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A LEGAL CAREER FOR ALL SEASONS: REMEMBERING ST. THOMAS MORE'S VOCATION

VERYL VICTORIA MILES*

The vast majority of the work taking place in most law schools is the preparation of law students for the practice of law; namely, to teach legal theory and doctrine, legal analysis, writing, and advocacy. In sum, the goal of most law schools is to teach the many different skills required in law practice and the professional rules of legal ethics. What appears to be lacking in the preparation of future lawyers are lessons on how to incorporate this vast amount of specialized learning and skill in ways that will be harmonious with the personal, moral, and ethical values that they possessed at the commencement of their legal education. Law students often find their values challenged by the many different lessons on rules of law and equity and the notions of justice introduced during their legal education.1 Although many

* Dean and Professor of Law, The Catholic University of America Columbus School of Law, Washington, D.C. This essay is based on speeches the author gave to the St. Thomas More Society of the Diocese of Wilmington, Delaware in May of 1999 and for the 2005 Lenten Lecture Series co-sponsored by The Catholic University of America Columbus School of Law and St. Matthew's Parish in Washington, D.C.

1. One group of scholars reviewed various empirical studies conducted on the "nature and process of training lawyers." This study includes a section focusing on how the law school experience results in changes in the values of law students. Some studies showed that the legal and political values of some law students had become more conservative after attending law school, and for other students, a prior interest in public interest law or utilizing the law to achieve social changes had waned. The authors noted that other studies did not find very much change in values after coming to law school and that more studies needed to be done to provide a clearer sense of change. James R. P. Ogloff et al., More Than "Learning to Think Like a Lawyer:" The Empirical Research on Legal Education, 34 CREIGHTON L. REV. 73, 91–99 (2000). According to Dean Steven C. Bahlis:

[Law] Schools with a primary focus on preparing students for a career emphasize . . . knowledge, rules and procedures, and skills. Schools with an emphasis on legal careers as a part of a broader vocation are deliberate in addressing the attributes of understanding the larger role of law and lawyers in society and the ability of lawyers to use their personal qualities effectively. It is clear that law schools are more effective in preparing students for career skills than in challenging students to engage in meaningful vocational reflection. In a national sur-
law schools have added community service components to the law school curricular requirements in order to raise the consciousness of law students to pro bono service, more needs to be done to emphasize the necessity of the individual’s sense of morality and personal ethics as a guiding force in influencing the character of the lawyer he or she will become.2

One of the most dramatic examples of a lawyer whose career exemplified the absolute union of the individual’s sense of morality and ethical character with the practice of law and service was Sir Thomas More, “the patron saint of Catholic lawyers.”3 His life is remote in time to ours (he was born in 1478),4 and his experience would be unlikely for today’s lawyers. Never-

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2. See, e.g., Christina M. Rosas, Mandatory Pro Bono Publico for Law Students: The Right Place to Start, 30 Hofstra L. Rev. 1069 (2002). Rosas offers a student perspective on the value of pro bono programs in law schools as a way of educating students about the importance of making legal services available to all citizens, and introducing them to this professional obligation which the bar will expect them to provide to individuals who are unable to afford necessary legal assistance. Rosas notes that pro bono service requirements, or other kinds of public and community service requirements, are not uniform in law schools. She argues that such requirements are a very effective way to provide practical experience for students and to enhance their understanding and compassion toward the conditions and challenges the unrepresented poor experience in the legal system. See also Deborah L. Rhode, The Pro Bono Responsibilities of Lawyers and Law Students, 27 WM. MITCHELL L. REV. 1201 (2000); Charles Senger, Spirituality in Law School, MICH. B.J., Dec. 2002, at 44 (advocating the importance of including spiritual reflection in law school courses to guide students in recognizing their spiritual needs with their choice to pursue a legal career). Professor Rhode made the issue of mandatory pro bono service the platform of her presidency of the Association of American Law Schools (AALS) in 1998. As a result of her leadership, the AALS sponsored The Pro Bono Project. One of the outcomes of this project was the Handbook on Law School Pro Bono Programs, which reported on law schools that had in fact implemented mandatory pro bono programs or other kinds of community service requirements. ASS’N OF AM. L. SCH. PRO BONO PROJECT, HANDBOOK ON LAW SCHOOL PRO BONO PROGRAMS (2001), available at http://aals.org.cnchost.com/probono/probono.pdf.

theless, his story can be used to remind entering law students that their professional careers must be informed by their personal, ethical, and moral values, and that profession and values must compliment a person's life rather than divide a life into separate parts.

I. THE LAWYER MODEL: ST. THOMAS MORE

Whenever one hears the name Thomas More or reads about him, one is most likely reminded of his great personal and professional character and the final test of this character, which would result in the end of his life. Not only do we find Thomas More outstanding as a role model for great character and integrity but, by any standards, he also enjoyed a successful career as a prosperous and skilled domestic and international business lawyer. He was so skilled that he was called to be the Pope's lawyer on matters involving papal commerce. He was an extremely effective orator and, as a lawyer, this skill made him an extraordinary litigator whereby he was described as being "as fierce as he [was] persuasive, continually changing or extending his line of attack, looking for the smallest inconsistencies, finding weakness and deriding the mistakes of terminology and presentation."

Any chronicle of More's career reveals a devoted civil servant. His service included a position as a principle agent for King Henry VIII in numerous matters of state with France, as well as

4. There are different birth years reported for More. One authority explains:

Thomas More's birth was noted by his father upon a blank page at the back of a copy of Geoffrey of Monmouth's *Historia Regum Britanniae,* for a lawyer John More was remarkably inexact in his references to that natal year, and the date has been moved from 1477 to 1478 and back again. . . . [T]he most likely day remains 7 February 1478.


5. One commentator describes the relevancy of More to today's lawyer as follows:

To revert to More and his application for our own day: his example would seem to propose less aggrandizement, closer liaison with our families, more even distribution of work, leisure and money—and perhaps less emphasis on the achievement of the temporal: it is of significance to note that More, a very able and successful careerist, lived what he preached, i.e. that when any matter relative to one's commercial prospects or career upsets or diminishes the great career and vocation of married life, then it is the commercial that is to suffer, not the household. In other words, More simply had his priorities right.

Kinsella, *supra* note 4, at 341.


participation on the royal council and ultimately as the Lord Chancellor of England.\(^8\)

The many biographical descriptions of More's professional career and its steady and meteoric rise can easily leave one in awe.\(^9\) Even more awe-inspiring are Thomas More's unyielding strength of resolve in his faith and the primacy that his faith and commitment to God had throughout his life: his was a life devoted to his God first and fully.\(^10\) More did not "compartmentalize" his life in order to justify or qualify any lapse in his faith and moral convictions, whether as a lawyer, as a servant to the crown, as a husband or as a parent.\(^11\)

The great and final challenge to Thomas More's faithfulness to God and the Church would come at the pinnacle of his career. As Lord Chancellor of England he faced pressure to act on the King's demand for a nullification of his marriage to marry Anne Boleyn, and, once the petition for a divorce had been denied by the Pope, to support the King's self-recognition as spiritual head of the Church of England by taking an oath of allegiance to him.

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10. Ackroyd, \textit{supra} note 4, at 62–63; Kinsella, \textit{supra} note 4, at 323.

We compartmentalize our lives so that our moral values are kept separate from our business and legal lives—we experience ourselves in the third person rather than as acting in the first person. But More recognized a continuity in his life; he had a moral center, a self that informed his personal and professional life. He acted in the first person and therefore as a moral agent.

\textit{Id.} at 772; \textit{see also} Ackroyd, \textit{supra} note 4, at 62–63. Ackroyd writes that during More's time:

Religion and the law were not to be considered separately; they implied one another. . . . That is the way it is misleading to separate 'social' from 'political', 'legal' or 'religious' matters in this period; they represent the same central concern of fallen men, which lay in understanding and organising his temporary sojourn upon the earth by lawyers during More's medieval society. The attitude More adopted toward the primacy and authority of law governed all his subsequent actions. It is one of the greatest significances in understanding his behavior for example, to realise that he wrote about the law in precisely the same way he described the Church. There was for him, no essential or necessary difference.

as the Church's head (required of all loyal subjects). Through all of this, More's religious convictions were being attacked, assaulted, and insulted. As a result, he refused to take the Oath of Supremacy to Henry. Many have noted that More could have taken the oath with some legal qualification or reservation, as many Catholics of the time did in fact do. But he did not. Ultimately, he would be convicted for treason based on perjured testimony and sentenced to be executed. On his walk to his execution, it is said that More "invoked the prayers of the people, protested that he died for the Holy Catholic Church and that he was 'the King's good servant—but God's first.'"

Those words, together with the dramatic execution scene in Robert Bolt's A Man for All Seasons, provide us with a chilling confrontation of More's martyrdom. The notion of being a martyr, to have to choose to suffer death rather than renounce one's religious principles, is unimaginable for us today. So we might ask the question, "Where is the relevancy of Thomas More's life to ours today?" Our government will not require that we renounce our religious beliefs or suffer death. We will not lose our heads if we articulate objections to the conduct of our country's leaders because it offends our moral, ethical and religious values.

If that is a response to the question of the relevancy of Thomas More today, then the respondent has missed the message to be garnered from his life. More's story is not limited to the three years of his service as Lord Chancellor, or the fifteen months that he spent in the Tower before his execution. More's entire life is an example of personal and professional conscience, integrity and excellence. More's story represents a lifelong commitment to social justice, service, and devotion to God. These are timeless traits of character and universal values that everyone should be willing to embrace and strive to exemplify. Thomas More's complete life and the totality of his convictions provide relevance to us today.

14. See, e.g., BUTLER, supra note 12, at 52–53; Drinan, supra note 3, at 504–05.
15. See, e.g., Drinan, supra note 3, at 504–05.
16. BUTLER, supra note 12, at 54.
Why should we continue to remember More beyond law school and during our professional careers? We need him because of his example. We need a constant reminder that our conscience and integrity, our sense of justice and service to others, and our moral, ethical, and religious values must remain guideposts in everything that we do in our lives professionally and personally. Are lawyers today living lives that incorporate character like that of Thomas More?

As we consider whether we live our lives in the spirit of Thomas More, we should first consider what More was doing during his life and what events and characteristics of his life seem to be noted most by the historians. More had great compassion for his neighbors. An example was his great concern about the fate of women and their yet-to-be-born children during childbirth; he prayed continuously until learning of the news of birth. He opened his home to the poorer families of the community, welcoming them "familiarly and joyously." More established an almshouse in Chelsea which was administered by his daughter, Margaret, to provide for the poor.\(^\text{18}\) He supported the education of women and history specifically notes how he educated his daughters as he did his son.\(^\text{19}\)

One commentator described More's legal practice as follows:

His law practice brought him into contact with all of London's classes. His clients included not just wealthy merchants, but also the poor, thieves, and beggars. He thus spoke knowledgeably when he railed against English justice and economic inequality. He knew first-hand of men driven by unemployment into hunger, by hunger into crime, and by crime into the arms of the law. More protested against a society in which the rich seemed to grow richer and the poor sunk into greater poverty. This maldistribution of wealth and opportunity was to More in *Utopia* the cause of social strife. Society has not the right, More wrote, to allow youth to grow up in an environment of idleness and vice and then punish them by death for their crimes: I pray you, what other thing do you do than make thieves and then punish them?\(^\text{20}\)

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While serving in Parliament he was a vehement opponent to the very high "monetary exactions" that the King often made of his subjects; in fact, More was so successful in one of these opposition campaigns that he was able to have the demands of the King to Parliament reduced from 113,000 pounds to 30,000 pounds. (It appears More enraged the King in this effort, and his father ultimately suffered the backlash by being imprisoned and fined 100 pounds based on an unfounded dispute.)

More was also a legal reformer. As chancellor, he sought to reform the administration of justice before the Chancery. During this time, England was dealing with serious questions about the quality of justice in the legal system. The necessity of legal reform was increasing due to dissatisfaction with the rigidity of the common law courts and their inability to bring about adequate remedies in cases revealing more sophisticated kinds of economic wrongs arising in the business transactions of the day. More, as head of the Chancery and Star Chamber, worked to see a greater link between law and equity in decisions of the courts such that equity would temper and mitigate the rigidity in the law. He introduced the practice of allowing defendants to appear by attorney as opposed to appearing in person. Perhaps the most impressive contribution of More's many reform efforts was his goal to see that court decisions remained impartial and not be unduly influenced by one's social status.

As one considers these events in More's life, all of which were guided by his moral, ethical, and religious values, it is clear that he is very relevant to lawyers today and can serve as a benchmark as we consider how we will live our lives. To what extent do

21. BUTLER, supra note 12, at 50.
22. See Kendall, supra note 3, at 251–52. For more background on the state of the Chancery under Wolsey and More, see Kinsella, supra note 4, at 381–34.
23. Kendall, supra note 3, at 251 (citing GUY, supra note 3, at 48–49).
25. Kendall, supra note 3, at 252 (citing GUY, supra note 3, at 90).
26. Kendall, supra note 3, at 253. Kendall raises a question not considered in John A. Guy's biography of More as to the significance of More's Utopia on his reform initiatives as the Lord Chancellor. He states:

While in private practice, More wrote that society was a conspiracy of the rich, especially lawyers, pursuing their interests at the expense of the rest. . . . A hint that Utopia was part of More's program is contained in his commitment to . . . a policy of easier access to courts and more impartial decision-making regardless of social status.

Id. at 253–54 (citation omitted).
lawyers educate students of the law to serve others in need; to what extent do lawyers work to bring about greater legal and social justice for all members of our communities; and to what extent do lawyers share their gifts and talent for the good of others? According to one dean of a religiously affiliated law school, the failure to raise the importance of vocational reflection in selecting a career in the law often leads to a disconnect between the lawyer's professional work and his or her personal values. This can be disconcerting and leave one dissatisfied with the practice of law. Fortunately, there are many lawyers who exemplify the generous and just spirit of Thomas More. Over the years I have surveyed a variety of stories about lawyers, the ways they serve others, and the meaning of this service in their personal and professional satisfaction.

II. CONTEMPORARY LAWYERS LIVING THE EXAMPLE OF ST. THOMAS MORE

A young lawyer working in a Washington, D.C. law firm became disillusioned in struggling up the ladder in corporate law. A pull to serve others prompted him to contact the National Association of Service and Conservation Corps to create a non-profit organization called “Civic Works” in Baltimore, Maryland, to help inner-city youth develop employable skills as they work to restore beauty and community pride in desolate neighborhoods by restoring neglected parks and rehabilitating housing in neglected communities. Civic Works was a leading force in creating a memorial park dedicated to the memory of an East Baltimore family that had been burned alive in their row house by a drug dealer in retaliation for their complaints to the police about drug activity in the neighborhood. One of the graduates of the Civic Works program said the program had taught him a lesson about “team work—many people with different backgrounds, coming together to make a difference in the city.”

Two retired New Jersey lawyers, a former public defender and a pro bono attorney, once saw Johannesburg, South Africa as a vacation destination. They took another look and found South Africa to be a service opportunity through the International

27. See Bahls, supra note 1, at 12. Vocational reflection requires a consideration of one's personal values with the values associated and expected with the profession. Failure to do this results in dissatisfaction between work and moral, religious, and ethical values. Thus, “[l]aw schools should encourage students to engage in vocational reflection at the outset of their legal education, periodically during their education and after graduation.” Id. at 17.

Senior Lawyers Project in New York and Age in Action, a South African nonprofit organization designed to provide free legal services for the elderly. The lawyer couple worked through Age in Action to set up South Africa's first compulsory pro bono program to provide legal aid to help not only the elderly, but to a nation in overall need with a national unemployment rate of forty percent and up to seventy percent unemployment in many townships.\(^2^9\)

A team of prosecuting attorneys in Seattle created an on-site legal services clinic at a women's center and emergency shelter where they are able to provide free legal services addressing a range of issues including challenges against evictions, obtaining protective restraining orders against abusive partners, and helping to restore child custody rights. One prosecutor-volunteer stated that it was an honor to use her legal knowledge to help the community, "And, like any other volunteer work, you always get back more than you give."\(^3^0\)

The Delaware Office of the Child Advocate recruited approximately 250 Delaware attorneys who have a wide range of legal experience including corporate lawyers, private practitioners, and retired attorneys, to provide free legal representation to abused and neglected children in the family court system in order to move them beyond the foster care system into permanent homes that will be safe and secure. Delaware is only one of many states that have implemented this kind of volunteer program in an effort to give greater attention to the growing needs of child-welfare legal assistance. Lawyers, many of whom are corporate practitioners remembering the ideals that brought them to the law, are responding to the need and finding great satisfaction. One corporate attorney helped a three-year-old boy in the foster care system make the transition to a permanent home with an adopted family. He said of the experience, "I really felt like I helped do something that made a difference in that little boy's life. . . . It's not every day in my practice I can say that."\(^3^1\)

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31. Mike Chalmers, *More Del. Lawyers Volunteering to Represent Children Needing Help*, Sunday News J. (Del.), Feb. 22, 2004, at A1. In Miami, the Foster Care Review Inc. (FCR) nonprofit organization has similarly created a program to assist an overwhelmed foster care system by creating a volunteer program of citizens review panels to review foster care cases more expeditiously in efforts of finding permanent and safe homes for children in the system. Many attorneys serve on FCR's board of directors as well as the various citizen review panels. According to one volunteer, a real estate attorney, "It's not an easy job. . . . I
In 2002, attorneys volunteered to provide legal services to 8200 domestic violence victims in a project run by the Los Angeles County Bar Association. Victims sought restraining orders from abusive spouses and domestic partners, and attorneys provided assistance with complicated paperwork and counsel. One victim described the program as a "blessing" that was exactly what she needed because she had no money to hire an attorney and the court required paperwork beyond what a "normal person could figure out." The volunteering attorneys found satisfaction in knowing that, unlike other areas of law, the abuse victims receive immediate relief upon completion of the paperwork.

The International Senior Lawyers Project (ISLP), a pro bono organization of retired lawyers with impressive international political experience, have offered their time, skills, and money to assist international "non-governmental organizations in the cause of guiding nations in transition from authoritarian rule to democracy." These retired attorneys include individuals who practiced with international firms such as Hogan & Hartson; Clifford Chance; Fried, Frank, Harris, Shriver & Jacobson. Some of the projects they have assisted have included the following:

- Retired ISLP volunteers provide counsel to the African Center for Constructive Resolution of Disputes in designing training programs for African lawyers to negotiate effectively with foreign investors, banks, and the World Trade Organization.
- In partnership with Ashoka, the global non-profit agency dedicated to social change, an ISLP volunteer, who is of counsel at the Washington office of Fried Frank, advises a start-up enterprise in the manufacturing and distribution of low-cost hearing aids in India and elsewhere in the developing world.
- In conjunction with the International Human Rights Law Group, the ISLP provides training in trial techniques for forty-five staff attorneys of the Cambodian Defenders Project.

come home drained after my eight hours at court, and when I wake up the next morning chances are I'm still thinking about one particular child. But I love kids, and volunteer service is an important part of my life." Ana Maria Pozo, Lawyers Shepard Children Through Foster Care System, FLA. BAR NEWS, Nov. 15, 2003, at 8.

33. Id.
• Working with the University of Natal in Durban, South Africa, the ISLP helps staff the Center for Global Law and Human Rights, which trains students and lawyers in international, commercial, and civil rights law.35

One volunteer noted that participation in ISLP was the right action for him and his colleagues. He commented, “so many of us lawyers who went to school in the late 1950s and early 1960s, so many of us who had a great interest in public service—now here we are, in an excellent position to recapture that spirit.”36

Lawyers in California volunteer as mentors in the Volunteers In Parole program. They help young parolees make their transition from incarceration back into their communities by simply taking time to be there for them, to listen to the challenges they encounter in readjusting to freedom, and offering advice on a range of concerns, from ways to find and keep a job to applying for a driver’s license. The program, which has existed for thirty years, was inspired by the late Supreme Court Justice Warren Burger and his call to lawyers to help stop criminal recidivism. The experience, like so many volunteer experiences, is mutually beneficial. As one mentor attorney noted, by watching her mentee struggle to reintegrate into society with steps forward and some steps backward, he had been an example of “courage, fortitude and patience” for her.37 She stated, “He made me realize that there is that other side of the fence, literally, where people really have no hope unless somebody gives them a hand.”38

The final example is one I came across a few years ago. A deputy chief counsel for a state criminal commission volunteers to comfort critically ill children in the cardiac intensive care unit at a children’s hospital. The difficult part of this service is that many of these children do not survive. He attributed his ability to volunteer to his religious focus by saying, “This universal loving God that cares for children. You see children who are so wildly wonderful and precious. When you go into that [hospital], what you see is—it’s between life and death, between heaven and earth. It goes to the very core of me. It is intimate and spiritual, powerful and amazing.”39

35. Id. at 7.
36. Id.
There are many lawyers who live a life that is professionally and personally committed to serve others, and who work to ensure greater access to economic, legal, and social justice for all. These lawyers, like Thomas More, give something of themselves to better the lives of others. I imagine that for many of them, like for you and me, this kind of spirit is inspired by a faith and love for God—who commands us to love Him first and to love our neighbors as ourselves.\textsuperscript{40} Perhaps, if we put God first in our lives, we will be able to say the words that More speaks as he departs from his home in Chelsea for the last time in Sir Robert Bolt’s play \textit{A Man For All Seasons}: “Thank our Lord the field is won.”\textsuperscript{41}

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\item See Matthew 22:37-40.
\item \textit{A Man For All Seasons}, \textit{supra} note 17.
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