

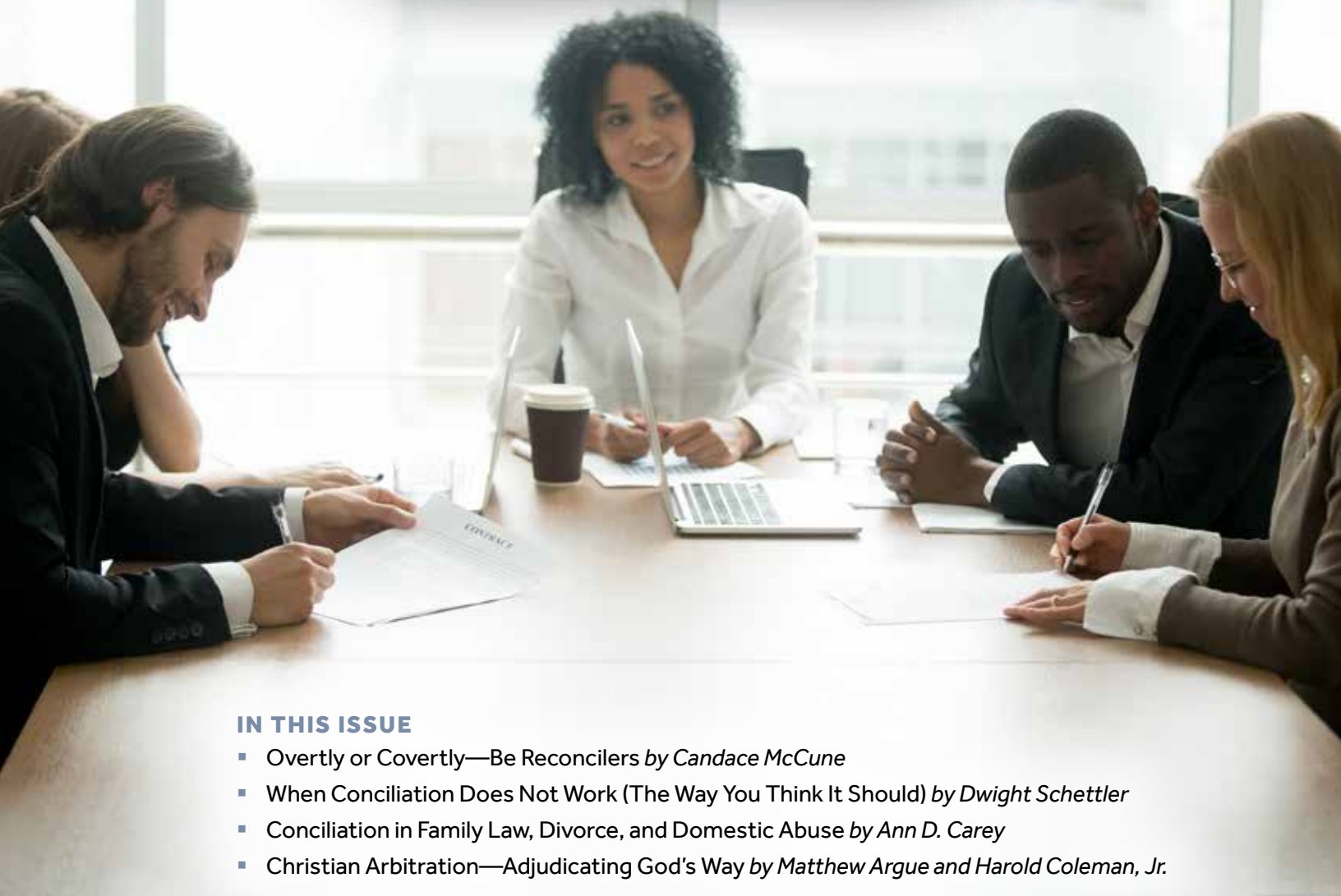
THE CHRISTIAN LAWYER®

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Christian Conciliation

Let It Be Our Attitude



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David Nammo
Executive Director
& CEO

Christian conciliation is often an anathema to many attorneys. We have been trained to fight, to litigate, and to get the most for our clients.

Don't get me wrong. Litigation is an important tool—and is often the right tool—in many cases. And there are circumstances where litigation or the power structure of the parties does not allow for conciliation. But the posture of litigation, unlike that of conciliation, is not often one of reconciliation and healing. On the contrary, it is the posture of winner takes all.

We often believe—wrongly even—that conciliation is compromise and that it doesn't get us paid in many cases. We also often inaccurately view conciliation as a type of resolution where the parties will split the difference in most cases (or, in the Judeo-Christian tradition, split the baby). Additionally, the idea of "working it out" in a Christian way seems to many to be a weakness.

However, nothing could be further from the truth. People are looking for both resolution—despite demanding their pound of flesh—and a solution that satisfies their need for recovery of damages. The idea of win-win seems difficult, but can both parties be brought to a solution over a dispute that could be considered win-win? It may not be true in every case, but I have seen firsthand how the Lord changes lives and brings resolution and forgiveness to parties. Something that would never have been accomplished when the parties stay in the posture of litigation.

My law school education did not include an understanding of conflict and how to respond to it, except through litigation. It was only those who decided to take alternative dispute resolution (ADR) classes—where we would be exposed to the ideas of cause and effect concerning conflict and different ways of resolving it—who got to see and understand conflict as a concept and something through which good change can be achieved.

Several decades ago, when the world was becoming more and more litigious, the church turned to Christian Legal Society to help figure out a way to mediate conflicts within and outside the church. Pastors knew believers should not be suing each other, but they did not know how to solve disputes without lawyers and courts.

In response, Christian Legal Society founded Christian Conciliation Services. Attorneys from all over the nation stepped up and started Christian conciliation clinics in their counties and states. They began to train and learn and discover the unique ways the Lord calls believers to engage in conciliation—particularly in ways that are different from the secular view of ADR. In secular conciliation, the parties get to tell their stories and hear the other side. But in Christian conciliation, the parties often start out confessing what they have done wrong and ask for forgiveness.

I hope and pray that if you are reading this issue of *The Christian Lawyer* and have never considered Christian conciliation—and you are working for Christian clients—that you would consider this method of dispute resolution. I often tell law students that one of the best books they could read in law school is *The Peacemaker* by Ken Sande (one of the contributors in this issue). It will help them understand conflict and how to use it both professionally and personally in a godly manner. It shifts one's view of conflict to a Christ-centered view of conflict. It doesn't ignore conflict, but rather acknowledges it and finds a way through it.

Untold marriages, parties, individuals, churches, and ministries have been blessed by good Christian conciliation. As you will read in this issue, the experiences are many and varied, but they all point to the fact that when the Lord is invited into and present in conflict, there are miracles of resolution to so many hurts and divisions.

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CHRISTIAN LEGAL SOCIETY
8001 Braddock Road, Suite 302
Springfield, Virginia 22151
ChristianLegalSociety.org
703-642-1070

EDITOR-IN-CHIEF
Lakuita Bittle

DESIGN
Perceptions Studio

COPY EDITORS
Laura Nammo, Hannah Morris, and
La Shawn Barber

EDITORIAL EMAIL
clshq@clsnet.org

FOR ADVERTISING inquiries, email
clshq@clsnet.org.

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Christian Conciliation

Let It Be Our Attitude

**“Blessed are the peacemakers,
for they shall be called
the children of God.”**

MATTHEW 5:9 (NIV)

EDITOR'S INTRODUCTION

Thank you for being part of the Christian Legal Society (CLS) family. In this issue of *The Christian Lawyer*, rather than sharing with you through my usual Attorney Ministries article, I wanted to take this opportunity to explain to you a little of the inner workings of *The Christian Lawyer* magazine.

As CLS' Attorney Ministries director, I have the honor and privilege to prayerfully consider what topic and theme to share in each issue of this magazine. It is my hope that each magazine will both tremendously bless your lives and equip and encourage you with practical tips as a Christian in the legal profession.

The inspiration for this issue, entitled *Christian Conciliation*, is one of the beatitudes. Matthew 5:9 (NIV) says, "Blessed are the peacemakers, for they shall be called children of God." You may be thinking to yourself "What does peacemaking have to do with the practice of law?" In fact, on some level, it seems quite contrary. So many cases feel far from peaceful; they are filled with chaos, confusion, arguing, and much, much more. As a former prosecutor, I know how taxing and confrontational parties can be at any given time. If you're a litigator, you may also know that most people just want their day in court. There are very few individuals who want to reconcile and talk things through. It is comforting, however, that there are a great number of attorneys, particularly in the CLS community, who practice in the area of Christian conciliation. And through hearing their stories, you will see how it can benefit us all.

For this issue, I gathered experts who practice Christian conciliation, aka biblical mediation and arbitration. It is my desire for you to glean from these articles, even if you are like me and have never practiced in this area. We learn from the verse in Matthew that being a peacemaker should truly be our attitude as a child of God! I will admit, I loved litigation and being in trial; however,

after pouring through the articles in this issue and learning about Christian conciliation, I can see even more now why it is necessary to bring adversaries together if possible. Our best example is Christ Himself who was a peacemaker and reconciled even His enemies back to Him through the shedding of His blood. In 2 Corinthians 5:18, we know that we all have the ministry of reconciliation as ambassadors of Christ. We are no greater than He!

In this issue, together we will learn more about Christian conciliation as a conflict resolution technique, including how much healing it brings to both the practice of law and the body of Christ as a whole. It has long been—and still is—a prayer of mine that the body of Christ would be unified. Christian conciliation is one technique that can be used to help keep things in perspective. You will see how vital conciliation is in family law, business law, and even within the church. The articles in this issue are written to those unfamiliar with conciliation, like me, as well as those who may have had some exposure to the subject. As you peruse the articles (let's be honest, we're all busy), I hope you will take away some encouraging tips and resources in this area of law. And, more importantly, I hope this issue will serve as a resource that you can refer back to during your practice of law for many years to come.



LAKUITA BITTLE, the director of CLS' Attorney Ministries, oversees CLS membership and provides support to CLS attorney chapters nationwide. Prior to joining CLS in March 2021, Lakuita worked in Prince George's County State's Attorney's Office for over five years, most recently as a prosecutor in the Major Crimes Unit. She is actively involved in her family, community, church, and serves on a local nonprofit board, Kadesh CDC.

The Who, What, and Why of Christian Conciliation

BY KEN SANDE

What Is Christian Conciliation?

Christian conciliation is a biblically informed alternative dispute resolution (ADR) process for reconciling people and resolving disputes in a conciliatory manner within a Christian context rather than an adversarial manner in a civil court.

Why Should Christians Use This Process?

The Bible commands Christians to resolve their conflicts by doing justice (Micah 6:8), confessing their wrongs before blaming others (Matt. 7:1–3; Prov. 28:13), forgiving others as they have been forgiven (Eph. 4:32), and negotiating mutually beneficial agreements (Phil. 2:3–4). When Christians are unable to resolve their personal or legal differences on their own, scripture commands us to seek the assistance of wise individuals in the church rather than going to court against one another (1 Cor. 6:1–8; Matt. 18:15–20; Phil. 4:2–3).

Who Can Serve as a Conciliator?

Many disputes can be resolved by seeking advice from wise, spiritually mature believers in the church. Christian attorneys can be especially effective as conciliators, not only because of their ability to address legal issues, but also because of their special training and experience as negotiators, advisors, and problem-solvers.

When Can Christians Use This Process?

Christian conciliation has been used to resolve a wide spectrum of conflicts, ranging from personal offenses such as divorce and child custody disputes to contracts, intellectual property, employment complaints, church splits, and some types of abuse.

How Does the Process Work?

The conciliation process customarily begins by providing conflict coaching to one or more parties to provide them the tools necessary to resolve differences amicably in a controlled and safe setting. When these interventions are unsuccessful, the parties should then submit their differences to a mediation process designed to improve understanding and promote agreement. If mediation is unsuccessful, the parties may submit



the matter to binding arbitration based on principles of biblical justice and civil law. Both mediation and arbitration are guided by Rules of Procedure for Christian Conciliation that were developed by the Association of Christian Conciliation Services in 1990 and are now available through the national conciliation ministries listed “History of Christian Conciliation” on the next page.

Where Did This Concept Originate?

The Bible itself provides the mandate and basic principles for Christian conciliation (see 1 Cor. 6:1–8; Matt. 18:15–20). The modern form of this process was developed by Christian Legal Society when it began to establish Christian Conciliation Service ministries in the 1980s (see the “History of Christian Conciliation” on the next page).¹

For more information on Christian conciliation, refer to the “History of Christian Conciliation” on the next page for national conciliation ministries mentioned therein.



KEN SANDE is the founder and president of Relational Wisdom 360 (RW360).

ENDNOTES

¹ A detailed description of the conciliation process is available in *Guiding People Through Conflict* (rw360.org/gptc) and *The Peacemaker* by Ken Sande (Baker Books, 2004).

1980 While studying 1 Corinthians 6:1–8, members of Christian Legal Society (CLS) conceive the concept of Christian conciliation (also known as biblical mediation and arbitration).

1980 Laurie Eck establishes the first Christian Conciliation Service (CCS) in Albuquerque, NM. Working part-time for CLS, Laurie begins to travel around the U.S. promoting this concept among CLS attorneys.

1982 Lynn Buzzard, the executive director of CLS, and Laurie Eck publish *Tell It to the Church*, which provides a theological apologetic and practical framework for Christian conciliation.

1982 CLS devotes its entire 1982 CLS National Conference to the concept of Christian conciliation. After the conference, several CLS members establish local CCS ministries. Over the next several years, this national ministry network grows steadily.

1987 CLS restructures the CCS network as an independent 501(c)(3) organization called the Association of Christian Conciliation Services (ACCS).

1990 ACCS adopts standardized resources, including model Rules of Procedure, a Standard of Conduct for Christian Conciliators, and a Training and Certification Program.

1991 Ken Sande, executive director of CCS of Montana, publishes *The Peacemaker: A Biblical Guide to Resolving Personal Conflict*, which becomes a primary resource for teaching personal conflict resolution and conciliation.

1993 CCS of Montana changes its name to the Institute for Christian Conciliation (ICC). ACCS merges into ICC.

1996 ICC changes its name to Peacemaker Ministries while continuing to use ICC as the name of its conciliation division.

2004 Peacemaker Ministries spins off a new ministry called Ambassadors of Reconciliation (AoR) to focus on serving the Lutheran community.

2012 Ken Sande steps down from Peacemaker Ministries to establish a new ministry, Relational Wisdom 360 (RW360), which focuses on integrating relational wisdom (biblical emotional intelligence) with peacemaking and Christian conciliation.

2012 As Peacemaker Ministries downsizes, three former members establish Crossroads Resolution Group, LLC (CRG) to provide professional conciliation services to the Christian community.

2016 Peacemaker Ministries spins off its conciliation division as a separate LLC called ICC Peace. AoR expands its mission statement to serving the wider Christian community and not just Lutherans.

2021 ICC Peace transfers its intellectual property to AoR, which allows AoR to establish a new division to continue the mission of the ICC.

2022 Several conciliation ministries continue to serve and thrive locally, while four are providing conciliation services nationally: AoR/ICC, Peacemaker Ministries, RW360, and CRG.



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Overtly or Covertly—Be Reconcilers

BY CANDACE MCCUNE

A couple sought help from a Christian familiar with Peacemaker Ministries' training on Christian conciliation. Because the Christian (whom I will call Joe) was fairly new in this field of work, he asked me to assist him with the conciliation meetings. Joe had been working with the couple for some time. Joe arranged more formal mediation meetings, and I attended as his co-mediator. We made a bit of headway, laid out some interim plans, and did lots of sharing of scripture and prayer and also completed some godly mindset work.

Unfortunately, even as the conciliator worked with them over the following months, they made the decision to divorce. They knew they wanted to avoid the courtroom battle route and, because they knew I was a family law attorney, they enlisted my services.

I shared my usual outline:

- I highly, highly, highly recommended they each have an attorney. Because I was the conciliator, I could not be their attorney, jointly or individually.
- They would do the factual type of prep work with their attorneys.
- Our session with both parties and their attorneys would be in a single room together with private meetings as needed.
- We would follow the Rules of Procedure in the Institute for Christian Conciliation Guidelines, which includes two major rules important to me:
 - #1 – Conciliator takes into consideration state, federal, and local laws, but the Bible is the supreme authority governing every aspect of the process.
 - #2 – During mediation, attorneys for the clients serve only as advisors and the clients are expected to speak for themselves as much as possible. Additionally, attorneys are expected to respect the conciliatory nature of the process, thereby avoiding unnecessary advocacy.¹

Of course, as often occurs, though the parties were confessing Christians, they chose attorneys who did not appear to be of the same persuasion. How did I know? On the day of our joint meeting, we met in a conference room. I sat at the head of the

table with each party and their attorney on either side. After introductions and the sharing of my prior experience with the couple, I said I knew the couple would like to start with prayer. They nodded yes and bowed their heads. I was a bit slower in bowing and clearly saw the attorneys look across the table at each other and roll their eyes. I prayed for specific guidance from the Lord as I usually do and likely included a request for hearts and minds to be focused on Him, centered on His will being done. I don't recall the rest of the prayer.

We spent a full day of work on the parenting and separation agreement issues. There was a great deal of proposed language coming from the attorneys after the parties shared what was important to them; some hard decisions were made, but generally workable give-and-take occurred. We finished in the late afternoon with all parts drafted in non-final wording clearly stating what was agreed upon. We referenced scripture throughout our discussions, and the parties were able to support each other in the parenting work. We ended with a prayer of gratitude.

Neither attorney mentioned scripture or used any Christian speech, but they very positively worked toward conciliatory language, solutions, and helpful suggestions. The most interesting statement, however, was made by one of them as he helped carry my flipchart out to my car. He said, "Wow, you certainly got everything you prayed for today!" Who knows the impact of the day on either of them.

Certainly, I had permission from the parties via the Rules² to use the scriptural principles, have them read scripture, and join in prayer together. They were Christians and chose that process. But I did not feel free or led to presume and include their attorneys in participating in the reading of scripture or prayer, yet they saw and heard a whole different way of doing "business."

"Overtly" means publicly and openly; "covertly" means not openly shown. What does that mean for us as Christian lawyers?

There are times attorneys are working with opposing counsel and hear "Christian" speech or behaviors. That usually changes things instantly to a warm level of shared beliefs, doesn't it? And oh-so-many other times, attorneys clearly hear speech or



proposals that communicate the opposite. “So, whether you eat or drink or whatever you do, do it all for the glory of God” (1 Corinthians 10:31 ESV). How do we apply that in our legal world of work?

My best illustration comes from a young man who set an appointment with me while I was serving as the executive director of Conciliation Ministries of Colorado – a Christian non-profit organization formed by local attorneys.

When I met him, sat down to talk, and pulled out my Bible to search for a scripture, he said to me, “Oh, I need to tell you, I am an atheist.” Bible halfway open, mouth partially open, and brain stunned, I sent one of those quick prayers up to the Lord asking Him to step in. I then asked him, as I already had the Bible half-way open in my hand, “Are you familiar with the Bible?” He replied, “Oh, yeah.”

“And you know it has some really good principles in it?” I asked. He responded affirmatively, almost enthusiastically. I was non-plussed. I asked, “Are you okay if we use those principles in our process?” “Sure,” was his response. Somehow, I continued, and we got things rolling so we could have a joint meeting with his grown sister with whom he had an issue.

When we had our joint conciliation meeting, attorneys and all, I realized he had a Christian attorney, who I later learned was the one who sent him to me. At any rate, his sister was a professing Christian. I will simply qualify the whole meeting, which ended with a satisfactory resolution, by asking “Guess who acted more like a Christian?” You’re correct if you said the atheist.

Simply labeling someone or something “Christian” does not impact my work as a lawyer or as a Christian mediator or arbitrator. The label of “Christian” is a large and vague category without much definition. I always search a bit deeper to understand the underlying principles a person operates under, taking into account his/her beliefs, needs, and fears. Well-worded questions are your best friend (whether you practice family law, estate work, corporate work, or any other area of law). I use them as I am getting to know those with whom I am working. As scripture says, “For out of the overflow of his heart his mouth speaks” (Luke 6:45). Good questions, good listening, and continuing inner prayer for the Lord to reveal truth and His will—these are the elements that will serve you well.

And isn’t that what is at the heart of our work as attorneys? Finding out the core of the issue, identifying the problem,

“As people reconciled to God by the death and resurrection of Jesus Christ, we believe that we are called to respond to conflict in a way that is remarkably different from the way the world deals with conflict.”

and determining the contribution we can make to the reconciliation of the matter, is at the heart of our purpose. And how many twists and turns does it take to get there? I am sure you can share so many stories along those lines too!

Things often go in a totally different direction than expected. I was called by a Christian attorney to conduct a mediation in a just-filed divorce matter. Although I usually met with everyone in one room, this time they required I meet with them in two separate rooms. Per my request, the husband, who retained the Christian attorney who contacted me, brought a fellow pastor of his along as a spiritual advisor, which I define as a mature Christian friend whom you trust to be truthful and Godly in his or her advice.

I then met with the wife and her attorney. She also brought a friend to be her spiritual advisor. It was clear that her attorney had settled on his “theory” that the wife needed protection from the husband and was not to interact with him and that I was to simply ‘get things separated and done.’ He was rough in both his talk and behaviors, negative toward the husband and demanding rather than listening. We accomplished little that day.

Within a few days, however, the husband contacted me and asked if I would meet with him and his spiritual advisor, which I

did. I asked lots of questions. I prayed and dug deep into the underlying issues with tremendous help from the spiritual advisor. We met multiple times in the weeks that followed. The husband began to recognize his controlling behavior and the damage it had done. He began to let go of his fears that were underneath the controlling impulse. He truly sought God’s help.

Meanwhile, his wife recognized the destructiveness of her attorney and fired him. Long story short, the husband was able to make big changes, while the wife moved back to town and into their home, ready to work on the marriage. They were able to fully address, forgive, and agree on the future of their reconciled marriage. It was a joy to hear regular positive news from them over the following years.

I always use the opening statement I learned from Ken Sande years ago in our training sessions: “As people reconciled to God by the death and resurrection of Jesus Christ, we believe that we are called to respond to conflict in a way that is remarkably different from the way the world deals with conflict.” Overtly or covertly, we can glorify God in all we do in our own legal practice.



CANDACE MCCUNE became a Colorado attorney in 1987 and has extensive litigation experience, later focusing on family law. Since 2006, she has limited her practice to Christian mediation and arbitration as a Certified Christian Conciliator with ICC and a Certified Christian Reconciler with Relational Wisdom 360. A long-time CLS member, she also served two terms on the national CLS board.

ENDNOTES


- <https://www.aorhope.org/icc-rules>.
- <https://www.aorhope.org/icc-rules>.

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When Conciliation Does Not Work (The Way You Think It Should)

BY DWIGHT SCHETTLER

We were licking our wounds. We were with them for hours. We tried everything. We did everything we were taught. We took them to scripture, encouraged them with the gospel, and challenged them with the law. But nothing worked.

It was quite late in the evening, and we had been meeting in the church conference room for hours. They were all tired, as were we. Then someone said something explosive, and the group began bickering again! We had intervened time and again, but not this time. My colleague and I were at our wit's end, and we finally had to say, "There is nothing more we can do for you." We closed our folders, collected our things, and packed our briefcases. For the first time, the group was quiet. They did not know what to say because everyone assumed we would simply jump in and calm things down again. We bid them good night, and we left. They were still sitting around the conference table as we quietly walked out.

As you read this, you may be thinking this was part of a grand plan, an orchestrated surprise crescendo to startle them into obedience. I am sorry to disappoint you; it was anything but that. We were weary, exhausted, and out of ideas. Supper conversation later that evening was muted. We were each lamenting our ineffectiveness. The next day was more of the same as we had a long drive home. Windshield time provides a lot of opportunity to reflect. "Maybe if we . . ." one would start. "I wish we hadn't . . ." the other would say. We processed thoughts like these for a few hundred miles and then we asked a different question: "What do you suppose God is doing with this?" Our conversation then shifted from lament to encouragement, reminding one another of God's promises: "And we know that for those who love God all things work together for good, for those who are called according to his purpose" (Romans 8:28 ESV).

His promise to work all things for good does not include an asterisk with an exception for those times when conciliation fails to turn out as we had wished, for times when the parties do not respond as we had hoped, or for times we did not do things as well as we could have done them. He means all things, including our less than stellar performances. In this case, while we ran out of options, God was still working together for good, for those called according to His purpose.

For my thoughts are not your thoughts, neither are your ways my ways, declares the Lord. For as the heavens are higher than the earth, so are my ways higher than your ways and my thoughts than your thoughts. For as the rain and the snow come down from heaven and do not return there but water the earth, making it bring forth and sprout, giving seed to the sower and bread to the eater, so shall my word be that goes out from my mouth; it shall not return to me empty, but it shall accomplish that which I purpose, and shall succeed in the thing for which I sent it (Isaiah 55:8–12).

This is another amazing promise from God. There are actually several promises here, but first I want to highlight a promise that is not there. Conciliators may be tempted to read this as "God's word will accomplish that for which I use it." Further, we often read into this text other promises that are not there; that it will accomplish my goal when I want it and how I want it. After all, we are Christian conciliators trained to employ God's Word. Ergo, using God's Word will accomplish what I intend, right?

Wrong! Well, not necessarily, anyway. Sometimes our purpose aligns with God's purpose in the moment, and we see this amazing result. When we do not see the result we hope or even pray for, we need to remember the promise that is actually in this text: "it shall accomplish that which I [God] purpose, and shall succeed in the thing for which I [God] sent it." God, through His Word, will accomplish His purpose, in His time, and how He ordains, which is not necessarily our plan. So, even when things do not turn out the way we hoped, we rest in the promise that God's Word will still accomplish all that He intends, in His timing. In fact, God does not promise that we will even see what He accomplishes, so resting in that promise is an act of faith.

And the Lord's servant must not be quarrelsome but kind to everyone, able to teach, patiently enduring evil, correcting his opponents with gentleness. God may perhaps grant them repentance leading to a knowledge of the truth, and they may come to their senses and escape from the snare of the devil, after being captured by him to do his will (2 Timothy 2:24–26).

Here again, God provides both instruction and promises for conciliators. In fact, we often describe this text as the conciliators' job description. The text delineates our job from God's job, reminding us of who is really doing the work in conciliation. In the first half of the text, God tells us our job is to do (or not do) the following:

- not to quarrel
- to be kind
- to teach
- to endure evil patiently (another translation says "do not be resentful")
- to correct with gentleness.

That's it! In our Christian walk, or in our service as conciliators, we are to do these things. When we are in front of that cantankerous client, we are to do these things. When we are comforting a struggling party, we are to do these things. Even as we perceive potential reconciliation slipping away, we are to do these things. This is our job!

The second half of that text says, "God may perhaps grant repentance" In other words, God may change their hearts. Changing their hearts is God's job and, therefore, not ours. For those among us who are results-driven, it can be a great temptation to think that changing their hearts is up to us. It is this temptation that I have seen as the greatest among conciliators. When we are paid for our services, our clients have expectations. Because we are being paid, we also have our own expectations. After all, we desire to serve well and deliver what our clients expect. The seductive nature of client expectations combined with our own self-expectations presents a powerful temptation to assume we are responsible for the outcome. That is when we get into trouble as conciliators. A conciliator who believes it is his or her job to change a party's heart is dangerous, indeed. Falling into this trap makes the work our own and not God's, which leads to missteps and potentially unrealistic expectations.

These expectations are often set in the earliest stages of the engagement. A question I am often asked as someone considers our service at the Institute for Christian Conciliation is "What is your success rate?" As conciliators we rejoice with many clients who experience reconciliation, but we also lament those whose hearts are hardened such that they are unwilling or unable to respond to God's Word. We do well to appropriately set our clients' expectations.

Changing their hearts is God's job and, therefore, not ours. For those among us who are results-driven, it can be a great temptation to think that changing their hearts is up to us. It is this temptation that I have seen as the greatest among conciliators.

So, the question of "What if conciliation does not work?" becomes a bit philosophical. I propose we replace the question with this: "Why do we conciliate in the first place and what can we expect when we do?" We conciliate because it is God's command for His children. We conciliate because God promises it is the only place we will find true peace. We conciliate as our faithful response. We conciliate and entrust the outcome to "the one who judges justly" (1 Peter 2:23).

As for the case I mentioned in the beginning, there is more to the story. A few months later I received a call from that church. "I've been meaning to call you for weeks," the caller said. "You'll never guess what happened after you left!" He went on to say that in the following days God's Word convicted one person, who sought out another for confession. Then another and another! "It was amazing!" the caller said. They experienced the ultimate healing through confession and forgiveness.

Reconciliation is accomplished in God's timing and as He ordains. Conciliators, then, are His instruments. God desires for His children to be healed. Conciliators wish to bring healing. Seeing the healing of the gospel happen before your eyes is a privilege. Indeed, "He himself bore our sins in his body on the tree, that we might die to sin and live to righteousness. By his wounds you have been healed" (1 Peter 2:24).

Even when we feel that conciliation did not work, the reality may just be that it has not worked yet. Where God's Word is shared, His work continues.



DWIGHT SCHELLER serves as president of the Institute for Christian Conciliation, a division of Ambassadors of Reconciliation.

Conciliation in Family Law, Divorce, and Domestic Abuse

BY ANN D. CAREY

Conciliation, like mediation, often presupposes a level playing field. It assumes reasonable minds coming together to work out forgiveness, reconciliation, or at least a reasonable resolution to the issues. When abuse is involved, there is no level playing field. Abusers thrive on the power they hold over others. Abuse originates in the spirit and acts out in the flesh in the physical world. We are all aware of John 10:10 (NIV): “The thief comes only to steal and kill and destroy; I have come that they may have life, and have it to the full.”

This short article scratches the surface of a subject as deep as the Grand Canyon. Abuse is a shapeshifter. By this I mean the abusive person is often capable of changing, at will, the shape of his or her personality. Abuse may be physical, emotional, financial, or exercised through positions of power or control. The list of abuse manifestations is endless. Before we find ourselves at the table with a person capable of disguising the depth of his or her depravity, we need to be prepared for the battle, which I will address later. For now, bear in mind that Satan is the great deceiver. Often, I see someone who presents as a self-contained, apparently emotionally stable person sitting across from me, but who is, in fact, a very crafty and manipulative abuser. Frequently, it is the abused who is highly emotional and self-protective, while the abuser remains calm

and in seeming control. This is expected and common in the partner abuse dynamic. Listen, observe, and pray for insight! Remember Solomon’s wisdom in splitting the baby—the truth was revealed in the result.

Make no mistake, an abusive environment is a spiritual battleground, so it requires spiritual warfare regardless of the arena—Christian or secular. The weapons of our warfare are not of this world.

Does our approach to conciliating a dispute differ because it is a secular versus Christian arena? In some ways, yes. On a much deeper level, I do not believe so.

One answer to the above question is “yes” because our approach to a professing Christian will pull directly from the Word of God. Our goal will be to restore a brother/sister, heal a wounded heart, and/or challenge sin. In addition to the issues, we discuss forgiveness and true repentance. Discussions regarding the status of issues and their hearts in the midst of the conflict involving abuse are based on the Word of God, His commands, and His principles. Physically the church body offers safety, support, and the accountability needed in cases of abuse. True repentance and justice are critical to the process.¹



Sexual misconduct leaves people broken and the truth lost

But an allegation handled
well brings justice for
those harmed

**RESTORE THE TRUTH WITH
INVESTIGATIONS THAT BRING
LIFE AND HEALING**



The other answer is “no.” In many ways, the spiritual world is not different from the secular world. We may live in a physical body, but we are ALL spiritual beings.

There are many scriptural principles that also apply to the secular world. Solomon inherited the kingdom from David. I believe it is fair to assume that Solomon ruled over a kingdom that was spiritually diverse; not all were God-fearing men and women. The Lord appeared to Solomon in a dream and told him to, “Ask for whatever you want me to give you” (1 Kings 3:5). It is important to note that scripture tells us Solomon understood he couldn’t do what he had been called to do without the Lord’s wisdom. Sound familiar? It surely does to me.

Depending on your translation, Solomon responds in 1 Kings 3:9, “So give your servant a discerning heart to govern your people and distinguish between right and wrong” (emphasis added). The Lord granted his request. The Hebrew word for discerning literally means “hearing.” We need to learn to listen to the “heart needs” of others regardless of their spiritual status. Why? Because the Lord Himself listens to us. He hears the cries of our hearts. He knows what is in our hearts and what is true. We ask the Lord to give us a discerning heart so that we might distinguish what is true. Please understand, I am not assuming you don’t already do this. If there is even one person who needs to read this, I am sensitive to that possibility.

The Spirit of the living God can and does work through us in a secular environment. The weapons of our warfare may not be as direct and conspicuous, but they are weapons nonetheless. Hebrews 4:12 says, “For the word of God is living and active. Sharper than any double-edged sword, it penetrates even to dividing soul and spirit, joints and marrow; it judges the thoughts and attitudes of the heart.”

Once upon a time, I quoted a proverb from scripture to a jury (without chapter and verse). The judge got extremely upset and told the jury to disregard it. The thing is, they had already heard it. The Word of God is living and active and cannot be unheard.

Because we are physical and spiritual beings, we must be prepared on both fronts! Physically, have a safety plan in place for all those involved. Consider all angles. Send out to each party a confidential pre-meeting survey. Ask questions designed to identify potential types of abuse. Abuse wears different hats. Consider allowing the attorney or spiritual support for the parties to be present. Maintain separate caucus

The Spirit of the living God can and does work through us in a secular environment.

rooms. Make sure they leave separately or have one escorted to the car. Remember, remain neutral but in control of the process. I suggest taking some courses in domestic violence and becoming trauma informed to better serve those with whom you work.

Spiritually, we suit up and we pray! Cover the participants and the process in prayer. This is a battle. Ephesians 6:13 tells us: “Therefore, put on the full armor of God so that when the day of evil comes, you may be able to stand your ground, and after you have done everything, to stand.” Ephesians also tells us: “For our struggle is not against flesh and blood, but against the rulers, against the authorities, against the powers of this dark world and against the spiritual forces of evil in the heavenly realms” (Ephesians 6:12).

As spiritual beings, we need to train ourselves to listen with spiritual sensitivity to others and to the Lord. When we listen, the spirit of the Lord will give us wisdom. The battle belongs to the Lord. Samuel 17:47 says: “All those gathered here will know that it is not by sword or spear that the Lord saves; for the battle is the Lord’s.” Likewise, 2 Chronicles. 20:15 says: “This is what the Lord says to you: ‘Do not be afraid or discouraged because of this vast army. For the battle is not yours, but God’s.’”

The result of what happens in the hearts of the participants is also in the Lord’s hands. “The heart of the king is in the hand of the Lord. He turns it like a water course the way He wants it to go” (Prov. 21:1).



ANN D. CAREY has practiced law for over 33 years, appearing before the bench and juries in six states. Two of her cases have gone to the Delaware Supreme Court and one to the U.S. Supreme Court. She has been certified in alternative dispute resolution for more than 30 years, serving the courts, private industry, and the church.

ENDNOTES

- 1 For more on this topic, see Timothy Keller’s book *Forgive: Why Should I and How Can I?*.

Christian Arbitration—Adjudicating God’s Way

BY MATTHEW ARGUE AND HAROLD COLEMAN, JR.

“What causes quarrels and what causes fights among you? Is it not this, that your passions are at war within you?”

JAMES 4:1 (ESV)

It started out like most civil litigation these days. Adversarial posturing. Inflammatory rhetoric. Lots of “paper” and little thought to efficiency. And competition at its worst rather than cooperation with sensitivity to the needs of others, and not just one’s own.

The surprise here? This wasn’t your typical civil case pending in the court system between secular litigants. It was a case initiated in the court system but removed to Christian conciliation by order of the trial court at the request of several of the parties.

A Difficult Situation

The underlying conflict was centered on numerous breaches of contract, breach of fiduciary duties, and personal tort claims arising in the context of an intrafamily business dispute. The relief sought was an eight-figure damages award, in addition to various injunctive orders. The family members were business partners. All involved professed to be Christians. Their partnership agreement, family trust, and related business documents included a conciliation clause specifying biblical mediation and arbitration under the Institute for Christian Conciliation’s (ICC) Rules of Procedure for Christian Conciliation as the exclusive forum for resolving any disputes arising from the parties’ business and family trust relationships. Nonetheless, the plaintiff filed suit in court against multiple family/business partner defendants.

So began the oppositional “tug of war” framed by “winners and losers.” The stakes were not just financial, but potentially catastrophic for future family relationships—emotional upheaval as well as spiritual implications for future generations. After a lengthy and contentious court battle, a state trial court properly ordered that the conciliation dispute resolution process prescribed in the parties’ agreement be administered in a binding Christian arbitration before the ICC. Let’s take a look at the nature of arbitration itself and how Christian arbitration differs from its secular counterpart and also the civil court system.

The Essence of Binding “Arbitration”

Arbitration involves the submission of a dispute to a single arbitrator or a panel of arbitrators for a legally binding decision that may become and have the same effect as a judgment of a civil court. Arbitrators act as private judges.

Arbitration features relaxed hearing procedures and evidentiary standards, confidentiality, and tribunal expertise. Arbitration is contractually based, meaning it generally is had only by express party agreement. Secular arbitration has evolved such that in many cases it closely resembles a trial in court. Parties are bound to arbitrate only those issues they have agreed to arbitrate. Arbitrators generally may grant any remedy or relief that they deem just and equitable and within the scope of the agreement of the parties. So, arbitrators, like judges, have the power to decide cases.

How Does Christian Arbitration Differ from Secular Arbitration?

Parties who wish to utilize the ICC incorporate a written conciliation clause into their contract or bylaws opting to resolve their dispute using Christian arbitration under the ICC Rules. Christian arbitration is used as a final step to resolve a wide variety of legal disputes and relational conflict between and among Christians. The ability to address both relational and substantive issues makes Christian arbitration preferable in many cases. This unique form of adjudication applies biblical principles that typically produce decidedly different (and arguably far better) results than can be obtained through secular arbitration in several profound ways:

- Both legal and biblical principles apply in a Christian arbitration. We generally expect a better outcome than litigation because it deals with both the personal/relationships involved as well as the financial/material issues. (In contrast, secu-



lar arbitration like a trial in court rarely preserves relationships.)

- 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 arbitration because it asks each party to address their part in the conflict and not simply focus on “winning” a legal contest.
- 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.
- Even with adjudication through arbitration, opportunities abound to practice biblical conflict resolution, i.e., opportunities (1) to glorify God, (2) to serve others, and (3) to grow to be like Christ.

Why Does Scripture Discourage Believers from Pursuing Disputes in Court?

Certainly the relational damage of engaging in an adversarial process is hurtful in the church context.

But biblical conciliation, including binding arbitration, prioritizes relational issues and is proven to be both cost-effective and successful in resolving complex legal matters.

Consider two biblical imperatives on conflict resolution God’s way:

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. 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.’ 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 (Matthew 18:15–17 NIV).

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? 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? (1 Corinthians 6:1–2).

Two Essential Distinctives Underlying Christian Arbitration

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 arbitration is that it requires the parties to cooperate with each other during potentially problematic/challenging phases of a case and avoids expensive and lengthy discovery battles.

Two distinct Rules of Procedure for Christian Conciliation bear heavily on the import of the scriptural imperatives above and underscore the qualitative difference in Christian arbitration from secular arbitration. The first is Rule 1 (“Purpose”) of the ICC Rules:

The purpose of Christian conciliation is to glorify God by helping people to resolve disputes in a conciliatory rather than an adversarial manner. In addition to facilitating the resolution of substantive issues, Christian conciliation seeks to reconcile those who have been alienated by conflict and to help to them learn how to change their attitudes and behavior to avoid similar conflicts in the future. These Rules shall be interpreted and applied in a manner consistent with this purpose.

Rule 1 applies to Christian arbitration with full force and effect. By focusing on cooperation and prioritizing relationships rather than adversarial litigation, the entire focus and tenor of the arbitration shifts. The focus becomes what is necessary to find the truth, and all personal attacks and unnecessarily burdensome discovery tactics vanish.

The second “distinctive” resonates from Rule 4 (“Application of Law”) of the ICC Rules:

Conciliators shall take into consideration any state, federal, or local laws that the parties bring to their attention, but the Holy Scriptures (the Bible) shall be the supreme authority governing every aspect of the conciliation process.

By incorporating the Word of God, God’s Holy Spirit, and prayer as an integral part of the arbitration process, the parties are reminded they are believers first and foremost and necessarily treat each other remarkably different as a result of this realization. Thus, Christian arbitrators, although generally bound to follow prevailing law, may (and are encouraged to) consider the Word of God as it might apply to a given situation when fashioning an award that will pass legal muster and glorify God, in spirit and in truth!

And Yes ... Christian Arbitration Works!

Now let us return to the difficult case situation mentioned at the outset of this article; the authors can attest to the power of God’s Holy Spirit operating to bring about a change in attitude, approach, and outcome in even a hotly contested legal dispute arising in Christian arbitration.

“Conciliators shall take into consideration any state, federal, or local laws that the parties bring to their attention, but the Holy Scriptures (the Bible) shall be the supreme authority governing every aspect of the conciliation process.”

When the case was transferred from court to the ICC, the allegations were emotionally charged and had the tone of a personal vendetta. This was especially troubling given the close family relationships that were involved on all sides. The statements and conduct of counsel during the initial preliminary hearings were accusatory with no consideration for the potential future damage that the lawsuit would inflict on the family members. The case was replete with discovery battles. Motions were brought and challenged seemingly over small matters that counsel could and should have been able to work through on their own. Time was elapsing in getting the case to hearing while costs mounted.

All of this occurred, even though the ICC administrator opened each and every hearing with prayer and a devotional from the Word of God, in attempting to set the stage for a God-glorifying process for all involved.

Then, a breakthrough came. The ICC administrator and the arbitrator appealed to the parties and counsel for an end to the oppositional “tug of war” that threatened the sanctity of this God-ordained, adjudicative process. The arbitrator invited all counsel and their principals to participate personally in a scheduled preliminary hearing during which all concerned could review the history of the case, what was needed to keep it on track, and, most significantly, the very essence of ICC Rule 1 (“Purpose”), which specifies that Christian arbitration must be conciliatory rather than adversarial and focus on relationships if it is to be God-honoring. Precisely because the parties had opted for Christian conciliation under the Rules of Procedure for Christian Conciliation, the arbitrator and ICC administrator were empowered to exhort the parties to engage not just as litigants but also as believers!

The arbitrator emphasized that, under the parties’ adoption of the ICC rules, he was duty-bound to apply the rules in full effect. In fact, his arbitral jurisdiction emanated from the par-

ties' agreement and the ICC rules. This had a profound effect on the parties and counsel. Each committed publicly to the admonitions of Rule 1. Each committed to moving the case forward with a minimum of rancor, and each re-committed to good faith attempts among counsel to resolve procedural challenges before bringing them to the arbitrator for consideration of an order. This also had a substantive effect on the parties who voluntarily narrowed the scope of the case to remove the threatening personal injury claims and narrow the focus to the business/financial issues that the parties need to resolve to consummate a business transaction/sale that would financially benefit all the participants.

Suddenly the preliminary hearings took on a more congenial and solution-focused tone. The total number of days for the evidentiary hearing was significantly reduced, the hearing dates were set by mutual agreement, and related hearing-prep milestones were complied with. At publication time, the case was in final preparation for evidentiary hearings, and we hope to report outcomes (including possible reconciliation of parties?) in a future edition of this magazine.

A Christian Lawyer's Call to Action

Christian conciliation (including binding arbitration) is God's ordained way for resolving disputes between and among Christians pursuant to 1 Corinthians 6. There must be something fundamentally different about resolving conflict using a biblical versus a secular model. The big question goes to the role of the Christian lawyer in fulfilling scripture.

Even in the secular context, we realize that solutions developed in mediation through collaboration and cooperation are far better than resolutions achieved through a judicial decision maker in a court or arbitration. But, as shown above, we also see that resolutions reached in Christian arbitration are better than secular arbitration.

Incorporating biblical conciliation into one's law practice as an option allows a Christian lawyer to incorporate this model as an alternative tool for conflict resolution into his or her law practice. 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.

Christian conciliation eliminates the pressure to engage in adversarial tactics, personal attacks, overly burdensome discovery, and endless motions to assert control and dominance. Rather, Christian conciliation encourages disputants who claim to place their faith and hope in Christ to adopt His view of conflict—to see it as an opportunity to glorify God, to serve others, and to grow more Christ-like while enduring conflict. The ultimate goal is not winning vs. losing but preserving relationships and engaging in conflict resolution with a higher purpose in mind, not just substantive outcomes in legal or monetary terms, for indeed, our God is a relational God.

By keeping these precepts top of mind, the Christian lawyer will be better able to (1) glorify God in his or her personal practice, (2) remove the oppositional dynamic inherent to conflict, (3) promote genuine peace-making, and (4) point and refocus parties embroiled in conflict to the Risen Savior—all to His glory.

“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 ESV).

And to that, let us all agree and declare in unison ... AMEN!



MATTHEW W. ARGUE is the president and CEO of ICC Peace, LLC. He is the former president of the Institute of Christian Conciliation. Mr. Argue is a California licensed attorney with over 30 years of experience. Since 2004, he has worked as full-time neutral mediator and arbitrator for all state courts in Southern California. As a Certified Christian Conciliator, he has experience resolving all types of conflicts involving businesses, churches, schools, and individuals.



HAROLD COLEMAN, JR., is an award-winning dispute resolution practitioner, educator, and peace-building champion. He is an attorney, arbitrator, mediator, conciliator, facilitator, teacher, trainer, speaker, writer, and conflict coach with over 30 years of multi-faceted experience and expertise in the dispute resolution industry. Coleman is principal of Harold Coleman Jr. Ltd. (2004 to date), a San Diego-based conflict-management firm.



Having an Attitude of Reconciliation When Christian Conciliation Is Not an Option

BY LORI YOUNG

In 1980, while studying 1 Corinthians 6:1–8, a few members of Christian Legal Society realized God calls Christians to take a different approach to their differences than the world's. Shortly thereafter, the first Christian Conciliation services were established.¹ Conciliation is defined as follows: “the action or process of ending a disagreement, often by discussion between the groups or people involved,”² and “the settlement of a dispute by mutual and friendly agreement with a view to avoiding litigation.”³ Christian conciliation seeks to resolve disputes outside the courtroom in a biblical manner with the goal of reconciling those involved through honest communication and reasonable cooperation.⁴ As instructed in 1 Corinthians 6:1–8, Christians should strive to take all disputes between them to the church in the process of Christian conciliation. What does the Christian litigant or the Christian attorney do when Christian conciliation is not an option? There are many ways that biblical prin-

ciples of reconciliation can still guide the process of dispute resolution, even if the parties end up in court.

Legal aid clients face many unique challenges, including having limited resources of money, time, relationships, and education. They are often transient, so sometimes simply staying in contact with them is difficult. Many legal aid clients go years without addressing legal issues, compounding the problems they face. It may be nearly impossible to even find the other party for service, much less for scheduling conciliation. Sometimes, the legal aid client is the victim of oppression by someone who is not a Christian and who will not participate in conciliation. In situations like this, scripture is also clear, instructing us to “seek justice, correct oppression; bring justice to the fatherless, plead the widow’s cause” (Isaiah 1:17 ESV), for “the righteous care about justice for

the poor, but the wicked have no such concern” (Proverbs 29:7 NIV). Most Christian Legal Aid organizations exist to carry out the command in scripture to seek justice, love mercy, and walk humbly with our God (Micah 6:8). For these reasons, the legal aid attorney may need to bring the client’s case to court, and it is possible to do so with an attitude of reconciliation. This approach is a God honoring way to “administer true justice; (and to) show mercy and compassion to one another” (Zechariah 7:9). Having an attitude of reconciliation instructs your approach to your cases, to your clients, and to the other party. Without question, being involved in a legal battle can be terribly stressful. Clients feel fear of the unknown and a loss of control. Here are some practical ways to help bring about reconciliation to make the final trip to court more about the “legal” and less about the “battle.”

Always ask yourself, “Can this be resolved without going to court?” If it can, and the other party is present, try to lead the parties to reach an agreement prior to going to court. This may be achieved by engaging in negotiations with the other party’s attorney or with the other party directly if the party does not have an attorney. Perhaps the parties can engage in mediation or Christian conciliation to reach an agreement. If cost is a problem, research whether a low-cost mediator is available in your area. Perhaps there is a church that would offer Christian conciliation without cost.

Across the nation, most Christian Legal Aid (CLA) clinics report that the majority of their cases are family law cases. “Family law” is an overarching category that includes multiple subcategories such as guardianship, paternity, divorce, child custody and support, and deprived child cases. It is also an area in which the principles of conciliation are valuable. In a family law/custody case, attorneys need to remind their clients not to disparage the other parent. Parents’ respect for each other, even if they are not together, benefits children. Children know they are part of both parents, and when one parent is disparaged by the other, the child may internalize this and think that he or she also possesses those negative characteristics. Happy, healthy parents make for happy healthy children. If both parents are healthy, good parents, it fosters security and stability needed for a child to thrive. My clients are, on occasion, surprised when I pray, not only for my client, but also for the other parent. I pray for their recovery if addiction is involved. I pray for God to work in their heart if anger, resentment, or depression problems are present. I encourage my client to continue praying for the other parent, allowing God to work in the client’s heart too. Wanting the best for each other helps them rec-

ognize they are both creations of God, worthy of respect, and fulfills the greatest commandment to love God first and others as yourself. It is also transformative for the child.

Having an attitude of reconciliation sometimes means starting with “Thank you.” Our clients have often walked the painful and difficult road from brokenness and addiction to healing and recovery. This road often damages relationships along the way. This was true for Kim (not her real name), one of my clients who had allowed her alcohol addiction to consume her, even to the point that she placed her young daughter in danger. Her mother was forced to file for guardianship. Realizing she was on a terrible path, Kim decided to turn things around. She sought treatment for her addiction problem; she attended counseling, including

Having an attitude of reconciliation sometimes means starting with “Thank you.”

parenting classes; she obtained a steady job and housing; and she took advantage of every opportunity to rebuild her daughter’s trust in her as a mother. When I interviewed her, I agreed to take her case but told her I would require her to write a thank you letter to her mother. The purpose of the letter was to thank her mother for taking such good care of her daughter for all those years. At first, Kim bristled. Understandably, her relationship with her mother had been rocky to say the least. After some resistance, Kim capitulated and wrote the letter. The results were amazing. Both hearts were changed, Kim’s and her mother’s, and by the time we went to court to terminate the guardianship, the two women stood side by side in agreement that it was time for the child to live with her mother once again. Shortly after court, the three of them went on vacation together.

Another prominent area of poverty law is, surprisingly, probate law. People often think because the CLA client is poor, she would never have probate needs. Quite the opposite is true. For families in poverty, the legal conveyance of property from generation to generation is a luxury they cannot afford. For example, one of my clients was living in what was her grandparents’ home. Her grandparents had been deceased for many years, but the home was still in their name. The house had fallen into disrepair, and she had sought aid from the city. There was a municipal program that would help her with the home repairs, but only if the home

was in her name. This required court action. After meeting with us, our client successfully contacted her other family members, explained the situation, and obtained everyone's signature in a family agreement to present to the court. This approach was much less adversarial than simply sending notice of a legal action and meeting the family at the courthouse.

If conciliation is not an option, or if all attempts at mediation/conciliation have been exhausted, court may be necessary. However, this should not preempt a biblical approach to the case or to the relationships involved. Is your client the one who was wronged? Encourage forgiveness. Is your client the one who did wrong? Encourage repentance. Always demand respect. Respect of you or other volunteers. Respect of the other party. Respect of third parties. Your representation is an opportunity to witness to your client, to the other party, to the other attorney, and to the judge.

“Therefore, if anyone is in Christ, he is a new creation. The old has passed away; behold, the new has come. All this is from God, who through Christ reconciled us to himself and gave us the ministry of reconciliation” (2 Corinthians 5:17–18 ESV).



LORI YOUNG is the executive director of Trinity Legal Clinic, a free legal services clinic for clients living in poverty. Lori has called OKC home nearly all of her life. It is her passion to help make her city one of salt and light by following God's command to provide justice for poor people in the court system. She also serves on the OK Justice Circle and, along with her husband of 28 years, she is active in her church, serves on the board of the Britvil Food Pantry, and serves on the board of Camp Sooner, a local Christian youth service and discipleship camp. She most enjoys spending time with family and traveling.

ENDNOTES

- 1 History of Christian Conciliation. (n.d.). Retrieved February 10, 2023, from <https://rw360.org/history-of-christian-conciliation/>.
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What Jonah Saw

Clocks cannot tell our time of day
For what event to pray
Because we have no time, because
We have no time until
We know what time we fill,
Why time is other than time was.

—W.H. AUDEN



Jonah Preaching before Nineveh by John Martin

BY ANTON SORKIN

Introduction

In the book of Genesis, we see a fascinating cycle of movement and repose. From the Creation narrative as the preeminent standard for what is “good.” To the Fall and subsequent commissioning in Genesis 3 of a life marked by frustrated work. To the murder of Abel in Genesis 4 as a vision of early scenes of fraternal malice. To the redemptive promises of Noah and his subsequent humiliation after a toilsome winter. We see an ongoing pattern of work and rest: perhaps not the work we expect, and certainly not the rest we desire. But two ideas, intimately coiled around God’s unfolding narrative, find their common purpose in these earliest pages of Holy Writ as a material assurance of things to come. And that is this: the time we borrow is borrowed with a purpose toward manifesting the character of God in our rest and in our labor.

A Timeless Profession

In his pithy little volume on work, James M. Hamilton writes about the connection between work and rest in a profound way,

sensing in Genesis 2 an indication toward a “restorative rhythm of work and rest, even a restful work.” Hamilton explains this connection by comparing the command given to Adam to “work and keep” the Garden and the eventual duties assigned to the Levites at the tabernacle, “which they were to guard, where they were to minister.”¹ In each instance, we see a bridging emphasis between calling and vocation. A stark warning to find a true balance between the design, diligence, and dignity of work. A challenge, in the words of Tim Keller, to honor the reality of our nature.² Alas, it is no wonder that scripture links the graciousness of God not only to the labor that we perform in the field, but also to the labor we perform in our hearts. On two separate occasions, Jesus invokes the fruits we display as a testimony to the underlying condition of our heart: “[m]ake a tree good and its fruit will be good, or make a tree bad and its fruit will be bad; for a tree is known by its fruit.”³

This intimate connection is not only a call to us to renew our minds in the way we see our vocation as a consequence of the Fall that brought labor, but also a mandate that brings redemp-

tive purpose to the minutiae of our everyday routine. To appropriate the wisdom of C.S. Lewis in *The Weight of Glory*, I am reminded that there are no ordinary jobs. You have never worked in a mere vocation. We must work, but our work must be of a kind that exists between people who have taken each other seriously. It is a call to truly understand that work is the natural exercise and function of man and without it we are living in a state of functional atheism. As Dorothy Sayers poignantly explained, it is a matter of great urgency. She writes:

[I]t is the business of the Church to recognize that the secular vocation, as such, is sacred. Christian people, and particularly perhaps the Christian clergy, must get it firmly into their heads that when a man or woman is called to a particular job of secular work, that is as true a vocation as though he or she were called to specifically religious work. . . . It is not right for Her to acquiesce in the notion that a man's life is divided into the time he spends on his work and the time he spends in serving God. He must be able to serve God in his work, and the work itself must be accepted and respected as the medium of divine creation.⁴

This is a marvelous truth, linking our hands to our hearts, souls, and minds in a performative labor of love. A due diligence linked to the understanding of our fallen state and the work that God accomplished on the Cross. It is a temporal affair with a timeless destination matched only by its anticipation to hear the voice of the master saying, "Well done, good and faithful servant. You have been faithful over a little; I will set you over much. Enter into the joy of your master" (Matthew 25:21).

Conclusion

In the book of Jonah, God called a man to preach to a debased society. What Jonah saw in Nineveh was a cultural decline marked by the signs of heathenry par excellence. Jonah was asked to unbind the cords of their deterioration and repair their humanity through the introduction of fixed humanity. What Jonah did was take a nap below deck, and then be swallowed up as penance for his irredeemable folly of indifference in ignoring the cries of world: "Wake up and pray to your God!"

Miracles aside, Jonah remains a stark image for the workplace ministry. Through my experience in wrestling with the question of vocation, I continue to return to this image of a man subsumed in an environment and mission, who willfully disregards his call to good stewardship through the manifes-

tation of an indolent work ethic. Despite clear instructions from God, Jonah turns to self-interest and goes unburdened about the business of evading divine presence. He prefers a "home-made god" that would tolerate his comfortable living and align closely to his own vision for the unfolding of divine history. He prefers a neutered religion made from "ineffective and ephemeral" parts: a malleable faith that leaves the church alone to its napping.⁵ When asked to tap into his supernatural resources to bring into existence a natural peace, he refuses—leaving the world alone to rage against the storm.⁶

So much of our legal culture steals away our understanding of how to properly align the temple and the field. Though we are mindful of the common task, our life slowly begins to drift away from our ultimate destination. Our understanding of religious and secular work begins to occupy different days of the week, and very soon, our ministries become accustomed to a pattern of sorting our work away from God. In the words of Greg Forster, we have to develop the wisdom to build a single, integrated, and whole life that honors and follows Jesus in our home, workplace, and community.⁷ But before we can start to develop this wisdom, we have to first wake up!



ANTON SORKIN is the director of CLS' Law Student Ministries, where he helps Christian law students across the nation better integrate their work and worship. He

has a passion for helping students study the interaction between law and religion, engage with the complexity of the modern forms of public witness, and better love God and serve their neighbors. Anton is also a visiting scholar at the University of Texas School of Law.

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The State of Religious Freedom in America

BY TOM MCCLUSKY

When the Religious Freedom Restoration Act (RFRA) was passed in 1993, it was sponsored by Congressman Charles Schumer (D-NY) in the House of Representatives and by Senator Ted Kennedy (D-MA) and received a unanimous vote in the House and passed the Senate with an overwhelmingly bipartisan vote of 97–3, after which President Bill Clinton signed it into law.¹ The bill was designed to “ensure[] that interests in religious freedom are protected,” and was welcomed by Republicans and Democrats alike.

That era of bipartisan cooperation, however, seems to be a thing of the past.² The new standard in regulations and laws being passed seems to reflect the statement of former Equal Employment Opportunity Commission Chair Chai Feldblum, whom President Biden appointed Vice Chair of the United States AbilityOne Commission: “*There can be a conflict between religious liberty and sexual liberty, but in almost all cases, the sexual liberty should win. I’m having a hard time coming up with any case in which religious liberty should win.*”³

A first step in the implementation of this worldview was the U.S. Supreme Court’s June 2020 decision in *Bostock v. Clayton*

County,⁴ a landmark 6–3 opinion holding that discrimination “on the basis of sex” for the purposes of Title VII (which forbids discrimination in employment) includes discrimination based on sexual orientation and gender identity. Recently, the current Administration began looking for ways to anticipate religious and moral objections on the issue of abortion in anticipation of the spring 2022 *Dobbs v. Jackson Women’s Health* Supreme Court decision,⁵ that held that the Constitution of the United States does not confer a right to abortion.

Regulations

The current Administration continues to follow through on this agenda through federal regulations.

HHS Conscience Regulation

In the summer of 2022, the United States Department of Health and Human Services (HHS) proposed a revision of the implementing regulations for Section 1557 of the Affordable Care Act, which prohibits discrimination on the basis of sex in any federally funded health program or activity. The proposed

rule would interpret the word “sex” to include pregnancy termination, sexual orientation, and gender identity.⁶

When HHS finalizes this proposed rule, HHS, acting in concert with the Equal Employment Opportunity Commission, will mandate that physicians and hospitals perform chemical and surgical abortions and deliver an ever-expanding list of services called “gender-affirming care” (GAC) for “non-binary persons.” HHS will also require employers, insurers, and third-party administrators to cover such services in their health plans.⁷

The proposed rule promotes the notion that there are no good reasons to categorically oppose using novel and irreversible medical interventions to treat gender dysphoria. The proposed rule asserts that a medical provider cannot, consistent with the Department’s interpretation of federal law, categorically refuse to participate in “gender transition” procedures for any reason, including a medical provider’s conclusion that such transitions “can never be beneficial for such individuals.”⁸ The proposed rule demeans such medical and moral judgments, stating that they do not constitute a “legitimate” or “nondiscriminatory” reason for declining to participate in gender transitions.⁹

The proposed rule would apply to nearly every physician, hospital, pharmacy, nursing home, health-insurance company, and third-party administrator of self-funded health plans. Assurances that HHS will honor religious freedom laws offer little comfort when the current Administration is actively fighting court rulings that declared HHS had violated religious freedom laws the last time HHS tried to impose a comparable mandate.

Title IX

The current Administration’s proposed changes to Title IX are also considered controversial. Title IX prohibits discrimination based on sex in any educational program or activity receiving federal financial assistance. It is enforced by the Department of Education’s Office for Civil Rights.

For 50 years, Title IX has been enforced using the self-evident definition of “sex”—a person’s status as male or female based on immutable biological traits.

The new proposed rule by the Department of Education¹⁰ would redefine “sex” as used in Title IX to include “sex stereotypes, sex-related characteristics (including intersex traits), pregnancy or related conditions, sexual orientation, and gender identity.”

Now that *Roe* is a fading memory, saving every innocent life and protecting all women from predatory abortion businesses has suddenly moved into the realm of the possible.

The Education Department has determined that Title IX shields students based on their gender identity and sexual orientation. Under this interpretation, schools would be required to permit transgender students to use the restrooms and school locker rooms of their choice. This proposed rule would clash explicitly with laws in at least 13 states that protect students and prevent male athletes from competing in women’s sports.

The biggest impact is on girls and women. Under the proposed regulations, men who identify as women would be allowed to access all girls’ and women’s facilities at educational institutions that receive federal financial aid. This not only puts girls and women in risky situations; it also propagandizes dangerous gender-ideology.

The proposed rule also removes the presumption of innocence for students accused of sexual harassment and sexual assault. The accused would also lose the rights to be represented by counsel, to introduce evidence, or to cross-examine witnesses at campus hearings.

Legislation

As a direct result of the *Dobbs* case, Congress passed H.R. 8404, the Respect for Marriage Act (RFMA.) The Act treats as married, for all federal purposes, any persons recognized as married by any individual state.

Those who opposed RFMA feared that the Internal Revenue Service at some future date could rely on it as evidence of a national policy to exclude and marginalize those who disagree with the government’s position on same-sex marriage, despite language in the legislation that says it should not affect the tax-exempt status for dissenting religious organizations.

This risk is based in part on a now-famous exchange between Justice Samuel Alito and then-Solicitor General Donald Verrilli at the time *Obergefell* was argued in 2015.¹¹ General Verrilli acknowledged that, once same-sex marriage was recognized nationwide, many colleges, universities, and other nonprofits

The battle between sexual license and religious freedom is at the forefront of current First Amendment disputes in America.

could potentially lose their tax-exempt status based on their refusal, rooted in religious belief, to recognize same-sex marriage.

The RFMA is also silent on government actions against those who define marriage as between one man and one woman. Even before passage of the RFMA, multiple government agencies were targeting Catholic Charities adoption agencies because of their beliefs regarding marriage.

Another piece of new legislation raising concerns is the last-minute inclusion in the monstrous omnibus bill last year of the Pregnant Workers Fairness Act (PWFA.)¹²

The PWFA, while well intentioned, was supported by all the major abortion-promoting groups, in large part because it takes the extraordinary step of mandating employers to provide abortion-related accommodations. On its face, the PWFA sounds reasonable as it is designed to require that employers give women (though the act fails to use the word “woman” throughout) reasonable accommodations for “pregnancy, childbirth, or related medical conditions.”

Yet the law goes out of its way to not include Title VII’s religious exemptions. The act also gives the Equal Employment Opportunity Commission binding rulemaking authority, a power the agency does not currently possess under Title VII or any other previous law.

Conclusion

The battle between sexual license and religious freedom is at the forefront of current First Amendment disputes in America. As walls to defend morality continue to crumble, the main answer from supporters of religious freedom has been to create small islands of protections.

These islands are ever shrinking through hostile regulations and legislation passed under the guise of “progress.” We need to beware of inadequate compromises and must strengthen protections that are already in law, while also confirming only judges who will uphold the Constitution.

The First Amendment protects the right of everyone in the United States to practice his or her own religion. Religious persons should not be banned from the public square for living according to their religious beliefs.



TOM MCCLUSKY is a former chief lobbyist for the Family Research Council and March for Life Education and Defense Fund and is currently principal of Greenlight

Strategies, LLC, representing organizations such as Alliance for Health Care Sharing Ministries and CatholicVote on Capitol Hill.

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Our chapters gather for fellowship, learning, and service on a regular basis. In many instances, our staff also has an opportunity to travel to meet and engage with our members (both attorneys and law students) nationwide. Below are a few photos submitted from these gatherings that we hope will encourage you to keep up the great work or encourage you to get more involved by connecting with your brothers and sisters in Christ in your area! If you want to share any of your photos in the future, please submit them to clshq@clsnet.org.



The CLS West Palm Beach attorney chapter had the right idea to play the course and not their opponents. They took advantage of the Florida sun by having their recent chapter luncheon outside at Drive Shack.

Photo credit: Betty Dunkum



What better way to celebrate our Savior than to sing a few Christmas carols and gather for a delectable dinner. Our CLS DC attorney chapter ended the year on a high and had a wonderful opportunity to gather with law students from most of the DC area law schools.

TAKE TIME TO ENJOY ONE OF CLS' REGIONAL RETREATS

Each year in the spring, CLS hosts regional retreats across the country. This year CLS had the honor and privilege of hosting in four different regions: Midwest, Northwest, Southwest, and Northeast. These action-packed weekends were filled with God-inspired moments and the development of lifelong friendships and connections. Thank you for showing up and helping to make each retreat a success!

If you're interested in having one in your area, please do not hesitate to reach out to Lakuita Bittle, Director of Attorney Ministries, at lbittle@clsnet.org. CLS is always open to adding more opportunities for CLS members to gather in person.



Northwest Regional Retreat

Yelm, WA (March 2023)

Photo Credit: Mark Holady



Southwest Regional Retreat

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Lake Geneva, WI (February 2023)

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Reconciliation is hard.

For reconciliation to be necessary there must have first been some schism, a serious problem within a relationship. We typically don't use "reconciliation" to resolve minor issues. Instead, we think of reconciliation for big issues, like intentional harm or major breaches of trust, actions that are likely to lead to permanent consequences in a relationship, or perhaps already have.

One of the reasons reconciliation is hard is that we often don't really want to reconcile, at least not in the manner we use the term here—toward restoring relationship. I remember once many years ago, there was a problem with my father-in-law's grave site, and I went to the office with steam coming out of my ears, but the clerk was not cooperating. She was nice and very accommodating, and I didn't like that at all. I told her to stop being so reasonable because "I've got a good mad going and I want to keep it."

Another reason is that while we are willing to reconcile, we only want to do so on our terms—"I will have a friendly relationship again if they do xyz." Then, when they don't do it, we blame the failure to reconcile on them.

Or, we may have the wrong picture of what reconciliation really means. As lawyers, we are implicitly trained that mediation and conciliation don't mean restoring relationships, but rather mean seeking to end a specific conflict. In my area of law (labor and employment), the goal is usually to eliminate not just the current conflict, but also avoid future conflicts by ending the relationship. But that isn't true reconciliation. It is more like turning a fence into a huge wall.

Worse yet, reconciliation often requires us to admit that we bear some fault or responsibility for the

problem, even if only that we could have recognized the problem sooner, or that we did not communicate as well as we could have. And, when we've been hurt by the other, we are not interested in accepting responsibility for what they did to hurt us.

Perhaps we are afraid of reconciliation because of misperceptions of the goal, and we don't want that goal. Also, a victim is often loathe to agree to reconciliation if that might mean giving the other person a chance to repeat the harm.

Because reconciliation is hard, we use other terms to make it more palatable. We take out the "re" and say we are going to use "conciliation" or we say that we are going to mediate. We use those terms because it is easier to adopt a mindset that we are only addressing a particular issue, and not the relationship itself.

So, reconciliation is hard, but being hard is not an excuse. Mathew 5:23–24 does not say to reconcile yourself to another when it is convenient or easy or if you don't have anything better to do. It says GO! NOW! Stop what you are doing, even if what you are doing is for God! "First, be reconciled, and then ..."

It seems to me that to not try (or stop trying) because the other side is unwilling is also a poor excuse. Imagine standing before the God of creation who gave up so much so that we can be reconciled to Him and saying, "I didn't try because I didn't think the other guy would be receptive."

Second Corinthians 5:18–19 calls us to be reconciled with God. Being reconciled with God means trying to do what He has called us to do. It seems to me it is very difficult to be truly reconciled with God if we are unwilling to also be reconciled to those He loves. And remember, "For God so loved the world ..." (John 3:16).

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