

10-16-2002

Soldiers of the Spirit

Lance B. Wickman

Follow this and additional works at: http://digitalcommons.law.byu.edu/life_law_vol1



Part of the [Ethics and Professional Responsibility Commons](#)

Recommended Citation

Wickman, Lance B., "Soldiers of the Spirit" (2002). *Vol. 1: Answering God's Interrogatories*. Paper 18.
http://digitalcommons.law.byu.edu/life_law_vol1/18

This What Is Property Unto Me? is brought to you for free and open access by the Life in the Law at BYU Law Digital Commons. It has been accepted for inclusion in Vol. 1: Answering God's Interrogatories by an authorized administrator of BYU Law Digital Commons. For more information, please contact hunterlawlibrary@byu.edu.

Soldiers of the Spirit

Lance B. Wickman

Last Friday, I was talking with a dear friend and professional colleague of mine, a retired judge of the San Diego Superior Court and the California Court of Appeals, who is of counsel to our law firm, a man for whom I have both affection and high regard. I told him that I was going to be speaking to students at the BYU Law School this evening. “What is your subject?” he inquired. “Ethics,” I briefly replied. “Oh,” he said with a twinkle in his eye, “Do you know anything about it?”

A sobering question! My dear friends, I can tell you this—whatever I may know about this subject, particularly as it relates to the practice of law as a Latter-day Saint, I have learned not so much in classroom or courtroom as in the silent chambers of the soul in coming to grips with a thousand, nay, a thousand thousand, decisions great and small in the daily course of attempting to practice my religion and my profession at the same time—in coming to understand what it means to be a *Latter-day Saint lawyer*. Do I know anything about it? Well, I will let you be the judge of what I know after you have heard what I have to say. My prayer has been, and is, only that if there is anything of intrinsic merit in what I say that it will be evident and thus of lasting value to you.

It was almost a year ago that my life changed dramatically. I was sitting in my law office in San Diego at noon a few days before April conference when the telephone rang. The voice on the other end was President Gordon B. Hinckley inviting my wife, Pat, and me to meet with him the following day. A very unsettling 27 hours followed. Then, as we sat with the president, he extended this special call to serve as a member of the Second Quorum of the Seventy. But, he explained, my service would not be full-time. I would continue to live in San Diego and practice law. I would serve as a member

of the presidency of the North America West Area, which encompasses California and Hawaii (a tough assignment, but someone has to do it!).

Thus began a new phase of life—a life of being alternately “law man” and “church man.” When I returned from general conference, I encountered one of our regional representatives, who is also a lawyer. Another lawyer in his firm and I had been on opposite sides of a lawsuit. Good-naturedly, he said, “Does this [my new call] mean that we have to give up now?!” Well, I gave him the only answer that any lawyer worthy of his hourly rate could give: “Of course, it does!” The question was intended, and received, in good humor, but it highlights indirectly a question that lingers in the mind of every Latter-day Saint lawyer (indeed in the mind of every lawyer of integrity) who daily witnesses the contentious, often strident, world of law: How do I conform my professional life with my private life? Am I the same man or woman in my workday activity that I am in my ecclesiastical activity? Can I be?

Happily, I can say categorically that the answer to that question is “yes.” I have learned that it really is true that “no man can serve two masters.” I have also learned that the profession of law does not require him to do so. I have learned that the lawyer’s enemy is not his profession but rather the arrogance that all too often infects those who come into it. Hence, I would like to begin by saying something about this occupational hazard and its antidote. From there, I wish to proceed to share a thought or two about what it means to be both a Latter-day Saint and a lawyer.

The scriptures, as always, provide profound insight. With his new-found missionary companion, Amulek, Alma went forth among the people of the wicked city, Ammonihah, to preach the gospel. Evidently, the lawyers and judges of Ammonihah were among those chiefly responsible for the wickedness of the people. Alma and Amulek preached in fervent testimony to touch their hearts, but the Book of Mormon account records:

Nevertheless, there were some among them who thought to question them, that by their cunning devices they might catch them in their words, that they might find witness against them, that they might deliver them to their judges, that they might be judged according to the law, . . .

Now it was those men who sought to destroy them, who were lawyers, who were hired or appointed by the people to administer the law at their times of trials, or at the trials of the crimes of the people before the judges.

Now these lawyers were learned in all the arts and cunning of the people; and this was to enable them that they might be skilful in their profession.

And it came to pass that they began to question Amulek, that thereby they might make him cross his words, or contradict the words which he should speak (Alma 10:13–16; emphasis added).

The ensuing discussion between Alma and Amulek and these lawyers, including one in particular named Zeezrom, illustrates the two most

common manifestations of lawyer arrogance: the arrogance of power, or manipulative behavior, and the arrogance of sophistry, or what I call the arrogance of being clever.

The first of these, the arrogance of power, or manipulative behavior, stems from the enormous influence that a lawyer potentially wields simply because he knows “the system.” It is the unprincipled use of a lawyer’s knowledge of law and the legal system to manipulate others to his own selfish end that is the arrogance of power. The following exchange between Amulek and some of his listeners illustrates this evil:

And now behold, I say unto you that the foundation of the destruction of this people is beginning to be laid by the unrighteousness of your lawyers and your judges.

And now it came to pass that when Amulek had spoken these words the people cried out against him, saying: Now we know that this man is a child of the devil, for he hath lied unto us; for he hath spoken against our law. Now he says that he has not spoken against it.

And again, he has reviled against our lawyers, and our judges.

And it came to pass that the lawyers put it into their hearts that they should remember these things against him (Alma 10:27–30; emphasis added).

The *lawyers* put it into the people’s hearts that Amulek was purportedly undermining their system of laws when the opposite was true. The manipulations of the lawyers themselves were the enemy to the people. Sadly, this phenomenon is all too present in the conduct of some lawyers today. It is manifest not only in some who attain high political office, which they then attempt to bend to their own purposes, but it is also found in the super-aggressive antics of a few practitioners who seek to use their skill to bully and browbeat opponents to obtain an advantage, unfairly, for their clients. This arrogant manipulative behavior is widespread. Occasionally (but not often enough, in my opinion), the courts themselves will step in and pointedly slap the hands of those who engage in such practices. In *Paramount Communications v. QVC Network*,¹ the Supreme Court of Delaware quotes an extended excerpt from a deposition in which one lawyer crossed the line of propriety and collegiality. He was rude, insulting, and obstructing in his conduct, all in an effort to cow his opponent. In stating its intention not to allow this particular lawyer (from another state) to make future appearances in Delaware courts absent a showing of good cause, the court said:

Staunch advocacy on behalf of a client is proper and fully consistent with the finest effectuation of skill and professionalism. Indeed, it is a mark of professionalism, not weakness, for a lawyer zealously and firmly to protect and pursue a client’s legitimate interest by a professional, courteous, and civil attitude toward all persons involved in the litigation process. A lawyer who engages in the type of behavior exemplified by Mr. [X] on the record of the [Y]

deposition is not properly representing his client, and the client's cause is not advanced by a lawyer who engages in unprofessional conduct of this nature.²

Such behavior is one of the reasons that many lay people are less than complimentary about lawyers. But there is another reason, and more widespread, and that is the arrogance of sophistry.

The arrogance of lawyer sophistry—of being clever—is also illustrated in the tenth and eleventh chapters of Alma.

And there was one among them whose name was Zeezrom. Now he was the foremost to accuse Amulek and Alma, he being one of the most expert among them, having much business to do among the people. . . .

And this Zeezrom began to question Amulek, saying: Will ye answer me a few questions which I shall ask you? Now Zeezrom was a man who was expert in the devices of the devil, that he might destroy that which was good; therefore, he said unto Amulek: Will ye answer the questions which shall be put unto you? (Alma 10:31; 11:21)

Throughout chapter 11 Zeezrom attempts, unsuccessfully, to hoodwink Amulek by putting clever questions to him—foolishly elementary questions from one presumably schooled in the teachings of the prophets—such as: “Is there more than one God?” “How knowest thou these things?” “Who is he that shall come?” “Is it the Son of God?” “Shall he save his people in their sins?”

Then, puffed up in his self-congratulatory prowess as a cross-examiner, Zeezrom said unto the people:

See that you remember these things [referring to Amulek's answers]; for he said there is but one God; yet he saith that the Son of God shall come, but he shall not save his people—as though he had authority to command God (Alma 11:35).

But, as so often happens with arrogant people, Zeezrom's inflated ego obscured his vision. He failed to see that his foolish questions had only provided Amulek an opportunity for teaching some very fundamental doctrine concerning the redemptive power of Christ and the reality of an ultimate resurrection and judgment. In marked contrast to Zeezrom, Amulek was filled with the Spirit and with a fundamental integrity and honesty that forcefully turned back Zeezrom's shallow intellectual questioning, confounding him. Amulek punctured Zeezrom's fragile bubble of self-importance—of cleverness. To his credit, Zeezrom changed his ways.

But Zeezrom is not the only scriptural example of a lawyer inflated by his own cleverness. Once the Savior was approached by a “certain lawyer,” as he is described by Luke, who also fancied himself as clever. Seeking to tempt the Savior, he asked, “Master, what shall I do to inherit eternal life?” In the right context, the question is both profound and important. It is a question asked sooner or later by every honest truth seeker. But this lawyer's interest in the answer was pretended; his purpose was not truth but

treachery. His question was also foolishly elementary for one schooled in the law. Jesus said: “What is written in the law? How readest thou?” The lawyer responded, “Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy strength, and with all thy mind; and thy neighbor as thyself.” The answer was a good one, but in so readily giving it the lawyer revealed the transparent insincerity—the sophistry, the attempt at cleverness—in his question. Jesus’ divine mastery of the encounter is revealed in the simplicity of his response: “Thou hast answered right: this do, and thou shalt live” (See Luke 10:25–28).

And then Luke, to whom we are indebted for the record of this episode, provides this penetrating insight. Referring to the lawyer, he said: “*But he, willing to justify himself . . .*” The lawyer’s true motive was exposed; he sought to justify himself. His purpose in asking the question about eternal life was vain self-aggrandizement. Outwitted, his motive of self-justification was even more evident. “But he, willing to justify himself, said unto Jesus, And who is my neighbor?” The Savior then taught the beautiful parable of the Good Samaritan—the story of one who, in marked contrast to this lawyer, was motivated by selfless service, not selfish posturing (Luke 10:29–37).

But lest the judgments of sacred writ be left unbalanced on the matter of lawyers, Mark offers a glimmer of hope for those following the profession of the law.

And one of the scribes [lawyers] came, and having heard them reasoning together, and perceiving that he [the Savior] had answered them [some Sadducees] well, asked him, Which is the first commandment of all?

And Jesus answered him, The first of all the commandments is, Hear, O Israel; the Lord our God is one Lord.

And thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength: this is the first commandment.

And the second is like, namely this, Thou shalt love thy neighbor as thyself. There is none other commandment greater than these (Mark 12:28–31).

Note how similar on the face of the written text are the two interviews with lawyers—one recorded by Luke and the other by Mark—similar at least to this point. However, note the difference in the response of this lawyer:

And the scribe said unto him, Well, Master, thou hast said the truth: for there is one God; and there is none other but he:

And to love him with all the heart, and with all the understanding, and with all the soul, and with all the strength, and to love his neighbor as himself, is more than all whole burnt offerings and sacrifices (Mark 12:32–33).

This man sought no self-justification. He sought not to be clever or self-promoting. His dialogue was honest, sincere. The integrity of his soul

is revealed in his earnest response to the Savior's answer. In the words of the Gospel writer, "he answered discreetly."

"*And when Jesus saw that he answered discreetly*, he said unto him, Thou art not far from the kingdom of God" (Mark 12:34; emphasis added).

The difference between these two lawyers was not so much in their questions as in their attitude. One spoke "discreetly," that is to say sincerely and without sophistry. And of him the Master said, "Thou art not far from the kingdom of God."

Nonetheless, to underscore the Savior's mastery of any and all who sought to embarrass or condemn him through their sophistry and cleverness, Mark concludes his account of the incident with this telling epitaph, "And no man after that durst ask him any question" (Mark 12:34).

What accounted for the Savior's mastery over his interrogators? To answer that he was the Christ merely begs the question. For then one must ask, What are the qualities that made him the Christ? Discovering those, one will unlock the door to success in law and happiness in living. One thing is patently obvious (and worthy of emulation by every would-be lawyer): He knew the law—"The Law." He was a master of *The Law*. Faced with lawyers' questions, he turned to *The Law* for the answer. In each case, faced with a question from one who was expected to know the law, Jesus responded by asking him to state the rule, albeit a rule of ecclesiastical law. It was his mastery of the system of rules we call *The Law* that enabled the Master to engage in persuasive conversation. There is a lesson here for each of us. In the profession of law there is no substitute for knowing *The Law*.

But there was something else, something much more important, something divine in Jesus' handling of these situations. And that "something" is the special blend of personal qualities that comprised his character. Luke uses a single word to describe that blend of qualities: *Virtue*.

And he came down with them, and stood in the plain, and the company of his disciples, and a great multitude of people out of all Judea and Jerusalem, and from the sea coast of Tyre and Sidon, which came to hear him, and to be healed of their diseases;

And they that were vexed with unclean spirits; and they were healed.

And the whole multitude sought to touch him: *for there went virtue out of him*, and healed them all (Luke 6:17-19; emphasis added).

And a woman having an issue of blood twelve years, which had spent all her living upon physicians, neither could be healed of any,

Came behind him, and touched the border of his garment: and immediately her issue of blood stanchèd.

And Jesus said, Who touched me? When all denied, Peter and they that were with him said, Master, the multitude throng thee and press thee, and sayest thou, Who touched me?

And Jesus said, Somebody hath touched me: for *I perceive that virtue is gone out of me. . . .*

And he said unto her, Daughter, be of good comfort: thy faith hath made thee whole; go in peace. (Luke 8:43–46, 48; emphasis added)

Christ’s virtue was honed and developed to the point that it was palpable. It could literally be felt by him and by others. It was, plain and simple, *power*.

Recently, in a meeting of the Quorums of Seventy, Elder Carlos Asay of the presidency of the Seventy gave a marvelous presentation, which he entitled “Cherish Virtue.” Elder Asay said concerning the Savior:

Not only was he endowed with godly powers inherited from his Heavenly Father, but he also possessed the powers and strength that come from living a sinless life. He was the epitome of morality, manliness, and goodness. Hence, he had the power or virtue to cast out devils, heal the sick, raise people from the grave [and, we might add, contend with sophists] and do other marvelous and miraculous things. And, he could even discern the flow of virtue from his body when people of faith touched his garments as he passed by them.³

Elder Asay pointed out “the Greek translation of the word *virtue* is power or strength.”⁴ Brigham Young defined virtue (or power) as doing the will of our Father in Heaven:

That is the only virtue I wish to know. I do not recognize any other virtue than to do what the Lord Almighty requires of me from day to day. In this sense virtue embraces all good; it branches out into every avenue of mortal life, passes through the ranks of the sanctified in heaven, and makes its throne in the breast of Deity. When God commands the people, let them obey.⁵

Elder Asay, after quoting Brother Brigham, then made this telling observation:

“Elder Nelson pointed out to me that one of the two words in the Greek New Testament (*dunamis*), translated as virtue in English, appears 120 times. Of those 120 times, it is translated as *power* 77 times.”⁶

Virtue is power! Virtue has a power, an influence, that is, quite literally, matchless. The Book of Mormon contains this profound insight:

And now, as the preaching of the word had a great tendency to lead the people to do that which was just—yea, it had had more powerful effect upon the minds of the people than the sword, or anything else, which had happened unto them—*therefore, Alma thought it was expedient that they should try the virtue of the word of God* (Alma 31:5; emphasis added).

The example and teachings of Christ illustrate that axiom of life. It is manifest in his brief interviews with the two lawyers. It is evident in Amulek’s mastery of Zeezrom. And it is evident in the lives of virtuous men and women in the legal profession. The truly great ones are unfailingly

people of honesty, integrity, decency and courtesy—and in that virtue they are also men and women of great power and influence.

A few years ago, I was asked to sit on a select committee of the San Diego County Bar Association. The committee was composed of a few practitioners and judges from the state and federal courts, trial and appellate. Our charter was to fashion the Litigation Code of Conduct, a set of guidelines that would go beyond the basic Rules of Professional Conduct and canonize collegiality and fair play fundamentals that ought to characterize the behavior of officers of the court. Here are a few excerpts from the code we drafted (which incidentally has now been adopted by a number of courts):

Lawyers should honor their commitments.

Lawyers should uphold the integrity of our system of justice.

Lawyers should not compromise their integrity for the sake of a client, case or cause.

Lawyers should conduct themselves in a professional manner.

Lawyers should be guided by a fundamental sense of fair play.

Lawyers should be courteous and respectful to the court. Lawyers must remember that conflicts with opposing counsel are professional and not personal—vigorous advocacy is not inconsistent with professional courtesy.

Lawyers should not be influenced by ill feelings or anger between clients.

Lawyers should discourage and decline to participate in litigation that is without merit or is designed primarily to harass or drain the financial resources of the opposing party.

That last one calls to mind the words of Abraham Lincoln, written in July 1850, and contained in his “Notes for a Law Lecture”:

Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses, and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man. There will still be business enough.

Never stir up litigation. A worse man can scarcely be found than one who does this.⁷

My favorite rule from our Litigation Code of Conduct is the very last one: “Lawyers should conduct themselves so that they may conclude each case with a handshake with the opposing lawyer.” To me, that one embodies all of the others and is the quintessence of the virtuous lawyer. Think of the difference in the public perception of lawyers if our entire profession embraced these basic precepts of decency and virtue! You and I cannot change the whole profession, and we probably are not going to make a wholesale difference in public perceptions. But each of us can decide what kind of lawyer he or she is going to be. Again, it was the great Lincoln who put his finger on it:

There is a vague popular belief that lawyers are necessarily dishonest. I say vague, because when we consider to what extent confidence and honors are reposed in and conferred upon lawyers by the people, it appears improbable that their impression of dishonesty is very distinct and vivid. Yet the impression is common, almost universal. Let no young man choosing the law for a calling for a moment yield to the popular belief—resolve to be honest at all events; and if in your judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer. Choose some other occupation, rather than one in the choosing of which you do, in advance, consent to be a knave.⁸

When our bar association committee finished our work, we recommended to the association that an annual award be established honoring the trial lawyer best exemplifying the credo: “His word is his bond”—an award honoring both professional excellence and personal virtue. This recommendation was accepted, and the award was established. One of the first selected to receive the award is a good friend of mine and an outstanding civil trial lawyer. I attended the banquet where this award was presented to him. It was a lovely affair; several wonderful tributes were paid to this good man by his colleagues, both partners and opponents. All were universally complimentary. The moment came for him to receive the award. He came forward, and in receiving it, said in substance:

When I was a young lawyer, just starting out, I was anxious to know what it takes to be a successful courtroom attorney. So I went to Judge [Louis] Welch [now retired from the San Diego Superior Court] and asked him that question. He answered me with five words that I have tried to live by. He said, “The decided are always gentle.”

The decided are always gentle. What a wonderful philosophy! The Savior was “decided.” He knew where he stood. He knew The Law. More importantly, he had a firm grip on his moral compass. (As Elder Neal A. Maxwell has said, “His grip upon himself is our grip upon eternity.”) His character was perfectly intact. He was a man of *virtue*. As with the Master, so with every person who knows where he stands. Truly, there is a gentility and strength about the “decided.” The great ones are consummate professionals—unfailingly gracious and awesome adversaries! The decided *are* always gentle.

But, there is more. We, you and I, have a special charge. As Latter-day Saints, we have a greater charge than merely being true to a moral code. We are the custodians of the Restoration, the gospel of Jesus Christ. We are more than just lawyers; *we are Latter-day Saint lawyers*. By virtue of the priesthood and our Church membership, as well as our professional membership, ours is a dual obligation. We have an affirmative obligation to use our legal training to make a difference. In his presentation to the Seventy, Elder Asay quoted from *The White Company* by A. Conan Doyle. Said he:

In one of my favorite books, there is an interesting conversation between a young man who seemed destined to become a monk and a young lady who had fallen in love with him. The young man, in a moment of despair, exclaimed:

“God help me! I am the weakest of the weak,” groaned Alleyne. “I pray that I may have more strength.”

“And to what end?” she asked sharply. “If you are, as I understand, to shut yourself forever in your cell within the four walls of the abbey, then of what use would it be were your prayer to be answered?”

“The use of my own salvation.”

She turned from him with a pretty shrug and wave. “Is that all?” she said. “Then you are no better than Father Christopher and the rest of them. Your own, your own, even your own! My father is the king’s man, and when he rides into the press of the fight he is not thinking ever of the saving of his own poor body; he recks little enough if he leaves it on the field. Why then should you, who are soldiers of the Spirit, be ever moping or hiding in cell or in cave, with minds full of your own concerns, while the world, which you should be mending, is going its way, and neither sees nor hears you? Were ye all as thoughtless of your own souls as the soldier is of his body, ye would be of more avail to the souls of others.”

“There is [truth] in what you say, lady,” Alleyne answered; “and yet I scarce can see what you would have the clergy and the church to do.”

“I would have them live as others and do men’s work in the world, preaching by their lives rather than their words. I would have them come forth from their lonely places, mix with [society], feel the pains and the pleasures, the cares and the rewards, the temptings and the stirrings of the common people. Let them toil and [sweat], and labor, and plough the land, and take wives to themselves. . . . I have learned . . . by looking from my own chamber window and marking these poor monks of the priory, their weary life, their profitless round. I have asked myself if the best which can be done with virtue is to shut it within high walls as though it were some savage creature. If the good will lock themselves up, and if the wicked will still wander free, then alas for the world!”⁹

Alas, indeed! We here tonight are bound together by dual bonds. We are students of *The Law*. We are Latter-day Saints. The marriage of these two distinctive characteristics in each of us should raise us to high-minded purpose in our professional pursuits. For us, the law must never be a lever of manipulation or a vehicle for self-promotion through clever sophistry. But neither can we take our law degrees and, like poor monks of the priory, “lock ourselves up,” as it were, and content ourselves with using our special training exclusively for our own selfish ends—“profitless rounds.” Our lives must be in personal and professional dimension a seamless fabric of virtue and service. *We are soldiers of the Spirit!* May we be men and women of virtue and valor, not locked up in ourselves but using our virtue and our

professional skill to contend with evil and benefit others. In our professional and personal pursuits, may it be said of us by the Master of all as he said of the ancient scribe, “Thou art not far from the Kingdom of God.”

This fireside address was given at the BYU Law School on March 12, 1995. Reprinted from the Clark Memorandum, Fall 1995, 2–9.

Lance B. Wickman received his J.D. from Stanford University in 1972. He is currently General Counsel for The Church of Jesus Christ of Latter-day Saints and a member of the First Quorum of the Seventy.

Notes

1. 637 A.2d 34 (Del. 1993).
2. *Id.* at 54.
3. Carlos E. Asay, “Cherish Virtue,” 2 (unpublished).
4. *Id.*
5. *Journal of Discourses*, 2:123.
6. Asay, 3 (emphasis in original).
7. Abraham Lincoln, “Notes for a Law Lecture,” in *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953), 2:81.
8. *Id.* at 82.
9. Asay, 5–6, quoting A. Conan Doyle, “The White Company,” in *The Works of A. Conan Doyle* (New York: Black’s Readers Service, 1975), 222.