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Marie Failing

*Mitchell Hamline School of Law, [marie.failing@mitchellhamline.edu](mailto:marie.failing@mitchellhamline.edu)*

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# The Lutheran Lawyer: Some Reflections on the Ethics Contributions of Susan Martyn

## **Abstract**

Recently, Professor Susan Martyn, who is honored in this tribute issue, contributed to a forthcoming volume on Lutheran theological views of secular law of which I am co-editor. Ever the professional, Professor Martyn expressed initial uncertainty about her ability to make a contribution to this volume without more theological expertise. Not to worry, Professor Martyn's prodigious work ethic and creative lawyering produced an insightful chapter entitled, "Can Luther Help Modern Lawyers Understand Fiduciary Duty?" As it turns out, she argued, Martin Luther can help modern lawyers because he understood the ancient roots of fiduciary law that lie at the foundation of modern legal ethics.

However, I want to argue Professor Martyn's Lutheran commitments have undergirded her scholarly writing all along, providing just a few examples of the many available to illustrate my claim. That is not to say, for the most part, that a reader of her impressive scholarly output on the subject of lawyers' ethics will find arguments that "Lutheran theology says the rules of ethics should be such-and-such" or that a certain rule violates "Lutheran" or "Christian" law or principles. In fact, that would not be a very Lutheran way to proceed due to Lutherans' understanding of the "two kingdoms doctrine" or God's "left-hand" and "right-hand" work, which I will discuss.

## **Keywords**

Professional ethics; Law teachers -- United States; Lawyers -- United States; Legal ethics -- United States; Martyn, Susan R.

## **Disciplines**

Legal Biography | Legal Ethics and Professional Responsibility | Religion Law

## THE LUTHERAN LAWYER: SOME REFLECTIONS ON THE ETHICS CONTRIBUTIONS OF SUSAN MARTYN

Marie A. Failing\*

RECENTLY, Professor Susan Martyn, who is honored in this tribute issue, contributed to a forthcoming volume on Lutheran theological views of secular law of which I am co-editor. Ever the professional, Professor Martyn expressed initial uncertainty about her ability to make a contribution to this volume without more theological expertise. Not to worry, Professor Martyn's prodigious work ethic and creative lawyering produced an insightful chapter entitled, "Can Luther Help Modern Lawyers Understand Fiduciary Duty?"<sup>1</sup> As it turns out, she argued, Martin Luther *can* help modern lawyers because he understood the ancient roots of fiduciary law that lie at the foundation of modern legal ethics.<sup>2</sup>

However, I want to argue Professor Martyn's Lutheran commitments have undergirded her scholarly writing all along, providing just a few examples of the many available to illustrate my claim. That is not to say, for the most part,<sup>3</sup> that a reader of her impressive scholarly output on the subject of lawyers' ethics will find arguments that "Lutheran theology says the rules of ethics should be such-and-such" or that a certain rule violates "Lutheran" or "Christian" law or principles. In fact, that would not be a very Lutheran way to proceed due to Lutherans' understanding of the "two kingdoms doctrine" or God's "left-hand" and "right-hand" work, which I will discuss. Lutheran theology, from the outset, has recognized God's participation in our secular life has a distinctive character.<sup>4</sup>

Lutherans often refer to God's "left-hand" work as creating and preserving this earthly life and this physical world in which we live and describe God's "right-hand" work as saving humankind by sending God's Son to die for our

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\* Interim Dean and Professor of Law, Hamline University School of Law. It has been my privilege to get to know Professor Martyn over these past years as a fellow teacher, fellow scholar, fellow Lutheran, and friend. Thanks to my research assistant, Brittany Levine, for her helpful research into Professor Martyn's many works.

1. Susan R. Martyn, *Can Luther Help Modern Lawyers Understand Fiduciary Duty?*, in *ON SECULAR GOVERNANCE* (forthcoming 2016).

2. *Id.*

3. In addition to "Can Luther Help Modern Lawyers Understand Fiduciary Duty," Professor Martyn has explicitly discussed Lutheran themes in *The Lawyer in the Religious Traditions: A Lutheran Finds Commonality*, 21 *J.L. & RELIGION* 299 (2005-2006) [hereinafter Martyn, "Religious Traditions"].

4. See M. Rhodes, *The Relation of the Spiritual to Temporal Prosperity*, 72 *THE LUTHERAN OBSERVER* 194, 194-95 (1904).

sins.<sup>5</sup> Another way Lutherans talk about this, as Professor Martyn has noted, is to describe:

[T]wo Kingdoms or governances of life: the kingdom of God, our salvation, on the right hand and the kingdom or governance of the world, or the secular culture, on the left hand. According to Luther, we stand firmly grounded at the same time in both kingdoms, but dare not confuse them. The kingdom of God is the governance of faith. The kingdom of earth is the governance of reason and power. Both are created by God to serve humankind: "two strategies that God uses to deal with the powers of evil and the reality of sin."<sup>6</sup>

God's "left-hand" work is cooperative: human beings work with God as co-creators and co-preservers of the ever-changing world we inhabit, and that collaboration includes the work of justice, which, of course, includes the work of lawyers.<sup>7</sup> All human beings, not only Christians nor even just religious people, participate in that work using their (God-given) reason and gifts.<sup>8</sup> Therefore, Lutheran theology does not speak in terms of God giving commands about the governance of our life in this world, the secular community.<sup>9</sup> Lutherans would not say, for example, that God has judged our criminal laws to be just or that God dictates the Model Rules of Professional Conduct. However, Lutherans do think in distinctive ways about the nature of human beings, their action in this world, and how human beings should work together to create a world where all may flourish. These are the themes in Professor Martyn's work that I will briefly explore.

The first Lutheran theme in Professor Martyn's work is the recognition of the fallenness of creation. Lutherans understand we must always be suspicious of the possibility that all persons, even good lawyers who are good human beings, will find ways to justify self-serving behavior as ethical.<sup>10</sup> Professor Martyn's approach reflects the paradox of the Lutheran thought: that human beings, as God's good creation, bring gifts of rationality and concern for the welfare of others to the discussion of the goods of human community, including legal ethics. However, because every person commits wrongs against his or her neighbor—both large and small—and no one can ultimately live up to the ideals

5. See David Lose, *The Ambidextrous God: Luther on Faith and Politics*, 19 *WORLD & WORD* 260, 264 (1999).

6. Martyn, *Religious Traditions*, *supra* note 3, at 299. Professor Martyn notes that the "two kingdoms doctrine" has been distorted by some successors of Luther who would "translate the left-hand governance into a justification of almost any existing social structures, even those as extreme as the Third Reich." *Id.* at 302.

7. See Lose, *supra* note 5, at 264 ("But God also works, albeit more ambiguously, through the laws, institutions, and even social customs that help us order our lives and foster civilization.").

8. Carl E. Braaten, *God in Public Life: Rehabilitating the "Orders of Creation"*, *FIRST THINGS*, Dec. 3, 1990, at 34; George W. Forell, *Luther and Conscience*, in *MARTIN LUTHER: THEOLOGIAN OF THE CHURCH* 59 (William R. Russell ed., 1994); George W. Forell, *The Political Use of the Law*, in *MARTIN LUTHER: THEOLOGIAN OF THE CHURCH*, *supra*, at 89.

9. Braaten, *supra* note 8, at 36.

10. See, e.g., Marie A. Failing, *The Justice That Wouldn't Be Lutheran: Toward Borrowing the Wisdom of Faith Traditions*, 46 *CLEV. ST. L. REV.* 643, 671 (1998).

of human community, human beings are constantly attempting to justify their wrongful behavior as right.<sup>11</sup> As Professor Martyn notes, “We find life in this paradoxical interaction between the two kingdoms both joyful (because God-given) and tragic (because marred by sin).”<sup>12</sup>

In the practice of law, these justifications range from institutional (it was not my job; someone else higher up is responsible) to the self-interested (my professional needs and aspirations have to come before those of my clients or the community) to the exculpatory (I did not cause this harm to happen, or no cognizable harm occurred).<sup>13</sup> Professor Martyn well understands the possibility that some lawyers will be rotten apples, exploiting their clients to line their own pockets. She also knows even well-meaning and generally ethical lawyers will sometimes act unethically, either because they have talked themselves into excusing their own behavior or because they have inadvertently acted against the client’s interest because they were unaware or misunderstood by failing to be aware of the situation. This scenario involves what Lutherans might call the two major human limitations of sin and finitude.<sup>14</sup>

As one example, we might consider Professor Martyn’s arguments against loosening conflict of interest rules by allowing law firms to set up screens between conflicted lawyers and the rest of the firm. In responding to Professor Bruce Green’s argument that the courts should loosen rules requiring disqualification of lawyers when they have professional responsibilities to litigants on both sides, Professor Martyn argues “‘Holmesian Bad Lawyers’ will rationally seize upon Professor Green’s proposal as a means to avoid getting caught” in such conflicts.<sup>15</sup> This self-justifying behavior, Professor Martyn illustrates, leads to lawyers’ failure to disclose conflicts because they can get away with such non-disclosures.<sup>16</sup>

Similarly, in a co-authored article aptly entitled, *Screening? Consider the Clients*, Professor Martyn points out that proposed rules permitting lawyers to set up screens, such that they can work for an adverse client, allow lawyers to justify a betrayal of their duty of loyalty to their client with the fig-leaf excuse that the screen will obviate any ethical problem.<sup>17</sup> However, as she also points out, lawyers are fallible like everyone else. For example, lawyers can fail to keep track of screens, and technological screening devices can fail. Further, when collaborating with attorneys in a new firm, lawyers can inadvertently disclose information they cannot remember was obtained in confidence.<sup>18</sup>

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11. Braaten, *supra* note 8, at 34.

12. Martyn, *Religious Traditions*, *supra* note 3, at 301.

13. Jennifer K. Robbennolt & Jean R. Sternlight, *Behavioral Legal Ethics*, 45 ARIZ. ST. L.J. 1107, 1128 (2013).

14. KAREN L. BLOOMQUIST & JOHN R. STUMME, *THE PROMISE OF LUTHERAN ETHICS* 113 (1998).

15. Susan R. Martyn, *Developing the Judicial Role in Litigation Conflicts*, 65 FORDHAM L. REV. 131, 133 (1996) [hereinafter Martyn, *Developing the Judicial Role*].

16. *Id.* at 133, 136-37.

17. See Susan R. Martyn & Lawrence J. Fox, *Screening? Consider the Clients*, PRAC. LITIGATOR, July 2008, at 49.

18. *Id.* at 50-51.

Because of the Lutheran recognition that “even good lawyers do bad things” and often justify them as appropriate, Professor Martyn wisely calls for institutional checks and balances that forestall both the inadvertent and the intentionally unethical actions of lawyers. These institutional constraints on lawyer behavior include sanctions, such as forfeiture of all attorney fees for undisclosed conflicts of interest and strict adherence to disqualification rules for such conflicts.<sup>19</sup>

In addition to the inherent fallenness of lawyers as persons, Professor Martyn understands the vulnerability and sin of clients as fallen human beings. As an example of client vulnerability, she relates her conversation with a lawyer who thought his client was “a ‘poster child for physician assisted suicide.’”<sup>20</sup> Through questioning, she was able to get the lawyer to see that the depressed client’s wish for death might not fully reflect her truly autonomous decision but, rather, might be a cry for someone to care about her and provide her the mental health treatment she needed.<sup>21</sup> As an example of an attorney’s duty to deal with reprehensible client sin, Professor Martyn argued in the same article that a client who threatened to burn down a building “does not deserve the respect promoted by the professional obligation of confidentiality because the client herself proposes to violate a categorical imperative designed to promote human flourishing.”<sup>22</sup>

A second Lutheran theme that undergirds Professor Martyn’s jurisprudence is what Lutherans have called the “orders of creation” or the “Creator’s ordainings.”<sup>23</sup> According to this view, God has helped to preserve the creation as it is beset by sin, death, and the Devil through forming institutional structures to protect human beings and order human behavior.<sup>24</sup> Traditionally, Lutherans identified three such “orders” or institutional structures: the family, the state, and the church.<sup>25</sup> Importantly, these are not rigid, static structures. Instead, they are changing as God and humans co-create new forms of human community and the natural world evolves.<sup>26</sup> Thus, most modern citizens do not recognize the

19. Martyn, *Developing the Judicial Role*, *supra* note 15, at 146-47.

20. Susan R. Martyn, *In Defense of Lawyer-Client Confidentiality ... And Its Exceptions ...*, 81 NEB. L. REV. 1320, 1334 (2003) [hereinafter Martyn, *In Defense*].

21. *Id.* at 1334-35.

22. *Id.* at 1337.

23. See Edward H. Schroeder, *The Orders of Creation—Some Reflections on the History and Place of the Term in Systematic Theology*, 43 CONCORDIA THEOLOGICAL MONTHLY 165, 171 (1992), available at <http://www.crossings.org/archive/ed/theordersofcreation.pdf>.

24. *Id.* at 166.

25. See Robert R. Benne, *Lutheran Ethics: Perennial Themes and Contemporary Challenges*, THE PROMISE OF LUTHERAN ETHICS 15 (Karen L. Bloomquist & John R. Stumme eds., 1998) (noting the later Lutheran recognition of marriage and family, work, public life, including citizenship and voluntary associations, and church).

26. See Marc Kolden, *Work and Meaning: Some Theological Reflections*, 48 INTERPRETATION: J. BIBLE & THEOLOGY 262, 263 (1994).

The Christian understanding of creation is not simply that “once upon a time” God made everything. This is part of it, to be sure, but still more important is the affirmation that God is

princely kingdom of Luther's time as the predominant state order that helps contain human weakness; they point instead to democratic government as the protector of human society.<sup>27</sup> Yet, the specific forms of democratic government that best serve human communities can be diverse and changed to serve human need. At the same time, these orders are infected with sin and human imperfection, so the work of those within these orders may be difficult and filled with tension.

Professor Martyn's work, *The Lawyer in the Religious Traditions: A Lutheran Finds Commonality*, shows a Lutheran imagination about the important role of lawyers in making the world safe for human community and allowing human flourishing through the "order" of the state. She takes seriously the notion that lawyers play an important role in the state's search for justice in part by taking seriously the idea that lawyers are, indeed, officers of the court—even to the point of having to accept unwanted clients.<sup>28</sup> Professor Martyn notes: "Lawyers toil in the midst of society. We attempt to prevent further rending of the social fabric, and assist our clients in building new projects and life plans."<sup>29</sup>

Following this understanding of orders of creation more concretely, a third Lutheran theme in Professor Martyn's work is captured in the concept of vocation or calling. Lutherans believe that all human beings are created and called by God to serve specific "neighbors" and are placed into the context in which we live out our lives in order to fulfill those callings.<sup>30</sup> A "neighbor" may be as intimately connected as our spouses and children, or a "neighbor" may be a client, a fellow lawyer, or someone in a remote country whom we support with donations. As Professor Martyn notes, people can be called to fulfill even the most difficult duties necessary to preserve human community. Luther "believed that soldiers, even the hangman, and surely lawyers can be saved because we are necessary to common life in society."<sup>31</sup>

Lutheran ethics is, therefore, relational—it understands what we are morally required to do not through the application of abstract ethical rules but on the basis of which "neighbors" needs we have the capacity to fulfill.<sup>32</sup> Professor Martyn's

*constantly* creating everything. Nothing exists in itself or on its own. Everything is always being upheld by ongoing divine creative work.

....

...God governs people through political and social systems that order life in certain directions. In other words, human beings are "co-workers" with God in the care of the earth and its creatures.

*Id.* (internal footnotes omitted). See also Martyn, *Religious Traditions*, *supra* note 3, at 299.

27. EVANGELICAL LUTHERAN CHURCH IN AMERICA, THE CHURCH IN SOCIETY: A LUTHERAN PERSPECTIVE 3, 7 (1991), available at <http://www.elca.org/Faith/Faith-and-Society/Social-Statements/Church-in-Society> (select the "Social Statement (EN)" hyperlink for pdf).

28. Susan R. Martyn, *Accidental Clients*, 33 HOFSTRA L. REV. 913, 918 (2005).

29. Martyn, *Religious Traditions*, *supra* note 3, at 299.

30. BETH IMPSON, CALLED TO WOMANHOOD: A BIBLICAL VIEW FOR TODAY'S WORLD 102 (2001).

31. Martyn, *Religious Traditions*, *supra* note 3, at 301.

32. One of the most infamous cases of Luther eschewing absolute deontological rules for a relational approach appears in his response to Philip of Hesse, who was determined to take a second wife because he did not believe he could remain faithful to his first wife. Luther counseled

conception of lawyers' ethical duties is likewise highly relational. She often argues the lawyer-client relationship follows fiduciary law. The client is entrusted into the lawyer's care, and the lawyer is obligated to meet that trust responsibility in five specific ways, which she labels the "5 Cs": the obligations to respect client control of representation goals, communicate with the client, resolve conflicts of interest through loyalty to the client, keep confidences, and provide competent service.<sup>33</sup> Each of these "Cs" is highly relational in its ethical approach because each suggests the lawyer is responsible for creating a trusting relationship. Hers is not a deontological view of ethics that simply spells out the specific actions a lawyer must take or refrain from taking under specific conditions using certain rules. Instead, Professor Martyn emphasizes that ethical behavior arises from the person-to-person relationship between vulnerable clients and their lawyers.

Most obviously, the "C" duty of communication is relational—absent strong communication with clients, no relationship can be formed. Further, to the extent the duty of communication serves to inform the client and facilitate his or her informed decision-making, it also empowers the client to autonomy and to partnering with his or her lawyer toward self-defined goals.<sup>34</sup> Similarly, the "C" duties of confidentiality and "no-conflicts" loyalty understand the lawyer as being beholden to protect the client where she is most vulnerable—in her secrets and in her trust that the lawyer will be dedicated to her cause to the very end. Professor Martyn's choice of justifications for confidentiality largely eschews utilitarian reasons—such as more effective legal representation—or a continued focus on the lawyer-client relationship and the lawyer's duty to help the client flourish in his or her own individuality:

Confidentiality promotes both the individual rights of citizens and the trust that is central to a client-lawyer relationship. It is a fundamental ethical value, part of the implied understanding integral to a trusting relationship....

Privacy also promotes the individual rights of citizens by giving them personal space to plan and define their own meaning in life and decide when to share their personal secrets.<sup>35</sup>

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strongly against it from a Biblical perspective but reluctantly acknowledged a second marriage was better than Philip continuing a sexually profligate lifestyle. John Alfred Faulkner, *Luther and the Bigamous Marriage of Philip of Hesse*, 17 AM. J. THEOLOGY 206, 213-14 (1913).

33. See, e.g., Susan R. Martyn, *Back to the Future: Fiduciary Duty Then and Now*, in A CENTURY OF LEGAL ETHICS 3, 4 (Lawrence Fox, Susan Martyn & Andrew Pollis eds., 2009).

34. As Martyn describes this process to non-lawyers:

Actually, consultation means much more [than the lawyer telling the client what to do and expecting her to approve]. On major decisions ... your lawyer must make sure he gets consent from you. That requires your lawyer to explain your choices, the ramifications of going one way or another, and any downsides so that your agreement is based on a full understanding of all the implications of the discussion.

LAWRENCE J. FOX & SUSAN R. MARTYN, HOW TO DEAL WITH YOUR LAWYER: ANSWERS TO COMMONLY ASKED QUESTIONS 26 (2008) [hereinafter FOX & MARTYN, HOW TO DEAL].

35. Martyn, *In Defense*, *supra* note 20, at 1328-29 (internal footnotes omitted).

Similarly, the “C” duty of “no-conflict” loyalty locates the client as the most critical “neighbor.” This “C” duty understands representation as building a relationship of fierce loyalty with that client: “[T]his fidelity is essential to any human relationship where one person seeks to respect and represent the interests of another.”<sup>36</sup> It demands that the lawyer refuse to allow the prospect of self-advancement, superiors’ demands, or other clients’ needs to result in the treatment of the original client as a means rather than an end. Once again, this particular duty focuses on client empowerment within the relationship and beyond it: “Lawyers who represent clients zealously within the bounds of the law act as collaborators who translate or mediate between the private world of clients and the public world of law.”<sup>37</sup>

Moreover, Professor Martyn’s emphatic argument that the client should control his or her own goals makes it clear that the lawyer must subsume his or her personal or professional interest to the needs of the client. Indeed, sometimes the lawyer must suppress his or her professional judgment to permit the client to define his or her life course in a way that respects his or her agency and autonomy, even the right to make poor choices.<sup>38</sup> Professor Martyn accepts the principle that respect for the person should concentrate on “the uniqueness of a person’s life ... [and] basic respect for the person as a fellow member of the human community.”<sup>39</sup> The duty of competence is ultimately relational—it speaks to the promise that the lawyer will give his or her professional “all” to ensuring the client will have the best available representation possible to achieve his or her goals.

Finally, an important Lutheran theme in Professor Martyn’s work is her persistent call to arms of the legal profession to ensure that all persons have access to the justice system and, particularly, legal representation.<sup>40</sup> Once again,

36. *Id.* at 1328. See also FOX AND MARTYN, HOW TO DEAL, *supra* note 34, at 5 (“Your lawyer owes you a fiduciary duty. That is a 10-dollar phrase that means that your lawyer must put your interest ahead of his or hers.... It does not mean that you are the lawyer’s only client. But if your lawyer takes on other clients, she must assure you that your interests are not compromised by her commitment to another client, a former client or his own self-interest.”).

37. LAWRENCE J. FOX & SUSAN R. MARTYN, RED FLAGS: A LAWYER’S HANDBOOK ON LEGAL ETHICS 312-13 (2005) [hereinafter FOX & MARTYN, RED FLAGS].

38. Professor Martyn makes a similar argument regarding substituted judgment in medical decision-making where the patient is unable to express his or her interests. She argues:

[S]ome person or group needs to be found who can interpret the patient’s own subjective view of life—its enjoyments, pains, and pleasures. Courts should require a search for caring interpreters who best respect the patient and can articulate that person’s unique expressions about the value of her or his own life.

Susan R. Martyn, *Substituted Judgment, Best Interests, and the Need for Best Respect*, 3 CAMBRIDGE Q. HEALTHCARE ETHICS 195, 199 (1994).

39. *Id.* at 201. This remark was made in the context of substituted judgment in bioethics, one of Professor Martyn’s other areas of scholarship. Professor Martyn describes this method as a “best respect” approach that “emphasizes both diligent search for objective medical fact and equally careful attention to subjective moral expression.” *Id.* at 203.

40. See, e.g., Susan R. Martyn, *Professionalism: Behind a Veil of Ignorance*, 24 U. TOL. L. REV. 189, 192-93 (1992) [hereinafter Martyn, *Professionalism*].

Professor Martyn echoes Luther's call to those who wield the power of government to provide the means for human flourishing and to protect those who are placed in their charge, even at the risk or cost to themselves. When Luther was asked whether those publicly responsible for government were justified in fleeing their home cities during a deadly plague, he was unequivocal about the need for officers of the state to risk and sacrifice their own wellbeing for the sake of its citizens:

[A]ll those in public offices such as mayors, judges, and the like are under obligation to remain [despite the plague]. This, too, is God's word, which institutes secular authority and commands that town and country be ruled, protected, and preserved .... To abandon an entire community which one has been called to govern and to leave it without official or government, ... is a great sin....

....

A man who will not help or support others unless he can do so without affecting his safety or his property will never help his neighbor. He will always reckon with the possibility that doing so will bring some disadvantage and damage, danger and loss....

Anyone who does not [run the risk of harm] for his neighbor, but forsakes him and leaves him to his misfortune, becomes a murderer in the sight of God ....<sup>41</sup>

In calling for a more serious discussion about mandatory pro bono services for lawyers, Professor Martyn evinces an understanding that lawyers are not simply another business selling services to the public at an agreed-upon price.<sup>42</sup> Or, as she colorfully writes, "lawyers do not simply carry paying customers to the next destination like cab drivers."<sup>43</sup> Rather, lawyers have a distinctive calling in our political and legal system to achieve justice, and the only likely way most litigants in that system will find justice for their cases is with adequate representation. That may be true even if some services currently performed by lawyers could devolve to non-lawyers or multidisciplinary practices in the future.<sup>44</sup> So, Professor Martyn concludes:

[P]erhaps lawyers should bear more of this cost of access to justice because our social role in representing clients depends for its moral justification on a reasonably just legal system. And our current system is so skewed toward the rich and powerful, whose interests most of us represent, that it can't possibly be considered

41. MARTIN LUTHER, *Whether One May Flee from a Deadly Plague*, in MARTIN LUTHER'S BASIC THEOLOGICAL WRITINGS 738, 743 (Timothy Lull ed., 1989).

42. See, e.g., Martyn, *Professionalism*, *supra* note 40, at 192-96 (noting the resistance of the organized bar to understanding pro bono service as a duty rather than charity and their claims that mandatory pro bono service would violate the Thirteenth Amendment, lawyers' freedom of association, constitutional provisions requiring uniform taxation, and due process or equal protection). See also *id.* at 196 ("It's about time.").

43. Susan R. Martyn, *Justice and Lawyers: Revising the Model Rules of Professional Conduct*, PROF. LAW, Fall 2000, at 20, 22.

44. *Id.* at 21.

adequate or healthy unless the interests of others are more than occasionally represented.<sup>45</sup>

These themes of realistic assessment of human nature—the centrality of the lawyer-client relationship to doing justice, the importance of one’s calling, and one’s service to the neighbor—are aptly captured in the final pages of Professor Martyn’s co-authored book on red flags for the legal profession:

Ultimately, the law governing lawyers prods us to consider how we ought to respond to those we choose to serve. Fiduciary duty and the limits of the law require concrete action, not just intent or thought. They also prod us to realistically assess risk. Doing this for clients as well as colleagues offers us an opportunity for the blessing of a life that integrates our personal and professional selves.<sup>46</sup>

Professor Martyn’s work reflects the blessing of that integration—the Lutheran commitment to authenticity and fidelity to serving the needs of the other and to helping lawyers and others understand their own calling to such service.

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45. *Id.* at 23.

46. FOX & MARTYN, RED FLAGS, *supra* note 37, at 314 (internal citations omitted).

