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## Faith-Based Law Schools: Making Mission Matter

Veryl Victoria Miles

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## Faith-Based Law Schools: Making Mission Matter

### Cover Page Footnote

Professor of Law, The Catholic University of America, Columbus School of Law. Professor Miles served as the dean of the law school from 2005–2012.

# FAITH-BASED LAW SCHOOLS: MAKING MISSION MATTER

Veryl Victoria Miles<sup>+</sup>

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## I. INTRODUCTION

Discussions about what distinguishes a religiously affiliated law school from a secular law school have existed in the legal academy for decades. Law school deans and faculty members have written many narratives offering different perspectives about the significance of a religiously affiliated law school and how a school can make that aspect of its mission matter.<sup>1</sup> There are

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1. See, e.g., Lynn R. Buzzard, *A Christian Law School: Images and Vision*, 78 MARQ. L. REV. 267 (1995) (discussing religiously affiliated law schools). The author expresses the view that Christian perspectives in law are essential if the Church is to maintain dialogue about law in culture. He begins by noting that although education in the university context is to be open to discovery and about the discovery of truth, it is always “purposive” and ideological and thus “inevitably theological.” *Id.* at 267. He notes,

[T]here is an urgency for a Christian law school today to seek and bring principled reflection of our Christian commitments to the complex issues of our day. Law bears enormous ethical freight in our society. We live in a culture torn with controversies in which religion and law are major actors.

*Id.* at 269. See also Howard A. Glickstein, *A Jewish-Sponsored Law School: Its Purposes and Challenges*, 78 MARQ. L. REV. 481 (1995) (addressing how the Jewish sponsorship of

three fundamental questions that typically frame these discussions: (1) can a faith-based school preparing its students for a secular profession do so in a meaningful way that incorporates a religious-values perspective;<sup>2</sup> (2) are professed distinctions really significant between secular law schools and

Touro School of Law is reflected in the functioning of the law school and offering specific examples of how Jewish sponsorship affected the policy of the law school).

[W]e have established an academic community where religious questions are taken seriously. At least that is the goal to which we aspire and, to a large extent, have reached. It is never out of place at our school to treat the legal, social, and moral questions that confront us from a religious perspective.

*Id.* at 483. See, e.g., Robert J. Araujo, S.J., *Legal Education and Jesuit Universities: Mission and Ministry of the Society of Jesus?*, 37 LOY. L. REV. 245, 256–57, 272 (1991) (assessing the extent that Jesuit-sponsored law schools link the Jesuit mission to the law school experience and describes the sources that inform the Jesuit identity); John T. Noonan, Jr., Essay, *A Catholic Law School*, 67 NOTRE DAME L. REV. 1037, 1037–38 (1992) (exploring the question of, “What is a Catholic law school?” The article is based on a lecture given for the 125th anniversary celebration at Notre Dame School of Law. It includes historical descriptions of law and legal education beginning with the European traditions during the twelfth century, the connection between Anglo-American law and Catholic clerics, the common-law jurists in the thirteenth century, the example of Saint Thomas More as Chancellor of England and the evolution of equity, and Saint More’s personal example of conscience. The author then discusses the fusion of jurisprudence in Catholic legal education and its influence on legal education at Notre Dame, which included a program in natural law and instruction in professional ethics before it was a requirement under the ABA Standards for Accreditation.); C. Scott Pryor, *Mission Possible: A Paradigm for Analysis of Contractual Impossibility at Regent University*, 74 ST. JOHN’S L. REV. 691, 693–95 (2000) (discussing how biblical perspectives are integrated in the law school course content and pedagogy at Regent University’s law school in accord with the university mission); Mary C. Scarlato & Lynne Marie Kohm, *Integrating Religion, Faith and Morality in Traditional Law School Courses*, 11 REGENT U. L. REV. 49, 54 (1999) (Regent University faculty describe the mission of the university to educate the “virtuous or ethical professional” in the evangelical Christian tradition that focuses on helping students see a spiritual calling in their professional formation.); Bradley J. B. Toben, *The Added Value and Prerogatives of Law Schools with a Faith Mission*, 59 J. LEGAL EDUC. 158, 158–60 (2009) (describing ways in which the Baylor University School of Law integrates its faith-based mission programmatically, the resulting environment created for the community, and how that compares to secular law schools); see also Steven M. Barkan, *Jesuit Legal Education: Focusing the Vision*, 74 MARQ. L. REV. 99, 100–01, 108 (1990) (arguing that a religious affiliation and a quality legal education can coexist when a Jesuit law school distinguishes itself with five key characteristics). See generally Michael Herz, *The Role of One Religiously Affiliated Law School*, 59 J. LEGAL EDUC. 136 (2009) (discussing the extent the Jewish identity is experienced at Benjamin N. Cardozo School of Law).

2. See John M. Breen, *Justice and Jesuit Legal Education: A Critique*, 36 LOY. U. CHI. L.J. 383, 385, 399 (2005), for different perspectives on ways religiously affiliated law schools can integrate religious values such as faith and justice in a law school program. See also James D. Gordon, III, *Religiously Affiliated Law Schools, Values, and Professionalism*, 59 J. LEGAL EDUC. 151, 152–53 (2009); Lucia Ann Silecchia, *Integrating Spiritual Perspectives with the Law School Experience: An Essay and an Invitation*, 37 SAN DIEGO L. REV. 167, 171–72 (2000); Amelia J. Uelmen, *An Explicit Connection Between Faith and Justice in Catholic Legal Education: Why Rock the Boat?*, 81 U. DET. MERCY L. REV. 921, 923 (2004); Sister Grace M. Walle, *Doing Justice: A Challenge for Catholic Law Schools*, 28 ST. MARY’S L.J. 625, 625–26 (1997); Pryor, *supra* note 1, at 691–95; Scarlato & Kohm, *supra* note 1, at 49–50.

religiously affiliated laws schools that have similar values and objectives;<sup>3</sup> and (3) to what extent does the religious affiliation of a law school matter in the professional formation of its graduates, and will they impact society because of the law school's mission?<sup>4</sup>

While serving as the dean of a Catholic law school, I was frequently asked to explain the distinctions between my law school and secular law schools. Sometimes, the questions came from constituencies within the law school community, and other times from someone external.<sup>5</sup> These conversations usually touched upon topics that are core to every aspect of the law school environment and how a school goes about actualizing a faith-based mission via curriculum, student/faculty experience, sponsoring Church and university relationships, and the broader legal and civic communities. What I came to believe about making a faith-based mission matter based on what I read and experienced was that the extent of a successful faith-based mission depends

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3. See Randy Lee, *Are Religiously Affiliated Law Schools Obsolete in America? The View of an Outsider Looking In*, 74 ST. JOHN'S L. REV. 655, 656–61 (2000), and Thomas L. Shaffer, *Erastian and Sectarian Argument in Religiously Affiliated American Law Schools*, 45 STAN. L. REV. 1859, 1859–60 (1993), for critiques of legal education at religiously affiliated law schools and the extent that the educational experience differs from programs at secular law schools. See generally sources cited *supra* note 2.

4. Regarding distinctive ways a religiously affiliated school can impact the profession and the formation of its graduates, one commentator expresses the following view:

Surely there is an urgency for a Christian law school today to seek and bring principled reflection of our Christian commitments to the complex issues of our day. Law bears enormous ethical freight in our society. We live in a culture torn with controversies in which religion and law are major actors.

....

The task for our legal education then is substantial and requires assurance that our own processes reflect the values and ethical norms appropriate to our Christian world view such that our curricular design, work loads, and rewards systems may contribute to the development of lawyers as persons as well as professionals and to provide settings which enable the student to confront such issues in the larger legal and social and professional settings.

....

A Christian law school must not be embarrassed at the vigorous and persistent claims of moral discourse, nor must it be silent as to its own moral convictions rooted in its Christian character.

....

A Christian law school ought to incite in its students a passion for justice, a prophetic outrage at entrenched evil, and compassion for the suffering.

Buzzard, *supra* note 1, at 269, 275–76.

5. In one instance the query was solicited for articles entitled “Fostering Faith” and “Are They Religious Enough” for *PreLaw*'s Back to School 2009 issue and the *National Jurist*'s October 2009 issue, respectively, publications that cover a broad range of trends in legal education for prospective and current law school students, law faculty and administrators, and others generally interested in legal education. See Karen Dybis, *Fostering Faith*, PRELAW, Back to School 2009, at 32–36; Karen Dybis & Jennifer Pohlman, *Are They Religious Enough*, NAT'L JURIST, October 2009, at 20–21.

upon an unwavering commitment to that mission by both the dean and faculty, as well as its embrace by students and alumni.<sup>6</sup>

Much like the rose that has been hybridized with the sole purpose of achieving visual perfection at the expense of a robust rose fragrance, it is my opinion that a religiously affiliated law school that lacks any semblance of its faith-based mission in its programs has lost a unique and invaluable identity.<sup>7</sup> The purpose of this essay is to affirm the importance of having law schools with a faith-based mission, and how this mission distinguishes and adds value to the law school experience of its students, faculty, and alumni and the communities they serve.<sup>8</sup> To achieve this, I consider *the essentials* to make this mission matter and *the inspiration* that sustains it.

*The essentials* to make the faith-based mission matter at a religiously affiliated school include:

1. *Developing a mission statement that reflects the religious values and traditions of its sponsoring Church, and defining what that means at a law school.* The process of developing a mission

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6. Alumni testimonials given during the 125th anniversary celebration at Notre Dame Law School highlighted this point. See Peter T. King, *Legal Education at Notre Dame Law School: The Lasting Significance of Its Catholic Dimension*, 69 NOTRE DAME L. REV. 995, 998, 1000 (1994); Patrick F. McCartan, *Catholic Legal Education at Notre Dame: Professional Competence Inspired by Enduring Values*, 69 NOTRE DAME L. REV. 1001, 1003 (1994); Martha Vazquez, *Notre Dame Law School: Catholicism, Conscience and Commitment*, 69 NOTRE DAME L. REV. 1005, 1009 (1994).

7. On the unique place for religiously affiliated law schools, one commentator notes: It has been argued that American legal society has lost the meaning of the religious concepts that make justice possible: concepts like forgiveness, redemption, love as sharing and not merely giving, and even community. Religiously affiliated law schools are uniquely situated to teach their students to reinvigorate the law with these concepts. To do so, however, these schools must be more than merely religiously affiliated. They must be law schools built on communities of faith, prepared to teach and support by example and action. If this is the future of America's religious law schools, then I believe that they are poised to profoundly impact American society. I believe that we will see them contribute to an era of justice and mercy in America the likes of which this nation has never seen before. But if religious law schools choose to be less than what their names indicate they are, I fear that we will be left to ask, again and again with increasing levels of ambivalence, whether such schools are obsolete.

Lee, *supra* note 3, at 662–63.

8. One commentator noted:

Many students and faculty members choose to study or work at religiously affiliated law schools because those schools provide an environment that is congenial to religious belief. They want to be at a school where they can talk about religious convictions and relate them to their views of the law and the roles that lawyers play. For many religious people, being at a school where they do not have to check their religious identities at the door can be a liberating experience. The freedom of students and faculty members, including their freedoms of religion and speech, grows if they can choose to study or work at religiously affiliated law schools.

Gordon, *supra* note 2, at 151.

statement with faith-based content must be collaborative and inclusive to achieve support from the community, particularly within the faculty.

2. *Creating an environment that is mission-based.* Offering a mission-based program through curricular and co-curricular programs, and supporting opportunities for faculty and students to engage in mission-related scholarship and service.

3. *Sharing and building on inspired perspectives and moments stemming from a faith-based mission.*

It probably goes without saying that these “essentials” are taking place at many faith-based law schools. However, what is fundamental to making mission matter at any religiously affiliated school is the extent to which a school is able to sustain its focus on these essentials.<sup>9</sup> The day-to-day or year-to-year general operations of a law school demand regular attention to academic program development and assessment, recruitment and retention of students, career services programming, bar examination preparation initiatives, accreditation compliance and reporting, *U.S. News* rankings, budget management, and development/fundraising activities. All of this, and the unanticipated crises that occur at a law school, can be distractions from a school’s faith-based mission.<sup>10</sup>

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9. The extent of mission focused courses and programs vary at times and depend on the vision and interests of all the stakeholders of the school, including the dean, faculty, and students. As one commentator observed:

Ultimately and inescapably, a Catholic law school must be Catholic. This does not require that it be isolated or exclusionary: in fact the opposite is more likely the case. But it does require that we preserve an environment in which those seeking God will be embraced and not rebuked, an environment that will not cause any of those who believe to sin. The preservation of such an environment is a mission not to be taken lightly.

.....

Are such environments sustainable? Does it matter whether they are? Even if the efforts on any given campus do not continue forever, that does not mean the efforts have not contributed to the mission.

Randy Lee, *Catholic Legal Education at the Edge of a New Millennium: Do We Still Have the Spirit to Send Forth Saints?*, 31 GONZ. L. REV. 565, 588–89 (1995–96); see also Frank S. Ravitch, *Struggling with Text and Context: A Hermeneutic Approach to Interpreting and Realizing Law School Missions*, 74 ST. JOHN’S L. REV. 731, 744–52 (2000) (applying hermeneutic theory in considering challenges law schools face in realizing their faith-based mission, focusing on the relationship between a school’s stated mission and the constituents/stakeholders (i.e., administration, faculty, students, and alumni) responsible for interpreting and implementing the mission).

10. While discussions about the future of legal education remain a topic of pressing concern throughout the law school community, prompting calls for changes in legal education including programmatic/curriculum content, delivery, cost, accreditation and more, the matter of mission should not be lost in the process if it distinguishes a school and remains fundamental to its being. And, in the best example of strategic vision and planning for that future, a meaningful mission should help inform and guide all discussions about the future.

Because these factors demand so much attention and at times seem all encompassing, finding *inspiration* to stay focused on the faith-based mission is also an essential. This inspiration must be found in the leadership at the university and within the law school community. This inspiration is what I refer to as the extra incentive to make the mission as a religiously affiliated law school matter. I say this because during my years on the faculty and as the dean, conversations about our faith-based mission were both inspiring and challenging. Depending on the balance between the inspiration and the challenges, one finds either an incentive to highlight the faith-based mission, play it down, or simply put it aside.

## II. MAKING MISSION MATTER: THE ESSENTIALS

### A. *First Step: Developing a Mission Statement with Faith-Based Content*

The obvious starting place for a religiously affiliated institution to incorporate faith-based values is with the school's mission statement. A mission statement should reflect the values of its Church sponsor, and articulate goals and objectives critical to a solid professional education and skill development. With this mission statement, the school can operate in a way that meets the requirements for providing a sound legal education and a distinctive experience that reflects its stated faith-based values. However, to achieve this there needs to be a consensus and caring about the significance of the religious affiliation between the leadership of the sponsoring institution and the dean and the faculty of the law school.

The development of the mission statement should occur during the initial formation of the school. However, this mission statement will likely be reviewed, reassessed, and even rewritten over time, prompted by new university or school leadership and the law school faculty. Another catalyst for mission statement review and reassessment may be the accreditation review required by the American Bar Association's (ABA) Section on Legal Education and Admission to the Bar.<sup>11</sup> It is important to note that one of the first accreditation standards a school must respond to in its accreditation or sabbatical review is to prepare a self-study that includes among other things "a statement of the law school's mission."<sup>12</sup> This can provide the school with an

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11. ABA Rules of Procedure stipulate the schedule for periodic site evaluations for ABA approved law schools as follows: "[ ] Site evaluations of law schools shall be conducted according to the following schedule: [ ] A site evaluation of a fully approved law school shall be conducted in the third year following the granting of full approval and every seventh year thereafter." RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS r. 5(b)(1) (AM. BAR ASS'N 2016).

12. ABA Standard 204 stipulates the requirement that a law school prepare a self-study in preparation of the site evaluation visit. It provides:

Before each site evaluation visit the law school shall prepare a self-study comprising (a) a completed site evaluation questionnaire, and (b) a law school assessment that includes (1) a statement of the law school's mission and of its educational objectives in



excellent opportunity to articulate a distinct and faith-based informed mission, which is recognized under ABA Standard 205:

This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose so long as (1) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (2) the religious affiliation, purpose, or policies do not contravene any other Standard, including Standard 405(b) concerning academic freedom. . . . This Standard permits religious affiliation or purpose policies as to admission, retention, and employment only to the extent that these policies are protected by the United States Constitution. It is administered as though the First Amendment of the United States Constitution governs its application.<sup>13</sup>

As mentioned before, if a school's religious affiliation is taken seriously by the law school faculty, the process of creating a distinctive faith-based mission can be both challenging and uplifting. The challenge will be (1) in the diversity of opinions among faculty, students, and alumni about the relevance of the religious affiliation in the basic purpose of a law school to educate and train law students for law practice; and (2) how to distill these disparate views into a cohesive and user-friendly mission statement that harmonizes diverse voices into a consistent message of purpose. While challenging, this experience can also be uplifting if faculty, students, and alumni are reflective about how they experience the intersection of moral and faith-based values as educators, students, and practitioners of the law.<sup>14</sup>

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*support of that mission, (2) an evaluation of the educational quality of the law school's program of legal education, including a description of the law school's strengths and weaknesses, and (3) an description of the school's continuing efforts to improve the educational quality of its program.*

2017–2018 STANDARDS FOR APPROVAL OF LAW SCHOOLS Standard 204 (AM. BAR ASS'N 2017) [hereinafter ABA STANDARDS] (emphasis added).

A corresponding Interpretation to Standard 204 provides:

The evaluation of the school's effectiveness and description of its strengths and weaknesses should include a statement of the availability of sufficient resources to achieve the school's mission and its educational objectives.

*Id.* Interpretation 204-1.

13. ABA Standard 205 addresses accreditation requirements of non-discrimination and equality of opportunity. *Id.* Standard 205(c).

14. For a discussion regarding the ABA Standards and possible conflicts for religiously affiliated schools in complying with the standard, see Robert A. Destro, *ABA and AALS Accreditation: What's "Religious Diversity" Got To Do with It?*, 78 MARQ. L. REV. 427, 440–41, 447–48 (1995), compared with Steven R. Smith, *Accreditation and Religiously Affiliated Law School*, 78 MARQ. L. REV. 361, 361–64 (1995), and James P. White, *Religiously Affiliated Law Schools: Their Role in American Legal Education*, 78 MARQ. L. REV. 371, 373–75 (1995).

The current version of our school's mission statement was instigated during our school's preparation for its accreditation sabbatical review by the ABA in the spring of 2009; this mission statement was approved by the faculty in December of 2009.<sup>15</sup> What this mission statement reflects are the best efforts of the faculty to capture the character of the university in both its Catholic intellectual tradition<sup>16</sup> and as a part of the American system of higher education; a faithfulness to the "teachings of Jesus Christ as handed on by the Church";<sup>17</sup> and how that is directly reflected in our work as a law school with respect to our curricular and co-curricular programs, clinical and experiential offerings, the professional formation of our students, and the role of the law school in serving the university, the greater civic community, and the Church.<sup>18</sup>

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15. *Mission Statement Law*, THE CATHOLIC UNIV. OF AM. (Dec. 18, 2009), <http://www.law.edu/missionstatement.cfm>.

16. *See infra* note 29.

17. *At a Glance: Our Mission*, THE CATHOLIC UNIV. OF AM., <http://www.catholic.edu/about-us/at-a-glance/index.html> (last visited July 11, 2017).

18. Mission statement of the law school:

The Columbus School of Law is an integral part of The Catholic University of America and it supports and advances the aims and goals of the university as a whole, as they have been affirmed throughout the university's history and are currently stated in the university's mission statement. These aims and goals manifest themselves in a core commitment to the ideals of the dignity of each human person; respect for the inviolability of all human life; justice rooted in the common good; the recognition and protection of human rights as gifts of the Creator; care for the poor, the neglected, and the vulnerable; and the obligation of love for one another. As a law school, we strive to discover, preserve, and impart the truth in all its forms; to achieve academic distinction in the Catholic intellectual tradition; and to assure, in an institutional manner, faithfulness to the university's Christian inspiration.

The school's sense of institutional integrity and community reflects its fidelity to Catholic ideals and beliefs. As such, the school is committed to fostering its already strong bonds of community by continuing to promote and maintain respect for and among faculty, administrators, students, staff, and alumni, and respect for the diversity of backgrounds, religious affiliations, viewpoints, and contributions that members bring to the law school community.

We bring together an able and diverse student body and provide the students with an exceptional professional education designed to prepare and motivate them to serve with intelligence, integrity and vigor the needs of clients, communities, the nation, civil society and the international community. We strive to impart to our students a comprehensive set of practical competencies, a broad range of doctrinal knowledge, and an unwavering commitment to the ethical practice of law. Beyond the first year of studies we encourage students to consider participating in structured specialization through an array of institutes, clinical education, centers, and programs that enhance the skills that are essential to providing the highest quality legal representation. Through the provision of high quality instruction, rigorous scholarship, professional achievement and community service, the law school is committed to making substantial and lasting contributions to the enrichment of knowledge, the integrity of the legal

In drafting this mission statement, our process was informed by written surveys of the various constituents of the law school community used to prepare for the 2009 ABA site visit, which covered a broad range of issues about the law school experience and an understanding of the school's religious affiliation. A committee of faculty-member volunteers was given the responsibility of drafting a mission statement for full-faculty review, vetting, and approval. As a follow-up exercise, a faculty retreat—including facilitators from sister Catholic law schools—was held to permit extended conversations about our role and responsibility as a Catholic law school.<sup>19</sup>

A law school that is part of a university must find its core purpose within the university's mission. For the faith-based law school, a clear connectivity with its Church-sponsored university will form the most apparent distinction of its mission from a secular law school. The Catholic University of America is the national university of the Catholic Church in the United States;<sup>20</sup> it draws its identity from the Catholic Church's obligation and motivation of love for all. This factor was an important resource in the development of the law school mission statement, affirming our connectivity with the Church and the university, and ultimately informing how the faculty expressed their

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profession, and the enhancement of the welfare of the broader community, the nation, and the Church.

*Mission Statement Law*, *supra* note 15.

19. The retreat, entitled "Realizing the Promise of Religious Mission in Legal Education," was held on April 24–25, 2009. The purpose of the retreat was to facilitate discussions about how to build on our recently approved mission statement, strategic plan and future marketing. See *Prof. Garnett to Speak at Princeton, Catholic U.*, UNIV. OF NOTRE DAME (Apr. 15, 2009), <http://law.nd.edu/news/prof-garnett-to-speak-at-princeton-catholic-u/>.

20. The Catholic University of America was founded in 1887 by the United States Conference of Catholic Bishops with the purpose of serving the Catholic Church in the United States. It received a pontifical charter from Pope Leo XIII, earning its designation as the national university of the Church in the United States. It has twelve schools and twenty-one research centers and institutes. See THE CATHOLIC UNIV. OF AM., <http://www.cua.edu> (last visited Mar. 27, 2017); see also *Schools*, THE CATHOLIC UNIV. OF AM., <http://www.cua.edu/academics/schools/index.html> (last visited Mar. 25, 2017). In 1990, Pope John Paul II issued *Ex Corde Ecclesiae*, an apostolic constitution prescribing a set of norms for Catholic higher education, which was adopted and decreed by the U.S. Conference of Catholic Bishops for implementation by Catholic colleges and universities on May 3, 2001. The constitution became a subject of extensive discussion throughout Catholic higher education, including law schools, and how these norms would interface with standards of accreditation by U.S. accreditation agencies and membership associations such as the ABA and the AALS. See Andrew L. Anderson, *Ex Corde Ecclesiae: Obstacle or Opportunity for Catholic Affiliated Law Schools?*, 34 GONZ. L. REV. 103, 120–21 (1998), for a discussion of its impact and implementation at Catholic law schools. See also Nicholas P. Carfardi, *Catholic Law Schools and Ex Corde Ecclesiae, or What Makes a Law School Catholic?*, 33 U. TOL. L. REV. 7, 12–13 (2001); Daniel Gordon, *Ex Corde Ecclesiae: The Conflict Created for American Catholic Law Schools*, 34 GONZ. L. REV. 125, 133–34 (1998); David L. Gregory, *The Bishop's Role in the Catholic Law School*, 11 REGENT U. L. REV. 23, 26–27 (1998).

responsibility and role in teaching, scholarship, service, and governance of the law school in the mission statement.

Mission development requires care, collaboration, and buy-in from a critical mass of the law school's governing bodies, usually the university's board of trustees and the law school faculty. A point of reflection on the mission goals should serve as a guide forward in all strategic planning and critical decisions regarding the law school. In preparing for its scheduled 2015–2016 ABA sabbatical review, the law school faculty did not revise the formal mission statement. It was, however, consulted in preparing the law school's 2015–2018 strategic plan.<sup>21</sup>

The first of six goals in the current strategic plan is devoted to our mission. This mission goal's purpose is direct and simple, to “[e]xpress our identity as a Catholic law school dedicated to inspiring and training lawyers.”<sup>22</sup> There are two objectives in this goal, to: (1) “[s]harpen our collective understanding of who we are as a Law School and identify opportunities for expressing our mission internally and externally”; and (2) “[e]ncourage and recognize faculty, staff, and student contributions to the Law School and its programs and events.”<sup>23</sup>

As one commentator noted, without a clear mission statement, a school is likely to lack the focus in measuring desired outcomes and/or coherence in its activities, rendering it “directionless” beyond what is mandated in the ABA Standards or the Association of American Law Schools (AALS) membership requirements.<sup>24</sup> Another consequence of not having a clear mission statement is that the institution tends to “function not as a community of scholar-teachers with a shared mission, but as a bunch of independent contractors who share space but have no discernable coalescing purpose or goals.”<sup>25</sup>

An intentional and clear mission statement should be an influencing factor in important messages about the educational experience at the law school from the administration, in the faculty's development of curriculum, the formation

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21. See *University Adopts New Strategic Plan*, THE CATHOLIC UNIV. OF AM. (Jan. 18, 2012), <http://publicaffairs.cua.edu/releases/2012/strategic-plan.cfm> (“[T]he University's Strategic Plan, a document outlining CUA's priorities for the next 10 years.”). The current strategic plan for 2015–18 is found at the law school website, <http://www.law.edu/res/docs/CUALaw-StrategicPlan-Final.pdf> (last visited Mar. 25, 2017).

22. *Strategic Plan 2015–2018*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/res/docs/CUALaw-StrategicPlan-Final.pdf> (last visited Mar. 25, 2017).

23. *Id.*

24. Jerome Organ, *Missing Missions: Further Reflections on Institutional Pluralism (or Its Absence)*, 60 J. LEGAL EDUC. 157, 164–65 (2010) (surveying law school mission statements of all ABA accredited law schools, including its religiously affiliated law schools, and the extent to which the various schools reflect distinct approaches to legal education. In his survey, the author looked at the websites of the law schools to find that a fourth of the law schools did not have designated mission statements, aims, or goals on their websites.).

25. *Id.* at 164.

and activities of student organizations, and anything relevant to the law school's identity and program. Otherwise, the religious affiliation has little impact or presence in the environment of the law school.

*B. Second Step: Creating a Mission-Based Environment*

*1. Making Mission Matter: A Founder's Aspirations*

The second step in making the mission matter is in the actualization of the mission, whereby an environment is created that supports and reflects the mission. It is in this step that one finds the greatest scrutiny, and often doubt, about whether a faith-based mission is possible at a religiously affiliated law school. Meaningful attention to curricular and extra-curricular programming is essential in creating a learning experience that supports the mission.<sup>26</sup>

In fact, this attention to curricular development was an important focus in the founding of our law school. Dean William Callahan Robinson came to Catholic in 1895 to serve as the dean of its School of Social Science, which included a law department.<sup>27</sup> Ultimately, in 1897, a separate School of Law was established and Dean Robinson became its founding dean.<sup>28</sup>

In an article commemorating the 100th anniversary of the founding of the law school, *The Thrust of Legal Education at The Catholic University of America, 1895–1954*, Professor C. Joseph Nuesse indicated that Dean Robinson was attracted to the university because of its Catholic intellectual tradition.<sup>29</sup> His vision of the Catholic law school would include curricular

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26. See Aloysius A. Leopold & Marie E. Kaiser, *The Lord in the Law: Reflections on a Catholic Law School*, 25 ST. MARY'S L.J. 385, 399–404 (1993); Silecchia, *supra* note 2, at 204–09; and Uelman, *supra* note 2, at 930–35, for discussions of ways to create an environment to support a law school's faith-based connection.

27. C. Joseph Nuesse, *Thrust of Legal Education at The Catholic University of America, 1895–1954*, 35 CATH. U. L. REV. 33, 38 (1985).

28. *Id.* at 48–49. Dean Robinson came to the university from the Yale Law School, where he had been central to its revitalization after the Civil War. He was recruited to start the School of Social Science at Catholic University and wanted to establish a law department in the School. *Id.* at 37–38.

29. *Id.* at 41. The Catholic intellectual tradition is often described as a 2000-year-long conversation between faith and culture. See THE CHURCH IN THE 21ST CENTURY CENTER, THE CATHOLIC INTELLECTUAL TRADITION: A CONVERSATION AT BOSTON COLLEGE 6 (2010). In his apostolic constitution, *Ex Corde Ecclesiae*, Pope John Paul II describes the tradition as follows:

A Catholic University . . . is a place of research, where scholars *scrutinize reality* with the methods proper to each academic discipline, and so contribute to the treasury of human knowledge. Each individual discipline is studied in a systematic manner; moreover, the various disciplines are brought into dialogue for their mutual enhancement.

In addition to assisting men and women in their continuing quest for the truth, this research provides an effective witness, especially necessary today, to the Church's belief in the intrinsic value of knowledge and research.

offerings that integrated philosophy and jurisprudence in the study of law. At that time, Robinson described legal education in the United States to be “quite elementary, mainly practical, and generally bestowed on men who have little knowledge of philosophy or any other of the subjects”;<sup>30</sup> his concept of legal education was “philosophic.”<sup>31</sup>

Dean Robinson “considered it to be a division of ethics, but as such also ‘at once the source and the culmination’ of the social sciences.”<sup>32</sup> Robinson further stated, “[t]hrough the development and extension of the law until it precisely meets and equitably settles all the questions which arise out of our mutual relations toward one another alone can come the elevation and perpetuation of our social life.”<sup>33</sup>

Dean Robinson’s vision of a philosophically integrated Catholic law school program, in which jurisprudence and natural law would be incorporated in all courses, versus discreet courses, would be shared by subsequent deans at Catholic.<sup>34</sup>

In a Catholic University, research necessarily includes (a) the search for an *integration of knowledge*, (b) a *dialogue between faith and reason*, (c) an *ethical concern*, and (d) a *theological perspective*.

POPE JOHN PAUL II, EX CORDE ECCLESIAE: APOSTOLIC CONSTITUTION OF THE SUPREME PONTIFF JOHN PAUL II ON CATHOLIC UNIVERSITIES 4 (Aug. 15, 1990) (emphasis added), [http://w2.vatican.va/content/john-paul-ii/en/apost\\_constitutions/documents/hf\\_jp-ii\\_apc\\_15081990\\_ex-corde-ecclesiae.pdf](http://w2.vatican.va/content/john-paul-ii/en/apost_constitutions/documents/hf_jp-ii_apc_15081990_ex-corde-ecclesiae.pdf).

30. Nuesse, *supra* note 27, at 38.

31. *Id.* at 43.

32. *Id.*

33. *Id.*

34. Dean John McDill Fox led the law school from 1930 to 1936, and articulated the following opinion about the quality of legal education being offered at other Catholic law schools at the time:

This being a Catholic University, we are stressing wherever possible Scholastic Philosophy and Neo scholasticism. We feel that there has been no attempt on the part of the Catholic law schools to do anything in this regard heretofore, except possibly by certain selected courses in what is usually called “natural law,” or “Jurisprudence.” Our plan is to integrate what we can into the various courses, rather than segregate the subject matter . . . .

*Id.* at 61–62. A similar appreciation of the special purpose of a Catholic law school that is true to its religious and intellectual traditions was found in Dean Brendan Brown’s vision for the law school during his tenure from 1949 to 1954. According to Professor Nuesse:

As Brown put it, the *raison d’être* of the institution itself implies the objective of bringing home to its students “the existence of the controlling ethical order which communicates meaning and significance to positive law.” It has available to it not only what he called “the relatively well defined standards of the objective natural law of Scholastic Philosophy, scrutinized and interpreted for centuries by a long line of gifted and inspired writers,” but also the current scholarship of all those who retain the truth of the “starting point” of that philosophy, which he found in the principle “that man is a union of body and spirit.” This was a theme upheld explicitly, although not with

## 2. Making Mission Matter: Actualization and Evolution

Although Dean Robinson's concept for a philosophically integrated Catholic legal education was not realized as he envisioned, the program of legal education at Catholic has always included a complement of perspective courses and special programs devoted to law and religion and jurisprudence, in addition to the menu of traditional law school courses and programs found at most ABA accredited law schools. Over the years, Catholic offered a range of elective introductory and advanced "perspective" courses and programs that focus on law and religion.<sup>35</sup> Although the range of perspective courses on law, religion, and philosophy offered at the law school is significantly diminished from prior years, focus on the faith-based character of the law school remains in other ways.

Currently, the law school sponsors the Interdisciplinary Program in Law and Religion, which "provides a framework for study, research, scholarly exchange, and public discussion of issues at the nexus of law and religion."<sup>36</sup> In addition, the Middle East Religious Dialogue Series evolved from this program to facilitate important discussions between Christian, Jewish, and Muslim leaders.<sup>37</sup>

Like most, if not all law schools, Catholic has an externship program that is a part of its practice-skills curriculum.<sup>38</sup> These offerings are quite extensive and many are in accord with its Catholic mission. Catholic has also offered students externships with religiously affiliated organizations, as well as organizations that are not formally religiously affiliated, but engage in work

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consistent intensity, by the university and by the law school from Robinson's deanship to Brown's. It will never lose its relevance.

*Id.* at 77 (footnotes omitted). See John M. Breen & Lee J. Strang, *The Road Not Taken: Catholic Legal Education at the Middle of the Twentieth Century*, 51 AM. J. LEGAL HIST. 533, 566–70, 594–617 (2011) (describing the origins of Catholic legal education in the United States, including a description of the founding purposes of The Catholic University of America, Columbus School of Law, as well as the proposal for a distinctive Catholic law school by Brendan Brown of Catholic and Deans James Connor and William F. Clarke of Loyola University School of Law, New Orleans, and DePaul University College of Law, respectively).

35. See, e.g., *Course Descriptions*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/Announcements/2016-2017/CourseDescriptions.cfm> (last visited Mar. 24, 2017).

36. *Specialized Practice Areas*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/Announcements/2015-2016/SpecializedAreas.cfm> (last visited Mar. 21, 2017). In the past, law school faculty members have served as directors of interdisciplinary university centers that sponsored programs focusing on law, religion, and philosophy, and on international economic development and human rights.

37. See *The Middle East Religious Dialogue Series*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/clinics/institutes/programs.cfm> (last visited Mar. 24, 2017).

38. See *Legal Externship Program*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/externshipprogram/> (last visited Mar. 24, 2017).

involving matters of central importance to religious organizations, or that provide legal services to religious organizations.<sup>39</sup>

In addition to the externship program, the law school has a certificate program in Law and Public Policy that provides students interested in public service with educational opportunities that will assist them in developing careers in which they can participate in making and implementing law and policy through legislative work, administrative advocacy, or work with community groups.<sup>40</sup> Students in the Law and Public Policy program are exposed to, and trained in, the wide range of skills they will need to be effective in public service. Accordingly, students who are interested in working with faith-based organizations and on policy issues in this area can focus their studies and skills training through the Law and Public Policy program.

Other curricular experiences driven by the mission include our International Human Rights Summer Law Program in Rome.<sup>41</sup> Students live and study in Rome and focus on the international advocacy of the Roman Catholic Church and other organizations, such as the United Nation's Food and Agricultural Organization, for human rights and the provision of humanitarian relief throughout the world.<sup>42</sup> Like most law schools, Catholic has live-client clinical opportunities as a part of its practical skills training program that reflect mission concerns of the Church, including the Families and the Law Clinic,<sup>43</sup> the Innocence Project Clinic,<sup>44</sup>

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39. Past placements that have been made through the externship program with a direct nexus to Church/law related issues have included: Catholic Charities USA, Catholic Charities Immigration Legal Service, Catholic Health Association of the United States, Catholic Legal Immigration Network, Inc. Division of Religious Immigration Services, CUA Catholic Relief Services, CUA Office of the General Counsel, Permanent Observer Mission of the Holy See to the UN, United States Conference of Catholic Bishops, The Becket Fund for Religious Liberty, Americans United for Life, Anti-Defamation League (fights anti-Semitism and other religious discrimination), Marriage Law Project, United States Holocaust Memorial Museum, and Death Penalty Information Center. See, e.g., THE CATHOLIC UNIV. OF AM., COLUMBUS SCH. OF LAW, SPRING 2017 EXTERNSHIP FAIR INDEX (2017), <http://www.law.edu/res/docs/clinics/externships/Sp-17-Employer-List.pdf>.

40. *Law and Public Policy*, THE CATHOLIC UNIV. OF AM., <http://lpp.law.edu/> (last visited Feb. 19, 2017).

41. See *CUA Law Summer Abroad Program*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/summerabroad/> (last visited Mar. 24, 2017) (discussing the 2016 International Human Rights Summer Law Program).

42. See *Id.*

43. *CCLS Families and the Law Clinic*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/CCLS/ccls-clinic-family.cfm#CCLS> (last visited Mar. 24, 2017).

44. *Innocence Project Clinic and Clemency Project*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/clinics/InnocenceProjectClinicandClemencyProject/index.cfm> (last visited Feb. 21, 2017).



the CUA Law/Ehrlich Clemency Project,<sup>45</sup> and the Advocacy for the Elderly Clinic.<sup>46</sup>

In the fall of 2002, the law school adopted a required first-year course entitled *Catholic Social Teaching, Jurisprudence and the Law*, which was inspired and taught by then-dean, Douglas Kmiec.<sup>47</sup> As constituted, the course was designed to introduce students to the Catholic Church's tradition of social teaching and legal philosophy in relation to natural and positive law, and the social encyclicals of the popes and other relevant Church documents.<sup>48</sup> Some of the topics covered in the course included:

the interrelationship between law and morality; the concept of justice and the structure of government as an authoritative law giver. . . . [E]ncyclical and other Catholic writing is examined to consider subsidiarity, marriage and the family, issues pertaining to the preservation of life, the punishment for crime, the rectification of civil harm, the responsible ownership of property, the importance of work, personal obligations to the poor, matters of equality, the resolution of international dispute, and the limits of freedom.<sup>49</sup>

A few years after its inception, the course was modified, taught from different perspectives and by various faculty members. These changes were prompted in response to faculty and student concerns about its effectiveness and reception. While it is safe to say that there was some consensus among the faculty that students should be introduced to traditions of Catholic social thought and various norms and theories of justice, secular and religious alike, there were differences about how this should be done and who should be responsible for that instruction.

As a part of a comprehensive revision of the first-year curriculum, the course offering in Catholic Social Teaching was replaced with a lecture series entitled "Faith in Action: A Six Part Series on Faith, Justice and Service."<sup>50</sup> The initiative was announced as follows:

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45. *The CUA/Ehrlich Partnership on Clemency*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/clinics/InnocenceProjectClinicandClemencyProject/TheCUA-EhrlichPartnershiponClemency.cfm> (last visited Mar. 24, 2017).

46. In 2017, the Advocacy for the Elderly Clinic became the Veterans Advocacy and Estate Planning Clinic. See *Veterans Advocacy and Estate Planning Clinic*, THE CATHOLIC UNIV. OF AM., [www.law.edu/ccls/ccls-clinic-elderly.cfm](http://www.law.edu/ccls/ccls-clinic-elderly.cfm) (last visited July 30, 2017).

47. See THE CATHOLIC UNIV. OF AM., COLUMBUS SCH. OF LAW, 2002–2003 ANNOUNCEMENTS 56 (2002) (listing Catholic Social Teaching, Jurisprudence and the Law as a required first-year course).

48. *Id.*

49. *Id.*

50. *Law School Debuts New "Faith in Action" Program*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/2013-Fall/Law-School-Debuts-New-Faith-in-Action-Program.cfm> (last updated Oct. 31, 2013).

Part of what makes our community special is the distinct mission of the law school – a commitment to the pursuit of justice, generosity of service, and thoughtful reflection on the ways in which faith might inspire or sustain these efforts.

In light of this, we are very pleased to offer, a new initiative for our first year class: “FAITH IN ACTION: A SIX PART SERIES ON FAITH, JUSTICE AND SERVICE.” It is our hope that these six events will be a unique opportunity for you to explore the connections between faith, justice and service with your classmates, exchange ideas with our guest participants, and participate in some “real world” service initiatives in our community.<sup>51</sup>

During the first year of implementation, the program included lectures and roundtable discussions presented by faculty members and members of the bar and judiciary, reflecting on how they have integrated their faith values in practice. Since its inauguration in the fall of 2013, presenters have included Kevin Ryan, President of Covenant House,<sup>52</sup> Father Pat Conroy, S.J., Chaplain to the U.S. House of Representatives,<sup>53</sup> Catholic law professors Cara Drinan, Director of the CUA/Erlich Clemency Project and expert on juvenile justice,<sup>54</sup> Sarah Duggin, expert on ethical obligations of corporate lawyers,<sup>55</sup> Mary Leary, international expert on human trafficking,<sup>56</sup> and Mark Rienzi,<sup>57</sup> counsel for the plaintiffs in *Little Sisters of the Poor v. Burwell*.<sup>58</sup>

One of the advantages of the lecture series has been the diversity of voices about how faith and practice intersect their work as lawyers. The examples are current, relevant, inspiring, and very accessible. On the other hand, this type

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51. Advertisement, The Catholic Univ. of Am., Faith in Action: A Six Part Series on Faith, Justice, and Service (Aug. 2013) (on file with the Catholic University Law Review).

52. See *supra* note 50.

53. *A Jesuit Vocation: A Call to the Frontiers of the Church with Pat Conroy*, 60th Chaplain the United States House of Representatives, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/2015-Fall/2015-1026-FthrConroy-FaithInAction.cfm> (last visited Mar. 25, 2017).

54. *Students Encouraged to Consider Faith-Based Principles in Criminal Justice Issues*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/2014-Winter-Spring/students-encouraged-to-consider-faith-based-principles-in-criminal-justice-issues.cfm> (last updated Mar. 4, 2014).

55. *Students Reminded that Tough Calls Will Eventually Come Their Way*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/2013-Fall/Students-Reminded-that-Tough-Calls-Will-Eventually-Come-Their-Way.cfm> (last updated Oct. 31, 2013).

56. *Professor Mary Leary is Panelist for Briefing on Human Trafficking*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/2013-Fall/Professor-Mary-Leary-is-Panelist-for-Briefing-on-Human-Trafficking.cfm> (last updated Sept. 11, 2013).

57. See *Little Sisters, Big Faith*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/2015-Fall/2015-1118-FaithInAction-Rienzi.cfm> (last visited July 30, 2017).

58. *Little Sisters of the Poor Home for the Aged, Denver, Colo. v. Burwell*, 794 F.3d 1151 (10th Cir. 2015) (challenging the contraceptive mandate for religious organization employers under the Affordable Care Act), *vacated sub nom*, *Zubik v. Burwell*, 136 S. Ct. 1557 (2016).

of series does not expose students to the rich Church documents that laid the foundation upon which Catholic social teaching evolved, as was possible in the original and modified required introductory course on Catholic social teaching mentioned above.<sup>59</sup> The opportunity for focused and critical study and comparative analysis of theories of law and justice are left to elective courses.

Experiences related to mission are also present in student activities and organizations. From the perspective of formal student organizations, there are several groups that advance the teachings of the Catholic Church and that support non-Catholic students in exploring and sharing their faith traditions at the law school including: the Saint John Paul II Guild of Catholic Lawyers, dedicated to the study of Catholic social teachings as they relate the law and the profession, the promotion of justice in the law, and the protection of the intrinsic value and dignity of the human person;<sup>60</sup> Advocates for Life, which facilitates programs and opportunities to promote human life issues as related to law;<sup>61</sup> a chapter of the ecumenical Christian housing ministry, Habitat for Humanity;<sup>62</sup> and the Jewish Law Students Association, a chapter of the National Jewish Law Students Network that sponsors discussions and events concerning legal, political, and social issues affecting the Jewish community.<sup>63</sup>

Having an environment that purposefully and programmatically reflects a law school's religious affiliation will be attractive to students and faculty who want a professional life that is informed by faith-based values. Finding and seeking inspiration to sustain a faith-based mission can be found in many places. The most obvious will be found in religious perspectives. Other sources of inspiration can be found in the expectations, influences, and contributions of students, faculty, and alumni.

### *C. Third Step: Inspired to Make Mission Matter*

#### *1. Biblical and Church Perspectives*

As noted before, there were several opportunities for me to share my reflections about how a Catholic law school incorporates faith-based values in the law school experience, as well as the Catholic lawyer's obligation to his or

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59. See *supra* notes 47–49 and accompanying text.

60. *Saint John Paul II Guild of Catholic Lawyers*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/students/Orgs/pope.cfm> (last visited Aug. 4, 2017). Since 1989, the Guild has hosted the Mirror of Justice Scholars Lecture given by a member of the law school community or a Catholic lawyer or scholar in celebration of contributions to the harmonization of law and justice. See *id.*

61. *Catalog Announcements 2015–16: Student Organizations*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/Announcements/2015-2016/StudentOrganizations.cfm> (last visited Feb. 18, 2017).

62. *Id.*

63. *Jewish Law Students Association*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/students/orgs/jewish.cfm> (last visited Aug. 4, 2017).

her faith.<sup>64</sup> On these occasions, official Catholic documents, including papal encyclicals and statements from the U.S. Conference of Catholic Bishops, were perfect examples illustrating the nexus between the obligations of faith and professions.

When invited to speak at a Red Mass luncheon for a community of lawyers about the obligation of Catholics to the poor and to enhance racial justice, I looked to the 1986 U.S. Bishops' Pastoral Letter on Economic Justice.<sup>65</sup> The letter describes the opportunity and responsibility of laity to consider the nation's economy, "how [the economy] touches human life and whether it protects or undermines the dignity of the human person," and calls us to look to our faith and democracy to "shape" and "protect" this dignity in the United States and throughout the world.<sup>66</sup> It reminds us that we cannot separate our "faith and everyday life," and that our Catholic tradition is both "thought and action on the moral dimensions of economic activity."<sup>67</sup>

Informed by, and infused with, biblical directives, the letter cites Micah 6:8, reminding us "to do justice, and to love kindness, and to walk humbly with [our] God";<sup>68</sup> and quotes Pope John Paul II to remind us that as "a community of disciples" we must "[imitate] the pattern of Jesus' life" and serve the powerless (i.e., the widow, the orphan, the poor, and the stranger).<sup>69</sup> The following excerpts from this letter calling the Church to action capture the Gospel message and the Church's teachings on economic and social justice:

As a Church, we must be people after God's own heart, bonded by the Spirit, sustaining one another in love, setting our hearts on God's kingdom, committing ourselves to solidarity with those who suffer, working for peace and justice, acting as a sign of Christ's love and justice in the world.

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64. Veryl Victoria Miles, Dean, Columbus Sch. of Law, Remarks for the Mirror of Justice Lecture—2008 (2008) (on file with the Catholic University Law Review); Veryl Victoria Miles, Dean, Columbus Sch. of Law, Address at the Younger Members Fellowship of The John Carroll Society of Washington, D.C.: Faith and Professional Life (2007); Veryl Victoria Miles, Dean, Columbus Sch. of Law, Keynote Address at the Roundtable on Religion in the Public Square: Religious Traditions Shaping Law and Public Policy: Spreading the Good News: Faith in Legal Education and the Law (2006) (on file with the Catholic University Law Review); Veryl Victoria Miles, Dean, Columbus Sch. Of Law, Address at the Red Mass in Bridgeport, Conn.: The Catholic Lawyer's Obligation to the Poor and to Promote Racial Justice (2006).

65. See generally U.S. CONFERENCE OF CATHOLIC BISHOPS, ECONOMIC JUSTICE FOR ALL: PASTORAL LETTER ON CATHOLIC SOCIAL TEACHING AND THE U.S. ECONOMY (3d ed. 2009), [http://www.usccb.org/upload/economic\\_justice\\_for\\_all.pdf](http://www.usccb.org/upload/economic_justice_for_all.pdf).

66. *Id.* ¶¶ 1–3.

67. *Id.* ¶¶ 5–8.

68. *Id.* ¶¶ 37–38.

69. *Id.* ¶¶ 36–47.

[Serve] those in need. . . . [R]each out personally to the hungry and the homeless, to the poor and the powerless, and to the troubled and the vulnerable. In serving them, we serve Christ.

. . . .

Christian view of life, including economic life, can transform the lives of individuals, families, schools, and our whole culture.<sup>70</sup>

The Bishops' letter resonated with this group of Catholic lawyers. It documented and described the status of our neighbors suffering economic hardship: the working poor, the disproportionate unemployment in minority communities, and the conditions of poverty suffered by single-parent families headed by women.<sup>71</sup> The Bishops called the laity to step forward to address these concerns individually, through community action, and calling for a government response in assuring justice for everyone.<sup>72</sup>

When asked the question, "whether we as lawyers individually and collectively can possibly make a difference in a world as troubled as this one," my answer was a resounding "yes." I took this opportunity to recall the example of patron saint Thomas More's charitable concern and generosity toward the poor and less fortunate neighbors of the time, and how that aspect of his legacy continues today through numerous stories of our contemporaries, who make a difference for others through service and charity as a personal and professional way of life.<sup>73</sup>

Similarly, when speaking at events at the law school about the place for faith in legal education and in the practice and lives of lawyers, many of the papal encyclicals provided a wonderful complement and perspective as to what a law school should and can do in educating virtuous lawyers. As with the U.S. Bishops' letter, they remain reminders of the Church's teachings that our faith must guide all aspects of both our personal and professional lives.<sup>74</sup>

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70. *Id.* ¶¶ 24, 26, 29.

71. *Id.* ¶¶ 174–81.

72. *See generally id.* ch. II, at 8–31.

73. For most of the presentations made during my tenure as dean, I often collected stories of lawyers' pro bono and community service activities to share as examples of the many ways lawyers serve others and find fulfillment in this important obligation. *See* Veryl Victoria Miles, *A Legal Career for All Seasons: Remembering St. Thomas More's Vocation*, 20 NOTRE DAME J. L. ETHICS & PUB. POL'Y, 419, 421–22, 425–26 (2006).

74. Pope Paul VI's *Gaudium et Spes*, one of the constitutions of Vatican II on the Church in the Modern World, issued in 1965, addresses the nexus between the Church and society and the laity's responsibility in all aspects of life:

Christians, as citizens of two cities, [are exhorted] to strive to discharge their earthly duties conscientiously and in response to the Gospel spirit. . . . For they are forgetting that by the faith itself they are more obliged than ever to measure up to these duties, each according to his proper vocation. . . . Therefore, let there be no false opposition between professional and social activities on the one part, and religious life on the other. . . . Christians should rather rejoice that [they can follow] the example of Christ,

## 2. A University President

Another inspiring voice on the importance of our faith-based mission came from a former university president, Bishop David M. O'Connell.<sup>75</sup> In his inaugural address, then-President O'Connell called on the community to be authentic and accountable in its Catholic identity and its unique status as the national university of the Catholic Church in the United States.<sup>76</sup> With clarity and passion, he quoted Pope John Paul II's *Ex Corde Ecclesiae*, and our university motto "*Deus Lux Mea Est*," "God is my light."<sup>77</sup> President O'Connell stated that:

Our greatest strength is our Catholic identity for it gives form and substance, shape and direction to all that we do as university. To diminish it, even slightly, would diminish us, the Church, as well as the diversity that American higher education boasts about to the world.

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who worked as an artisan. [In the exercise of] all their earthly activities[,] . . . [they can thereby gather] their humane, domestic, professional, social and technical enterprises . . . into one vital synthesis with religious values, under whose supreme direction all things are harmonized unto God's glory.

POPE PAUL VI, PASTORAL CONSTITUTION ON THE CHURCH IN THE MODERN WORLD: GUADIUM ET SPES ¶ 43 (Dec. 7, 1965), [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_cons\\_19651207\\_gaudium-et-spes\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html). A similar reminder of our mission as laity to bring the practice of our faith beyond our personal worship and to our societal duties comes from Pope Benedict XVI's 2005 encyclical *Deus Caritas Est*:

The direct duty to work for a just ordering of society . . . is proper to the lay faithful. As citizens of the State, they are called to take part in public life in a personal capacity. So they cannot relinquish their participation "in the many different economic, social, legislative, administrative and cultural areas, which are intended to promote organically and institutionally the *common good*." The mission of the lay faithful is therefore to configure social life correctly, respecting its legitimate autonomy and cooperating with other citizens according to their respective competences and fulfilling their own responsibility.

POPE BENEDICT XVI, ENCYCLICAL LETTER DEUS CARITAS EST OF THE SUPREME PONTIFF BENEDICT XVI TO THE BISHOPS PRIESTS AND DEACONS MEN AND WOMEN RELIGIOUS AND ALL THE LAY FAITHFUL ON CHRISTIAN LOVE ¶ 29 (Dec. 25, 2015) (footnote omitted) (quoting Pope John Paul II), [http://w2.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf\\_ben-xvi\\_enc\\_20051225\\_deus-caritas-est.pdf](http://w2.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20051225_deus-caritas-est.pdf).

75. Bishop O'Connell served as president of The Catholic University from 1998 to 2010. He was appointed Bishop for the Archdiocese of Trenton, New Jersey, on June 4, 2010. See *Bishop David M. O'Connell, CUA's 14th President*, THE CATHOLIC UNIV. OF AM., <http://oconnell.cua.edu> (last updated Mar. 11, 2011).

76. See David M. O'Connell, Address by The Very Rev. David M. O'Connell, C.M., J.C.D. on the Occasion of His Inauguration as 14th President of The Catholic University of America (Nov. 19, 1998), <http://publicaffairs.cua.edu/RDSpeeches/98InauguralSpeech.cfm>.

77. *Id.*

The responsibility that we have before us is not something of our own invention. It is part of the continuing vision of the Church. And it is not exercised for our own sake alone. One scholar stated it well when he wrote that a Catholic university “is not a church; it is from the Church and serves the Church by enabling the Church to serve the world more fully.”<sup>78</sup>

At the time of this address, I was not the law school dean, but remained moved by President O’Connell’s call to serve our faith-based mission. He began his address by referencing the work of James Burtchaell, *The Dying of the Light*,<sup>79</sup> a study of the history of the secularization of American colleges and universities with Christian church origins. It was a perfect caution to our community to not allow the light of our mission to fade away in a cultural “orthodoxy of secularism.”<sup>80</sup> In his call for authenticity in our Catholic identity, President O’Connell asked, “Could we as a Catholic university possibly share our knowledge with students without sharing our faith?”<sup>81</sup>

When welcoming a new class to the law school as dean, I intentionally emphasized that our school’s identity is derived from the Catholic Church by virtue of its unique status as the nation’s one and only pontifical university. A natural message for the law students in this introduction was to focus their attention on the Church’s articulation of our obligation to the weak, the vulnerable, and the poorest of the poor. And, that the Church calls us to serve others and provide a view toward a “natural order” of social justice, whereby the government and the individual citizen have a mutual role and responsibility in advancing projects for the common good under law while rectifying wrongs found in law and society.<sup>82</sup>

Some reading this would assert that this is quite like the secular principles of social justice that most of our nation’s law schools embrace. However, social justice is a fundamental value of Catholic social teaching, and it is in the sustained and unwavering commitment to social justice, care in the development of our students’ professional identity, and the work of our faculty in the Catholic tradition of social justice that make a difference.<sup>83</sup> As Dean

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78. *Id.*

79. JAMES TUNSTEAD BURTCHAELL, *THE DYING OF THE LIGHT: THE DISENGAGEMENT OF COLLEGES AND UNIVERSITIES FROM THEIR CHRISTIAN CHURCHES* (1998).

80. O’Connell, *supra* note 76.

81. *Id.*

82. See U.S. CONFERENCE OF CATHOLIC BISHOPS, *supra* note 65, at vii–viii; see also *Legal Services Society*, THE CATHOLIC UNIV. OF AM., <http://lsji.law.edu/iss.cfm> (last updated Oct. 24, 2013).

83. Not only does the environment of the law school support students to freely engage in moral and religious reflection and expression, it supports faculty who integrate their faith-based beliefs in their work, including their scholarship, course and program development, and service activities. For some faculty members, the desire to integrate faith-based values and traditions in the work is evident, while with others any faith-based connection is not as identifiable, but the

Brendan Brown professed long ago, as a Catholic law school we have a calling to remind our students that we are all a union of both “body and spirit,” an ideal that should not be ignored coming into law school or law practice.<sup>84</sup>

Accordingly, it has been a common call of the dean to encourage each entering class of law students to not “lose themselves” upon coming to law school. That is, they should not forget the moral, ethical, and religious values and beliefs that have formed their character prior to law school (and will, hopefully, be guideposts as they face challenges both personally and professionally throughout their lives).<sup>85</sup>

For my purposes, this intentional direction was designed to prepare students to expect to hear and raise questions concerning law, justice, reason, faith, and conscience in courses, lectures, and conversations during their tenure at the law school. Moreover, it was a perfect opportunity to illustrate, in a concrete way, how their education at Catholic could make a difference in the lives of others by recalling and sharing examples of the work of our students, faculty, and alumni. Inspirational examples of how an individual’s ethical, moral, or religious values could change places and lives always spotlighted the pathway to what was possible during their tenure at Catholic.

### 3. *A Student’s Passion for Service*

In my first week as dean, an impassioned second-year student approached me with a proposal to formalize a school-wide pro bono program.<sup>86</sup> For this student, who had attended a Jesuit sponsored high school and college, our

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work reflects mission-based values. Several of my colleagues at Catholic have engaged in pro bono practices that support values of the Church, while others have engaged in scholarship and program development that reflect the commitment to holistic professional development, which squares perfectly with our mission. See, e.g., *Faculty Scholarship*, THE CATHOLIC UNIV. OF AM., [http://scholarship.law.edu/fac\\_publications/](http://scholarship.law.edu/fac_publications/) (last visited Aug. 5, 2017); cf. *Mission Statement Law*, *supra* note 15.

84. Nuesse, *supra* note 27, at 77.

85. See Breen, *supra* note 2, at 384–87; Buzzard, *supra* note 1, at 272–73; Gordon, *supra* note 2, at 191–92; Silecchia, *supra* note 2, at 201–02; Uelmen, *supra* note 2, at 925.

86. In 2005, the ABA accreditation standards for pro bono opportunities were revised to mandate that accredited law schools provide “substantial” pro bono opportunities for their students. Prior to this, the standard on pro bono opportunities was advisory in nature. In August of 2007, the ABA adopted an interpretation to clarify what was meant by “substantial” pro bono opportunities. See ABA STANDARDS, *supra* note 12, Standard 303(b)(2), Interpretations 303-3 to -4. As law schools throughout the country began to implement pro bono programs to meet this mandatory requirement, our school decided to host a national conference in October of 2007 to explore different examples of pro bono programs entitled, *Law Schools and Their Role in the Provision of Pro Bono Services*. Pro bono experts from across the country representing law schools, legal clinics, and members of the bench and bar attended the two-day conference, which included panels on topics such as “Setting up a Pro Bono Program from Scratch” and “A National Perspective on Shaping Future Leaders for Justice.” See *The Role of Law Schools in Fostering Commitment to Pro Bono Publico*, THE CATHOLIC UNIV. OF AM., <http://www.law.edu/Conference/fosteringacommitment-probonopublico/> (last updated Apr. 30, 2010).



faith-based mission had been a factor in his decision to apply to the law school.<sup>87</sup> Inspired by the dean's acknowledgment of the volunteer work of his fellow classmates during the first-year orientation and a Homily encouraging fasting, prayer, sacrifice, and charity during an Ash Wednesday Mass at the law school chapel, the student recalled his own experience of regular community service in high school and college and longed for similar opportunities to serve while in law school.

Encouraged by a faculty member to lead an effort to mobilize like-minded students called to serve others, he produced a detailed plan for a "Legal Services Society" that was presented and approved by the faculty.<sup>88</sup> The program was inaugurated in the fall of 2006, with the purpose to "embody the University's spirit of public service."<sup>89</sup> Since 2011, the law school has collected data to track the level of student engagement in the program by graduating class. Class participation has been as high as forty-eight percent, for individual students performing a minimum of thirty hours while in law school, with a reported total as high as 13,000 volunteer hours by an entire class upon graduation.<sup>90</sup> A spin-off of this initiative was the establishment of our Office of Law and Social Justice Initiatives, which is overseen by a member of the faculty; the purpose of the office is to develop programs and other initiatives to encourage, facilitate, and promote community service and pro bono activities by students, faculty, and alumni of the law school.<sup>91</sup> It is

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87. One commentator's description of what a Christian law school "should" stand for from the student's perspective, is to provide a place and structure for students to "reflect on their own world views and how those might address contemporary issues holistically." Buzzard, *supra* note 1, at 272–73. Another author offers a critique of Jesuit law schools and what a "Jesuit" legal education should stand for; "to help prepare both young people and adults to live and labor for others and with others to build a more just world." Breen, *supra* note 2, at 387–91.

88. See *Legal Services Society*, *supra* note 82.

89. The mission statement of Legal Services Society provides:

The mission of the Legal Services Society (LSS) is to create, through hands-on experience, a socially conscious network of students, faculty, and alumni at the Columbus School of Law, each of whom are imbued with a commitment and desire to fulfill the professional obligation of providing full services to individuals whose needs, legal or otherwise, are unmet.

All students who pledge and complete at least 30 hours of pro bono work throughout their law school career shall be recognized at graduation for their accomplishment. Although students do not have to be members of the organization in order to make this pledge, all pro bono hours would count towards the 15 hour/semester membership requirement.

*Id.*

90. E-mail from Aoife Delargy Lowe, Pro Bono Coordinator, The Catholic Univ. of Am., to Erica McCreary, Staff Editor, Catholic Univ. Law Review (Feb. 21, 2017, 15:03 EST) (on file with the Catholic University Law Review).

91. *Law and Social Justice Initiatives*, THE CATHOLIC UNIV. OF AM., <http://lsji.law.edu/> (last visited Aug. 5, 2017).

dedicated to supporting all of the constituencies of the community to make “a lifetime commitment to serve the common good.”<sup>92</sup>

#### 4. *Love Thy Neighbor*

The final event of our first-year orientation program has traditionally been the dean’s welcome address and reception. The welcome address sought to achieve two objectives, to describe our university’s academic mission to serve the common good within the traditions of the Church, and articulate how the law school accommodates that mission. Our first-year orientation program usually includes some discussion and reflection on the professional obligation of lawyers to serve others. One year, we decided to facilitate this discussion with a viewing of the film, *To Kill a Mockingbird*.<sup>93</sup>

In my address that year, I shared my thoughts about the film’s protagonist, Atticus Finch, noting that he could easily seem larger than life. I also noted how impressed I was with what many students admired about Atticus: his dogged commitment to represent Tom Robinson (a black man in Alabama during the 1930’s accused of raping a white woman), even though the odds for getting an acquittal were unlikely. Students also admired Atticus for his compassion and empathy for others, his advocacy skills, and his eloquence.

I noted on several occasions that throughout the novel and in the movie adaptation, his daughter Scout recalled Atticus’s philosophy and wisdom about people, which made him an effective advocate. Atticus stated, “[y]ou really never understand a person until you consider things from his point of view . . . until you climb in his skin and walk around in it.”<sup>94</sup> This was the perfect opportunity to consider how it is possible to do what Atticus did, which was provide effective representation to a neighbor in need. Accordingly, I proceeded to share an example of how students and faculty in our clinic provided *compassionate and effective* representation to one of our neighbors in need.

I then described an encounter with a neighbor from our local parish who sought guidance to obtain permanent custody of her grandchildren. At the time, she was serving as foster parent to the grandchildren, but due to instability in the lives of these children who were going back and forth between parents, she was desperately trying to obtain permanent legal custody. She told me that she had obtained the services of a lawyer to help her, but all that he had done was take her money, and the custody status of the children remained unresolved. She simply had no more money left to hire another

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92. In addition to developing programs that encourage, facilitate, and promote community service and pro bono activities for the entire law school community, the Office of Law and Social Justice Initiatives also assists students interested in postgraduate fellowships and other employment opportunities in public interest or public service settings. *See id.*

93. *TO KILL A MOCKINGBIRD* (Universal Pictures 1962).

94. HARPER LEE, *TO KILL A MOCKINGBIRD* 30 (Warner Books 1982) (1960).

attorney. I suggested the services of our clinic, specifically created to serve the elderly in our community.

I told the audience that I ran into this very same neighbor a year later, while shopping at a local grocery store. With great excitement, she told me that a team of our law students, under the supervision of a faculty member, won her guardianship rights to care for her grandchildren. She continued to tell me how proud and honored she was to be represented by our students, that they had been “superb” and received high praise from the presiding judge for the way they represented her, and that words would never be sufficient to express her appreciation for all they had done for her, and how wonderful they were in the care and respect they showed her through a very long, difficult, and emotional experience. I spent close to an hour with my fellow parishioner, standing in the store parking lot listening to unsolicited praise and appreciation for our wonderful team of students and my faculty colleague.

For students at the start of their law school experience, the inspiring and larger-than-life example of Atticus Finch may seem like a remote attainment at the beginning of law school. However, by recalling the example of students practicing in our clinic, the professionalism and eloquent persuasion of Atticus Finch became a possible aspiration for each student at orientation. Moreover, the virtues and values of serving the vulnerable that are integral to our mission as a Catholic institution were highlighted and illustrated through their example. It was accessible and inviting for every new student, Catholic and non-Catholic alike, and a perfect beginning for students looking forward to studying and practicing at our school where this mission mattered.

##### *5. A Graduate's Formation Accomplished*

Our student body is quite diverse in a variety of ways. One kind of diversity is in the different faith traditions and practices of our students. Many are not Catholic and have not chosen to attend our school with any particular interest in our faith-based mission or identity. Reasons often cited for attending Catholic include the desirability of special practice programs (i.e., securities, communications/intellectual property, international business trade law, or public policy), our Washington, D.C., location, or reputation with the practicing bar. For these students, I often wondered how the programs and events that integrated discussions of moral, ethical, and faith-based values in the law and law practice would manifest in their professional formation and identity.

Perhaps the greatest indication of how our mission mattered occurred as I listened to a student's graduation speech. Speaking with powerful eloquence and directness, the graduate faced his class and the guests celebrating their

commencement and said, “Just what the world needs, another lawyer. . . . Thank God because we need them!”<sup>95</sup>

He went on to say he found law to be “exquisitely complex” and “monumentally important,” and he discovered that at times it could even be “messy”:

[The law is] not an exact science; it is not math, thank God! . . . [It] is a high calling. . . . Law is a transitive verb: one does not do law, one does law *of something*. In fact, we do law of a lot of things. . . . And it is not just what we do[,] . . . it is how we do it. In addition to studying hard and thinking profoundly, we have cared deeply.

. . . .

A lawyer is the way society wraps its head around the law and tries to make the world a better place.

. . . .

[W]e are going out into a storm[,] . . . but with each other’s help and a little grace we will make it through. . . . A lot of people have been very good to us, and there [are] a lot of people in the world who desperately need our help. It is time to return the favor . . . . We literally have a world to save.<sup>96</sup>

I have no idea what this graduate’s faith tradition is or if he has a religious affiliation, but there he was at his graduation, thanking “God”, speaking about “grace” and seeing the law as a “high calling” to serve the common good, to help others, and to save the world in the same spirit as our mission.<sup>97</sup>

A couple of years later, I saw this alumnus at a reception and asked how he was enjoying law firm practice. He said the work was interesting. He paused and shared that as he listened to status reports about cases and settlements, he sometimes wondered whether they reflected being on the right side of the matter in question. At that moment, I was reminded about the discussions and programs we held at Catholic about law practice, not just the legal issues and tactical skills, but also about the moral and ethical issues that permeate so much of what happens in law practice and require our attention in the actions taken and advice to be given in the representation of clients. From this conversation, I could see he was engaged in the kind of discernment that discussions about moral and ethical values invited our students to exercise.

As I listened to him I was again reminded that our faith-based mission mattered and that it must always be shared with our students. His words upon graduation had reflected the values of our mission; his thoughts about his

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95. Preston Thomas, Graduate, Address at The Catholic University of America, Columbus School of Law Commencement Ceremony (May 28, 2010), <http://video.cua.edu/ACADEMICS/LAW/law-commencement2010.cfm> (last updated May 28, 2010).

96. *Id.*

97. *Id.*

practice reflected our mission; and I can only imagine how his actions will reflect this mission, and enhance our profession and the lives he will touch as a maturing lawyer.

### III. CONCLUSION

Based on my experiences and observations, there is a broad spectrum of ways religiously affiliated law schools can “live-out” a faith-based mission. How valuable and significant a faith-based mission will be to the identity of the school and the experience of its community will depend on the clarity and intention of the mission statement; the extent the environment reflects the mission and is sustained and strengthened by the contributions of its constituencies; and how it celebrates and shares the inspiring voices and works that are the harvest of a faith-based mission.

