

KEYNOTE Address
DOÑA ANA COUNTY BAR ASSOCIATION
Holiday Inn, Las Cruces
November 28, 1995

I welcome this opportunity to speak to you today. In all humility, I recognize my own position as your speaker today, as one from the outside of your profession. I do not intend to teach you anything you don't already know, but I simply want to share with you some of my thoughts on your profession from the perspective of a minister of the Church.

I understand that lawyers are not always seen in positive terms; in fact, the many lawyer jokes bespeak of a negative attitude towards lawyers in general by a good segment of our society. Don't worry, I will not be telling a lawyer joke today. I usually refrain from making people laugh at the expense of putting other people down. I do tell bishop jokes, however.

On my way to Rome, flying in a four-engine plane several years ago, we were mid way over the Atlantic, some of us saw that one of the engines had burned out. There was a moment of panic, followed by a calm announcement from the stewardess, "Do not be afraid, you people, everything will be alright. This airplane is so well designed that even with three engines, it will get to our destination, Rome, Italy. By the way," she continued, "in the back of the plane we have four bishops travelling with us to Rome. So with that kind of support, we are bound to arrive in Rome even with only three engines." Then a lady shouted from the front of the plane, "Heck, lady, I would rather have four engines and three bishops." Those in my position can also lack appreciation.

I represent a Church that, from its origins, became heavily structured by law. There are laws for just about everything in the Church. Laws govern everything from what the Pope does to the ordinary parishioner in relation to his or her parish. We have laws regarding marriages,

annulments of marriages, who receives the sacraments and how they receive them. We have age stipulations for confirmations and marriages. We even have rules as to who and in what circumstances people can receive the last rites. There are rules regarding the jurisdiction of a bishop in a diocese and rights, responsibilities, and privileges of a pastor of a parish. Every diocese has its own court, called a Tribunal, that handles marriage cases. Every diocese, including our own Diocese of Las Cruces, has its share of church lawyers called canon lawyers. They are specialists in church laws and go to special schools for their training.

When I became bishop, I was told by a friend, "From now on, two things are going to happen in your life. One, you will never have a bad meal; and two, you will never hear the truth." I can assure you that I have had some bad meals, those prepared by myself, and I have heard more of the truth than I would care to know. I imagine when you became lawyers, you could have been told these same two things. We have many things in common, don't we? For one thing, we are always in search of the truth, and this is one of the hardest things that you and I try to attain. Most of the time, people will tell us their side of the story and only that. Even the most morally stalwart parishioners, or in your cases clients, can fail to tell us the complete truth about their case.

You and I deal with the shady side of life. We deal with what, in our profession, we would call "sin." What we call sin, you would call a "crime" or an "illegal act." Law and ethics go hand in hand. The end of both law and ethics is to make persons good by teaching them to practice virtue and refrain from vice. But ethics impels persons through an internal principle, while law compels persons through an external principle. This is the view of St. Thomas Aquinas, who wrote extensively on both law and ethics, and whose principles are still viable in theology and canon law.

It seems there has been a shift with regards to approaches to morality. It used to be that people would avoid misbehavior, because it was a sin, and they feared God's wrath and punishment. Some may have avoided doing bad things out of love of God and love of neighbor. In other words, they acted out of a good conscience. Conscience is no more than having God's law written in our hearts by God. Today, the tendency is for people to avoid doing bad things because they are against the law. Fear is still around with regard to moral choices, but this fear is more of getting caught and having to bear the consequences of illegal activity. People avoid shoplifting because they are afraid of going to jail. Some might even say that civil law has replaced God in their lives. Abortion and pornography are good examples of this. Many have concluded that because these are allowed by law, they are moral. Civil laws have become the moral code of our society for many people, for these laws have replaced God in their lives. We can only hope that the laws that are made are good laws and serve the common good. So many of our laws are made by our legislators, and these happen to be politicians. It would be wonderful if those who make the laws were always guided by reason and the common good, two of the essential elements of all good law.

I read a statistic the other day that we now have a million inmates in our jails and prisons. There are more reports of domestic violence than ever before. Crime is on a rampage. The other day, I received a call from Silver City, where recently there was a gang-related killing of a young man. The priest asked me if he had permission to anoint a young man whose life had been threatened by a member of an opposing gang. I had never been asked such a question. Of course, I told him to go ahead and pray over the young man and anoint him. This kind of thing was unheard of until recent years in some of our smaller towns. Is our society worse than others in the past?

Well, we have always had groups fighting other groups. There have always been cases of domestic violence. There have always been occasions when parents kill their children and occasions when children kill their parents. Such things as incest, child abuse, and rape have always happened. It could be that we are more terrified because of the media and those things are brought to mind so often and in graphically-dramatic images. Both the people in your profession and in mine have the opportunity to have a positive effect in our society. Because both you and I represent law and order, we need to practice our private virtue publicly. Bishops and lawyers have this in common: We both profess an oath that commits us to the most radical of all ideals, the ideals of justice, an essential ingredient for both theological and secular thought. Public trials are searches for truth in order to do justice. As instruments of justice, you and I frequently need to examine our personal lives and see if we are truly guided by the ideal of justice. Do we reflect the same principles to which we aspire in our legal and public work, in our marriage, family, and social and working relationships?

I already said that for St. Thomas Aquinas, law is the "rule of reason for the common good." Like public servants, yours is not just a job or a career, but a calling, a vocation that not only seeks to help individuals in their legal difficulties but also to be of service to society in order to bring about the common good. This business of the common good makes yours a sacred duty. One of my favorite ways of looking at law is that it serves in a teaching and directive capacity. Law, by its very existence, educates, corrects and serves, very often as a moral force in society. I am thinking about civil rights legislation that took place several years ago. It was a proud moment for the creation of just laws. Laws regarding civil rights may have coerced a great portion of an unwilling populace to accept the equal rights for minorities in our society. Once made, these laws served to tell people what was right, what was just and what was fair. Reasonable people today would not question the rights of people of all races to go to the same schools, sit where they wish on the bus, and have the right to service in public places.

One of the great disorders in our day is the broken family. My work and yours involves dealing with a steady stream of people seeking a divorce. I would imagine that some of you may have experienced divorce firsthand, either yourself personally or someone very close to you. I am sad to inform you that my parents divorced when my brother and I were infants. From first experiences, I can tell you how devastating a divorce can be. Children of a divorced couple bear the sad consequences of their parents' divorce their entire lives. You never forget that your parents were divorced, and you often wonder how life would have been if both mom and dad would have been there. Divorce has a devastating effect on a husband and wife as well. A man who went through a divorce once told me that every day for a year after the divorce he would come home from work and fall on the bed sobbing. He told me that the divorce, even though it happened many years ago, can linger in one's heart for years afterward; its profound failure can never be forgotten. Why do I tell you these things?

The reason is that sometimes you may be in a position to discourage people from proceeding with a divorce. Oh, yes, people do come to me when it is entirely too late and some, no doubt, come to your office when it is too late as well. I am talking about cases when emotions run high and people want you to act on their behalf immediately. It would seem that you would be able to delay the proceedings for a while until things cool down. Another thing that the lawyers could do is explain very clearly and thoroughly the consequences of a divorce. Have they thoroughly considered the effect on their children? They should be reminded that divorce often leads to bankruptcy, and sometimes to the abuse of drugs and alcohol and nervous breakdowns. They need to be told of the financial burden of the legal fees involved. One of my relatives divorced, and before the divorce, he and his wife and children had a viable household. After the divorce, there were two households, both barely making it and close to the level of poverty.

Perhaps if more couples saw the extreme and dire consequences of divorce, they would do what they could to heal their differences.

When a divorce proceeding takes place, you are in a position perhaps not to save the marriage but at least to do damage control. The divorce hearing does not have to resort to "pit bull" strategies. Mean spiritedness could be avoided, I think, in order to avoid deeper wounds on either side. A divorce hearing need not be a humiliating experience for either side. No matter how bad a person can be, all have the right to their dignity. The ones that suffer in the long run are the children who could wind up poisoned in their minds and hearts and in their relationships to one or both parents.

The task of a lawyer must be very heavy and difficult at times. Is it possible that at times you do not enjoy your profession? Only you can answer that, of course. I am sure that question is asked by people in every profession, including my own. Nonetheless, you and I have the opportunity to redeem ourselves in our respective professions by accomplishing extraordinary good things, things that we can remember in the future with pride. You can use your skills, talents, power, and knowledge of law to help people in a profound way. I am thinking here of *pro bono* cases and being of service to the poor. Lawyers have the power to use the system to help people. You can be real counsellors in your job as attorneys.

In preparation for this talk, I read what the Bible has to say about law and lawsuits. Lawsuits, by the way, do not figure very prominently in the Bible. In the Old Testament, lawsuits are mentioned half a dozen times, and in the New Testament, only once. Actually, law and related items appear 700 times in the Bible. This is what Matthew 18:15-17 says about grievances between people: "If your brother should commit some wrong against you, go and point out his fault, but keep it between the two of you. If he listens to you, you have won your brother over. If

he does not listen, summon another, so that every case may stand on the word of two or three witnesses. If he ignores them, refer it to the church. If he ignores even the church, then treat him as you would a Gentile or a tax collector." Perhaps this approach, if used more often, would avoid many cases of litigation with all its cost and heartbreak.

I remember one of the final scenes in the award-winning film, "Philadelphia." In one of the last scenes when the lawyer who was dying of AIDS, Andrew Beckett, played by Tom Hanks, takes the stand. His legal counsel, in an attempt to gain the sympathy of a jury that is faced with a very difficult case, asks Andrew, "Are you a good lawyer, Andrew?"

Andrew responds, "I'm an excellent lawyer."

His counsel asks, "What makes you an excellent lawyer?"

Andrew responds quietly, "I love the law. I know the law. I excel at practicing."

His lawyer presses him, "What do you love about the law, Andrew?"

Andrew replies, "Many things. What do I love most about the law?"

His lawyer says, "Yes."

And the last words of Andrew on the stand are these: "That every now and again, not often, but occasionally, you get to be a part of justice being done. That really is quite a thrill when that happens." He smiles, his counsel smiles, and the cameras fade.

I pray and hope that your profession will be filled with many, many thrills that come from the exercise and creation of justice. God bless you.

In closing, I would like to share a story which I heard recently from Fr. Edmundo Rodríguez, S.J. The story goes like this: Once upon a time, there was a couple, a man and woman, window shopping at a mall. They noticed an unusual sight, a man with long hair, a beard, and wearing a long white robe. One told the other, "Is that who I think it is?" They approached the

store, and sure enough, the sign over the store said, "The Jesus Store." They went inside and asked the man, "Are you the person we think you are?" "Yes, I am the Lord Jesus."

Jesus asked them if they wanted to buy anything, and they said they'd look around. It was one of those stores where you fill out the form to designate what items you'd like to purchase. The items around the store were labeled, "Peace," "Justice," "A Drug-free Society," "No Poverty," "No Domestic Violence," "No Unemployment." The couple chose a few things such as "Peace" and "No Homelessness." They brought their filled out form to Jesus and asked Him how much it was. He said, "You have made some very good choices!" He told them that these items were very expensive and gave them seeds. He said, "You go out and plant these seeds, take care of these seedlings, water them, nurture the plants." The fact is however, you will not see the results during your lifetime, even though you might work very hard at bringing these things to fulfillment. The couple got very discouraged and went away without the seeds.

In a way, you have been at "The Jesus Store." I hope all of you have purchased some seeds and that they are choice items such as the ones that belong to Jesus' store, which is another way of saying, the Kingdom of God. Good luck, God bless you in your planting and in your nurturing of the seeds of justice, peace, and love. Thank you.