



## ATTORNEYS AS PEACEMAKERS AND CONCILIATORS

### FREQUENTLY ASKED QUESTIONS ABOUT FAITH-BASED ALTERNATIVE DISPUTE RESOLUTION (ADR)

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#### IS IT APPROPRIATE FOR ATTORNEYS TO TALK WITH CLIENTS ABOUT THEIR FAITH?

Yes. According to the American Bar Association's [Rule of Professional Conduct 2.1 \(Advisor\)](#) and its associated [Comment](#), attorneys have a professional responsibility to help clients live out their personal moral values, which are often informed by their faith, and to consider how their actions may impact others, which is also a faith-informed matter for many clients.

Consider, for example, the *Golden Rule*, which is often expressed as "Do to others what you would have them do to you." This principle is an incredibly effective conflict resolution principle (see, e.g., [If Your Enemy Needs Electricity](#)). It is also a [global and universal value](#) that is found in every major faith and worldview, including Agnosticism, Baha'i, Buddhism, Christianity, Confucianism, Hinduism, Humanism, Islam, Judaism, Native Americanism, Naturalism, Taoism and Utilitarianism.

Most of these faiths and worldviews share additional values that can play a pivotal role in resolving legal conflict, such as "speak the truth," "honor your commitments," "take responsibility for your wrongs" and "make restitution for any harm that you cause to others."

People often forget their core values and fail to live up to them in the heat of conflict, which is why it is important to pause at times and encourage people to reflect soberly on their true beliefs and values and how their actions may impact others.

Another reason that attorneys should be mindful of the role that faith may play in clients' conflict is the fact that the three largest faith communities in the U.S. (Islam, Judaism and Christianity) have well developed alternative dispute resolution (ADR) systems, which state and federal courts have consistently respected (see [Mediation and Religion](#) (Louisiana Bar Journal), [Best Practices for Mediating Religious Conflicts](#) (American Bar Association) and [A Legal Analysis of Religious Arbitration](#) (Center for the Study of Law and Religion)). These ADR organizations can often provide people of faith with far better solutions to legal conflicts than a civil court can.

As these rules, cases and articles show, it is not only *appropriate* for attorneys to explore ways that their clients' faith may inform their decisions; it is a *professional responsibility*.

## HOW CAN EMOTIONAL INTELLIGENCE IMPROVE MY LEGAL PRACTICE?

[Multiple studies](#) show that your success in life, personally, ethically and as an attorney, will depend heavily on your emotional intelligence (EI/EQ), which is your ability to read and manage emotions in yourself and others. In addition to enhancing your ability to understand and represent your clients' values and interests, emotional intelligence can improve your ability to navigate ethical and professional issues (see ["How Emotional Intelligence Makes You a Better Lawyer"](#) (American Bar Association)).

Emotional intelligence can also make you more effective in helping clients recognize and manage emotions that might move them to make impulsive decisions that would undermine their values and long-term legal or relational interests.

RW360 has developed an enhanced form of emotional intelligence that is called "Relational Wisdom™" and is available in both a [values-based \(secular\) format](#) and a [faith-based format](#). In addition to improving your ability to practice law and resolve legal conflicts (see, e.g., [Reconciled by a Baby Moose](#)), relational wisdom can help you navigate the most difficult challenges you or your clients may face in life (see, e.g., [Four Ways to Defeat Amygdala Hijacking](#), [Round Four with Cancer – And It's Still All About Relationship](#)). You can also take these skills home in the evening to deepen your friendships, cultivate a stronger and more intimate marriage and improve your parenting.

## HOW DOES MY WORLDVIEW INFLUENCE MY PRACTICE OF LAW?

A worldview includes beliefs about the origin and nature of human life, the central problems that human beings face, and the solutions to those problems. As illustrated by [this chart](#), the six primary worldviews give rise to different value systems, which guide our choices on how we live our lives, both personally and professionally.

As Chuck Colson wrote, "Our choices are shaped by what we believe is real and true, right and wrong, good and beautiful. Our choices are shaped by our worldview."

Although most Americans identify with one of the three theistic worldviews (Christianity, Judaism or Islam), many people unwittingly embrace various aspects of pantheism, naturalism, humanism and postmodernism. Lacking a cohesive worldview, many Americans go through life with a fluid value system, which leads them to respond to challenging personal and legal issues in impulsive and erratic ways.

Attorneys who understand the implications of different worldviews and value systems will be better prepared to help clients navigate complex legal and moral issues. Attorneys who clarify their own worldviews will be better prepared to provide reasoned counsel and navigate ethical issues when their clients seem inclined to make imprudent or morally questionable decisions.

You can begin this clarification process by reading articles about the major worldviews and then deciding which one you embrace (e.g., [Christian World-view](#), [Jewish Worldview](#), [Muslim Worldview](#) or other major worldviews listed in [this chart](#)). As demonstrated by [Rosalind Picard](#), an acclaimed professor from MIT, it is wise to rigorously evaluate your options before deciding which worldview will guide your life (read about her challenging journey from atheism to faith [here](#)).

You can further strengthen your ability to deal with conflict and other life challenges by integrating your worldview and value system with emotional intelligence through one of RW360's online courses: [Exploring Relational Wisdom](#) (secular/values-based) or [Discovering Relational Wisdom](#) (faith-based).

### **ARE THERE FAITH-BASED ALTERNATIVES TO LITIGATION?**

Yes. Seventy percent (70%) of Americans identify as Christian, Jewish or Muslim (see [Statistica](#)). Each of these faith communities has a well-developed alternative dispute resolution (ADR) system for resolving conflict. The [Beth Din of American](#) provides mediation and arbitration services to the Jewish community ([sample decisions](#)). Muslims can obtain faith-based mediation and arbitration services through the [Islamic Dispute Resolution Service](#). Christians can obtain similar services through the [Christian Conciliation Service](#), a Division of RW360.

Faith-based ADR can often deliver better results than litigation (see list of benefits below) and has been consistently supported by federal and state courts (see [supporting decisions](#)). For more information on faith-based ADR, see [Mediation and Religion](#) (Louisiana Bar Journal), [Best Practices for Mediating Religious Conflicts](#) (American Bar Association) and [A Legal Analysis of Religious Arbitration](#) (Center for the Study of Law and Religion).

### **WHAT ARE THE DISTINCTIVE FEATURES OF THE JEWISH AND MUSLIM ADR SYSTEMS?**

Although there are similarities between the three faith-based ADR systems, and all of them are supported by court decisions, each of them is grounded in a different worldview and applies different faith, value and procedural systems. The best sources of detailed information on the distinctive features, training and services of the Jewish and Muslim ADR systems are the [Beth Din of American](#) and the [Islamic Dispute Resolution Service](#).

### **WHAT ARE THE DISTINCTIVE FEATURES OF A CHRISTIAN ADR SYSTEM?**

Christian ADR, commonly referred to as "Christian conciliation," is a process for reconciling people and resolving disputes out of court in a way that is consistent with Christian values. The process is conciliatory rather than adversarial in nature—that is, it

encourages honest communication and reasonable cooperation rather than unnecessary contention and advocacy.

Although civil litigation is sometimes the only way to resolve certain legal issues (see [Appendix D in \*The Peacemaker\*](#)), the Bible teaches that Christians should first seek to settle their differences through biblically grounded mediation or arbitration (see Matt. 18:15-20 and 1 Cor. 6:1-8). Referring to 1 Corinthians 6:1-8, the late Associate Supreme Court Justice Antonin Scalia wrote:

“[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.”<sup>1</sup>

Disputes that are primarily relational or that involve simple legal issues can often be resolved with the assistance of spiritually mature believers in the local church. Disputes that involve more complex legal, relational or spiritual issues may require the assistance of Certified Conciliators who can provide biblical, professional alternative dispute resolution services.

Christian conciliation has been used to resolve a wide spectrum of conflicts, including: contract, business, employment, family and divorce, negligence, probate, intellectual property, sexual misconduct, church divisions and wrongful death (see [A Stolen Baby and a \\$200M Lawsuit](#) and [other cases on this page](#)).

The [Handbook for Christian Conciliation](#) provides detailed information about Christian conciliation, including frequently asked questions, rules of procedure, a standard of conduct for Christian conciliators and a model conciliation agreement. [Guiding People Through Conflict](#) provides examples of how conciliation principles can be applied in a variety of church, business and legal situations.

## HOW DOES THE GOSPEL IMPACT THE WAY CHRISTIANS DEAL WITH CONFLICT?

The gospel is the central feature of the Christian faith. The word literally means "good news." The good news is that although our sins have separated us from God, and no amount of good works on our part can wash them away, God loves us so much that he sent his Son, Jesus Christ, into the world to pay for our sins in full by dying on the cross on our behalf and to be resurrected to give new life to everyone who trusts in him (see John 3:16; [RW and the Gospel](#)).

The gospel can radically change the way Christians relate to others and deal with conflict. Attorneys can help Christian clients embrace this transforming power by encouraging them to consider the principles described in [Transformed by the Gospel](#).

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<sup>1</sup> Justice Antonin Scalia, "Teaching about the Law," Quarterly 7, no. 4 (Christian Legal Society, Fall 1987): 8-9.

## **WHAT ARE THE BENEFITS OF FAITH-BASED ADR COMPARED TO LITIGATION?**

Faith-based ADR promotes justice, preserves relationships, encourages beneficial change, provides a positive witness, and is usually less inexpensive than litigation. A faith-based process is also likely to trigger the "Golden Result" (people will usually treat us the way we treat them), which can result in genuine reconciliation and mutually beneficial solutions to substantive issues.

In addition, when compared to litigation, faith-based ADR is less constrained by rigid procedures, thus often allowing more creative remedies and faster results. Faith-based ADR also tends to counteract ["The Danger of 'Good' Advocacy"](#) (e.g., magnifying clients' self-righteousness and distorting their views of reality).

Another benefit is that mediators and arbitrators have more flexibility than do civil judges when it comes to hearing testimony or reviewing evidence. Thus, if a dispute involves defects in the construction of a building or the repair of an automobile, a mediator or arbitrator may personally inspect the building or drive the car. As a result of this flexibility, parties often feel that the facts and issues in the case are given a more personal review than would occur in a court of law.

Faith-based ADR is especially beneficial for people who sincerely want to do what is right and are open to learning where they may have been wrong. Mediators can help them to identify improper attitudes or unwise practices, to understand more fully the effects of their decisions and policies and to make improvements in their lives and businesses that will help them to avoid unnecessary conflict in the future. As indicated at the beginning of this memorandum, such guidance is specifically commended in the rules of professional responsibility.

## **HOW CAN I ENCOURAGE A CLIENT TO USE FAITH-BASED ADR?**

As explained above, attorneys have a professional responsibility to help clients live out their personal moral values and consider how their actions impact others. Therefore, it is appropriate for attorneys to say something like this when engaging a client:

"I want to provide you with the best possible legal advice as you respond to this situation. I also want to understand and respect how your personal values and faith might guide your decisions. Are there any values or principles of your faith that you want to be sure to follow as you deal with this situation?"

If a client identifies as Jewish or Muslim, it will appropriate to explain the availability of the ADR organizations mentioned above that serve these faith communities.

If a client identifies as Christian, you could ask if he would like to explore some specific ways that his faith might apply to his situation. If he expresses a desire to do so, you could provide paper copies of RW360's [Peacemaking Principles pamphlet](#) and

[Transformed pamphlet](#) or point him toward our [Biblical Peacemaking webpage](#) and our [Transformed by the Gospel Bible Study](#).

If your client wants to dig deeper into these concepts, you could offer him a copy of [The Peacemaker, A Biblical Guide to Resolving Personal Conflict](#), which is the most widely used book for training Christian conciliators. A *Personal Application Workbook* can be downloaded at [RW360 Downloads](#).

These resources are especially relevant when a conflict involves **close relationships** (e.g., marriage, probate, employment, long-term business partners) and seems to be **driven or inflamed by strong emotions**.

If personal efforts are not appropriate or successful but you believe that your client's dispute might be successfully resolved with the assistance of his or her church leaders, you could encourage those leaders to apply the principles and processes set forth in [Guiding People Through Conflict](#). Church leaders can use the [Conciliation Hotline](#) to request free advice on how to implement these processes.

If a case may require professional conciliation assistance, you can provide clients with a copy of the [Handbook for Christian Conciliation](#). You could also schedule a conference call with RW360 to address any questions or concerns your clients may have.

If you have a case involving trauma or abuse or other exigent circumstances, we advise you to contact RW360 or other qualified professionals immediately to plan a course of action that protects parties from missteps that could cause further pain or trauma.

#### WHERE CAN I FIND A QUALIFIED CONCILIATOR?

You can find dozens of well-trained and qualified conciliators by going to RW360's [Conciliator Directory](#).

#### WHERE CAN I RECEIVE TRAINING AS A CONCILIATOR?

To receive an overview of how you could apply peacemaking and conciliation principles in your personal life as well as your legal practice, RW360 recommends that you go through our [Attorneys as Relationally Wise Peacemakers and Conciliators Course](#), a three-hour online course that has been approved for continuing legal education when presented at Christian Legal Society conferences and hosted by law firms.

You can pursue more in-depth training and be certified as a conflict coach or conciliator through [RW360's Training and Certification Program](#). Our foundational course on relational wisdom (biblical emotional intelligence), has been approved for [ten-hours of continuing education credit](#) in many professional areas.



## HOW CAN I MAKE THIS KIND OF TRAINING AVAILABLE TO MY LAW FIRM?

If you have a heart for peacemaking and would like to see others benefit from this type of training, you could use RW360's ' resources for professional development training for your entire law firm staff, which can produce [major personal benefits for your staff and financial benefits for your firm](#). Our foundational training in relational wisdom is available in both faith-based (Christian) and values-based (secular) formats, so each person in your firm will have the freedom to choose select the version he or she prefers. See the [RW-Academy](#) for more information.

## HOW CAN I MAKE RW360'S RESOURCES AVAILABLE TO MY CHURCH?

As a result of their professional credibility, Christian attorneys are uniquely positioned to bring peacemaking into their churches. RW360 has developed a wide variety of resources that you can recommend to your church. These resources include:

- [Free downloads and ebooklets](#) on relational wisdom and peacemaking.
- Our [Transformed pamphlet](#) (see also [Six Ways to Use the Transformed Pamphlet](#)).
- [Guiding People Through Conflict](#), a free 70-page ebooklet designed to help church leaders resolve church conflicts through conflict coaching and mediation.
- [Foundational training in relational wisdom and biblical peacemaking](#) that can be taught to an entire congregation through Sunday school and small group studies.
- [Advanced training for leaders and gifted volunteers](#) who wish to serve the church as instructors, conflict coaches and conciliators.
- Guidance and resources designed to enable a church to establish an in-house [Peace Sower Team](#) that serves your entire congregation with training, coaching and conciliation services. RW360's live [Relational Wisdom Summits](#) can help teams maintain their skills and learn new ways to serve their communities.
- [Group study sets](#) on relational wisdom and peacemaking that can be used for Sunday school, group studies and professional staff development.
- **PACE** (Professional and Community Engagement) resources your church can use to improve the relational skills and civility in our community while also opening the door for people to explore different worldviews and encounter the gospel (see [Using RW for Outreach, Evangelism and Church Growth](#), [PACE Program](#), [PACE FAQs](#), [RW Strengthens Both Families and Businesses](#)).
- Risk management resources that enable a church to reduce its exposure to legal liability while carrying out delicate pastoral care or church discipline (see [Informed Consent: Legal Protection for Pastoral Ministry](#)).
- A [Conciliation Hotline](#) that church leaders can use to seek guidance and assistance when seeking to help members resolve conflicts.

### **DOES RW360 RECOMMEND MEDIATION/ARBITRATION CLAUSES IN CONTRACTS?**

Yes. Information about legally binding mediation/arbitration (conciliation) clauses may be found at [Conciliation Clauses for Contracts and Wills](#).

### **WHERE CAN I LEARN MORE ABOUT RW360?**

RW360's [Ministry Overview](#) provides detailed information about RW360's history, vision and mission, distinctive global brand, training resources and strategic partners.

For more information on training and resources that attorneys can use to promote and practice biblical peacemaking and Christian conciliation, please email [mail@rw360.org](mailto:mail@rw360.org) or call 406-294-6806.

### **WHERE CAN I FIND SUPPORT FOR LIVING OUT MY FAITH AS AN ATTORNEY?**

The Christian Legal Society, the parent of the Christian conciliation concept and a close ministry partner of RW360, is a highly respected national network of attorneys who are committed to living out their Christian faith through fellowship and retreats with like-minded attorneys, biblically informed continuing legal education, the defense of religious liberties and legal aid to the poor. For more information, go to [www.clsnet.com](http://www.clsnet.com).

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