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HONEST TO GOD

_The Honorable Lavenski R. Smith*

Judges and officers shalt thou make thee in all thy gates, which the LORD thy God giveth thee, throughout thy tribes: and they shall judge the people with just judgment. Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift: for a gift doth blind the eyes of the wise, and pervert the words of the righteous. That which is altogether just shalt thou follow, that thou mayest live, and inherit the land which the LORD thy God giveth thee.¹

A Christian profession of faith and a professional life in the justice system do not irreconcilably conflict. In fact, biblical teaching, properly applied, encourages and enhances both ethical advocacy and adjudication. The conflict, if any, is not between faith in God and fidelity to sound practice principles or impartial decision-making. Rather, the conflict lies mostly within the mind of the believer struggling between adherence with divine commands and achieving results preferred by clients, the public, or his own personal ambition and security. This struggle is real, often difficult, but definitely winnable. The cynic's view of the lawyer as having no principle above the pocket is well represented in American literature and media and needs no reiteration here.

This essay is premised on the belief that the pursuit of justice is a path that runs parallel to the pursuit of righteousness. The believer has no higher obligation than obedience to God. God declared through the prophet Micah, "He hath shewed thee, O man, what is good; and what doth the LORD require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?"² Legal professionals are superbly positioned to fulfill these three spiritual duties. Opportunities to fulfill or fail them are abundant. The duty to "do justly" obligates the obedient believer to be honest in all dealings, both personal and professional. We are not fully honest if we only display "professional" honesty, that is, to the extent required by law. Law generally only establishes the lowest acceptable level of duty to others. It is commendable—but should not be considered anything extraordinary—to not be proven criminal or unethical.

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1. _Deuteronomy_ 16:18–20 (King James).

2. _Micah_ 6:8 (King James).
Some may feel that strict honesty may hamper their practice by making them weaker than or vulnerable to those who feel free to fudge the facts: not true. Dishonesty actually represents weakness. Improper shortcuts are taken by the slow, lazy, or fearful. Genuine honesty never handicaps one in a race against falsehoods, but choosing dishonesty breaks the legs of anyone in pursuit of justice. Whatever expediency is gained through the lie will eventually be lost, along with an often irreplaceable quantity of an advocate’s most indispensable quality—his or her credibility. Additionally, those who shade truth often find non-naive, honest folk to be most formidable foes. As Caleb Colton put it, “Nothing more completely baffles one who is full of tricks and duplicity than straight forward and simple integrity in another.”

Honesty does not demand gullibility.

Lawyers and judges are professionally bound by ethical canons. The believer is further bound by spiritual standards of honesty, integrity, and selflessness. These standards, if followed, prevent the believer from running afoul of ethical guidelines in all but the most unusual case. We must be genuinely honest to our spouses, children, employers, employees, partners, opposing counsel, courts, and—above all—honest to God. Honesty may seem to some like a quaint notion from a colonial proverb, but it is a timeless, nonnegotiable, bedrock moral principle. Believers are seldom less like their heavenly Father than when they speak untruthfully.

Dishonesty, through some of its various aliases such as theft, embezzlement, misrepresentation, and identity theft, costs the nation’s economy billions every year, but the moral cost far exceeds what money can value. Prevalent perfidy produces cracks in the very foundation of the nation’s system of self-government and undermines confidence in our system of justice. The rule of law means little if people do not rule themselves by moral principles. “I am very doubtful whether history shows us one example of a man who, having stepped outside rational morality and attained power, has used that power benevolently.”

Few, if any, would respect courts or their officers if convinced that judges and lawyers were predominantly corrupt. Attorneys must use fact, law, and logic instead of bribes and nonmonetary favors to persuade. Judges must be unpersuadable by bribe, status, or threat in deciding cases and must decide cases on their factual and legal merits, not the judge’s personal agenda. An opinion stating various rationales for a legal conclusion reached for other reasons falls well short of honest. The first thing any individual can do to seek justice for all is to seek earnestly to be personally just themselves.


For the believer, doing justly is not merely a pragmatic calculation that honesty is a good policy choice with the best return on his or her investment. Rather, believers speak truthfully and act fairly and justly because it accords with God’s character and commands. He or she does so even when it does not pay financial or social dividends. If our truthfulness is for sale, nothing of meaningful character remains after it is purchased. Temptations to be dishonest in practice arise almost daily. From giving untrue excuses for not accepting telephone calls to falsifying billing statements or misleading opposing counsel, integrity tests are unceasing for practitioners. Likewise, judges encounter character challenges routinely, not from bribes but from routine itself. For instance, an ever-present temptation beckons to pass off mere lukewarm perusal of filed documents as “having thoroughly reviewed the pending matters.” All of these temptations must be met by steel-strong resolve that no apparent short-term benefit justifies any compromise of the personal duty to God to do justly.

To be just is necessary but insufficient to please God. As George Byron said, “He who is only just is cruel.” God desires that we love mercy even as we do justly. On occasion, love and wisdom temper justice through mercy by restraining justice’s full measure. Justice gives us what we deserve, but mercy provides what we need. To love mercy requires an awareness of the moral frailty of all humanity—especially one’s own—and a readiness to extend mercy to others, as guided by wisdom. (Wisdom is sorely needed for the proper application of mercy. To love mercy does not mean that it is always extended. Misguided mercy can produce injustice as undesirable as biased punishment.) All believers who have been granted forgiveness of their sins by God know that without divine mercy there would be no redemption. Loving mercy, though, means more than being happy you received it; it also means that you understand the privilege of being able to employ it to someone else’s benefit. The grateful, reflective beneficiary of mercy possesses a crucial qualification to be its grantor. Those who have been shown mercy and understood its power against justice generally are much more favorably disposed to extend it to those who have wronged them.

Legal professionals under a duty to clients may feel restrained from “showing mercy” to a litigation adversary. Indeed, mercy seems totally out of place in stereotypical notions of legal practice. Like honesty, exercising mercy does not have to be a sign of weakness. It requires strength to do mercy when impulse and expectation request retribution. As a zealous advocate, one may believe that his or her duty requires that he or she always pursue the maximum conceivable relief for the client. Zealous advocacy though, if pushed to its limits, may become only an alias for greed or op-

5. Id. at 327 (quoting George Byron).
pression. The goal of litigation should be a fair and just result, not the opponent’s destruction or humiliation.

For example, when I was in private practice, a client stormed into my office after an encounter with the person suing him and even before exchanging greetings, exclaimed, “Can you get mean?” After a moment’s pause, I responded that if by “get mean” he meant whether I knew how to employ litigation tactics that would generate additional legal expense, irritation, and grief for the opposing side, then the answer was “yes.” But I informed the client that I would not employ such tactics and asked for the opportunity to explain to him why it was not in his best interest to use his attorney’s skills like those of a trained attack dog. He agreed and relented. Soon thereafter the case settled amicably with a result acceptable to both sides. I finished the case with less of a fee but personally much richer.

Lastly, the believer must walk humbly with God. Walking with God is the most personal and most pleasurable duty of man to fulfill, but it can only be done joyfully with humility. The proud and self-righteous can no more walk pleasurably with God than a bass enjoys sunbathing. One cannot walk humbly with God and boast of his own righteousness before people. Self-righteousness is not really righteousness at all but a faux version with a cheap veneer mimicking the genuine article. In the presence of God, its sham is patent. Before His holiness we either confess our complete unworthiness or flee into the company of those we compare to more favorably. Humility comes as a consequence of recognizing the majesty of God and accepting the abject worthlessness of our own supposed goodness. Like Isaiah, the humble acknowledge that, on a scale of righteousness established by God’s holy character, “all our righteousnesses are as filthy rags.”

6. Isaiah 64:6 (King James).

Only God is truly righteous. Humility also recognizes the severe limitations of our knowledge and understanding. If any one of us were able to know all that every other human has ever known since the beginning of time, we would still know infinitely less than God. We have no basis for boasting. One who considers the obligation of obedience to God and measures his or her life’s performance by His standards, if honest, comes away with no pretense of pride and praises God for His mercy. Solomon, even with his great intellect, sought wisdom from God to fulfill his life’s work. Accepting our limitations, it certainly makes sense to sincerely seek divine direction for life.

To walk humbly with God, the believer must spend meaningful devotional time alone with God. Walking with God is not an academic or ritualistic affair but a daily act of faith to be personally committed to the lover of our soul. It is a matter of the heart. Those who walk together share the same path, but the metaphor seems to also imply that the companions on the journey share purpose and passion. While walking humbly with God, His direc-
tion to “[d]efend the poor and fatherless: do justice to the afflicted and needy” is no great imposition because it is already on the path we travel.⁷

Believers who hunger and thirst for righteousness are indeed filled with the same unmistakable, divinely-given peace. The believer’s relationship with God impacts every area of life, including professional and occupational endeavors. As we pursue career goals, we do so with the consistent overriding life goal of pleasing God. To those who walk humbly with their creator, “divine peace” defies a simple explanation or, as Paul put it, “passe[s] all understanding.”⁸ That peace is priceless because it supplies satisfaction unobtainable by salaries, fees, power, or popularity. Although the legal profession can be highly financially rewarding, it can also be wholly unsatisfying, particularly when plied primarily for its remunerative potential. God gives His servants a dividend of joy for investing their lives in obedient service. But mammon is a mean master, exacting a grievous toll on mind, body, and soul of those devoted to it.

Can a people of faith integrate the values it produces in them with the legal profession without compromising the practice of either? I firmly believe so. At base, it comes down to being who you really are by living what you really believe. According to Socrates, “The shortest and surest way to live with honor in the world is to be in reality what we would appear to be; all human virtues increase and strengthen themselves by the practice and experience of them.”⁹ Living one’s faith is no mean feat and requires no less than our whole mind and soul and God’s grace. I remain ever mindful that I am only a foolish choice away from stumbling. Walking with the Lord, however, frees the mind from the pretension of personal perfection. To please Him, we must rely on His grace, wisdom, and of course, mercy. “If I grapple with sin in my own strength, the devil knows he may go to sleep.”¹⁰

As legal professionals we work to balance the scales of justice; we should remember, though, that the Judge of souls weighs our works. We may conceal dishonesty and indifference from others but never always and not ever from God. If we endeavor to be truly honest to God at all times our faith will inevitably integrate with every area of life, including our profession.

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⁷ Psalm 82:3 (King James).
⁸ Philippians 4:7 (King James).
¹⁰ The NEW DICTIONARY OF THOUGHTS, supra note 4, at 528 (quoting H.G. J. Adams).