

Red Mass Homily
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Immaculate Conception, Albuquerque, New Mexico
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I Introduction

The Annual Red Mass at the Cathedral in Washington, D.C. took place on October 5. Many Judges including five Justices of the U.S. Supreme Court were present. Cardinal John Foley preached. He said that priests and those who work in the field of law are in related vocations. We both seek to challenge people to recognize their dignity and to live according to it! We both try to establish mutual respect and love as we carry out our vocations. We both consider law as a guide to a well ordered society. Yes, in many ways, we all have much in common in our special vocations or callings as we celebrate our Red Mass.

II Charity versus Greed

We gather as part of tradition that inspires your profession and reminds us all of the duties and obligations of the office you hold as servants of the court. Yes servants. I am reminded of the noble call that ought to guide and direct your service to the court and for some of us our service to the canons of the Church. The law, justice that is set forth for all, is seen to be a gift divinely entrusted to us, and is a hallmark of the Jewish faith. For it was in the justice of the Jewish law that others saw “how great is their God.” With so great a gift given to us, are we not obliged to be formed by a wisdom and prudence that matches the duty entrusted to us? This is why our time here, though it is brief amid all our hours of work, is worth more, for it is measured in a currency that is timeless.

You all have met lawyers who sadly have lost sight of this truth. They miss the opportunity to be formed, to allow the inner person to reach full stature. Their hearts have become stony, they lack the spirit within that guides them. They fail to live by the Godly statutes and decrees and instead they see the law as their toy, used for their whims. If we are each honest, we see how the practice of the law holds both a blessing as well as a curse.

It may seem that the Red Mass is a novelty, something the lawyers do. But I wish to raise with you another dimension, a spiritual dimension that reaches beyond this one celebration. In our readings St. Paul tells us that the Spirit is given for the common good. Since this is so, we must ask what are the gifts given to each one of us. How are they being rightly used? Wisdom, prudence, counsel, right judgment are all valuable gifts, meant to build up the best in us, individually and in society. They also challenge us to let go of that which is not true to us, as individuals and as a people. All law is ordered to charity, according to St. Paul, and so charity is an appropriate gift of the Holy Spirit for our line of work.

But I invite you to examine with me for a moment the vice that opposes charity which is greed. I fear it is a vice that for many is wrongly held as a virtue.

According to St. Thomas Aquinas, greed denotes a flaw in moderating in regards to riches. This can be in two ways. First, it regards the acquisition and the keeping of riches. In this way a person obtains money beyond his or her due, by stealing or retaining another's property. Secondly, it denotes immoderation in the interior desire for riches; one's soul is distorted by such desires; for instance, when a person loves or desires riches too much, or takes too much pleasure in them, even if he or she is unwilling to steal, they become less human, less humane. (II-II 118.2) Greed, it can be said, is the single most seductive and destructive vice in our times. Corrupt corporate executives, white collar criminals, and even senior partners in great firms all demonstrate how devastating greed can be. In the end greed has destroyed people, corporations, and even the greedy person himself or herself. We've all seen greed in the economic collapse we are experiencing!

Ten years ago there was an article in *Notre Dame Magazine*, it was a prophetic and an enlightening look at what has become our present reality. It began simply asking: "Why are lawyers so unhealthy and unhappy? Why do so many lawyers, in the words of Judge Laurence Silberman, *hate what the practice of law has become?*" The author goes on to offer some answers, telling us: "Lawyers give many reasons. They complain about the commercialization of the legal profession; about the fact that practicing law has become less of a profession and more of a business. They complain about the increased pressure to attract and retain clients in a ferociously competitive marketplace. They complain about having to work in an adversarial environment. They complain about not having control over their lives and about being at the mercy of judges and clients. They complain about a lack of civility among lawyers. They complain about a lack of collegiality and loyalty among their partners. And they complain about their poor public image. Mostly, though, they complain about the hours. (Patrick Schiltz *Notre Dame Magazine* Autumn 1999)

If greed is opposed to charity and charity is the principle of law ordering human action to the common good, you can understand why this is a particular challenge to us. If greed, under the guise of a false virtue, dominates our lives, it robs us of an inner sense and conviction of the good and the true. It seems to me that the only genuine corrective to greed must be charity, a manifest love for the other, a sacrifice of self for the other. The discipline of charity that has existed in the practice of law for generations has now been dismissed in the name of the false virtue called "success." How much business a person brings into the firm can become greed, done up in polite words. This greed has undermined two important correctives that now seem to be questioned by some lawyers or abandoned altogether by some. This is unfortunate for these practices have safeguarded the legal profession from greed and been a source of genuine charity and fulfillment with the profession.

III More Pro Bono Work and Mentoring of Young Lawyers

I am disheartened when I hear that many firms consider both *pro bono* work and time spent mentoring junior attorneys as unnecessary, or only minimally done for the image of the firm. Work done without compensation for the public good is one of the most redemptive acts you can do. It is not a P.R. gimmick, it is not tacked on when business is slow, it is not something other poor fools in the firm should do. It is formative of integrity, character, and virtue. One cannot dismiss this work of charity done by individuals and by the firm for the good without distorting

what is noble in our profession. It is this moral formation, this building of character, that matters most at the end of one's life. Death bed confessions of lawyers are never about how much money they've made or their many so-called successes. They are, like most of us, about what kind of person they have become. Virtue is a life-long project and we can see those who take this task to heart.

Mentoring the young, those new to the firm, also forms you morally, it shape you as much as it forms your new colleagues. If you teach them to go after the dollar and not their dignity, to judge their worth by the money they make and not the meaning of their life, then we will see in them your distorted self. And in the end, a person without moral meaning is a danger to himself and to others. This is why mentoring new members to the firm in what is good, and right, and just, requires one's own moral compass point true. There is no less a crisis in the legal profession than we have seen in the banking industry. The question is whether or not those who serve the law will be guided by the good or by greed.

To safeguard your own integrity and that of your firm I recommend that you look more seriously at these valued practices of *pro bono* work and the art of mentoring. Both of these must be safeguarded if there is to be any hope for happiness and the good for which the court seeks to serve. If greed, that can so easily infect corporate and political institutions, has also blinded those who serve justice, then it is a matter of time before all institutions fail and the common good is set in peril.

If the tradition of the Red Mass and the purpose of the St. Thomas More Society are to be made real, we cannot ignore our need to make choices in our own lives and in the life of our firm. Intelligent women and men must speak up. Again Thomas Aquinas rightly tells us that "the rule and measure of human acts is reason. (I II 90.1)." If intelligent women and men fail to speak out when reason is most needed, if reasonable people assume that the unreasonable is in fact permissible, then we find ourselves held captive by the inhuman, by our fears, by our false sense of who we are called to be. And much worse, we are co-opted by the wrong, and we sell our souls with the easy currency of complacency.

IV Conclusion

The Red Mass is much more than a novelty; for it is one moment in the year when we can honestly ask ourselves "What higher purpose do we serve?" My obligation here this day is to raise genuine concerns that you yourselves have raised either privately or publicly. If we genuinely pray for the gifts of the Holy Spirit, are we not to assume that such prayers will bring demands, will set before us responsibilities to serve the common good?

No, this Mass is not a novelty, for in a real way it is that thing which is most lasting in the practice of law. It is the hope that honest people will do all on their part to serve the cause of justice, true justice that guides the law and is not fabricated by them.

I wish God's peace upon all of you in the legal profession!