



Joanna Meyer:

You are listening to the Faith and Work Podcast, where we explore what it means to serve God, neighbor, and society through our daily work. Welcome to the Faith and Work Podcast. I'm your host, Joanna Meyer, and I'm joined today by my colleague at Denver Institute for Faith and Work, Abby Worland. Hi Abby.

Abby Worland:

Hi Joanna. Good to be here.

Joanna Meyer:

Today, we're exploring a profession that we've actually never talked about on the Faith and Work Podcast, the practice of law with law professor and lawyer Robert Cochran. But before we meet Bob, I would like you to take a moment to reflect on your experience with lawyers. I realize that can be a bit of a dangerous task, but how did those experiences shape your understanding of the legal profession?

I think about my own life. Maybe you interacted with the lawyer through a business transaction, or they helped you write your will. If you work in the corporate sector, you may have interacted with your in-house counsel before a contract is signed. Or in my case, most of my exposure to lawyering has come through the actors who play them on TV. Abby, what have your experiences been that have shaped your understanding [inaudible 00:01:15]?

Abby Worland:

Understanding very similar to yours. As I was thinking about our interview today, I was thinking about Atticus Finch in *To Kill a Mockingbird*. That was probably my first and earliest idea of what a lawyer could be like. But then, a lot of my exposure to law and lawyers who's been through Netflix TV shows like *The Lincoln Lawyer*.

But in the past handful of years, I have a really good friend who is a lawyer, and I've learned a lot from her about the fact that lawyering is not all of that stand and deliver the flashy aspects of lawyering. It's a lot of careful detail work, and it's very different actually than what the popular imagination of being a lawyer is. And so I've learned a lot from her, especially about the realities of the work.



Joanna Meyer:

Yeah, I'm really thankful for our guest today, Bob Cochran, because he's someone who, both in his personal practice as a lawyer and in training generations of future lawyers at Pepperdine Law School, has had a really sophisticated and Christian understanding of the nuances of this type of work. So it'll be a thoughtful conversation with Bob. But before we introduce him, Abby, tell us a little bit more about our guest.

Abby Worand:

Great. Robert Cochran is the Brandeis Professor of Law Emeritus at Pepperdine University, and he's a graduate of the University of Virginia School of Law. Following law school, he clerked for Judge John A. Field on the Fourth Circuit of Court of Appeals, and he practiced with the law firm of Boyle & Bain in Charlottesville, Virginia.

He's the author of multiple books, but the most recent of which, and the one we'll be focusing on today is called *The Servant Lawyer: Facing the Challenges of Christian Faith in Everyday Law Practice*. Bob, welcome to the podcast. We're really happy to have you here today.

Bob Cochran:

Well, thank you very much. It's an honor to be with you.

Abby Worland:

So one of our favorite things to talk about is how people ended up in the careers or vocations that they're in. So could you tell us a little bit about how you found your way into law? What really interested you... interested you, and how did you get to where you are now?

Bob Cochran:

Well, I grew up in a home and in a church where I didn't know any lawyers. And so the little bit I knew about law, I learned from watching Perry Mason on TV, and most of your viewers are much too young to have seen Perry Mason, but he was a criminal defense lawyer who always won his cases by getting someone on cross-examination to confess that they, in fact, had committed the crime. So it was a very unrealistic portrayal of lawyers, and that was probably in my image.



But I was drawn to law school for a lot of maybe the wrong reasons. It was the status of being a lawyer that attracted me, and I was a rebellious preacher's kid at the time and kind of wanted to move out of that world. And it was actually in my first year of law school that I had a crisis of faith and returned to Christ and then started trying to figure out what was the connection between law school and later law practice and my faith.

Joanna Meyer:

So one thing I was curious about, you know, introduction we talked about the ways that lawyers are portrayed in popular culture, and you just alluded to that, that Perry Mason was your introduction to the law. I think about the John Grisham novels or TV shows like *The Good Wife* or *LA Law*, if some of our listeners were watching in the 80s or, more recently, *Suits*.

Thanks to Meghan Markle, she brought attention to that show about lawyers. But so often, lawyers are characterized as people that are ambitious, cutthroat, or even morally questionable. So when I saw your book and it was titled *The Servant Lawyer*, I was really surprised. Why did you choose to associate lawyering with servanthood?

Bob Cochran:

Cisco and Ebert, or I guess one of them once said that if there was a movie made about what lawyers really do, it would be extremely boring. A lot of what lawyers do is spend time going through papers trying to understand clients, of course, drafting a lot of papers, dealing with other lawyers, and I was inspired to give book the title, *The Servant Lawyer*, by things that one of my law professors said. His name was Tom Shaffer. He'd been the dean at Notre Dame Law School, and I use a quote from him at the beginning of the book. He wrote that, "For lawyers, there's no exception... exception to Jesus's command to serve. Whatever a Christian does in any job is primarily oriented to following Jesus who said, 'Here I am among you like a servant.'"

And I think of a lawyer being a servant, really both in the small picture and in the big picture. In the small picture, lawyers serve clients. I mean, you're the agents of the client. And probably most lawyers in the country will represent individual clients who are facing the most difficult challenges that they've faced in their life. They're really in need of a friend. Oftentimes they've been abandoned by their family and their other friends, and they're daunted by the legal system. And so I think a lawyer standing with a client, being their companion, and also being their spokesman is quite important. Lawyers speak for clients in situations where clients wouldn't know



what to say. They wouldn't know what their rights are. So service to individual clients, but also, I think, service to the broader public.

If you want to know what law would be like or what our lives would be like without lawyers, think about a country that doesn't have the rule of law. At any time, you'll have some of these around the world. I mean, I know Haiti's been an awful situation lately, but in a situation where there's no rule of law, you'll really come to expect, respect, and appreciate law. And lawyers, in so many ways, establish and reinforce the rule of law, whether it's just advising a business about what the limitations are on the business, what it can't do, but also prosecutors obviously prosecuting criminal defendants, defense lawyers holding prosecutors in line. Really, the big picture, I think, is that lawyers give us the rule law.

Abby Worland:

That's so interesting. I never... I'd always thought about lawyers in service to an individual. But that idea of lawyers being in service to society at large, I think, is a really interesting way to think about service. And throughout the book you do, you build this really rich, biblical understanding of this sort of approach to legal practice. And what Joanne and I would like to dig into with you is three of the themes that you touch on in your book. The first one is this idea of seeing the Imago Dei, or the Image of God in the clients you serve, and then understanding the role of lawyers as builders and trustees.

And then third, we want to explore the theme of embracing lawyers' work as advocates and as peacemakers. So those are three things that you discuss in your book, and we want to spend a little bit of time on each of those here in our conversation today. So let's start with this idea of the Imago Dei. In Faith and Work conversations, we often talk about workers being made in the Image of God as they mirror God's creative activity in their own work. But you assert that seeing the Image of God in every person, including a lawyer's clients, will change how that lawyer works. Could you elaborate a little bit for us on what you mean by that?

Bob Cochran:

Sure. I guess I'd first say that there are things about law school and law practice that tend to depersonalize a client's and other people that you might encounter within the legal system. In law school, you go in, and the very first day, you read maybe 10 cases, and you're just horrified at things that have happened to people. They've been killed, or they've lost their inheritance, or they've had their children taken away from them. And



then you read 10 more, and then you read 20 more and 30 more, and in a few months, you've read a couple of hundred cases, and people had suffered losses like this. And you begin to become sort of numb to that.

And then in law practice, you see case after case after case, maybe where people have suffered losses. And the process then leads you to come to think of cases as this additional challenge to will, a will, or this opportunity to make a good bit of money. And it's easy to lose sight of the person. Again, I'll quote my friend and mentor, Tom Shaffer. He said, "Lawyers should, as they think about clients, define the client as this person God has brought into my life." And that's probably a good message for all of us, whether it's someone dealing with the bratty kid in the neighborhood or a teacher who's got a long line of students out front, whoever the next person you encounter is this person God has brought into my life. And so important to see clients in that respect.

Another aspect of law practice, and I think this is a good aspect. I mean, we teach lawyers to narrow down the issues of a case and try and identify on what basis is this case going to be decided and then focus all their energies on that. And it's very likely to not be the injury that your client or someone has suffered. It's whether such and such a defense could be raised or something of that sort. And this is an important mental practice, but it's easy to leave the individual behind. And so those are a couple of things. You're also in an adversary system, and so your focus is going to be trying to counter the arguments of the other side. And people, both your client and their client, can easily get lost in the process.

Joanna Meyer:

In a war of egos, you forget there are people and fortunes involved, I'm guessing.

Bob Cochran:

Yes, yes.

Joanna Meyer:

So, Bob, I have a number of close friends who are lawyers. I know that Abby does too, and it's been fascinating to watch their impression of what the legal practice might be like differ from what it actually was. They were encouraged to be lawyers because they were very well-spoken. They were ambitious and intelligent. Some of them were on the debate team.



And so I think, in our imagination, we thought, "Oh, this is the type of person that would make a great lawyer." But the reality was, as young lawyers, they often were doing very transactional work, meaning that they were researching cases for more senior lawyers in their firms or they were doing very transactional work like managing contracts. And that can create a feeling of futility like you're just managing details of a contract.

And you challenge that notion or push against the futility of the minutiae of law by pointing to a biblical idea of being a builder or a trustee. And so I'm going to give you a two-part question. The first is just help us understand how we see that role of being builders and trustees in scripture and then how does that actually play out in the life of a lawyer.

Bob Cochran:

Sure. I think the notions of being a builder and a trustee are both rooted in creation. God is creator. This is another aspect of the Imago Dei. We already talked about the dignity I think that people deserve because of the Imago Dei. Creation also, and this notion of us being in God's image, I think, also gives us a calling, and that is to exercise dominion, to protect this garden and build this garden that we're placed in charge of. And I think the work of a lawyer is an important part of the building that goes on.

Now, it can be a small part of a big project when a lawyer's drafting a contract or drafting the articles of incorporation for a business or something like that. It's hard sometimes to see the end result, to see the customer that's involved in that. You may know the book by Lee Hardy. It's very much a great faith and work book called *The Fabric of This World*. He's a Calvin University professor, and he says that, "When we pray in the morning, and we say, 'Give us this daily bread,' at that very time, there are people kneading dough and baking bread that will respond to those."

So God's meeting our needs. God's responding to that prayer through the hands of bakers. Well, if you think about the way that we receive bread today, we typically go to the supermarket, and you think of all the people that are involved in the process of making that bread available to us. Lawyers may be pretty far removed, but they're a very significant part of that in the contracts that they've drafted and the business deals that they've negotiated that ultimately yield bread on our table. And so I think part of it is seeing our work in that big picture.



Joanna Meyer:

I remember in a previous episode of the podcast, we were talking with the scientist who was an RNA researcher, and I don't... the work that he did was such a minute part of the human cell that it didn't make sense to anyone that wasn't a scientist. And I asked him, "How does this not feel unimportant to you?" Because it was just such minutia, and he said, "Oh no. Every aspect of science is adding a new discovery to this body of knowledge we call the sciences." And I think of lawyers the same way. That even though it might be a small ruling or small case, it all goes into the body of knowledge that we refer to as the law.

And I love a quote that you had shared from Oliver Wendell Hobbes. I wanted to read it. He said, "The lawyer's monument is the body of our jurisprudence to which the least can make their contribution and inscribe it with their names. The glory of lawyers is more corporate than individual. Our labor is in an endless organic process." And I thought that was a beautiful counter to those dull moments of writing a contract that it's all going to this corporate shared service to the practice of the law. So thank you for all of the moments in which you've contributed to the practice of law for us. But what a beautiful picture of that.

Bob Cochran:

That's a striking quote. And I think he's talking there about the actual development and evolution of the law. So lawyers are trying maybe little cases at the bottom, and they're arguing back and forth about how a statute or how case law should be interpreted. Well, it just sort of all builds. The argument that you make may not have any impact today, but it may affect the law tomorrow.

And so now just note we're talking about the development of the law, which little bits and pieces of work go into it. Earlier, we were talking about the development of business, and I think lawyers sometimes overlap. But often, they work primarily in either the development of the law or the development of business. Both, I think, extremely important to all of us.

Abby Worland:

It's interesting to me, in English, we primarily use the word lawyer to refer to people in this profession. But if you... as I was getting ready for today's interview, I was thinking about what other languages... what words other languages use. And in Spanish, it's abogado, and in Italian, it's avvocato, which... and it comes from that Latin root advocate.



And I think we talk about lawyers and their relationship to the law, but these other languages use this. Their words directly relate to this idea of being an advocate as the role of this person. And I'm just curious. As you think about that, how do you see the scriptural basis for seeing lawyers as advocates and peacemakers in society?

Bob Cochran:

Yes, and I think it's important to hold those two together, maybe somewhat in intention. The chapters of my book identify. I've got five chapters that focus on things lawyers do, and oftentimes, they are roles that are intention with one another, so advocates and peacemakers. I've already mentioned that lawyers are very much advocates for clients. Sometimes, our system's called an adversary system. One of my friends, former dean, is a former judge, Deanell Tacha, she used to sort of object when the term adversary system was used. She says, "No, it's an advocacy system."

She liked the pictures of lawyers as being advocates rather than adversaries. And you really are. You're advocating for your client. You're speaking for them. They can't speak very well for themselves oftentimes. And this system is designed to yield justice. The way I like to put it is that you're pursuing justice often indirectly. So you're not going out and trying to identify, "Oh, what should be done," and pushing forward with it. You're probably taking the next client that knocks on your door, and you are their advocate. On the other side of a case is another advocate. And the ideal is that a judge or a jury hears strong arguments on either side and then can reach a just decision.

So the ultimate outcome of your role in the system is justice. But that describes lawyers as litigators and courtroom lawyers. And in fact, a very small percentage of what even a litigator does is to argue about things in court. 95% of cases that are filed are settled. So in that respect, lawyers are peacemakers. We talked earlier about business lawyers. A good business lawyer is going to be a peacemaker before the fact. When you're drafting a contract, you try and anticipate problems. I mean, typically, both on both sides, the clients are pressuring, "Oh, don't worry about that. We got a deal, and let's go forward with it."

But a good lawyer's going to say, "Hold on, we need to that this is going to fall apart because so many of them do. And what are you going to do if the business loses money rather than makes money?" And so figuring out what to do in that case is very, very important. Mediation and arbitration are alternative means of dispute resolution, which have emerged in many respects as a result of Christian influences. Interestingly, the





Mennonite tradition and the Antibaptist tradition was very influential back in the 70s when this whole movement got started because they'd been doing this kind of work for ages and drawing on biblical insights.

Well, today, mediation and arbitration are quite common, more common really than litigation as means of dispute resolution. But one thing to remember is that litigation in itself is a form of peacemaking. Litigation is nonviolent peacemaking. What would happen if we weren't able to go into court and resolve the dispute maybe that a couple of neighbors have had? Well, they might be shooting each other. So litigation, as harsh as it is at times, can be a good flow of dispute resolution.

Parker Inabnet:

Hi, my name is Parker Inabnet. As a financial advisor with I.M. Financial, I'm enriched by Denver Institute's programming and content, including this podcast. I love Denver Institute's mission to prepare people to serve God and others in their daily work so that workplaces and cities are transformed.

I know my monthly donation gives the organization I love reliable support. Plus, I get great benefits like free or reduced admission to events and access to digital content. To become a monthly partner, please visit the give page at [denverinstitute.org](https://denverinstitute.org).

Joanna Meyer:

So we have two women that are alumni of the Fellowship Program that we run here at Denver Institute. And they're both female lawyers, and their specialty is family law, and they have chosen specifically to work in the area of mediation because they want to help. They would prefer that no couple would ever get divorced, but for those that are, they want it to be a more peaceable process that actually cares for their children and the type of conversations that are had between divorcing parents. So I think there really is a Christian vision for doing law differently. So we've been talking about the more aspirational aspects of the law, like a biblical vision for practicing law in a godly way.

But I know that's not always the case. Before we started talking about this interview, I called a couple of friends that were lawyers and asked them to give me their honest thoughts on what makes the practice of law so difficult. And they were really honest about the challenges. I think of a friend that's worked for more than 25 years as an employment lawyer. And she said she didn't realize when she became a lawyer that, every day, she



would be faced with ethical dilemmas. And she didn't realize that the emotional and intellectual strain that would place on her life. So how can the Christian faith speak to the ethical tensions that a lawyer faces?

Bob Cochran:

Well, I think there are likely to be challenges, and depending on one's personality, one may find it easier to be engaged in law practice. I guess one of the things I would say that would be that as you begin law practice, you tend to see ethical challenges everywhere, and you wrestle with them and you learn how to respond to them. And then that response becomes a practice, a virtue, hopefully. Hopefully, you're responding in good ways. And so it becomes just your ordinary way of responding without having to wrestle so hard with the challenge. Now, your friend's been in practice for 25 years, so she's had plenty of time, I guess, to develop that.

That's more of a message, maybe younger lawyers. And I would just say that law is a business that does have its challenges. I mean, we've spoken a lot about the Imago Dei and things that grew out of creation. Many aspects of law practice are really grounded in the fall. Their responses to the selfish nature of humanity. I mean, yes, you're speaking for your client. You should treat him as one created in God's image, but your client's involved with a conflict that and your client may be at fault, may not be at fault. And being involved with in conflict, I think, generates its... generates challenges as you try and figure out what would be the fair thing to do as the system tries to figure it out.

But also as individual lawyers try and figure it out as they go. And you're supposed to be an aggressive advocate for your client. You want to protect your client's rights. That calls on you to be an advocate, a strong advocate. And sometimes, you may come pretty close to the line that's involved, and you may need to wrestle with how aggressive can I be? How aggressive should I be? Maybe that's part of the challenges your friend is facing. I can remember a conversation I had in preparation for the book, and I quoted one of my former students, and he's a young partner in a law firm that engages in business litigation. And he said at one time during it... And so he's a junior [inaudible 00:30:42].

He's a junior partner. He doesn't run the show. And, of course, there are plenty of associates who are basically just employees within a firm. They're told what to do. And my friend and former student, he said, "Sometimes during the day, our instructions are to drag this litigation out as long as possible. And then, the next hour, I'm counseling a business person about how to ethically practice. And maybe I'm suggesting that they shouldn't



bring suit. They should work things out. And so law practice is a mix of these things." And I think some of the challenges you mentioned just accompany are part of law practice.

Abby Worland:

It's so interesting to hear people talk about their industries, and each industry has their own challenges, so things like ethical behavior in law. But something else we want to hear about is the challenge of as a Christian, navigating the temptation for power and status as a lawyer. And that can be a real challenge in any career, any industry, but I think it's most... it could be in the public imagination were pronounced for lawyers. And you quoted a lawyer who is practicing in a major law firm who describes that temptation to pursue power and status in their work.

And this lawyer says, "Competition and the coveting that goes with it is part of the air a lawyer breathes. Comparison permeates everything. Internally, most law firms are legally and financially structured in an inherently competitive way. Kudos are doled out based on perceived success. There are only so many corner offices. The temptation to covet what others have or how they are regarded comes all too easily." That is a really insidious way to go about your work, knowing that there's that temptation and that competition. What are some of the spiritual practices that could help... that have helped you or could help others keep that lust for power and status in check?

Bob Cochran:

Well, I guess I'll first say that my friend is exactly right, and it begins on the first day of law school. Law school tends to draw compassionate people. They love this. They love the challenge. They tend to view life as a matter of winners and losers, and they want to be a winner. And that'll drive them to work 80 hours a week, engage in practices that are very damaging to them personally and damaging to their families. And I think at the root of it are two things, two very much related things, pride and insecurity. Pride is a matter of wanting to look down on people.

Insecurity is a matter of fearing that they're going to rise above you and angst that there are people that are above you. And I think pride is a challenge for all of us, but maybe that's one that particularly accompanies law practice. The last chapter of my book, I deal with moral challenges of law school and law practice. As I suggested earlier, I think some of these things are just in an inherent nature of law school and law practice. I



mean, we want to teach you to be confident in making your arguments. We want you to assert them strongly. That can easily drift off into competition. And I mean, in trials, there's a winner, and there's a loser quite often.

And so it's partly the nature of the beast. Well, I'll mention a couple of things that are, I think, important. One is to, you ask for practices that might help Christians deal with this, and there won't be anything surprising about these. I think it's important to have your daily quiet time. When I spend some time in scripture, even if it's a short time reading a Psalm, and I come away from it with a scripture to meditate on, that seems to soften my heart, maybe take me down a notch some days, and I need that. Secondly, in a part of your quiet time is likely to be prayer. Hopefully, that will carry through the day.

Think of Jesus... I like to think of Jesus as my friend. I mean, He said He wanted to call us friends, friends as well as Lord, but somepony... someone who's with me during the day, present with me during the day and helping to guide me, giving me counsel during the day as a friend would do. The last two things I'm going to mention. It's so funny that you would ask this today. I'm being interviewed on the day after Scottie Scheffler has won his second master's tournament. He's a golfer and maybe, at this point, the best golfer in the world.

So he won the master's tournament yesterday, and I ran across this amazing quote. This is this morning he's talking about. He says, "I was sitting around with my buddies this morning, and I was a bit overwhelmed, and I told them, 'I wish I did not want to win as badly as I do, but I love winning, and I hate losing.' My buddies told me this morning that my victory's secure on the cross, and that's a special feeling to know that I'm secure forever and that it does not matter whether I win this tournament or lose this tournament. My identity's secure forever."

I think sometimes the searching that goes on as we seek success, as we seek to win, is exactly what Scottie's talking about there. It's a search for identity, a search for identity in a place that's never really going to be satisfying. I mean, our identity should come from our status as people created in God's image and those who've been redeemed by the cross. We don't need to win. I mean, sure, we go out there, and we do our best, but not because we're obsessing over being above others. Well, two things I'll point to from Scottie's comment, which I think I would've pointed to anyway, are fellowship.

On the day after the Masters in the morning, he's meeting with what's obviously a Christian Fellowship group, and he's sharing with them this challenge he felt the day before, this drive to compete, and this fear of losing. So he's reaching out to them. And then, second, they give him the... they remind him of the big picture of his life.



And so keep in mind the big picture of your life. It doesn't really turn on whether you win or lose this particular case or your made partner or not made partner, that as far as the most important aspects of your life, you have those because God has given them to you.

Abby Worland:

That's so great. It keeps things in perspective. Bob, I've got one final question for you. We've spent this conversation talking about how... your biblical understanding of what it means to be a faithful lawyer, and you're also a law professor. How do you help cultivate this higher vision for legal practice in your students?

Bob Cochran:

I try to give them this bigger picture of what law practice is so that they see what they're doing in the context of all that God is doing in this world as responding to God's call for us to be co-creators in this world, for them to be builders, but also to address the evil in this world, to be part of a system that I think tries to address the effect of sin in this world. So the big picture, and then I guess the small picture, I like to think of the challenges lawyers face as requiring virtues for them to be peacemakers, for them to be courageous, for them to be just, for them to be wise, to grow in wisdom, and then in facing these challenges, to bring those virtues to the challenges.

And I guess that's what I would encourage all of your listeners to do whatever the work that they do is. Whether they're a homemaker or a lawyer or a laborer, to see what you do in its... in the big picture. How does this fit with helping people, whether they be customers, your clients, or your children, or the people that are in your neighborhood? Most work is a matter of helping people... helping other people get jobs, helping provide people with goods and services. In the case of lawyers, helping to make our society more just. So see the work you do in that bigger framework, but also as you deal with the individuals that you find around you, recognize they're created in God's image and love them.

Joanna Meyer:

Thanks, Bob. It's such a gift. Thanks for the work you've done as an individual law professor and also for the generations of law students that you've prepared in your work as a professor. What a gift to talk to Robert Cochran today. In the show notes, we will be linking to his new book with InterVarsity Press, *The Servant Lawyer*. But before we go, I have a personal challenge for you. I'm wondering which of the themes that you



heard in today's podcast most resonates with you and can be applied to your own life and also a challenge to community.

Chances are you probably have someone in your life that works in law as a lawyer, a paralegal, elected official. Take a moment and show some curiosity about their work. Inquire if they faced any of the pressures that they've... that we talked about in today's episodes and give them a word of encouragement. And thank them for the critical role they play in protecting system of justice and order in our world. I would love to see more lawyers and people working in the law encouraged through your curiosity.

Joanna Meyer:

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