



Supercharging Mediation and Legal Practice with the Gospel, Biblical Peacemaking and Emotional Intelligence

**A Continuing Legal Education Presentation
Hosted by the Christian Legal Society**

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ATTORNEYS AS PEACE SOWERS AND CONCILIATORS (PART I)

Synopsis: This seminar will provide insights into when and how to facilitate legal mediation, a brief overview of faith-based mediation systems (Muslim, Jewish, Christian), an overview of mediation skills, procedures and roles, and an introduction to emotional intelligence, which can enhance mediation efforts, improve the general practice of law and enrich personal and family life.

Note: This outline has been updated since the seminar was video recorded in 2020, so the information in this outline is more current than what may be said in the video presentation.

1. Introduction

- Where can you practice relational wisdom? Everywhere!
- “Are you OK?”
- Free bonus resources
 - *RW360 App*
 - *Guiding People through Conflict*
 - *Handbook for Christian Conciliation*
 - *Discovering Relational Wisdom 3.0* online course
- Faith-based mediation produced results that consistently surprised a seasoned judge ... my father.
- Example: business eviction and wrongful detainer

“This is the most fun I have had as a lawyer in ten years, and it is one of the few times I can recall when I feel that I was working at a team to find the best solution to my client’s problem as well as the other side’s problem.”
- The principles taught in this seminar may be applied (and should be practiced!) in every area of life, including mediation, legal practice, employee management, marriage, parenting, church and anywhere that people work in relationship toward common goals.

2. Faith-based dispute resolution is a tradition in all major religions in the U.S.

- Islam: Peacemaking in the Muslim community has its roots in the Islamic view of Muslims as *shahadat* (“witness over other nations”), which requires the active pursuit of peace as an example to others. Mediation of marital disputes is common among Muslims. In keeping with procedures discussed in the Qu’ran, mediation is conducted by neutrals appointed by each party, or by the parties’ Imam. Arbitration is less common. There is little social pressure within the Muslim community to abide by an arbitrated decision, so enforcement usually requires resort to a civil court.
- Jewish: Peacemaking in the Jewish community has its roots in their view of being a people who are in a special *covenant* relationship with a holy God who calls them to

model justice and reconciliation in their relationships with one another. Mediation and arbitration are strongly encouraged. Most states are served by at least one *Beth Din*, which is a formal Rabbinical Court for obtaining Jewish divorces, confirming personal status, and adjudicating commercial disputes. This process has given rise to a large body of civil court decisions that generally affirm the binding authority of the *Beth Din*. Arbitrated and adjudicated decisions are readily enforced by both social pressure and court order.

- Christian: Peacemaking in the Christian community has its roots in the *gospel* of Jesus Christ. Believing that God loves us so much that he sent his Son to make peace by dying for our sins, the church has historically urged Christians to imitate that love by actively modeling justice, mercy, forgiveness and reconciliation toward one another. In the early years of our country, local churches frequently served as the mediator and arbitrator of domestic and commercial disputes. This influence declined as our culture became increasingly secularized and as people turned to civil courts to address increasingly complex commercial and maritime laws. As former Chief Justice Warren Burger pointed out, this decline has had deleterious effects:

“One reason our courts have become overburdened is that Americans are increasingly turning to the courts for relief from a range of personal distresses and anxieties. Remedies for personal wrongs that once were considered the responsibilities of institutions other than the courts are now boldly asserted as legal “entitlements.” The courts have been expected to fill the void created by the decline of church, family and neighborhood unity.”¹

Fortunately, the concept of biblical mediation and arbitration was resurrected in 1981 by the Christian Legal Society, which established a national network of “Christian Conciliation Services” throughout the U.S. This network eventually merged into an organization named Peacemaker Ministries, which gave birth to many similar organizations that are actively supporting faith-based conflict resolution. This concept has been endorsed by some of the greatest jurists of our day, including the late Associate Justice Antonin Scalia:

“[The apostle] Paul says that the mediation of a mutual friend, such as the parish priests, should be sought before parties run off to the law courts.... I think we are too ready today to seek vindication or vengeance through adversary proceedings rather than peace through mediation.”²

3. Is it appropriate for attorneys to discuss spiritual and moral issues with clients?

Yes! It’s not only appropriate and allowable; attorneys actually have an affirmative responsibility to encourage clients to consider these types of factors.

American Bar Association Rules of Professional Conduct Rule 2:1: In representing a client, a lawyer shall exercise independent professional judgment and render candid

¹ Justice Warren Burger, “Annual Report on the State of the Judiciary,” *American Bar Association Journal* (March 1982): 82.

² Justice Antonin Scalia, “Teaching about the Law,” *Quarterly* 7, no. 4 (Christian Legal Society, Fall 1987): 8-9.

advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors that may be relevant to the client's situation.

Comment [2]: Advice couched in narrow legal terms may be of little value to a client, especially where practical considerations, such as cost or effects on other people, are predominant. Purely technical legal advice, therefore, can sometimes be inadequate. It is proper for a lawyer to refer to relevant moral and ethical considerations in giving advice. Although a lawyer is not a moral advisor as such, moral and ethical considerations impinge upon most legal questions and may decisively influence how the law will be applied.

Comment [4]: Matters that go beyond strictly legal questions may also be in the domain of another profession. Family matters can involve problems within the professional competence of psychiatry, clinical psychology or social work; business matters can involve problems within the competence of the accounting profession or of financial specialists. Where consultation with a professional in another field is itself something a competent lawyer would recommend, the lawyer should make such a recommendation. At the same time, a lawyer's advice at its best often consists of recommending a course of action in the face of conflicting recommendations of experts.

Trial Judge: "Doesn't your Bible say you should not be in my courtroom?"

4. Conciliation Clauses Can Commit Parties to Conciliation Before Conflict Arises

- The best time to commit to a conciliation process is before conflict arises, when parties trust each other and are optimistic about their relationship.

"An ounce of prevention is worth thousands of dollars of lawyer-fees cure!"

- Model Language for Contracts

(Option A) The parties to this agreement are Christians and believe that the Bible commands them to make every effort to live at peace and to resolve disputes with each other in private or within the Christian church (see Matthew 18:15-20; 1 Corinthians 6:1-8). Therefore, the parties agree that any claim or dispute arising from or related to this agreement shall be settled by biblically-based mediation and, if necessary, legally binding arbitration in accordance with the Rules of Procedure for Christian Conciliation of the Christian Conciliation Service™, a division of Relational Wisdom 360, (complete text of the Rules is available at www.rw360.org/ccsclause). Judgment upon an arbitration decision may be entered in any court otherwise having jurisdiction. The parties understand that these methods shall be the sole remedy for any controversy or claim arising out of this agreement and expressly waive their right to file a lawsuit in any civil court against one another for such disputes, except to enforce an arbitration decision.

(Option B) Any claim or dispute arising from or related to this agreement shall be settled by mediation and, if necessary, legally binding arbitration in accordance with the Rules of Procedure for Christian Conciliation of the Christian Conciliation Service™, a division of Relational Wisdom 360 (complete text of the Rules is available

at www.rw360.org/ccsclause). Judgment upon an arbitration decision may be entered in any court otherwise having jurisdiction. The parties understand that these methods shall be the sole remedy for any controversy or claim arising out of this agreement and expressly waive their right to file a lawsuit in any civil court against one another for such disputes, except to enforce an arbitration decision.

5. Mediation/ Arbitration

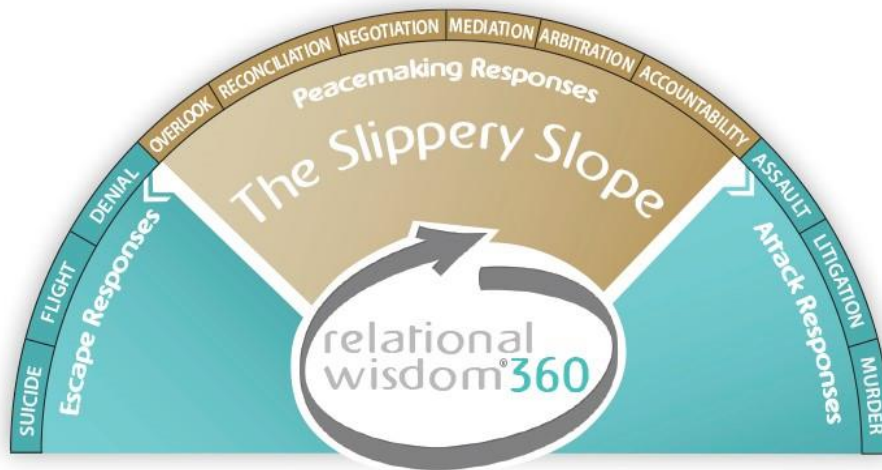
- Mediation/ Arbitration clauses or contracts commit the parties to mediation and, if necessary, legally binding arbitration.
- Although arbitration is seldom required, knowing that it is required if necessary, typically motivates parties to settle through mediation, when they still have some control over the outcome.

6. Enforceability of Clauses and Awards

- Conciliation clauses and awards are generally enforceable in both state and federal courts. Supporting cases include:
 - *Encore Productions, Inc. vs. Promise Keepers*, 53 F. Supp. 2d 1102 (D. Colorado, 1999).
 - *Easterly v. Heritage Christian Schools* Case No. 08-1714 (USDC S.D. Ind. Aug. 26, 2009)
 - *Community Church of Auburn, Inc v. Harvestime, Inc, Harvestime Ministries, Bradley Dean Oaster/ Cause No. 17D01-0505-PL-013/In the DeKalb Superior Court, Third Floor Courthouse, Auburn, Indiana, 46706/ 23rd Day of June, 2005/ Judge Kevin P. Wallace*
 - *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)
 - *Jenkins v. Evangelical Lutheran Church*, 825 N.E. 2d 1206 (Ill. App. 2005).
 - *Kyer v. Teen Challenge of Florida, Inc.* No. 8:07-cv-1824-T-23-TBM. Not Reported in F.Supp.2d, 2008 WL 1849024 M.D.Fla.,2008.
 - *Graves v. George Fox University*, No. CBO6-395-S-EJL, August 16, 2007, Not Reported in F.Supp.2d, 2007 WL 2363372D.Idaho,2007.
 - *Answers in Genesis of Kentucky Inc. v. Creation Ministries Intern., Ltd.* Civil Action No. 2008-53 (WOB) August 04, 2008. Slip Copy, 2008 WL 5657681 E.D.Ky.,2008.
 - *Weibust v. Woodlands Christian Academy*, No. 09-10-00010-CV, 2010 (9th Court of Appeals, Tex)
- For additional information, see www.rw360.org/enforceability-conciliation-clauses

7. Christian Conciliation: Helping People Stay on Top of the Slippery Slope

There are three fundamental ways to respond to conflict: escaping, attacking or peacemaking.



- Conciliation involves a constant emphasis on the Golden Rule (“Do to others that you would have them do to you”) and the “Golden Result” (People will usually treat us the way we treat them). Blaming triggers blaming and advocacy triggers advocacy, while admissions often trigger admissions and forgiveness often triggers forgiveness.
- Peacemaking can involve one four activities:
 - Personal discussion and negotiation (Matthew 18:15)
 - Mediation by trusted neutrals (Matthew 18:16)
 - Binding arbitration (1 Corinthians 6:1-8)
 - Ecclesiastical involvement and enforcement (Matthew 18:17)

8. When Is Conciliation Appropriate?

- When the parties have a personal relationship
- When the parties share a common faith
- When the parties desire an expedited solution

9. Four Popular Mediation Models

➤ **Interest-based**

This is the most popular model in the U.S. It is taught in many law schools and widely practiced by professional mediators and in court-ordered settings. It is based on the insights of “collaborative negotiation,” first made popular through the work of Roger Fisher and William Ury through their work at the Harvard Negotiation Project and resulting book, *Getting to Yes*. An excellent detailed text on interest based mediation is *The Mediation Process*, by Christopher Moore.

At the heart of the collaborative approach is that what matters most is not what people want, but why they want it. People in conflict tend to bargain positionally, choosing a single desired outcome – the what – and sticking to it. Looking beneath the surface underlying motives and desires – the why – can provide a much richer array of possibilities than would otherwise be apparent.

Collaborative mediation proceeds on this insight, encouraging participants to reveal and work with one another's underlying motives and desires – called “interests” – to create new possible solutions, thereby “adding value” to the negotiation pie.

Collaborative mediation tends to leave relational concerns to the side to pursue substantive resolution, although some writers emphasize understanding and using emotions productively as a means of improving the negotiation conversation. The mediator plays a prominent role in guiding the process.

➤ **Transformative Mediation:**

Developed by Robert A. Baruch Bush, Joseph P. Folger and their colleagues (The Promise of Mediation), the foundation for this model is the belief that what bothers people most about conflict is that “it leads or forces them to behave toward themselves and others in ways they find uncomfortable and even repellent.”

Transformative mediation, therefore, focuses on improving, i.e., “transforming,” the quality of the conflict interaction between parties to a dispute. The parties themselves are largely responsible for both the process and the direction in which their “negotiation” proceeds. The belief is that parties are largely capable of resolving their own conflicts and the role of the mediator is to point out and support the productive moves each party makes. The sort of back and forth that naturally occurs leads to two complementary outcomes – increased personal “empowerment” and heightened “recognition” of others.

Success is measured not by whether the dispute is settled, but rather by the extent to which the conflict interaction improves. The model stresses that empowered people are better able to recognize and respond to the concerns of others. Therefore, the focus on transforming their interaction naturally leads parties to a place where they can devise ways to resolve their differences.

In this sense, transformative mediation focuses on rebuilding the relationship, which then enables parties to negotiate substantive differences successfully. The mediator's role is to support the parties, rather than to guide or lead them.

➤ **Narrative Mediation**

The Narrative approach has been championed by two psychologists, John Winslade and Gerald Monk (Narrative Mediation).

The foundation for the Narrative model is post-modern theories of social constructionism. Social constructionists believe that thinking happens as the result of pre-existing narratives that inhabit our cultures. Conflict results from adoption of opposing narratives, which, when carefully deconstructed, can be reworked to create preferred narratives and improved relationships.

The Narrative model begins by understanding and appreciating the stories that parties tell, then helping them recognize parts of their relationship their narrative fails to consider. A husband who views his unfaithful wife as having forfeited rights to jointly raise their children is speaking from a narrative prominent in certain parts of the culture. Helping the husband recognize traits and qualities in his wife that this narrative fails to acknowledge – for example, she has been a caring parent and deeply involved in her children’s lives – can lead to a different narrative, one more firmly grounded in reality, that encourages cooperation rather than rejection.

The Narrative model focuses primarily on reconstructing the relationship through creating of an alternative narrative, one that permits parties to escape their “conflict-saturated relationship.” The mediator plays a prominent role as guide and facilitator.

➤ **Peacemaker/Relational (Christian Conciliation) Model:**

As a biblically based process, the goal of this model is to help people live out the two great commands in relationship to God and each other. “Love the Lord your God with all you heart, soul and mind and your neighbor as yourself” (Matthew 22:40). The model is built on the foundation laid by Ken Sande in his book, *The Peacemaker*.

Biblical love consists of both “doing” and “relating” and this is reflected in the GOSPEL model of mediation. Substantive disagreements (that is, negotiable matters) grab our attention, but the heart of biblical peacemaking is relational. We pursue reconciliation through confession, repentance and forgiveness and, as we do, God transforms our hearts and blesses us with renewed capacity to resolve substantive differences in mutually beneficial ways.

In short, both relational reconciliation and substantive resolutions matter. The biblical model emphasizes this joint priority, recognizing that the stronger the relationship, the better the substantive outcome. The mediator plays a prominent role in both structuring and guiding the mediation.

10. Similarities between Christian conciliation and secular alternative dispute resolution

- Similar format for both mediation and arbitration (see the Rules of Procedure for Christian Conciliation in *Handbook for Christian Conciliation*)³
- Mediators are generally motivated by a sincere desire to help people
- Mediation seeks to protect parties' relationship from further damage
- Mediation seeks to help parties reach a voluntary and mutually satisfactory agreement

11. Differences between Christian conciliation and secular ADR

- Christ-centered: Inspired and guided by the belief that Jesus’ death and resurrection has freed us from the sin that causes conflict and empowers us to bring honor to Christ by pursuing justice and being fully reconciled to others
- Authority: Applies civil law but gives precedence to transcendent moral principles

³ See www.rw360.org/ccshandbook

provided in Scripture

- Focus: Calls parties to confess their own wrongs before focusing on others' wrongs
- Depth: Goes beyond surface issues to address root/heart issues (James 4:1-3)
- Correction: May use directive counseling to motivate personal change
- Restoration: Promotes reconciliation through confession and Christ-like forgiveness (Example: adoption fiasco)
- Less emphasis on legal advocacy during arbitration⁴
- Reasoned arbitration opinions: Encourages parties to recognize and change attitudes and behavior that contributed to the conflict (Example: failed crop)
- Enforceability: Encourages parties' churches to support the process and enforce awards (Example: wheeler-dealer)

12. Mediation Format: GOSPEL⁵

- Greeting and ground rules - Make introductions and agree on how you will work together.
- Opening statements - Ask each party to briefly explain what he or she would like to accomplish.
- Story telling - Help the parties to clearly communicate all relevant information.
- Problem identification and clarification - Clearly define central issues and interests.
- Explore solutions - Brainstorm options; evaluate them reasonably and objectively.
- Lead to agreement - Encourage and document a final agreement.

13. Conciliators Can Play Many Roles

When you have the opportunity to serve as a mediator, you may need to play several different roles before the conflict is resolved. These include:

- **Intercessor** - Peacemaking can be draining spiritual work that encounters difficult obstacles. A mediator's most important job is to intercede in prayer for those who are striving to restore peace.
- **Convener** - In some situations, people are so enmeshed in their conflict and have so little trust in one another that they can't even agree on when and how they will try to resolve their differences. In these situations, the mediator may need to take the initiative to bring the parties together in a safe and constructive environment.
- **Facilitator of communication and understanding** - One of the primary roles of a mediator is to help the parties listen to God and one another so they can understand the truth about themselves and their situation. Objective and thorough data

⁴ See "The Dangers of Good Advocacy" at www.rw360.org/advocacy

⁵ For a detailed discussion of these six steps, see chapter 5 in *Guiding People through Conflict*.

gathering and evaluation (including careful questions, active listening, and timely observations) are essential elements of this role.

- **Model** - Example is always the most effective way to teach and encourage others. Therefore, a mediator should strive earnestly to model the same attitudes and actions he or she wishes to see in the parties, such as courtesy, honesty, humility, active listening, confession of weaknesses and wrongs, tolerance, loving confrontation and forgiveness.
- **Referee and protector** - Some conflicts involve significant imbalances of power because the parties have different levels of spiritual maturity, sophistication, resources, experience or confidence. At times, the mere presence of a mediator will help to neutralize these imbalances, but at other times, a mediator may need to take overt measures to insure that a dominant party does not force a weaker party to concede issues and sidestep necessary confrontation.
- **Trust builder** - By the time a conflict becomes known to others, the parties are often alienated and suspicious of each other's actions. A critical step in the conciliation process is to help each party begin to trust and respect the other party. People can learn to disagree with one another without judging the other person as being wrong or inferior.
- **Resource expander** - Parties in a conflict often are more concerned about defeating each other than they are about finding resources to solve their problem. A mediator is often able to eliminate conflict by locating appropriate resources, including expert advice, professional counseling or financial assistance.
- **Generator of alternatives** - People in conflict gravitate toward a "fixed-pie" perspective ("if you gain, I must lose"), which limits their ability to think of alternative solutions that provide for mutual gain. An objective mediator breaks through this perspective and fosters the development of creative solutions.
- **Reality tester** - Settlements are often inhibited because parties develop unrealistic confidence in their positions. A mediator can help parties to examine their assumptions objectively, which helps to dispel unrealistic hopes and promote needed commitments.
- **Teacher and counselor** - A mediator needs to be prepared to give godly instruction and counsel, especially when the parties themselves cannot discern the proper solution to their disagreement.
- **Encourager and coach** - Even when people know what they should do, they often have a difficult time doing what is right. A mediator helps to dispel ungodly fears and reluctance, affirms wise choices and encourages people to persevere in doing what is right, even if the world says that doing so is foolish.
- **Confronter and exhorter** - Conflict sometimes involves sinful attitudes and behavior that the parties are unable or unwilling to recognize and confess. A mediator must sometimes use loving confrontation, admonishment and exhortation to help such people come to grips with the truth, put off sinful ways, and make needed changes. Since a mediator can exercise significant influence over people and their decisions, this role should be carried out with great caution and care!

- **Proclaimer of forgiveness** - As people repent of their sin, the mediator should remind them of the forgiveness they have received through Christ and guide them through the process of imitating God by forgiving each other as he has forgiven them.
- **Closer** - Some parties will continue to debate and discuss indefinitely, either because they love to fight or because they are afraid to commit to a settlement. A wise mediator knows when a matter has been adequately examined and will help the parties to see that it is in their best interest to reach a final solution.
- **Witness** - When a party refuses to resolve a dispute properly, a mediator may need to inform the leaders of his or her church so that they can intervene as Jesus instructs in Matthew 18:16-17. (Limitations on confidentiality should be clearly explained at the beginning of the conciliation process.)

14. Legal Protection for Pastoral Ministry: Informed Consent and Relational Commitments

America is one of the most litigious countries in the world. Our culture is also becoming increasingly hostile toward biblical values. Therefore, when a church carries out culturally rejected practices of pastoral care and personal accountability, such as biblical church discipline, it will often receive a letter from the member's attorney threatening to sue the church for defamation, invasion of privacy, and intentional infliction of emotional distress.

Many church leaders who would not back down have found themselves forced into court, subjected to days of humiliating cross-examination, and shocked to see juries penalize their churches with six-figure damages awards. This trend was triggered by the [Guinn v Collinsville Church of Christ case in 1984](#), which resulted in a \$390,000 judgment against a church and its leaders, and has continued to grow for twenty-five years.

Many of these judgments occur because churches have not clearly established and communicated how they will exercise pastoral care over members who are caught in conflict and sin. As a result, unrepentant members are able to persuade modern juries that the church's actions were unreasonable and offensive, which is not difficult to do in a culture that prizes autonomy and despises accountability.

Even when a church wins in court, it usually pays an enormous price in terms of legal fees, lost time and energy, damaged witness, distraction from ministry, and congregational confusion and dissension. Therefore, it is not good enough for a church to behave so well that it will *prevail* in a lawsuit. Instead, churches must act with such wisdom and integrity that they will *prevent* lawsuits from being filed in the first place.

The most important step in avoiding legal liability is to obey Jesus' timeless command to treat others the same way you would like to be treated yourself (Matt. 7:12). For church leaders, this means, among other things, being authentically [approachable](#) and [accountable](#), [building safeguards against the misuse of power in the church, exercising discipline in a gentle and redemptive manner](#). and making every reasonable effort to [protect members from](#)

[foreseeable harm](#). The consistent practice of these principles will help you to avoid many of the relational missteps that cause offense and lead to legal threats.

But even when you treat others in a way that is loving, redemptive and biblically appropriate, they may still take offense, especially if they are angry that their sins of dishonesty, pride, lust or adultery are being addressed in an attempt to restore them to a right relationship with God and others.

In these situations, one of the most effective ways to prevent a lawsuit is to have previously adopted explicit biblical policies that clearly and comprehensively describe how your church will shepherd its members, especially when carrying out pastoral ministry intended to restore a member who is caught in sin (Gal. 6:1; Luke 15:1-7; Matt. 18:12-20). These policies will provide your church with one of the most effective defenses against any lawsuit: *informed consent*. To secure this defense, a church needs to be able to prove that the person complaining of a wrong was in fact fully informed of the church's pastoral policies and procedures and knowingly consented to be bound by them.

Although most churches have provisions in their bylaws about "exercising discipline pursuant to Matthew 18," this kind of general statement is completely insufficient for today's individualistic and anti-church legal climate. Therefore, it is essential that churches update their governing documents by adding language that preserves the church's right to shepherd its flock and rescue wayward members from sin. This added language should address specific challenges that may arise, such as continuing discipline after a member attempts to leave the church or informing your members of your disciplinary actions in order to protect others from harm (e.g., when a dishonest businessman is defrauding senior members through misleading investment schemes, or an immoral man is seducing young women in singles groups).

Based on its experience in mediating and arbitrating hundreds of lawsuits against churches, RW360 has developed model "[Relational Commitments](#)" that churches can use to define and communicate their policies on conflict resolution, divorce and remarriage, counseling methodology and limitations (including the "[clergy-penitent privilege](#)"), confidentiality and church discipline. Churches may adapt these model commitments according to their ecclesiastical beliefs and practices, and then make this document available to their members to clearly establish the pastoral and relational practices that will be followed in their church.

By adopting this type of governing document, churches can strengthen their ability to live out the gospel and obey God's command to restore straying sheep, while simultaneously reducing their exposure to legal threats.⁶

15. Questions?

⁶ One attorney who reviewed these commitments said he would have probably charged at least \$20,000 to research and write a resource that so carefully integrated sound theology with sound legal risk management. An online version of this section with live hyperlinks is available at www.rw360.org/informed-consent.

ATTORNEYS AS PEACE SOWERS AND CONCILIATORS (PART II)

PART A: RESOLVE CONFLICT AND PRESERVE RELATIONSHIPS WITH RELATIONAL WISDOM

1. Emotional Intelligence Is a Valuable Legal and Personal Skill

Emotional intelligence, which is often referred to as “EI” or “EQ” (emotional quotient) has been defined as the ability to identify, assess and manage the emotions of oneself, of others, and of groups. This concept first appeared in psychology circles in 1920 and was popularized by Daniel Goleman in 1995, whose book *Emotional Intelligence* spent over eighteen months on the New York Times Best Seller List.

Emotional intelligence is typically described as being made up of four core skills: self-awareness, self-management, social-awareness, and relationship-management.



EI is being used by corporations, business and medical schools, and even NFL and Special Forces teams to improve professional performance, leadership skills, and team effectiveness and productivity. The legal profession has lagged these other professions in developing and promoting EI training but is finally beginning show a strong interest in this valuable skill (see www.rw360.org/articles).

2. Relational Wisdom

Relational wisdom (RW) is a biblically grounded form of emotional intelligence. RW, in essence, is your desire and ability to love God with all your heart and love your neighbor as yourself.

Relational wisdom may also be defined as your ability to discern emotions, interests, and abilities in yourself and others, to interpret them in the light of God’s Word, and to use these insights to manage your responses and relationships constructively

RW may be thought of as a “*relational operating system*” that impacts every aspect of life, including worship, marital intimacy, church unity, and job performance and advancement.

Relational wisdom is also a key to effective conciliation, both for resolving substantive issues and for restoring and preserving relationships.

Relational wisdom incorporates two key elements of relationships:

- **Relationships are always three dimensional**
 - **God, Self, Others** (Eph. 4:30-32)
- **Relationships involve two dynamics**
 - Aware – What do I know? (Knowledge)
 - Engaging – What will I do? (Action)

Relational wisdom is taught throughout Scripture (see, e.g., Eph. 4:30-32)

Relational wisdom involves six relationship-building and preserving skills or disciplines:

- **God-Awareness** (remember) is the ability to view all of life in the light of God’s character, works, and promises
- **God-Engagement** (faithfulness) is the ability to trust, obey, and imitate God in a way that pleases and honors him
- **Self-Awareness** (humility) is the ability to honestly discern your own emotions, interests, values, strengths, and weaknesses
- **Self-Engagement** (discipline) is the ability to manage your thoughts, emotions, words, and actions so that they advance God’s purposes
- **Other-Awareness** (compassion) is the ability to understand and empathize with the experiences, emotions, and interests of others
- **Other-Engagement** (service) is the ability to encourage, cooperate, and resolve differences with others in a mutually beneficial way



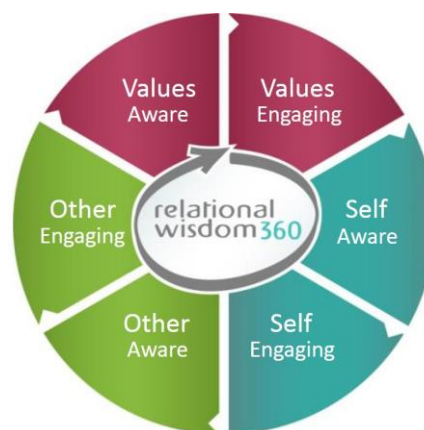
3. Relational Wisdom is an outpouring of the gospel

4. Values-Based Paradigm

RW360 has produced a “values-based” version of its RW training materials that is being used in schools, businesses, hospitals, military bases and other secular venues, including Capitol Hill and the Pentagon (see details at www.rw360.org/vb-rw).

This material helps individuals to use their personal worldviews and values systems to sharpen and guide their relational skills and interactions (see www.rw360values.org/6worldviews).

Detailed training in values-based RW is available



through a live seminar, online training and DVDs for group studies. Law firms may offer relational wisdom training as a **professional development** benefit to all of their employees, each of whom may choose whether to pursue the faith-based or values-based version of the training (see details at www.rw360.org/training-options).

5. RW Skill Development

Relational wisdom is so simple a child can apply it, yet so complex you can spend the rest of your life developing it. You can start growing today by memorizing and practicing four simple acrostics in every area of your life:

➤ Practice the **SOG Plan** [**SOV Plan**]

- **Self-aware:** How am I feeling and acting?
- **Other-aware:** How are others feeling? How am I affecting them?
- **God-aware:** What is God up to? [**Values-aware**]

➤ Follow a Trustworthy **GPS**

- **Glorify** God (Trust, obey, worship) or [**Grade** your values]
- **Pursue** God (Seek him earnestly) or [**Pursue** worthy values]
- **Serve** God (Do what pleases him) or [**Serve** others]

➤ **READ** Yourself Accurately

- **Recognize** your emotions
- **Evaluate** their sources
- **Anticipate** the consequences of following them
- **Direct** them on a constructive course

➤ **SERVE** Every Person You Meet

- **Smile** (Home, workplace, store, telephone)⁷
- **Explore and Empathize** (Show interest and compassion)⁸
- **Reconcile** (Be a peacemaker)
- **Value** (Express appreciation and respect)
- **Encourage** (Give heart, inspire, put wind under their wings)

6. Apply Relational Wisdom to Build Relational “Passport”

A passport is an authorization to go somewhere. There is no more difficult place to enter than the inner life and deep struggles of another person. If you want people to allow you into their world – especially when dealing with the volatile issues of estate planning – you must earn a relational passport.

⁷ See www.rw360.org/smile

⁸ See www.rw360.org/empathy

In order to gain a passport into the lives of others, you must relate to them in such a way that they would answer “yes” to three key questions, each of which contains a variety of sub-questions that roll around in the back of people’s minds:

- **Can I trust you?** Will you maintain confidentiality? Will use against me the things I share with you? Will you lose respect for me or judge me if I allow you to see how badly I’ve blown it? Will you be gentle and patient even when I’m exasperating? Will you reject me if I don’t do everything right? Will you assume the best about me or will you jump to conclusions and blame me for all my problems? Can I trust you with the “fine china” of my life?
- **Do you really care about me?** Are you just politely tolerating me or fulfilling an obligation? Or do you really want to help me? Why? How could anyone love a person with such problems? Will you take time to listen to me? Do you care enough to push past my outer defenses and take time to help me sort out the tangled mess in my heart? Will you love me like Jesus does, even when I’m not very loveable?
- **Can you actually help me?** Are you competent to deal with my issues? How are you doing with your own challenges and struggles? Do you have a track record of successfully solving these kinds of problems? What kind of training or experience do you have? If this problem is beyond the two of us, do you have the humility and wisdom to help me find another person who has the experience I need?

Every time you engage others, you are either building or destroying passport. Learning to practice the SERVE concept, is a keyway to build this vital relational dynamic.

7. Preserve Relationships by Providing the “3 P’s of Satisfaction”

Any time you are working with others to resolve differences, the process is more likely to end constructively if you deliberately seek to make sure that everyone involved experiences three types of satisfaction:

- **Process satisfaction**, which requires a clear and fair process where everyone involved agrees that they have had a reasonable opportunity to present their side of the matter
- **Personal satisfaction**, which requires treating everyone respectfully and equally, just as you would want to be treated
- **Product satisfaction**, which requires a final solution that is as just and equitable as is humanly possible

Even when people do not agree with the final outcome (product) of a conversation or disagreement, they will usually accept the result if you provided them with both process and personal satisfaction. I cannot emphasize this point too much: Give people process satisfaction and personal satisfaction, and they will usually be content, even if they disagree with the substantive outcome.

For example, this is what a non-Christian attorney wrote after losing a major oil and gas arbitration:

“We recently completed a three-week arbitration in an \$8 million case that was intensely fought. The case involved allegations of fraud and RICO violations, so

the atmosphere was highly charged. The arbitrators began the sessions with prayer and Scripture. It is my belief that the spiritual tone they set contributed greatly to the dignity and amicability with which the proceedings were conducted. Because we were able to select arbitrators who understood the engineering, geological, and accounting data involved in 82 gas wells, it is my belief that the presentation of the evidence was smoother and significantly less time-consuming than it would have been had we tried the matter before a judge or jury. I also believe that your arbitration process lends itself to getting at the truth. Even though the result in the case was not what we wanted, I am enthusiastic about alternative dispute resolution in general and Christian conciliation in particular. I have recommended your organization to others and will not hesitate to turn to you again in an appropriate case."

8. Use Peacemaking Principles to Resolve Conflict and Restore Relationships

- See *The Peacemaker: A Biblical Guide to Resolving Personal Conflict* for details
- Help Others to **See Conflict as an Opportunity**
 - Glorify God
 - Serve other people
 - Grow to be like Christ
- Conflict Typically Arises in the Heart from Unmet Desires (James 4:1-3)
 - I desire
 - I demand
 - I judge
 - I punish
- Help Others to Admit Their Wrongs by Using the **Seven A's of Confession**
 - Address everyone involved
 - Avoid if, but, and maybe
 - Admit specifically (behavior and desire)
 - Acknowledge the hurt
 - Accept the consequences
 - Alter your behavior
 - Ask for forgiveness (and Allow time)
- Help Others to Reconcile by Using the **Four Promises of Forgiveness**
 - I will not dwell on this incident.
 - I will not bring this incident up and use it against you.
 - I will not talk to others about this incident.
 - I will not allow this incident to stand between us or hinder our personal relationship.

- Help Others Negotiate Substantive Issue by Using the **PAUSE Principle**
 - Prepare (pray, get the facts, seek godly counsel, develop options)
 - Affirm relationships (show genuine concern and respect for others)
 - Understand interests (identify concerns, desires, needs, limitations or fears)
 - Search for creative solutions (prayerful brainstorming)
 - Evaluate options objectively and reasonably (evaluate, don't argue)

PART B: TRAINING RESOURCES AND BENEFITS

1. Where Can You Practice RW Skills?

- With your spouse and children
- Friends
- With partners and support staff
- With clients
- With judges and court administrators
- With opposing counsel and parties
- As an RW Instructor, Conflict Coach or Conciliator
- On a Peace Sower Team in your church

2. Employers Reap Multiple Benefits from Staff-Wide Relational Training

- Training in relational wisdom may be offered to your entire staff (and their spouses) as a valuable professional development employee benefit.
- Staff-wide training can lead to improved team creativity and cohesiveness, better balance between work and family life, less conflict, reduced staff turnover, higher client satisfaction and increased productivity, growth and effectiveness.
- When employees take these skills home, their families can enjoy better relationships, which further benefits employers. People from peaceful homes are happier with their co-workers and supervisors. They find their work to be more fulfilling, productive and enjoyable. Their improved performance typically provides multiple benefits to their employer.



- As multiple studies have shown, this kind of improved performance typically contributes directly to increased bottom-line profitability:

“When companies invest in the physical and relational wellness of their workers, returns on investment can range between \$1.50 and \$6.85 for every dollar spent on these types of programs.” *Relational Wellness: Corporate America’s Business*

- For more details on workplace benefits, see www.rw360.org/workplace.
- Details on staff-wide training are available at www.rw360.org/training-options.

3. Resources for Enhancing Relational Wisdom, Peacemaking and Conciliation Skills

- The **RW360 App** provides at-your-fingertips access to all of the key principles of relational wisdom, peacemaking and conciliation, plus hundreds of related blogs, articles and videos
- **Guiding People through Conflict** is a 70-page free ebooklet that describes how to resolve conflict through biblically grounded conflict coaching, mediation or arbitration. Details at www.rw360.org/gptc.
- **Handbook for Christian Conciliation** contains an introduction to Christian Conciliation, Model Rules of Procedure and a Standard of Conduct and Code of Ethics for Christian Conciliators. Details at www.rw360.org/ccshandbook.
- The **RW360 Blog** provides weekly insights in how to apply relational wisdom and biblical peacemaking in daily life. Details at www.rw360.org/rw-blog.
- **The Peacemaker: A Biblical Guide to Resolving Personal Conflict** by Ken Sande provides comprehensive guidance on how resolve conflict personally or with the help of others. Details at www.rw360.org/download-the-peacemaker.

4. Foundational Training Programs - available at www.rw-academy.org

- **Discovering Relational Wisdom 3.0** provides foundational training in relational wisdom. It is available in a faith-based version as a live 3-hour seminar or webinar, an 8-hour interactive online course, and a set of DVDs for small group study. Use coupon “_____” for free access for you and your spouse
- **Exploring Relational Wisdom 3.0** is a values-based version of relational wisdom training that may be used in businesses, schools, hospitals, military bases and other secular settings. It is available in all same formats as the faith-based version.
- **Relational Peacemaking** provides foundational training in biblical peacemaking wisdom. It will be available as a live 3-hour seminar or webinar, an 8-hour interactive online course, and a set of DVDs for small group study.

We suggest that Christian attorneys go through the faith-based version of our training with their spouses so they can experience and then communicate the benefits of RW training to their entire staff.

Law firms can offer basic training in relational wisdom to their entire staff, giving each employee the option of choosing whether to use the faith-based or values-based version of the training.

5. Professional Development Training Program

- The training program is designed to enable businesses and organizations, including law firms, to offer relational wisdom and conflict resolution training to their employees as form of “professional development.”
- Employees are free to choose for themselves whether they will use the faith-based or values-based (secular) form of the training.
- The “Premium Version” of this training costs \$50/employee (the normal price for a single registration for our online RW courses), but provides that each employee is also given **three additional access coupons** that may be used by members of the employee’s family to improve their relational skills and have an opportunity to encounter the gospel (a \$196 value for only \$50).

6. Advanced Training and Certification– details at www.rw360.org/rw-training

- RW Instructor
- RW Coach
- RW Conciliator
- Peace Sower Team

7. Questions?

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