

Book Review

The Servant Lawyer: Facing the Challenges of Christian Faith in Everyday Law Practice

The Servant Lawyer: Facing the Challenges of Christian Faith in Everyday Law Practice. By Robert F. Cochran Jr. IVP Academic, 2024. Pp. 242. ISBN: 1514007223.

Review by Benjamin B Saunders*

Reconciling legal practice and the Christian faith has rarely been easy. Martin Luther once quipped that “[a] jurist should not speak until he hears a pig fart” for only then will his words have a proper climate to be appreciated.¹ Articulating a Christian perspective on legal practice which provides encouragement that the work of lawyers serves the common good, while not holding back from challenge and rebuke where needed, is a fine balance. Cochran achieves such a balance with his excellent book *The Servant Lawyer: Facing the Challenges of Christian Faith in Everyday Law Practice*.

Cochran adopts five models to describe legal practice, which together provide a rounded picture of the lawyer’s role.

The first model is of lawyers as builders and trustees: much of legal work involves building things, such as creating business structures and drafting contracts.² In this way lawyers are involved in the creation mandate, exercising fruitful dominion over the earth and exercising practical wisdom.

A second model conceives of lawyers as advocates and peacemakers: chapter 3 discusses lawyers’ role as advocates for their clients within an adversarial system, with the challenges that poses, including truthfulness and ‘shrewd wisdom’, all the while aiming for just and peaceful outcomes.

Chapter 4 discusses a third model: the roles of prosecutor and defence attorney, arguing that each have an important role within the legal system, and also that there is a biblical basis for each. Intriguingly, Cochran identifies the prosecutorial function as an aspect of civil authority within the meaning of Romans 13:1, such that the prosecutor is ‘God’s servant for your good’.³ Mercy is important, but so is the exercise of legal justice against the wrongdoer.

A fourth model sees lawyers as counsellors and colleagues (chapter 5), a version of which is ‘the lawyer as friend’ — the friend who is prepared to wound and not simply flatter (Proverbs 27:6). Cochran encourages lawyers, even junior lawyers, to engage in difficult conversations, challenging client and colleague alike where appropriate.

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¹ John Witte Jr, *Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge University Press, 2002) 119.

² Robert F Cochran Jr, *The Servant Lawyer: Facing the Challenges of Christian Faith in Everyday Law Practice* (IVP Academic, 2024) ch 2.

³ Ibid 99.

Finally, chapter 6 reiterates the key role that lawyers can play as prophets and advocates ‘for the least of these’, fighting injustice and defending the vulnerable.

The book has many strengths. Drawing from a lifetime of experience in legal practice as well as teaching at law school, the book is practical and readable, littered with helpful anecdotes and stories that illustrate the author’s points. Cochran labours to ground the work of legal practice in Scripture, such that much of the book is expressly tied to biblical teaching. He encourages lawyers to see clients not as potential sources of revenue or technical problems to be solved, but as humans made in God’s image.⁴ The author does not hold out an unrealistic ideal, but freely acknowledges his own failings.

The book helpfully emphasises the importance of procedural as well as substantive justice. Against some interpretations of the ‘two kingdoms’ doctrine, which (in general terms) holds that God’s redemptive work of salvation is distinct from his work of providence, Cochran outlines the benefit of applying redemptive principles in the ‘secular’ realm of business and neighbourhood disputes.⁵

The book does not shy away from difficult topics. Can lawyers knowingly give a false impression to another person in order to serve their client’s interests without expressly lying?⁶ There is a satisfying discussion of that old chestnut, whether lawyers can represent a guilty client.⁷ While the work of prosecution is necessary, and even good, the harm that a conviction can bring into the life of family members of the accused should not be glossed over.⁸

There are a few things I would have liked the author to cover in more depth. First, the distinguishing feature of the Christian view of law is natural law: the existence of an overarching standard of justice which applies to all people at all times, and to which human civil law must conform in order to be valid. Any truly Christian lawyer must be deeply imbued with a sense of justice. But acting with justice is not simply a matter of intellectual assent; as CS Lewis wrote in *The Abolition of Man*, it is not syllogisms that keep reluctant nerves to their post, but the head rules the belly through the chest — that is, the seat of ‘emotions organized by trained habit into stable sentiments’.⁹ How do Christian lawyers develop such an ingrained sense of justice?

Secondly, the book could have been a bit more pointed about specific sins that even Christians apparently find it difficult to avoid. For example, there is a practice among Australian barristers — including Christian barristers — of charging clients an entire day’s fees to attend a court hearing, even if the hearing only lasts part of the day. No doubt other examples could be cited. Christians must be guided, not simply by industry practice, but by what is right and fair. Thirdly, professional conduct regulation is emerging as a key challenge for all Christian professionals, including lawyers. Professional conduct rules are increasingly being used as a tool to silence the expression of Christian beliefs by professionals, and this pressure is also being brought to bear on lawyers. It would have been helpful for the author to provide guidance on navigating this minefield.

⁴ Ibid ch 1.

⁵ Ibid 172.

⁶ Ibid 65-66.

⁷ Ibid 102-3.

⁸ Ibid 98.

⁹ CS Lewis, *The Abolition of Man* (HarperOne, 1944), 24–5.

The book presents a convincing vision of law as a ‘structure of love that God gives humans for our good. Its purpose in God’s order is to enable human flourishing’,¹⁰ even though administered by imperfect practitioners. The book will be of keen interest to Christians. However, I expect that non-Christians may welcome a provocation to think afresh about the nature of their craft. The book challenges the typical model of legal practice held by many lawyers today — that of a gun for hire, with the primary role of advancing client interests. Non-Christians could fruitfully think about practice in the terms presented in this book. Cochran is to be congratulated on a fine book which will be of great value for lawyers and law students.

¹⁰ Cochran (n 2) 91.