



INSTITUTE FOR CHRISTIAN CONCILIATION

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in cooperation with

THE CHRISTIAN LEGAL SOCIETY

National Conference

October 2022

Newport Beach, CA

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SUMMARY OF KEY LEARNING AND PRACTICE POINTS

I. The Nature of Conflict

1. “No matter how thin you slice it, there will always be two sides.”[Baruch Spinowza]
2. Oppositional Tug of War with winners and losers
3. “What causes quarrels and what causes fights among you? Is it not this, that your passions are at war within you? [James 4:1]

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4. "Conflicts arise from unmet desires in our hearts. When we feel we cannot be satisfied unless we have something we want or think we need, the desire turns into a demand. If someone fails to meet that desire, we condemn him in our heart and quarrel and fight to get our way. In short, conflict arises when desires grow into demands and we judge and punish those who get in our way." [PM for Families, Sande]

II. Conflict from the World's Perspective

1. From the world's perspective, personal conflict is destructive and leads toward a winning argument to persuade or control others or to take advantage of a situation.
2. Whatever it takes to win is fair game if it is within legal rights to do so, from separation to verbal attacks, litigation, and counterattacks.
3. Conflict resolution, from a worldly perspective, is to resolve symptoms but not the core issues or relationships.
4. The closest the parties are to reconciling in a lawsuit is the day the complaint is filed and every day after that to the conclusion, they move farther apart in the relationship.

III. Conflict from God's Perspective

1. Q: What does God think about conflict? And, Mediation?
 - a. A: Conflict: not necessarily bad, it depends on where the conflict is. Conflict exists throughout nature all the time. Mediation: He likes it. God is interested in resolving disputes.
2. Q: What is biblical "faith-based" mediation?
 - a. A: Mediation employing biblical principles to resolve a dispute.
3. God asks us to remove the oppositional dynamic in conflict.
 - a. "Let all bitterness and wrath and anger and clamor and slander be put away from you, along with all malice. Be kind to one another, tenderhearted, forgiving one another, as God in Christ forgave you." [Ephesians 4: 31-32]
 - b. "Love your enemies." [Matthew 5:44]
 - c. "Then Peter came up and said to him, "Lord, how often will my brother sin against me, and I forgive him? As many as seven times?" Jesus said to him, "I do not say to you seven times, but seventy times seven. " [Matthew 18: 21-22]
4. God uses conflict to bring about change in our lives.
 - a. "Not only so, but we also rejoice in our sufferings, because we know that suffering produces *perseverance*; perseverance, character; and character, hope. And hope does not disappoint us, because God has poured out his love into our hearts by the Holy Spirit, whom he has given us." [Romans 5: 3-5]

- b. "No discipline seems pleasant at the time, but painful. Later on, however, it produces a harvest of righteousness and peace for those who have been trained by it." [Hebrews 12: 11]
- c. Oswald Chambers quote: "The [wave] that distresses the ordinary swimmer produces in the surf-rider the super-joy of *going clean through it*. Apply that to our own circumstances, these very things--tribulation, distress, persecution, produce in us the super-joy; *they are not things to fight*. We are more than conquerors... super-victors, with a joy we would not have but for the very things which look as if they are going to overwhelm us... The saint knows the joy of the Lord not in spite of tribulation, *but because of it*."

5. Opportunities in Biblical Mediation:

- a. Opportunity to Glorify God
- b. Opportunity to serve other people
- c. Opportunity to grow to be like Christ
- d.

IV. Scripture Related to for Resolving Conflict Biblically

1. Q: If you had to come up with three (3) Scripture references as authority for biblical mediation what would they be and why?

a. A: Jesus is a mediator (although, not necessarily in the modern sense of the word). We picked:

i. 1 Timothy 2:5

1. "For there is one God and one mediator between God and mankind, the man Christ Jesus,"

2.

Application: What is the impact of having Jesus as the Mediator in Conflict?

Suggested Answer: Resolution of conflict in a Biblical context involves a spiritual element that includes application of Scripture, prayer and willingness to consider the other person's point of view

ii. Job 9:33

1. "If only there were someone to mediate between us, someone to bring us together,"

Application: What is the difference between a Biblical Mediator and secular Mediator?

Suggested Answer: A Biblical Mediator and secular Mediator employ many of the same skills of communication, cooperation and evaluation of potential proposals and outcomes. The primary difference is prioritizing reconciling relationships AND resolving material disputes.

iii. Proverbs 25:8-10

1. "Do not bring hastily to court, for what will you do in the end if your neighbor puts you to shame? ⁹If you take your neighbor to court, do not betray another's confidence ¹⁰or the one who hears it may shame you and the charge against you will stand.

Application: Why does Scripture discourage bringing cases to Court?

Suggested Answer: Certainly the relational damage of engaging in an adversarial process is hurtful in the church context. But, Biblical Mediation that prioritizes relational issues has proven to be both cost effective and successful in resolving complex legal matters.

2. God knows us best.

- a. "Lord, You have searched me and known me.
You know when I sit down and when I rise up;
You understand my thought from afar.
You scrutinize my path and my lying down,
And are intimately acquainted with all my ways.
Even before there is a word on my tongue,
Behold, O Lord, You know it all.
You have enclosed me behind and before,
And laid Your hand upon me." *Psalm 139*

Application: Have you considered that God is involved and even super intending you to go through this conflict?

Suggested Answer: If this is true, then conflict truly is an opportunity to serve others and grow to be more like Christ.

3. Matt 18

- a. ¹⁵ "If your brother or sister sins, go and point out their fault, just between the two of you. If they listen to you, you have won them over. ¹⁶ But if they will not listen, take one or two others along, so that 'every matter may be established by the testimony of two or three witnesses.' ¹⁷ If they still refuse to listen, tell it to the church; and if they refuse to listen even to the church, treat them as you would a pagan or a tax collector."

Application: Are you aware there is Biblical model for conflict resolution?

Suggested Answer: If this is true, how are you incorporating the Biblical model for conflict resolution in your Christian law practice?

4. 1 COR 6

- a. "If any of you has a dispute with another, do you dare to take it before the ungodly for judgment instead of before the Lord's people? ² Or do you not know that the Lord's people will judge the world? And if you are to judge the world, are you not competent to judge trivial cases?..."

Application: What do you think about Scripture counseling against going to Court?

Suggested Answer: There must be something fundamentally different about resolving conflict using a Biblical model vs. a secular model. The big question is what is the role of the Christian Lawyer in fulfilling this Scripture?

5. Matt 5:24

- a. "Leave your gift there in front of the altar. First go and be reconciled to them; then come and offer your gift."

Application: Why is personal reconciliation so important in Biblical mediation?

Suggested Answer: The church is fundamentally about personal peacemaking and being reconciled to both man and to God. Thus, a Biblical Mediator must address the personal relationship as part of the mediation process.

6. Q: What does it mean in Matthew 5:40-43, that "If anyone wants to sue you and take away your shirt, give him your coat also. And whoever compels you to go one mile, go with him two. Give to him who asks you, and from him who wants to borrow from you do not turn away." How does that apply to biblical mediation?
 - a. A: It comes from an instruction on retaliation and diffusion of tensions between persons. By going a step further than required, one often finds a greater level of peace, beyond an "eye for an eye." Of course, these things are always subject to their surrounding circumstances, and there is a spiritual dimension too, but it creates a kind of "pay it forward" effect as well.
 - b. In Biblical mediation, God often will lead to solutions that are much different than we might expect.
 - i. "As the heavens are higher than the earth, so are my ways higher than your ways and my thoughts than your thoughts. [Isaiah 55:9]"
 - ii. "So he said to me, "This is the word of the LORD to Zerubbabel: 'Not by might nor by power, but by my Spirit,' says the LORD Almighty." [Zech 5:9]"
 - c. Even in the secular context, we realize that solutions developed in mediation through collaboration and cooperation are fundamentally different – and in many cases far better – than resolutions that can be achieved through a judicial decision maker in a court or arbitration.
7. God delights to breathe his grace through peacemakers and use them to dissipate anger, improve understanding, promote justice, and encourage repentance and reconciliation." [Peacemaker, 11]

Application: Unlike filing a lawsuit that causes the parties to grow further apart, engaging a Biblical mediator starts the parties moving towards each other and towards reconciliation.

Suggested Answer: Our experience tells us that simply engaging a Biblical peacemaker in a Biblical leads to a reduction in tension and shifting of focus from personal offenses to confession, forgiveness and resolutions that consider the interests of the other party as well as one's own interests.

V. Biblical Mediation in the Court System

1. Q: What do you think is the difference between biblical mediation and secular mediation in the court system?
 - a. A: Biblical Mediation: parties have a similar value system, focused on repairing relationships, mediator may have an interest in the resolution.
 - b. A: Secular Mediation: focused on reconciling people regardless of their relative truth, geared towards settlement.

Application: It is helpful to recognize the different approaches and outcomes available in Biblical mediation and secular mediation

Suggested Answer: Christian Lawyers can offer both forms of mediation for their clients.

2. Understanding The Slippery Slope

- a. Using Slippery Slope concepts to help clients understand dynamics
 - i. Peace-Faking Escape responses: Denial, Flight, Suicide
 - ii. Peace-Breaking Attack responses: Assault, Litigation, Murder
 - iii. Peace-Making Personal responses: Overlooking an Offense, Reconciliation, Negotiation using the PAUSE Principle
 - iv. Peace-Making Assisted responses: Mediation, Arbitration, Accountability

Application: It is helpful to identify both forms of mediation in the Slippery Slope.

Suggested Answer: Only Biblical Mediation offers Peace-Making Personal Responses

3. A Biblical mediator's values and approach to litigated cases should be different than a non-Christian mediator's approach even though the ultimate outcome may be similar in legal and/or monetary terms.

Application: How does Christian Lawyer address the Biblical Model for conflict resolution in Matthew 18 and 1 Corinthians 6?

Suggested Answer: By incorporating Biblical mediation into your law practice as an option allows a Christian Lawyer to incorporate the Biblical model for conflict resolution into their law practices.

VI. Tools of a Biblical Peacemaker

1. Q: What does it mean to be a Peacemaker?

- a. A: Peacemaker: It doesn't mean the absence of conflict, but the resolution of disputes in a peaceful manner.

2. Definition of a Peacemaker

- a. "Peacemakers are people who breathe grace. They draw continually on the goodness and power of Jesus Christ, and then they bring his love, mercy, forgiveness, strength, and wisdom to the conflicts of daily life." [Peacemaker, 11]

- b. Conflict Coach
- c. Mediator/Conciliator
- d. Arbitration

VII. Training in Biblical Mediation

1. Q: What kind of training do you think a biblical mediator needs to have?
 - a. A: All the training of a secular mediator, plus more. Someone who knows scripture would be valuable.

2. Q: Where would you go to learn about biblical mediation?
 - a. A: First thoughts: internet. See what others are doing.
 - b. Bible

3. ICC Peace (www.iccpeace.com)
 - a. *The Peacemaker* [Ken Sande]
 - b. Online study/Small Group DVDs at Peacemaker Ministry University
 - i. Resolving Everyday Conflicts
 - ii. Leadership Opportunity
 - c. Peacemaker Certification
 - i. Foundational Conflict Coaching/Mediation
 - ii. Certified Christian Conciliator
 - d. Peacemaking Teams in churches

VIII. CONFLICT COACHING

1. Asking v. Telling
 - a. Intro: There are two ways that people tend to coach other people. We call those “telling” and “asking.” We are going to demonstrate each of those methods.
 - i. “You are going to observe where _____ comes to _____ for advice. Watch what happens.”

 - b. Demo role play 1: Two instructors act out “telling” scenario about whether Party A should confront an Elder at his church about confidential information that was shared about Party A at an Elder Board meeting without his permission.
 - i. “We will now show the same story with a different approach”

 - c. Demo role play 1: Two instructors act out “asking” scenario, using the same story from above.

- d. Group discussion:
 - What observations do you have about the different approaches?
 - Which one do you think is more effective?
 - Which one do you think is more biblical?
 - Which is the most common in your experience?
 - Which are you most comfortable with?
 - Which seems more difficult?
- e. Conclude:
 - i. Points to emphasize
 - There is no right or wrong, neither way is more biblical than the other.
 - Far more common, especially in some cultures, to “tell”
 - “Asking” is more difficult, but more effective overall, because it guides people in reaching their own conclusions.

2. Passport/Building Relationship

- a. Passport is earned when a conflict coach or mediator behaves in such a way that parties will answer “yes” to three questions:
 - i. Can I trust you?
 - ii. Do you care about me?
 - iii. Can you really help me?
- b. Like 3-legged stool; the person you coach needs to be able to answer yes to all three.
- c. Quick exercise: share with your partner one person who gives you passport and briefly describe what that looks like.
- d. Debrief: ask if anyone would like to share with the group.
- e. Conclude: Passport is something that you either gain or lose all the time – like a bank account you are either making

3 In coaching our goal is to draw out the other person. But how do we do that?

- a. Proverbs 20:5 – *The purposes of a man’s heart are deep waters, and a man of understanding draws them out.*
- b. Let’s look at how Jesus, the master communicator, communicates. Read Luke 10:25-37: (on power point – have volunteer read it) What did Jesus do that made this communication effective?

c. "What are three ways that Jesus communicated that were effective?"

i. Possible responses:

- He asked questions
 - (ask not tell, allows person to discover answer)
 - Answering Q with Q can help coaches who are inclined to just "fix it"
 - Helps people tell their story
- He asked open questions
 - Not "what does it say in Isaiah 41:2?" but "what is written in the law?"
 - Contrast open and close ended questions – see below
- He told a story (very effective teaching tool – tell a story from your experience)

4. Lawyer-Client Counseling Role Play

a. Role Play to Introduce Conciliation to Client

- a. Lawyer's Comment – my role is simply to do what client wants to do v. Lawyer role to coach client into best dispute resolution process
- b. Client's Comment - only wants to go to court and lawyer encourages biblical mediation and arbitration
- c. HYP0: Lawyer Coaching Client to use Christian Conciliation. Client comes to Christian lawyer on referral from Client's pastor.
 - i. **Scenario A:** Client is interested in suing his Christian partner over a business dissolution issue. Client believes his partner has engaged in fraudulent business practices and costs both the company and himself substantial financial loss. Client feels hurt, angry and betrayed by this conduct. The amount in controversy is several hundred thousand dollars. Client has financial resources to go to court but partner may not be able to afford protracted litigation. Lawyer believes that Christian Conciliation is better alternative to save both the relationship and avoid expensive litigation. Lawyer wishes to present the option of Christian Conciliation to the client and influence clients decision to resolve his claims in a biblically faithful manner.

Application: Engage in conversation with Client about the differences, potential outcomes, costs, and benefits of options for resolving conflict using Christian Conciliation vs. secular mediation/litigation.

Suggested Responses:

1. How to deal with Client's emotional response of feeling angry, betrayed and lack of interest in a conciliatory process
2. Lawyer uses conflict coaching skills to gain passport with Client reduce emotional response to consider other possible options for resolving the conflict
3. Lawyer helps Client to see how God may have a bigger purpose in using this conflict in both Client's and his partner's lives.

- ii. **Scenario B:** Client wants to resolve conflict using Christian Conciliation in accordance with Matthew 18 and 1 Cor. 6. Lawyer is willing to discuss using Christian Conciliation instead of litigation but wants to make sure that Client is fully informed about the differences and the potential for a different outcome. Despite the lawyer's reservation the Client is determined not to file a lawsuit.

Application: Christian Conciliation is based on a long history of successfully resolving conflict, restoring relationships and settling legal disputes that make it a viable and cost effective alternative dispute resolution process to be considered by a client.

Suggested Answers: the following is a list of possible topics to cover in a counseling session with a client over Christian Conciliation:

1. Christian Conciliation is one possible alternative dispute resolution method

Christian Conciliation has been around for more than 20 years. It is based on the biblical principle in 1 Corinthians 6:1-7 and Matthew 18:15-17 that believers are encouraged to resolve their conflicts outside of court with the assistance of other believers.

2. Explain benefits for believers to resolve conflicts outside of court with the assistance of other believers?

There are many reasons we could discuss, but let's talk about two important reasons: 1) God tells us that our witness to the world is based on how we love other believers (John 13:35) – so this important to our witness in the world, and 2) God has commanded us to pursue peace with everyone and if we don't we risk becoming bitter and unfruitful in the world (Hebrews 12:14-15; Titus 3:14; and 2 Peter 1:2-8)

3. Explain how Christian Conciliation works?

Christian Conciliation incorporates biblical principles into mediation and, if needed, Christian arbitration and helps the parties reconcile their relationship as well as resolve any material issues?

4. How does it differ from secular mediation and arbitration?

Certified Christian Conciliators™ assist the parties to see how this conflict may be an opportunity to glorify God, see the conflict an opportunity to grow in my relationship with God and explore ways to resolve the conflict that actually bring peace and reconciliation and avoid the temptation for anger and bitterness.

5. Do the courts uphold the results of Christian Conciliation?

Yes, Numerous courts have addressed whether contracts requiring the parties to resolve disputes according to the biblical principles, and specifically according to a process set forth in *The Rules of Procedure for Christian Conciliation* are enforceable. “Ordinary contract principles determine who is bound by written arbitration provisions.” See, *Fisser v. International Bank*, 282 F.2d 231 (2nd Cir. 1960). See also, *Encore Productions, Inc. v. Promise Keepers*, 53 F. Supp2d., 102 (D.Colo. 1999); *Easterly v. Heritage Christian Schools Case No. 08-1714* (USDC S.D. Ind. Aug. 26, 2009); *Woodlands Christian Academy v. Logan*, Not Reported in S.W.2d, 1998 WL 257002, Tex.App.-Beaumont, May 21, 1998 (NO. 09-97-348-CV)

[Give link to article on www.iccpeace.com discussing court cases]

6. How does Christian ADR differ from secular ADR?

Christian Arbitration uses Christian attorneys who are also Certified Christian Conciliators™ to make binding decisions that are enforceable in a court of law. An added advantage of Christian Conciliation is that it requires the parties to cooperate with each other during the discovery phase of the case and avoids expensive and lengthy discovery battles.

7. Does Christian ADR using Biblical principles usually produce different result from secular ADR?

- Because both legal and biblical principles apply in a Christian Conciliation, we generally expect a better outcome than litigation because it deals with both the personal/relationships involved as well as the financial/material issues.
- Parties are active participants in the process and learn new peacemaking skills they can apply in life

- The emotional, physical and financial consequences of unresolved conflict are far less damaging in Christian Conciliation because it asks each party to address their part in the conflict and not just focus on “winning” a lawsuit
- Relationships are restored and often lead to new opportunities or increased productivity from having a better understanding of how they contributed to the conflict
- Clients experience high satisfaction from a biblical process that seeks to resolve conflict and not escalate it

5. Lawyer Preparing Client for Biblical Mediation

a. Benefits of preparing clients for mediation include: (**Taken from ABA Task Force on Improving Mediation Quality**)

- Prompt counsel and parties to prepare themselves
- Allows counsel to demonstrate that he/she knows what is important and why
- Can help parties understand the legal issues and opposing parties case
- Vast majority of cases settle at mediation and settlement is based on what parties know at the time of mediation
- Parties who are better prepared for mediation will logically settle more favorably
- Parties who feel their lawyers have prepared them well are more satisfied with their lawyers

b. What does preparation mean?

- Prepare clients both substantively and attitudinally for mediation
- According to James 4:1 conflict starts in the heart; therefore, must examine the client’s heart condition going into mediation

c. Opportunities in Biblical Mediation:

- Opportunity to Glorify God
- Opportunity to serve other people (Phil. 2:2-4)
- Opportunity to grow to be like Christ

d. PAUSE Principle (Prepare, Affirm Relationships, Understand Interests, Search for Creative Solutions, Evaluate options objectively and reasonably)

e. HYPO – Client has chosen to resolve dispute using Christian Conciliation. Lawyer is meeting with Client to prepare for mediation session with Christian Conciliator.

Application: Explain what Coaching Skills would lawyer use to prepare client for Christian Conciliation? Lawyer must prepare client considering Client’s anger and bitterness towards his/her partner

Suggested Applications:

- Consider God’s purpose in allowing this conflict focusing on the First “G” (Glorify God)
- Discuss the Three Opportunities the client has in this conflict to glorify God, serve others, grow to be more like Christ
- Explore how the party has contributed to the conflict using the Second “G” (Get the Log out of own Eye)
- Focus on God’s voice the conflict by looking different Scripture verse the client believes may apply in this conflict
- Explain the PAUSE principle and importance of seeking to understand other party’s interests (U – Understand the other party’s interests) before trying to Seek Solutions to the conflict

6. Coaching Judge Kavanaugh for his testimony to the Senate Judiciary Committee

- a. What if someone had tried to conflict-coach Judge Kavanaugh prior to his testimony before the Senate Judiciary Committee?
 - These questions take Judge K “as is,” asserting that he’s completely innocent of charges regarding any inappropriate adolescent behavior.

Application: what might a conflict coaching session with Judge Kavanaugh look like?

Suggested Applications:

1. Q: You believe you have been wrongly accused. Can you think of people in the Bible who also were accused of a crime, yet innocent?

Application: help see conflict from God’s perspective not man’s perspective

2. Q: Can you identify one quality that person displayed under those circumstances, that you admire?

Application: help identify Biblical qualities that set higher standard for responding to conflict

3. Q: Are there any qualities in these biblical examples that you want to emulate yourself? Which ones? How will you do that?

Application: help identify own emotions and bias that may be influenced by other parties' reaction or statements/accusations

4. Q: Given that one of your goals as a Christian is to become more Christ-like, how might you imitate Jesus in this situation? What aspects of Jesus could you adopt and implement? How is this even possible? Reflect on passages like John 15:5-25; Matthew 10:37-39; I Corinthians 5:20-21; Colossians 3:1-3

Application: introduce Scripture as way to prepare the best response and maintain Godly perspective in conflict

5. Q: Are you feeling like you're being persecuted? Do you recall how Jesus said to respond to that? See Matthew 5:44-45. How can you live out this verse in this situation?

Application: remember Jesus is the example. Help to consider "what would Jesus do" in this situation?

6. Q: What goals do you want to keep in mind as you go through this process? What image or picture could you focus on? Reflect on I Corinthians 10:31. How could you glorify God through this process?
Application: help see conflict as opportunity to glorify God and grow to be more like Christ

7. Q: What characteristics do you want to display in this process? What adjectives would you like people to use afterwards to describe your behavior? "He was very" Think about the "fruits of the Spirit" (Galatians 5:22-23; Ephesians 4:32). Do they play any role here?

Application: help plan for Biblical responses including kindness, gentleness and forgiveness. Avoid worldly responses such as anger, malice, bitterness (Ephesians 4:31)

8. Q: What temptations or pitfalls do you want to try to avoid? How will you do that?

Application: Recognize the conflict often involves Spiritual battles and employs Spiritual responses such as prayer (Ephesians 6:10-18)

9. Q from *The Peacemaker*, p. 42: When this is all over, if God were to evaluate your behavior, how would you want God to complete these two sentences:
- 1. "I am pleased that you did not ..." – i.e., "I am pleased that you resisted the temptation to ..."
 - 2. "I am pleased that you ..." – i.e., "I am pleased that, despite reasons not to, you were able to ..."
 - Q: Are you feeling a need to talk back to your accusers? "Teach them a lesson"? Expose them? Consider Romans 12:14-19. Is it possible that God will take care of this in another way, so you don't have to be His "mouthpiece"?

10. Q: Do you know what an "idol" is?

- *James 4:1-3 – From whence come wars and fightings among you? come they not hence, even of your lusts that war in your members? Ye lust, and have not: ye kill, and desire to have, and cannot obtain: ye fight and war, yet ye have not, because ye ask not. Ye ask, and receive not, because ye ask amiss, that ye may consume it upon your lusts.*

Application: explore the issue of heart idols in this conflict.

- One definition of a Heart Idol is that it's a good thing that we want too much, for which we're willing to sin to attain.
- Possible heart idols include:
 - Desire for a Supreme Court seat
 - Desire for a good reputation

11. How do you think God would want you to handle an idol?

Application: confess and trust God

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