



The Christian Mediation & Arbitration Service Frequently Asked Questions & Answers

The ANSWERS are intended to assist and help understand how Resolve operates and its purposes.

If you need any further help please 'CONTACT US'

- 01 Why use Resolve to settle disputes?
- 02 What is Resolve?
- 03 What is mediation?
- 04 What is mediation/arbitration?
- 05 What is arbitration?
- 06 Who are the mediators?
- 07 How are mediators selected?
- 08 Who can refer a dispute to Resolve?
- 09 What types of disputes can be resolved through Resolve?
- 10 How much does reference to Resolve cost?
- 11 Is mediation confidential and could anything said be used subsequently in court?
- 12 Why is the biblical resolution of conflict among Christians so important?
- 13 Is a Christian free to sue another Christian?
- 14 Are there times when litigation is appropriate for a Christian?
- 15 How does Christian mediation differ from other types of mediation?
- 16 What principles will I be expected to follow during Christian mediation?
- 17 Can Resolve help me to settle a dispute before any mediation process starts?
- 18 May I withdraw from the mediation process once it has begun?
- 19 May I use Resolve even after legal proceedings have been started?
- 20 What if the other party refuses to consent to a referral to Resolve?
- 21 Doesn't mediation always result in a compromise?
- 22 Should I talk with my church leadership about using Resolve?

23 Should I talk to my solicitor about using Resolve?

24 Is there anything I can do to make sure that future disputes are resolved through Christian mediation rather than litigation?

25 How can I refer a dispute to Resolve?

The following **ANSWERS** are intended to assist and help understand how Resolve operates and its purposes. If you need any further help please 'email' or 'phone'.

01 Why use Resolve to settle disputes?

Resolve operates on distinctively biblical principles.

Resolve mediators are trained and experienced and drawn from all backgrounds.

Resolve mediators are handpicked for each dispute.

Resolve will work alongside church leaders and/or lawyers if desired.

Resolve gives parties the option to withdraw at any time.

Resolve accepts almost any type of dispute.

Resolve responds rapidly.

Resolve's initial advice is free of charge.

Resolve is a totally confidential service.

Resolve offers arbitration if mediation is unsuccessful.

Resolve is a not-for-profit organisation.

02 What is Resolve?

Resolve is a Christian mediation and arbitration service which exists to encourage and assist the biblical resolution of disputes between Christians of any denomination or background and to facilitate reconciliation of the parties. To this end, it provides advice, mediation and if necessary arbitration. It is a not-for-profit company limited by guarantee.

03 What is Mediation

Mediation is a relatively informal and voluntary process in which mediators facilitate communication and negotiation in order to help the parties reach their own agreement.

Mediators are as concerned with reconciling the parties by helping them address personal and relational issues as with helping them to settle their substantive differences.

The mediator(s) will offer initial advice and then ask each party for a short written summary of their position. He or she will then usually bring the parties together at a private and informal meeting, listen to what they have to say, refer them to biblical principles where appropriate, help them to consider their own responsibilities as well as their rights and encourage them to seek a just solution. If the parties do not reach an agreement on their own, they may ask the mediator(s) to issue an advisory opinion which is not legally binding but is often accepted by both sides. Agreements reached through mediation are written down and become legally binding agreements.

If mediation is unsuccessful, the parties may decide to terminate the process or they may agree to submit unresolved issues to arbitration.

04 What is mediation/arbitration?

Mediation/arbitration is a process whereby the parties enter into an agreement at the outset that if mediation is unsuccessful, they will submit any unresolved issues to arbitration.

05 What is Arbitration?

Arbitration is a process whereby one or more arbitrators will decide issues between the parties. Arbitrators act as fact-finders and judges and deal primarily with the resolution of substantive issues. Their decisions are legally binding and can be enforced in a civil court.

Arbitration is usually only available if mediation has been tried and has failed.

06 Who are the mediators?

Resolve has a panel of trained and approved mediators who have been selected for their sensitivity, breadth of experience and aptitude for peacemaking. They come from many different walks of life and include business people, lawyers, homemakers and Christian leaders.

07 How are mediators selected?

Mediators are specially chosen from the panel for their suitability for the particular dispute. Resolve will usually nominate two mediators who, subject to the parties' approval, will be appointed to work together as co-mediators. If appropriate, a leader from each party's church can be included or if, for example, specialist subject knowledge is required, an expert can be appointed.

08 Who can refer a dispute to Resolve?

Any person or organisation who accepts the Christian nature of the service and agrees to the Rules can refer a dispute to Resolve, provided the other party does the same. Resolve always retains a discretion as to whether to accept any particular request for mediation.

09 What types of disputes can be resolved through Resolve?

Any type of dispute may be referred to Resolve whether it has arisen in a business or commercial context (for example contract, employment, landlord and tenant, property, personal injury or creditor/debtor claims) or in a church context. A claim for damages may be irrelevant or a very substantial sum may be involved. However, if Resolve considers that specialist counselling would be more appropriate, it will usually decline to act.

10 How much does reference to Resolve cost?

Resolve mediators are paid much less than normal professional rates. Initial discussion or advice is always free of charge. Thereafter the parties may either agree a fee based on

agreed hourly rates or they may agree a fixed inclusive fee for the whole of the mediation process. Either way, it is almost invariably much less expensive than litigation.

Resolve may agree to reduce or waive part or all of the costs in special circumstances and is committed to doing everything possible to prevent people being deterred from using the service because the costs are too great. Resolve's Scale of Fees is available on request.

11 Is mediation confidential and could anything said be used subsequently in court?

Confidentiality is carefully protected under the Rules and nothing said or disclosed during mediation can later be used in court proceedings (See Rule 17).

12 Why is the biblical resolution of conflict among Christians so important?

Inevitably disagreements will arise and the Bible clearly instructs us to do all we can to put matters right without delay. Forgiveness and reconciliation are at the heart of the gospel.

It is important for a Christian to resolve disputes privately or by mediation or arbitration in order to prevent the dispute becoming public and thereby giving others an opportunity to criticise and mock Christianity. Resolving conflict biblically enables us to demonstrate through our actions that we genuinely believe in Jesus Christ and trust in his teachings. (See John 13:34; 14:15; 17:20-23; Eph. 4:1-3).

Peace and unity are of paramount importance to Jesus.

He commands us to seek reconciliation with an offended person even ahead of public worship: Therefore, if you are offering your gift at the altar and there remember that your brother has something against you, leave your gift there in front of the altar.

First go and be reconciled to your brother; then come and offer your gift.

Settle matters quickly with your adversary who is taking you to court.

Do it while you are still with him on the way

(Matt. 5:23-25).

This command is not conditional on how serious the other person's complaint might be or whether it is even justified. Even in difficult circumstances the Bible instructs us to make every effort to resolve personal differences outside of the courtroom. The bible clearly states that unresolved conflict between Christians has serious consequences.

When relationships remain broken (including the case where an individual professes forgiveness but privately decides to avoid the other party) the individuals themselves and very often the people close to them, continue to be adversely affected.

A dispute affects not just the individual but also those with whom they interact, for example the whole family, the local church or colleagues in the workplace. Disunity dissipates spiritual strength and protection. The witness of the whole church is compromised when disagreements continue between Christians. Conversely, the evidence of real forgiveness and restored relationships speaks volumes for the reality of the gospel.

There are many examples where the outcome of Christian mediation has made a profound impact not only on the parties involved in the conflict but also on their legal representatives and acquaintances.

13 Is a Christian free to sue another Christian?

Christians are not free to sue other Christians until they have exhausted the process that Jesus sets out in Matthew 18:15-20 and 1 Corinthians 6:1-8.

God instructs Christians to resolve their disputes within the church itself, with the assistance of other Christians if necessary. Moreover, using the courts to resolve a dispute often increases ill feeling and permanently destroys relationships. In contrast, Christian mediation encourages forgiveness and promotes reconciliation, thereby restoring and preserving relationships.

The adversarial process generally causes people to focus on their rights and others' wrongdoing, thereby failing to deal with the causes of conflict, pride, selfishness, fear, vengeance, greed, bitterness and unforgiveness. This approach often reinforces the very attitudes and behaviour that caused the conflict to arise in the first place, giving an individual a distorted view of, and enabling them to justify, their own position. Christian mediation helps people to identify root problems and to make changes in their lives so that they will experience less conflict and healthier relationships in the future (see Matt. 7:3-5).

14 Are there times when litigation is appropriate for a Christian?

Yes. God has given the courts jurisdiction to enforce the laws of the land and restrain crime (Rom. 13:1-7). Therefore, criminal acts, constitutional questions and a variety of other disputes may legitimately be resolved through litigation. However, if one of these disputes includes personal differences between Christians, they should attempt to resolve the problem in a personal way before seeking redress through the courts.

15 How does Christian mediation differ from other types of mediation?

All mediators aim to assist those in conflict to reach a voluntary settlement. However, Christian mediators also seek to identify the underlying causes of a dispute and assist individuals to examine their motives, attitudes and actions. By evaluating these against the principles recorded in the Bible it is possible to lead people to life-changing solutions.

16 What principles will I be expected to follow during Christian mediation?

Resolve promotes traditional Judaeo-Christian values and principles which are for the most part central to our common law. These values and principles promote healthy relationships and the proper functioning of society. If you refer a case to Resolve you will be encouraged to follow the rules that God has given to govern relations between all people:

16.1 Be honest: Therefore, each of you must put off falsehood and speak truthfully to his neighbour (Eph. 4:25).

16.2 Do what is just and merciful: And what does the Lord require of you? To act justly, and to love mercy, and to walk humbly with your God (Micah 6:8).

16.3 Accept responsibility for your actions and admit your wrongs: First take the plank out of your own eye, and then you will see clearly enough to remove the speck from your brother's eye (Matt. 7:5).

16.4 Keep your word: Simply let your "yes" be "yes," and your "no" be "no" (Matt. 5:37).

16.5 Be concerned about the interests of others: Each of you should look not only to your own interests, but also to the interests of others (Phil. 2:4).

16.6 Listen carefully to what others say: He who answers before listening, that is his folly and his shame (Prov. 18:13).

16.7 Overlook minor offences: A man's wisdom gives him patience; it is to his glory to overlook an offence (Prov. 19:11).

16.8 Confront others constructively: Do not let any unwholesome talk come out of your mouths, but only what is helpful for building others up according to their needs, that it may benefit those who listen (Eph. 4:29).

16.9 Be open to forgiveness and reconciliation: Be kind and compassionate to one another, forgiving each other, just as in Christ God forgave you (Eph. 4:32).

16.10 Change harmful attitudes and behaviour: He who conceals his sins does not prosper, but whoever confesses and renounces them finds mercy (Prov. 28:13).

16.11 Make restitution for any damage you have caused: If a man uncovers a pit or digs one and fails to cover it and an ox or a donkey falls into it, the owner of the pit must pay for the loss (Ex. 21:33-34).

16.12 So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets (Matt. 7:12).

17 Can Resolve help me to settle a dispute privately and before any mediation process starts?

Yes. Resolve can provide you with advice on ways to explore a settlement in private talks with the other party. The Bible teaches that it is only after private efforts have been exhausted that you should consider seeking the assistance of others in resolving a dispute. (See Matthew 18:15-16.)

18 May I withdraw from the mediation or mediation/arbitration process once it has begun?

If you have committed yourself only to mediation, you may withdraw at any time. But if you have committed yourself to mediation/arbitration, all parties are legally obliged to proceed with mediation and if that fails, to arbitration unless all parties agree otherwise.

19 May I use Resolve even after legal proceedings have been started?

Yes. In fact the courts now actively encourage adjournments for this purpose. If the other party is willing, then you and the other parties may agree to postpone further legal proceedings while you attempt to resolve your differences through mediation. If this is successful, you may then discontinue the legal case.

20 What if the other party refuses to consent to a referral to Resolve?

It is not unusual for people to have questions and apprehensions about using Christian mediation which, for many, is a novel way to resolve conflict. Sometimes, the most challenging part of the entire process is simply getting both sides to "come to the table". If the other party initially refuses to consent to mediation, Resolve can suggest ways to persuade the other person to reconsider and give mediation a chance.

21 Doesn't mediation always result in a compromise?

No. Although some disputes are properly resolved through compromise, mediators should not encourage the parties to "split the difference" merely to get a matter settled. Christian mediators take justice seriously and they will do all they can to help people live up to their responsibilities, even when doing so may be unpleasant and costly.

22 Should I talk with my church leadership about using Resolve?

Certainly. Jesus has given the Church primary responsibility and authority for resolving conflict among Christians. In Matthew 18:15-20

Jesus sets out a process which involves private discussions, mediation and the use of authority to make a binding decision to settle disputes:

If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over. But if he 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 he refuses to listen to them, tell it to the church..... I tell you that if two of you on earth agree about anything you ask for, it will be done for you by my Father in heaven. For where two or three come together in my name, there am I with them.

It is the intention of Christian mediation to serve the church as it implements this process. Therefore, we encourage Christians involved in conflict to turn first to their church leaders for counsel and assistance. Where Christian parties desire to refer a case to Resolve, we will cooperate with their churches throughout the mediation process.

23 Should I talk to my solicitor about using Resolve?

Yes, if you already have a solicitor. Resolve encourages parties to consult independent legal advisors as mediators do not provide parties with legal advice. The assistance of independent legal advisors is especially helpful when dealing with significant legal issues or when arbitration is requested. Mediators are happy to work with lawyers whom the parties have retained to advise or represent them.

24 Is there anything I can do to make sure that future disputes are resolved through Christian mediation rather than litigation?

Yes. In any agreement which you make in the future, you may insert a mediation clause requiring that any dispute arising out of the agreement be resolved through Christian mediation rather than by litigation.

25 How can I refer a dispute to Resolve?

Please contact us directly in the first instance for initial free advice or discussion and if required we will then be able to send you the Resolve BOOKLET with the appropriate details. We suggest you also Contact the person with whom you are in dispute and invite him or her to consider Christian mediation. If the other party is not in possession of the Resolve booklet, request a copy from Resolve.

Please contact us direct if you need any further help:-

Telephone: +44(0) on request E-mail:office@resolvechristianmediation.com

Website: <https://resolvechristianmediation.co.uk>