





our essential work

# peacemaking

in the last days



||| BY CHIEKO N. OKAZAKI<sup>1</sup> |||

My dear brothers and sisters, **aloha!** I think most of you know that

my older son, Ken, is an attorney in Salt Lake City.

A couple of years ago when my grandson, Kenzo, was four or five, I picked him up to take him to the museum or the library and asked, “How’s your mom? How’s your dad?” Kenzo said, “Oh, they’re fine. Daddy was walking back and forth in the living room last night talking to himself.”

“What was he doing that for?” I asked.

“Oh,” said Kenzo matter-of-factly, “he was doing his litigation.”

Well, when I was invited to give this address, I thought it would be a great opportunity to get Ken’s thoughts on peacemaking, since he’s quite well regarded (and this isn’t just his mom speaking) as a negotiator and mediator as well as a litigator. I know that it’s important to him to do superb representations of his clients but that he exhausts every possible avenue short of litigation to find a fair solution that both parties can live with.

So I asked him about peacemaking. He just laughed out loud. Then he gave me a lengthy lecture, the bottom line of which was that talking about peacemaking and the law in the same sentence was a fantasy. He pointed out that the courts are set up as adversarial arenas. Lawyers and clients want to win. Judges and juries don’t notice or reward efforts at peacemaking. His job as an attorney is to win for his client, which has nothing to do with peacemaking. He tries to work with the other side out of court; but when the other side wants to fight, then he gets busy and constructs the best case he can to win for his client.

After reading me this lecture, he sighed and said, “Maybe you can talk about trust, Mom, or civility, but I don’t think you can talk about peacemaking.” There was a long pause, and this tough, accomplished, highly regarded litigator son of mine said, “I wish we could make peace.”

Well, you and I and Ken all know that peacemaking is pretty much of a fantasy right now in our international and national lives, as well as in our courtrooms. One of the signs of the last days is:

*And there went another horse that was red: and power was given to him that sat thereon to take peace from the earth, and that they should*

*kill one another: and there was given unto him a great sword.<sup>2</sup>*

Anyone who doesn’t believe that this sword has been unsheathed hasn’t seen the news recently.

So, is the idea of peacemaking a fantasy? I say no, and I want to talk about three ideas about peacemaking in these last days. And I want to speak to you specifically because you’re involved with law. You have, in my opinion, a crucial and perhaps even essential role as peacemakers. The first point I want to make is that we can and, indeed, must achieve peace of conscience. Second, we can and, indeed, must achieve peace in our own homes. And third, an essential element of peacemaking is the ability to love others.

#### ACHIEVING PEACE OF CONSCIENCE

Let’s begin with peace in the most important place: peace of conscience. Brothers and sisters, the two factors that you have in common here today are that you’re all attorneys (or your spouse is) and you’re all graduates of Brigham Young University. You may have had moments of being irritated at the Honor Code when you were there, but you had the great blessing of being at a school where the word *honor* was taken seriously. Words like *honesty* and *integrity* count for something. Those qualities are part of who you are, and their ideal is something you reach for and will keep reaching for, in both your personal and your professional lives.

When you pass the bar and are sworn in, you take a serious oath to pursue, defend, and preserve justice. This oath—we might call it a covenant—puts you in a special category in our society. It’s one that promises desirable rewards but it also makes heavy demands on you. Part of who you are is your code of professional ethics. You’re responsible to your peers and to the standards of your profession for the quality of your behavior. Each of you participates in pro bono work, making your expertise available to those who can’t afford to buy it, and works in your community. These are heavy responsibilities that you owe the community and your profession because of the esteem in which law is held.

It should go without saying that maintaining your personal and professional honor requires that you do your absolute best—the

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best job of research, the most persuasive writing, the more resourceful defenses, and the most carefully conducted prosecutions. The theory underlying the adversarial system of law that prevails in the United States is that the truth—and therefore justice—is most likely to emerge from the open clash of strongly opposed ideas.

I truly believe in this system of justice. Although it does not work perfectly—and sometimes does not work at all—I don't see how the alternatives can produce a better chance of justice, especially since all of them involve either random chance or placing inordinate trust in the ability of either one person or a very small group to intuit the truth. As a minority woman and as a member of a religion against which the United States of America sent an army in the 19th century, I strongly prefer our adversarial system.

So part of having peace of conscience involves doing your absolute level professional best. To me that means doing absolutely honest research, honest writing, and honest arguments. This doesn't always mean that you'll win, but it does mean that you'll have peace of conscience about your efforts.

Having peace of conscience means that you cannot ever justify shady behavior by the results. The worthiness of the end does not justify using unworthy means to achieve it.

Even though the media rejoice to feature bad-tempered and grandstanding attorneys, you cannot become one of their number. I understand that the California State Bar has launched a "civility initiative and may consider adopting a civility code with hopes of convincing judges to sanction rude behavior."<sup>3</sup> Gus Chin, president of the Utah State Bar, in a special issue of the *Utah Bar Journal* devoted to professionalism and civility, points out the fact that the Utah Supreme Court in 2003 adopted standards of professionalism and civility, and states: "Despite being treated unkindly, one can prevail by maintaining a high degree of personal professional dignity and control. Furthermore, the constitutional guarantee of freedom of speech does not amount to an open license to engage in invective, rudeness, and uncooperative conduct."<sup>4</sup>

Justice Christine M. Durham, now serving her second term as chief justice of the Utah Supreme Court, has pointed out: "The consequences of incivility are grave—it increases litigation costs, fails to promote

clients' legitimate interests, and diminishes the public's respect for the legal profession and its ability to benefit society."<sup>5</sup>

Justice Richard D. Fybel, associate justice of the California Court of Appeals in Santa Ana, specifically challenged the argument that "clients really like tough-guy and tough-gal lawyers. You know, the junkyard dog that attacks, salivates, and then attacks some more? Why shouldn't I be the toughest, nastiest representative out there? Who cares about expertise and ethics anyway?" Justice Fybel, drawing on his long years of experience as an attorney and as a judge counters: "Quite simply, [mean lawyers] don't usually win." People—sometimes their own clients—don't want to work with them and "simply, don't rely on their judgment and representations." That's the issue of trustworthiness.

He also points out that attorneys have to persuade someone: the other side, a court, an agency, or their own client. "People are not persuaded by obnoxious or unethical tactics. Intimidation is overrated as a litigation tool. It does not work in the widest range of my experience—from business cases to criminal pleas and trials. . . . [Obnoxiousness] may make for good TV from time to time, but in real life, over time, persuasion by use of reason and appeal to self-interest works best."<sup>6</sup>

Since I'm a teacher, I'll say it in second-grade terms. Nobody likes tantrums, and they're especially unappealing when it's adults who are having them.

Brothers and sisters, anger is a useful and helpful emotion. It tells us that something is wrong, and it mobilizes our energy to do something about it. Part of maturity, however, is learning the difference between feeling anger and acting on it. A sign of maturity is being able to recognize the difference between injustice and merely not getting our own way. Most of the behaviors President Chin and Justice Durham are talking about are the manifestations of mean-spiritedness, name-calling, rudeness, the desire to hurt verbally—in short, the inability to control one's temper.

You're all well aware of that famous passage in Ephesians that talks about putting on the "whole armour of God." Particularly relevant to our discussion is the verse in which the Apostle Paul urges his readers to have "your feet shod with the preparation of the gospel of peace."<sup>7</sup> I think it's extremely

important that the Lord not only repeated a version of this "whole armour" passage in a revelation to Joseph Smith but then expanded it this way: "And [have] your feet shod with the preparation of the gospel of peace, *which I have sent mine angels to commit unto you.*"<sup>8</sup> It's the last phrase that's new in this modern scripture: "the gospel of peace which I have sent mine angels to commit unto you."

I think that if something is important enough that God sends angels to give it to us, then we need to pay attention. Anger may be a good spark plug, but it's a bad motor. If you find yourself taking parts of your profession too personally and especially if you find yourself relishing and even counting on feelings of anger and using anger as the justification for behaving badly, then I'm calling you to repentance, right here and now. I greatly enjoyed a book that compiled one-sentence lessons from ordinary people about life lessons. This one came from a seventy-one-year-old, who said: "I've learned that no situation is so bad that losing your temper won't make it worse."<sup>9</sup>

Brothers and sisters, you are all people of conscience. You know how quickly dishonesty, pride, and anger can cloud your conscience. As the book of Proverbs reminds us: "He that is slow to anger is better than the mighty; and he that ruleth his spirit than he that taketh a city."<sup>10</sup>

## PEACE IN OUR OWN HOMES

Now let's talk about the second place of achieving peace: peace in our own homes. I remembered reading a book called *The 10 Greatest Gifts I Give My Children*. The author, Stephen Vannoy, asked his son, Jeremy, who was not quite three, if he wanted a piece of cheese with his lunch. "No," said Jeremy, "I want peace and quiet."<sup>11</sup> Well, I think that parents, especially the parents of young children, have moments when that's what they want, too.

So let me ask you: Do you want the person you are in the courtroom or in the office to be the person who is raising your children? In other words, if you aspire to be a killer litigator or the brainiac researcher, is that litigator or researcher also your goal as a parent? Almost certainly not.

I accept and acknowledge that some of the skills you need to do your job with integrity and excellence may be counterproductive in your all-important relationships as a spouse and a parent. But I ask you to think intelligently and insightfully about the list of qualities that makes you a good attorney and see how and to what extent they may also make you a good parent.

Let's get back to my question: What job skills do you have that can also help you be a good parent? Obviously, we can see respect for others, respect for the sometimes abstract principle of fairness, placing a high priority on the value of rules, the ability to listen carefully, and the ability to creatively work at finding acceptable compromises. I also want to make the obvious point that being a good parent develops very valuable skills that can enhance your professional performance.

I'm suggesting this approach because I think we sometimes try to meet this particular challenge by being two people. We have one personality for the office and another one for home. But I've found that people who think it's okay to yell at the secretary at the office also think it's okay to yell at their daughter. Everything we've just said about peace of conscience applies here as well. If you can be a whole person and be your essential self in both the professional and personal settings, that will go far toward giving your children the kind of parent you want them to have and your spouse the kind of partner he or she deserves.

I realize that I'm describing something of an ideal here and that reality has other demands that you have to accommodate as well. So after having given you this excellent advice about integrating the parts of your roles as much as possible, I'm also going to ask you to do the exact opposite and find ways to keep your roles separate.

Let me explain. Does your work involve stress and tension? Absolutely. What do you do about it? Some people thrive on the juggling, the split-second decision making, the adrenalin rush of packing 90 minutes worth of activity into a 60-minute hour, even the contests in the courtroom—the thrust and parry of the mental combat and expert maneuvering. But most of us don't thrive on that kind of around-the-clock stress, and I'm

pretty sure that high-speed, high-tension lifestyle is not a healthy mode for children. So I'm suggesting advice you've all heard since your first year at law school about leaving your problems at the office.

#### LOVE AND PEACEMAKING

We've talked about peace of conscience and achieving peace in our own homes. My third point is that essential to peacemaking in these last days is the ability to love. I want to be very specific on this point; and even though I've already disclaimed any insider knowledge of your professional responsibilities and duties, I want to talk specifically about love in your professional setting. I'm talking about your relationships with your clients and, to a lesser extent, your staffs, your colleagues, opposing counsel, the judges, and courtroom staffs.

Brothers and sisters, you must respect the office held by expert witnesses, the judges, the bailiffs, other officers of the court, and opposing counsel. You don't have to respect the person who holds that office unless that person earns your respect by his or her behavior. You don't have to trust that person, even though you must trust the system. You don't have to like that person or choose to spend time voluntarily with him or her, but it is absolutely incumbent upon you as a Christian and Latter-day Saint to love that person.

I know exactly how impossible that sounds—even how undesirable it sounds, but I mean exactly what I say. Jesus told His disciples, "A new commandment I give unto you, That ye love one another; as I have loved you."<sup>12</sup> This isn't a suggestion or a handy hint. It's a commandment.

It cuts through all of the relationships that require reciprocation. Respect requires reciprocation. Trust requires reciprocation. Courtesy doesn't require reciprocation but it can only flourish when there is. Liking and friendship definitely require reciprocation.

Jesus isn't talking about any of those things. He's talking about love—the kind of love that He had for us. And what kind of love was that? It was love that went to Gethsemane and to the cross. It was love that suffered from betrayal, abandonment, and torture but without withdrawing itself. It was love that persisted to the very uttermost.



IF SOMETHING IS IMPORTANT ENOUGH THAT

## God sends angels

TO GIVE IT TO US, THEN WE NEED TO PAY ATTENTION.

When humankind did its worst to Jesus, He did His uttermost for us. That's why we worship and adore Him.

Can we do the same thing? Not on our own. Not from our own resources. Not by our own kindly thought and self-discipline and willpower. Not without Him. When Jesus says, "I am the way," He means that literally. He not only imposes this impossible commandment on us of loving one another as He loves us, He not only insists that we take that commandment seriously, but He also

foresees that we will fail and that our own pitifully small wells of charity can last no longer than an ice cube on the sidewalk at the 24th of July parade—that is, unless He helps us.

He is the vine. We are the branches. As long as we are firmly connected to Him, then His own power, energy, passion, and compassion flow through to us from Him. We can't do it without Him and, God be thanked, we don't have to even try without Him. He is the living water, springing up everlastingly, if we will partake in obedience and faith.

Now, think about what faces you when you return to your offices and your courtrooms Tuesday morning. Some of you will be protecting widows and orphans from greedy landlords. You can probably love them without too much trouble.

Some of you will be dealing with much more difficult situations: with clients whom you may have every reason to believe are guilty of murder, the sexual abuse of children, traffic in mind-destroying drugs, and corruption in the institutions that we rely on to protect democracy. These are exactly the people I'm saying you must love. You don't have to like them—in fact, you probably can't. You don't have to respect them—in fact, there would probably be something wrong with your value system if you did. You don't have to trust them—in fact, you'd be a fool to. But you *do* have to love them. Jesus died for that murderer, that child molester, that insurance defrauder, that drug lord.

Your duty as an attorney is to prosecute or to defend, to the very best of your ability, the worst of the worst that human beings can become, those who have made simple errors, and those in between who are adrift in the judicial system without a moral compass of their own. Your duty to society is to see that justice is done, and for litigators that means doing your very best to win for your client. It also means, if that is your duty, to do your best to remove from society those who, by breaking the law, are unworthy of its freedoms. You will not have the first kind of peace—peace of conscience—unless you do your best.

But you also have a Christian duty: the duty to love that individual for whom Christ died, that individual who is your spiritual brother or sister.

This means that, along with doing your research, preparing your briefs, filing your motions, and arguing your case, you must, as Mormon puts it, "pray unto the Father with all the energy of heart, that ye may be filled with this love, which he hath bestowed upon all who are true followers of his Son, Jesus Christ."<sup>13</sup> God's message of love is not reserved for those who are looking for it or even for those who want it.





IF YOU CAN BE A  
**whole person**  
 AND BE YOUR ESSENTIAL  
 SELF IN **both**  
 THE PROFESSIONAL AND  
 PERSONAL SETTINGS,  
 THAT WILL **go far**  
 TOWARD GIVING YOUR . . .  
 SPOUSE THE KIND  
 OF PARTNER HE OR SHE  
**deserves.**

If God has a message of love for one of your clients, maybe you're the only messenger who can deliver it. I'm not saying you need to pass out copies of the Book of Mormon or make pious speeches or somehow weave your testimony into your closing argument. I *am* saying that if you can provide a clear channel for the Holy Ghost, one that is not cluttered with your own ego or anger or pride, then you can rely on the Holy Ghost to deliver that message. I think it was St. Francis of Assisi who said, "At all times, preach the gospel. If necessary, use words."

Brothers and sisters, you have joined a profession of warriors, and you serve under the banner of hope: hope that the rule of law will be stronger than individual selfishness, hope that justice may roll forth, and hope that truth is mighty and will prevail. You have prepared yourself with your education, with your skills, by observing respected mentors in your field, by gaining knowledge, and by seeking wisdom. You will have to walk through some very dark places and see into still darker places. Please remember that you have the power to bring light into those dark places. You must not let the darkness overwhelm you.

At times the darkness must seem strong. Be strong to combat it. Strengthen yourselves through prayer. Work for peace of conscience through absolute integrity and honesty. Establish peace in your own homes by building trust and respect and by loving self-sacrificing. Remember who you want to raise your children. And love. Seek the abundant, never-failing source of love in our Savior. Make kindness and love your pathway and the light by which you walk. Teilhard de Chardin, a French Catholic theologian, said: "Some day, after we have mastered the winds, the waves, the tides and gravity we shall harness the energies of love. Then, for the second time in the history of the world, [we] will have discovered fire."<sup>14</sup> I feel to bless us all in the words of the Apostle Paul to the Roman Saints:

*Who shall separate us from the love of Christ? shall tribulation, or distress, or persecution, or famine, or nakedness, or peril, or sword? . . .*

*Nay, in all these things we are more than conquerors through him that loved us.*

*For I am persuaded, that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come,*

*Nor height, nor depth, nor any other creature, shall be able to separate us from the love of God, which is in Christ Jesus our Lord.<sup>15</sup>*

I testify to you of that love; I know that we are surrounded by that love. May we be filled with that love and therefore be about the Master's work of peacemaking in these last days. If we do, we have the sacred promise that "the peace of God, which passeth all understanding, shall keep your hearts and minds through Christ Jesus."<sup>16</sup> I ask His blessing upon us in the holy name of the Lord Jesus Christ, amen.

#### NOTES

- ① Copyright 2007 by Chieko N. Okazaki. Please do not make copies of all or portions of this address without permission. Address requests for permission to Chieko N. Okazaki.
- ② Revelation 6:4.
- ③ Gus Chin, "Civility, the Hallmark of Our Profession," President's Message, *Utah Bar Journal* 19, no. 7 (November–December 2006): 6.
- ④ Ibid.
- ⑤ Christine M. Durham, "Promoting the Standards of Professionalism and Civility," *Utah Bar Journal* 19, no. 7 (November–December 2006): 8.
- ⑥ Justice Richard D. Fybel, "Honest Lawyers Make Good Lawyers: Thoughts on Ethics and Civility in the Legal Profession," *Utah Bar Journal* 19, no. 7 (November–December 2006): 12–13.
- ⑦ Ephesians 6:15.
- ⑧ D&C 27:16; emphasis added.
- ⑨ H. Jackson Brown Jr., comp. *Live and Learn and Pass It On*, vol. 2 (Nashville, TN: Rutledge Hill Press, 1955), 22.
- ⑩ Proverbs 16:32.
- ⑪ Steven W. Vannoy, *The 10 Greatest Gifts I Give My Children* (New York, NY: Fireside, 1994), 195.
- ⑫ John 13:34.
- ⑬ Moroni 7:48.
- ⑭ As quoted in Editors of Conari Press, *Random Acts of Kindness* (Berkeley, California: Conari Press, 1993), 53.
- ⑮ Romans 8:35, 37–39.
- ⑯ Philippians 4:7.

#### ART CREDITS

Paintings by Brian Kershnik. *Woman with Infant Flying*, page 22; *When to Stop*, page 27; *Lovers Running*, page 28.