the moral and spiritual challenges of legal education and legal practice. He offers practical advice on how to recognize the pressures and temptations to which we are subject, and he suggests practices and approaches to enable us to resist the world, the flesh, and the devil and to grow in Christlikeness.

If you are feeling jaded or succumbing to cynicism about the meaning and effect of lawyering, find the time to pick up this book and read it.



*Jurisprudence*, Gustav Klimt (1907), Wikimedia