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ST. THOMAS MORE SOCIETY OF ORANGE COUNTY

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“JUSTICE IS LIKE a snake,” Blessed Oscar Romero, the martyred Salvadoran archbishop, once said in words that his countrymen now recite from memory: “She only bites those who walk barefoot.”

The words resonate because in El Salvador, as in many other places, there is a belief that different standards of justice apply to those who are well-off and can hire top notch legal advisers, and those of lesser means who can only afford threadbare defenses. But is this gap in resources and therefore results something we lawyers need to worry about or can we simply ignore it, or even perhaps game it and use it to our advantage and for the benefit of our well-off and resource-rich clients?

Of course, our duty of loyalty to our clients requires us to be their “zealous advocates.” On the other hand, as the Preamble to the ABA Model Rules of Professional Conduct reminds us, “A lawyer should be mindful of deficiencies in the administration of justice” and of the fact that some cannot afford adequate legal assistance. Section 2 of the California Attorney Guidelines of Civility and Professionalism states that, “An attorney should be mindful that, as individual circumstances permit, the goals of the profession include improving the administration of justice and contributing time to persons and organizations that cannot afford legal assistance.”

While we need not—indeed, we cannot—jeopardize our client’s interest in a redistributive ploy to set things right, there are many things we *can* do to help the disadvantaged: “All lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of

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IDEALS OF ST. THOMAS MORE

The legal profession is a high calling with corresponding responsibilities to society. The principal objective of every lawyer is to promote and seek justice. Catholic Lawyers pursue the truth in both their spiritual and professional lives. The duty of a Catholic lawyer is to remain faithful to Jesus Christ, His Church and its teachings at all times despite the personal consequences.

THE OBJECTIVES OF STMS

- encouraging its members to live a Christian life and apply the principles and ideals exemplified by St. Thomas More in their lives and encourage same in the legal profession.
- promoting and foster high ethical principals in the legal profession generally and, in particular, in the community of Catholic lawyers.
- assisting in the spiritual growth of its members.
- encouraging interfaith understanding and brotherhood.
- sponsoring the annual Red Mass for elected and appointed officials and members of the legal profession.

MEMBERSHIP IN STMS

Each member of the Society is committed to:

- strive to live an exemplary Christian life and apply the principles and ideals exemplified by St. Thomas More in their daily lives and encourage same in the legal profession.
- attend monthly meeting of the Society and provide personal support to the St. Thomas More Society.
- attend and support the Red Mass.

LAWYER'S PRAYER

Give me the grace, Good Lord,
to set the world at naught;
to set my mind fast upon thee
and not to hang upon the blast of men's
mouths;
to be content to be solitary;
not to long for worldly company
but utterly to cast off the world
and rid my mind of the business
thereof.

- ST. THOMAS MORE

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INTO THE DEEP

JOHN J. FLYNN III

THERE is a hierarchy to the truths of the faith, those of the highest order paradoxically undergirding all the rest, and imparting vitality to the whole. The totality of the faith is an organic unity, so it would be wrong to think of the hierarchy as one would the layers of a pyramid, which has a functional but not an organic unity, as contrasted with leaves in the distant precincts of an oak, which draw their life from the roots.

Where do we place the Virgin Mary on the map of this hierarchy? Precisely where one places the great mystery of the Church, which is essentially, and not merely incidentally, Marian. The Church is an institution both divine and human, and it is Mary who stands for us in the constitution of this unity:

But while in the most Blessed Virgin the Church has already reached that perfection whereby she exists without spot or wrinkle, the faithful still strive to conquer sin and increase in holiness. And so they turn their eyes to Mary: in her, the Church is already “all-holy.”¹

Many years ago, I authored an article on conversion and renewal, and included in the article a section on Mary’s antecedent, constitutive role in the Church. A local Church official reviewed the article and encouraged me to remove the section on Mary, saying she did not play a central role in Catholic theology, as does, for example, the Holy Trinity. When I balked, he abandoned any attempt to persuade me by the use of reasoned argument, and strongly suggested that I defer solely because he was a trained theologian and I was not. He was right, of course, to say that Mary’s role in Catholic theology is not the same as that of the Trinity, the central mystery of Catholic theology. But the Church herself is a mystery, too, a mystery of extraordinary depth, which can barely be comprehended by human thought. The Fathers of Vatican II placed Mary at the center of the theology of the



By Filippo Lippi and workshop - Walters Art Museum, [via](#)

Church. So it has been said about Mary, in a formulation of exquisite insight:

In the Holy Spirit’s union with Mary we observe more than the love of two beings: in one there is all the love of the Blessed Trinity; in the other all of creation’s love so it is that in this union heaven and earth are joined; all of heaven with all the earth, the totality of eternal love with the totality of created love. It is truly the summit of love.²

We find Mary then not at the margins or at the periphery, or as a face painted on the exterior walls of the Church, but in the depths of the Church’s mystery. And though it may seem to us that she is an unavoidable source of division in the Christian communities, perhaps she will in the long run be found by all Christianity at the deepest levels of the faith. To borrow from the assessment of the situation proposed by Hans Urs von Balthasar, referring explicitly to Marian doctrine:

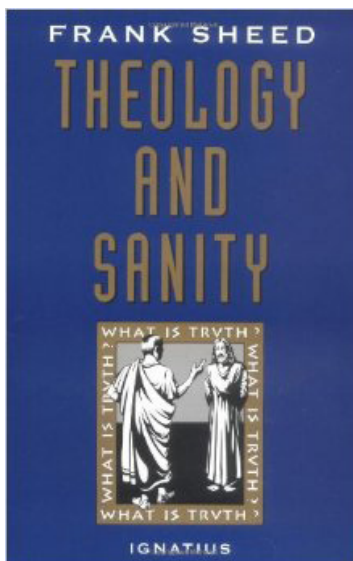
[E]ach denomination should first explore the depths of its own beliefs rather than try to reach out, for these depths may indeed provide the common ground to meet the other.³

Now and then we are drawn by circumstances to strike “into the deep,” and find the foundations of Christianity. There, the Virgin walks among those eternal pillars, there in the depths, no place of deduction and inference, but only of encounter, with the Trinity, with the Virgin, with the mystical Body of Christ, and with all those who seek Christ. ♦

¹ *Catechism*, § 829.

² Fr. H. M. Manteau-Bonamy, O.P., *Immaculate Conception and the Holy Spirit: The Marian Teachings of St. Maximilian Kolbe* (Libertyville: Franciscan Marytown Press, 1977), 5, quoting St. Maximilian Kolbe.

³ Hans Urs von Balthasar, Commentary, *Mary: God’s Yes to Man* [John Paul II’s Encyclical, *Redemptoris Mater*] (San Francisco: Ignatius Press, 1988), 162.



BOOK REVIEW: THEOLOGY AND SANITY BY FRANK SHEED

This modern spiritual classic by Frank J. Sheed, the renowned author, publisher and lecturer, was originally published in 1946 by the famous London publisher, Sheed & Ward.

In *Theology and Sanity*, written immediately after World War II, Sheed takes the reader on an incredible philosophical and theological journey which cannot help but expand one's knowledge and understanding of God, the Created universe and the Faith.

Sheed walks both beginner and experienced theologian through the classic questions of "Where did I come from," "Why Am I Here," and "Where Am I Going?"

With courage and absolute confidence, Sheed addresses the questions and doubts which must necessarily be addressed by every person curious as to the nature of Man, God and the physical universe. Sheed is a timeless apologist for Christianity and the Catholic Faith, and *Theology and Sanity* is a must read for every thinking Christian.

The concluding sentence of the book provides a tantalizing teaser: "This book is not about sanctity, only about sanity. But sanity points straight towards sanctity."

- book review by GNW

Ignatius Press ISBN: 0898704707, pages 340; price: various; used.

IN GOOD FAITH

(CONTINUED FROM PAGE 2)

These precepts are good advice because they offer the same counsel as Scripture: "Believers in our glorious Lord Jesus Christ must not show favoritism. For if a man wearing a gold ring and fine clothing comes into your assembly, and a poor man in shabby clothing also comes in, and if you pay attention to the one who wears the fine clothing and say, 'You sit here in a good place,' while you say to the poor man, 'You stand over there,' or, 'Sit down at my feet,' have you not then made distinctions among yourselves and become judges with

justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel," say the ABA Model Rules.

evil thoughts?" (James 2:1-4.)

This admonition applies with special force when administering justice. See, e.g., Leviticus 19:15 ("Do not twist justice in legal matters by favoring the poor or being partial to the rich and powerful. Always judge people fairly"), Deuteronomy 1:17 ("You shall not show partiality in judgment; you shall hear the small as well as the great"), Malachi 2:9 ("Therefore have I also made you contemptible and base before all the people, according as ye have not kept my ways, but have been partial in the law").

Therefore, we must avoid being like snakes who snap at the feet of the shoeless poor, but flick forked tongues at the savory sight of a juicy retainer from an affluent client. Simple self-interest should dissuade us from letting that be the public's perception of who we are as persons or as a profession. ♦

CALENDAR

Sunday, April 24, 8-11 a.m.

Feed the hungry at Isaiah House.

ISAIAH HOUSE · 316 S. CYPRESS ST.
SANTA ANA, CA 91766

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AD VERITATEM IS CELEBRATING ITS 20TH YEAR



AQUINAS, ANALOGY AND BEING A REAL LAWYER

FR. HUGH BARBOUR, O.PRAEM

Originally published in May 1996

“LAWYER.”

This is a word which is a classical case of “predication by analogy.”

One type of analogy is when a word or concept is used which applies principally to one thing, but is also used in relation to many other different things which are related to it in some way. For example, the word “health” is used primarily to describe the proper and harmonious functioning of the body and its organic systems in any animal (including rational animals!). The words “health”, “healthy”, and “healthful” are used in relation to food, complexion, exercise, weather, hair, skin, color, medicine, insurance, buildings, professions, and so on. These concepts are all causes, effects, signs, conditions, or occasions, of “health” in the body, which is the only thing “healthy” in the principal sense of the word. These uses of the word only make sense as “healthy” in relation to the primary definition of “health” in the body.

Similarly, the name of “lawyer” derives from the law and, therefore, the words “legal”, “legislative”, “legitimate”, “licit”, “lawful”, and “lawyer” all make sense only in relation

to the definition of law in its primary and most proper and significant meaning.

Catholic tradition gives a brilliant, succinct, and all-encompassing definition of “law”. In his *Summa Theologica*, St. Thomas Aquinas presents a formula which has been taught to generations of civil and canon lawyers, seminarians and philosophy students. This definition of “law” is both refined and at the same time full of implicit edification for anyone involved with any aspect of law, whether it be eternal, natural, divine, human, positive, civil, ecclesiastical, or domestic. “Law is an ordinance of reason for the common good promulgated by those who have care of the community.” (*Summa Theologica*, I-II, q. 90, a. 4). In other words, law must be rational (“an ordinance of reason”), social (“for the common good”), communicative (“promulgated”), and authoritative (“by those who have care of the community”).

Obviously a lawyer is one who concerns him or herself with the law for the benefit of his or her clients. However, given the foregoing definition of “law”, these are the

(CONTINUED ON PAGE 6)

AQUINAS, ANALOGY...

(CONTINUED FROM PAGE 5)

characteristics which a lawyer must possess in order to be called a “lawyer” by a true analogy to this definition and not merely a utilitarian professional connection.

RATIONAL: A lawyer is a man or woman of reason, or, in other words, truth. Therefore, for a lawyer to be like the law he or she serves, he or she must be a stranger to falsehood, insincerity, and the purely emotional appeals of self-interest and sensuality.

SOCIAL: Even when the law benefits or protects individuals and their rights, it does so in order to guarantee the respect due the rights of each and all. The law and, therefore, the lawyer sees things in context, in the light of

the common good that delicate and real balance between the good of one individual and the good of another. The lawyer is not simply the representative of a private or individual interest, but rather an expert in the order and true good of a society of individuals of which his client is just a part.

COMMUNICATIVE: For the law is to be just, it must be available to be known by those whom it concerns. The lawyer keeps secrets to be sure, but only secrets which have no bearing on the law. He develops strategies and lines of argument which he does not reveal until the right moment, but they must be revealed eventually. A lawyer communicates the truth about the law and his client in relation to the law. Without this openness and clarity, a just judgment is merely an accident, if it occurs at all.

AUTHORITATIVE: The law is its own defense. The lawyer has a

confidence which is based not only on power whether political, personal, or economic, but on authority, the law which is reasonable, socially responsible, and clear, and has been established by those who have the right and duty to do so: the people and their legitimate representatives.

These characteristics of one who takes his or her professional title from the law may sound like a high ideal, unrealistic perhaps, and out-of-touch with reality. However, they represent a challenge as well as an opportunity to make more analogies with the other, non-professional aspects of our lives. Indeed, there is barely an aspect of our lives that is not meant to come under some law, either human or divine, and sometimes, both. We should never profess to be a lawyer or anything else, in name only and not in fact. “I am a lawyer” should be an analogy to the “law”, not an equivocation. ♦



The Holy Father's Prayer Intentions for the Month of March 2016

UNIVERSAL: FAMILIES IN DIFFICULTY

That families in need may receive the necessary support and that children may grow up in healthy and peaceful environments.

Evangelization: Persecuted Christians

That those Christians who, on account of their faith, are discriminated against or are being persecuted, may remain strong and faithful to the Gospel, thanks to the incessant prayer of the Church.

1. How did you come to the Legal profession?

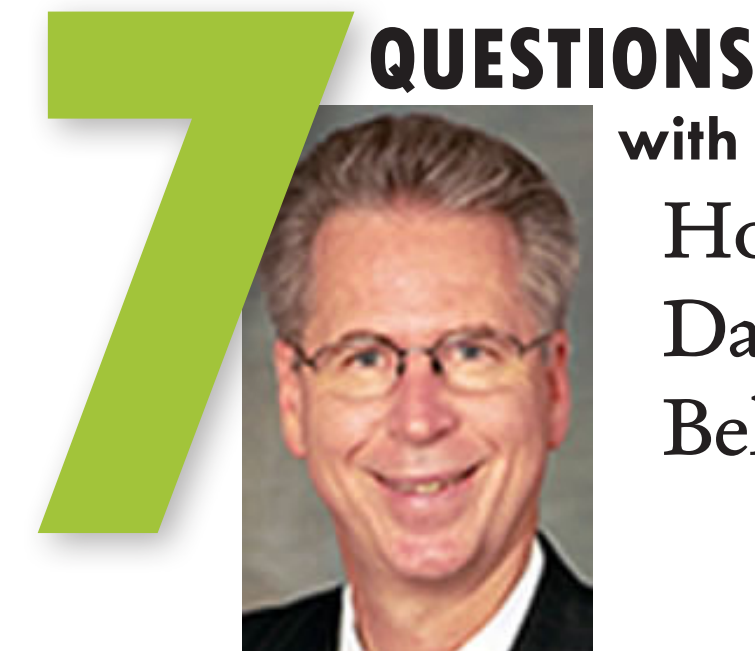
My next door neighbor when I grew up in Anaheim was Judge John Shea, the 5th Superior Court Judge in Orange County. My best friend in grammar school and high school was the son of Judge Phillip McGraw. So I had much exposure to men of the law. Neither my father or mother had more than a high school degree. They instilled in my brother and I the conviction that college was not an option, it was a necessity. I knew early on that I was going to college and law school became a natural succession.

2. Who had the most profound impact on the development of your Christian faith?

My mother and my father. My father was an orphan. He lost his mother after his birth. Then he lost his dad when he was 12 years old. His mother was told by her doctor that a heart condition made child birth a very risky event for her. She told her family that she would rather not live than to not give birth to a child. She died 2 days after my dad's birth. She gave her life for her only son.

My father had many mid-western slogans. My favorite saying of his was "No sense in complaining, because no one wants to listen." So true.

My mother had a strong connection with Our Lady. She taught me there is power in prayer. She also had a challenging childhood but used her faith and her rosary to overcome many difficulties. I never heard my mom complain about anyone. She had a love for people. Her Catholic faith was rock



QUESTIONS

with

**Hon.
David L.
Belz**

sold. My mom was a saint and I firmly believe she is praying for her 2 sons in heaven today.

3. What is your favorite book?

The Bible, which gives us the greatest story ever told.

4. Who is your favorite saint?

Mary, the Mother of Jesus and also our mother. St Thomas More who believed in free will, the need for liberty and freedom of conscience. And, St Francis of Assisi, who gave us a powerful witness to the rewards that come from dying to self.

5. Do you have a favorite verse or story from scripture?

There are numerous favorite passages. Some of my favorites are John 3:16, Philippians 4:13 and 1 Timothy 3:15.

The passage that I reflect on the most probably is Matt 7:21-26. I recently heard my friend Barbara McGuigan say on Immaculate Heart Radio that "Eternity is too long to be wrong."

6. What do you appreciate most about the faith?

It is something that you can bet on. There is nothing the Church teaches that will hurt you if you practice it.

7. What advice can you give to a young lawyer on living the Catholic faith in the legal profession?

Make St Thomas More your professional and spiritual mentor. Study him and get to know him. And, at the same time, follow the Mission Statement of the St Thomas More Society which incorporates the Civility and Professional Guideline adopted by the California State Bar and you cannot fail.