

APPENDIX ONE

INFORMATION, FORMS & SAMPLES

1. What Is the ICC?
2. Standard of Conduct for Christian Conciliation
3. What to do to complete ACBC specialization in reconciliation.
4. Interview Agreement form
5. Christian Conciliation Case Information form
6. Mediation Agreement form
7. Mediation Memorandum of Understanding sample
8. Arbitration Decision sample
9. STOREE form
10. Do, Speak, Know, Love form
11. Drawing out the Purposes of the Heart form
12. Developing Commitment in Discipleship form

What Is the ICC?

From the iccpeace.com site:

Our mission is to develop the ICC as a vibrant, financially-preferable model for church and court-approved resolutions that encourage discipleship and the faithfulness of God's Word in all types of legal, civil, and relational disputes.

The ICC has a broad, global outreach in the following ways:

- To proclaim the good news of Jesus Christ
- To support and encourage Certified Christian Conciliators™ around the world with superior training and ongoing fellowship via the Internet, regional and national events
- To promote Biblical conflict resolution principles, training, and certification;
- To mediate relational conflict with the discipleship of God's Word
- To provide civil dispute resolution using godly principles in a court-approved ADR process
- To follow the mandate of 1 Corinthians 6 within the church community
- To provide a financially-preferable option of faith-based mediation, not litigation
- To encourage a stronger commitment to Christian Conciliation in the heart of each church, business, and organization.

History

The ICC began out of a deep conviction that believers should resolve all disputes within the church rather than in civil courts. See, e.g., [1 Corinthians 6:7](#). In 1980 members of the Christian Legal Society [CLS] initiated several regional Christian Conciliation Service ministries, including one started by Ken Sande in Billings, Montana. In time, these ministries became known as the Association of Christian Conciliation Services [ACCS] and later became the *Institute for Christian Conciliation*, which ultimately resulted in [Peacemaker Ministries](#).

In 1991, Peacemaker Ministries founding director, Ken Sande, published a seminal book on Biblical peacemaking: [The Peacemaker: A Biblical Guide to Resolving Personal Conflict](#), which has now been translated into 17 languages and remains the primary text for understanding Biblical peacemaking. Today, over 120 countries have been impacted by the faithful work of Christian conciliators through the vision and mission of Peacemaker Ministries.

In 2012, Ken Sande launched a new ministry, [Relational Wisdom 360](#), and in 2014 Peacemaker Ministries moved to Colorado Springs under the leadership of Dale Pyne. It continued to thrive, teaching *Resolving Everyday Conflict* and *The Path of a Peacemaker*. When Brian Noble became Executive Director in 2017, [Peacemaker Ministries](#) moved to Spokane Valley WA, where they are launching a series of new resources and seminars.

In 2016, Peacemaker Ministries transferred ICC ownership to ICC Peace, an organization of experienced conciliators and Christian attorneys, to steward the specialized work of conciliation, training, and certification.

Are the Mediators & Arbitrators Qualified?

Standard of Conduct for Christian Conciliation (www.ICCpeace.com/Standards)

The Institute for Christian Conciliation™ (ICC), requires all Certified Christian Conciliators™ and candidates in the ICC Certification Program to conduct themselves according to this Standard.

1. Responsibility to God

A. Statement of Faith — The Christian conciliator believes:

1. that the Bible, consisting of the Old and New Testaments, is the only inspired, infallible, inerrant and authoritative written Word of God;
2. that there is one God, eternally existent in three persons: Father, Son, and Holy Spirit;
3. in the deity of our Lord Jesus Christ, his virgin birth, his sinless life, his miracles, his vicarious and atoning death through his shed blood, his bodily resurrection, his ascension to the right hand of the Father, and his personal return in power and glory;
4. that for the salvation of lost and sinful people, regeneration by the Holy Spirit is absolutely necessary;
5. that a person is justified by grace alone, through faith alone in the Lord Jesus Christ alone;
6. in the present ministry of the Holy Spirit by whose indwelling the Christian is enabled to live a godly life;
7. in the resurrection of both the saved and the lost — those who are saved, unto the resurrection of life, and those who are lost, unto the resurrection of damnation;
8. in the spiritual unity of believers in our Lord Jesus Christ and his church.

B. The Christian conciliator serves in the name of the Lord Jesus Christ and, therefore, shall strive earnestly to live a godly life and avoid doing anything that would dishonor the Lord or injure his church (1 Cor. 10:31).

C. The Christian conciliator shall seek unity in the body of Christ and make every effort to live at peace and to be reconciled with others (John 17:23; Rom. 12:18; Eph. 4:3).

D. The Christian conciliator shall be in continuing fellowship within a Christian church and shall support and submit to its teaching, oversight, and discipline, unless there is a clear scriptural reason to do otherwise (1 Thess. 5:12; Heb. 10:25; 13:17; Acts 4:19).

E. The Christian conciliator shall regularly seek spiritual counsel and support from mature Christians who affirm his or her conciliation ministry (Prov. 11:14; 12:15; 15:22).

F. The Christian conciliator shall encourage and help Christians to obey the biblical mandate to resolve their disputes with the help of the church rather than suing one another in secular courts (1 Cor. 6:1-8).

G. The Christian conciliator shall use appropriate opportunities to encourage others to put their trust in the Lord Jesus Christ. The conciliator shall do this with gentleness and respect and shall not attempt to force his or her views on someone who is not interested in the gospel (Rom. 1:16; 1 Pet. 3:15-16).

H. The Christian conciliator shall respect the authority of Christian parties' churches and shall work in close cooperation with their pastors whenever possible (1 Thess. 5:12; Heb. 13:17). The Christian conciliator shall not attempt to recruit church members to his or her church. The conciliator shall encourage Christian parties to maintain a strong church involvement (Heb. 10:24-25).

I. At appropriate times and in a gracious manner, the Christian conciliator shall:

1. show the parties that in order to find lasting solutions to their conflicts and problems, their lives and decisions must conform to the concepts and standards of Scripture (2 Tim. 3:15-17);
2. point out clearly the requirements of the Scriptures as applied to everyday life and practice (2 Tim. 4:2);
3. help the parties to make decisions, to take actions, and to change their lifestyles, habits, and conduct as God has instructed in the Scriptures, so that they may enjoy life and their relationship with God (Eph. 4:22-24); and
4. encourage repentance, confession, forgiveness, and reconciliation whenever sin has occurred or a relationship has been broken (Luke 17:3; Gal. 6:1; 2 Tim. 4:2).

J. The Christian conciliator shall encourage and support only scripturally sound decisions and actions (Micah 6:8).

2. Responsibility to Civil Authorities and Other Professionals and Organizations

A. The Christian conciliator shall respect the legitimate jurisdiction of civil authorities and shall cooperate with them as required by law, unless there is a clear scriptural reason to do otherwise (Acts 4:19; Rom. 13:1-7).

B. The Christian conciliator shall respect the relationships that the parties have with other professionals, such as pastors, attorneys, and counselors, and shall encourage such professionals to support the conciliation process.

C. The Christian conciliator shall not imply, either directly or indirectly, that he or she represents or speaks on behalf of any organization unless he or she has received express authorization to do so.

3. Responsibility to the Parties

A. The Christian conciliator shall maintain his or her conduct and relationship with the parties above reproach and in accord with the highest standards of biblical ministry.

B. The Christian conciliator shall exercise his or her influence soberly, carefully, and with the best interests of the parties in mind.

C. The Christian conciliator shall obtain informed consent from the parties before an agreement to commence conciliation is reached. The conciliator shall define and describe the process of conciliation, its costs and fees, and his or her role in the process.

D. The Christian conciliator shall make every effort to provide parties with a fair and clearly defined process, and shall therefore work according to established rules of procedure.

E. The Christian conciliator shall clearly indicate that he or she will not serve either party as a legal advisor or advocate.

F. The Christian conciliator shall disclose all conflicts of interest, including any interest or relationship that is likely to affect impartiality or that might create an appearance of partiality or bias.

G. The Christian conciliator shall be impartial, that is, free from favoritism or bias either by word or by action, and shall be committed to serving all parties rather than a single party.

H. The Christian conciliator shall encourage the parties to make decisions based upon sufficient information and knowledge; at times this may require referring the parties to other people for relevant advice.

I. The Christian conciliator shall not voluntarily disclose information obtained through the conciliation process without the prior consent of all parties, unless such disclosure is required by law or is provided to the parties' churches or to others according to a disclosure agreement reached before conciliation began.

J. The Christian conciliator shall make every reasonable effort to expedite the conciliation process and to overcome unnecessary delays.

K. When the Christian conciliator offers counsel or is called upon to issue an advisory opinion or an arbitration decision, he or she shall do so in a just, independent, and deliberate manner.

L. The Christian conciliator shall encourage the parties to frankly evaluate his or her performance as a conciliator.

4. Responsibility to the Public

A. The Christian conciliator shall not represent him/herself as having qualifications, affiliations, or experience that he or she does not possess, nor shall the conciliator represent him/herself as being licensed by the state unless he or she is so licensed.

B. The Christian conciliator shall not use his or her knowledge, experience, or position for unfair personal benefit or gain.

Adapted from Guidelines for Christian Conciliation, ver 4.6.1 (June, 2015)

Practice Session Instructions:

Identifying heart themes and a plan for change

Scripture makes very clear that we live out of our hearts (Proverbs 4:23) and that the heart is what “drives” us. Our thought life and our speech also directly reflect the heart (Hebrews 4:12; Matthew 12:34-35). All of this reveals the treasures/worship of the inner person (Matthew 12:35). This is when desires have become demands (Chapter five of *The Peacemaker*) and turned into ruling desires/enslaving desires. These ruling desires then lead to criticism and passing judgment on others (punishing).

As you look at Misty’s STOREE what seems to be driving her? What would you call the treasures of her heart? What is she worshipping? Given the circumstances of the case study, which heart theme would you address first and why?

What would the opposite of these be biblically and what biblical attitudes and actions would help her die to her false worship and replace it with true worship? Be specific and practical not theoretical. What homework would you assign and why?

Listening skills and hearing concerns

An important part of being a skilled counselor/mediator is listening skills. We must send a loud and clear message to the one in conflict that we are hearing his or her deep concerns and demonstrate this is so by accurately reflecting back in your own words what is being said.

Let’s practice. One of you act as a counselee and the other as a counselor until we tell you to switch roles. Counselee—please express to the counselor what a fear or concern that you have about either the Church or the direction of our country. Counselor—explore the fear or concern and see if you can identify what the deepest fear is. What is motivating this?

Rules to follow:

1. No giving advice! This is about listening well and demonstrating to the other that you are.
2. Counselee—do not just talk freely. Make the counselor ask questions and lovingly explore.
3. Counselor—Ask who, what, when, where, why, how questions and avoid yes or no questions.
4. Counselor—every so often stop and reflect back what you are hearing by saying, “It seems like I’m hearing you say _____ but please correct me if I’m wrong.” Or, “How would you say it if I’m not getting it quite right?”

Turning Issues into questions to be answered (Issues, Positions and Interests)

Issues—the things that are dividing individuals that are questions to be answered.

Positions—the stand that each party/person takes on the issues.

Interests—What are the underlying fears or concerns that are motivating an individual to take the position he or she does?

What are the dividing issues between John and Misty? If solutions are going to be found what are the strategic questions that need to be answered? What seem to be Misty’s motivating concerns? Just as a “heads up,” they are not all sinful. List three key issues and turn those issues into key questions to be answered. Work on the wording of the questions so that the issue is addressed most precisely.

What to do to complete ACBC specialization in reconciliation:

If you are already ACBC certified:

You will contact the ACBC office to let them know you have completed the training and then they will send you the exam. The exam will consist of an objective multiple choice and true false section along with an essay. Unlike the basic certification counseling and theology exams, you will need to study for these exams (not open book/note). A study guide will be provided.

If you are in the process of basic certification:

Please DO NOT contact the ACBC office that you have done this specialization training until after completing basic certification. As soon as your 50 sessions of supervised counseling are approved you may apply for the specialization in reconciliation and take the exam.

Pursuing Institute for Christian Conciliation certification

A few details need to be worked out but if you are already ACBC certified you will be able to enter into the mentored supervision phase of their certification. This is more thorough than the ACBC specialization in that you receive mentored supervision for hours of

Interview Agreement

Thank you for your interest in Christian conciliation. Our goal is to help people resolve conflicts in a cooperative rather than an adversarial manner. The conciliation process is based on biblical principles that promote understanding, personal responsibility, justice, and reconciliation. We are happy to serve anyone, regard-less of their religious convictions, provided they are willing to respect the Christian principles underlying the conciliation process.

Description of Services We offer three levels of service. We provide **conflict coaching** and written resources to help individuals explore ways to resolve disputes personally and privately. We also provide **mediation**, an informal process in which one or more mediators meet with all of the people involved in the conflict to help them arrive at a voluntary settlement of their differences. Finally, we provide **arbitration**, a more formal process in which one or more arbitrators hear each side's arguments and render a legally binding decision. (For a more detailed description of these services, see our *Guidelines for Christian Conciliation*, which contains *Introduction to Christian Conciliation* and our *Rules of Procedure*, <http://www.peacemaker.net/Rules>.)

Fees When providing individual conflict coaching, our staff conciliators normally charge _____. If you decide to proceed with mediation or arbitration, we will provide you with a more detailed fee agreement.

Biblical Basis We believe that the Bible provides thorough guidance and instruction for faith and life. Therefore, we base our services on scriptural principles rather than those of secular psychology or psychiatry. (For a description of these principles, see question 17 in Part I of the *Guidelines for Christian Conciliation*.)

Not Legal Representation Christian conciliation may be used to resolve legal disputes. Even so, conciliators do not provide people with the kind of legal advice and advocacy they would obtain if they hired a personal attorney. Instead of representing one person against another, we work with and for all the people in a dispute to help them find a mutually satisfactory agreement. This limitation applies to all of our conciliators, including those who happen to be attorneys. Therefore, if you are concerned about your legal rights, you should consult with an independent attorney who would be willing advise you during the conciliation process.

Our Commitment to Confidentiality Confidentiality is an important aspect of the conciliation process, and we will carefully guard the information you entrust to us. To ensure that you are receiving consistent counsel and support, however, we need to be able to discuss situation with your attorney, if you have one, and with appropriate leaders of your church, if you belong to or attend one. Furthermore, we may need to divulge information to appropriate civil authorities if there is a clear indication that someone might otherwise be harmed (see *Rules of Procedure 16 and 17* for more information on confidentiality).

Your Commitment to Confidentiality You too must agree not to discuss our communications with people who do not have a necessary interest in the conciliation process in order to protect confidentiality and to ensure integrity and fairness. This applies to all oral or written communication by the parties or by the ICC as well as sharing information regarding the case on the Internet. In addition, you must agree to treat all dealings with us in regard to this dispute as settlement negotiations, which means they will be inadmissible in a court of law or for legal discovery. Furthermore, you must agree that you will not try to force any conciliator to divulge any information acquired during conciliation or to testify in any legal proceeding related to this dispute.

If you have any questions about these terms, please talk with a member of our staff. If these terms are acceptable to you, please sign below.

Signed _____ Date _____
For _____



Christian Conciliation Case Information Form:

Please return to rkolstad@masters.edu

The information provided on this form will be used in accordance with the confidentiality provisions set forth in Rules 16 and 17 of the Rules of Procedure for Christian Conciliation, for purposes of case administration and conciliator selection. This information will not be provided to other participants or to an arbitrator; a copy will be provided to the mediator if pursuing mediation or mediation/arbitration. A complete set of the Rules of Procedure for Christian Conciliation can be found at www.peacemaker.net/rules.

DATE COMPLETED: _____	NAME: _____ E-MAIL ADDRESS: _____
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Contact Information: For delivery/receipt of communication, correspondence, and resources.

Address: _____		
City/State/Zip/Country: _____		
Address is:	<input type="checkbox"/> Business	<input type="checkbox"/> Residence <input type="checkbox"/> Other _____
Phone: _____	Cell: _____	Fax: _____

Personal Background:

Marital Status:	<input type="checkbox"/> Never Married	<input type="checkbox"/> Widowed	Married ___ Years	Divorced ___ Times	Separated ___ mo/yr
			Number of Children	___ Ages	_____
EDUCATION (MAJOR/TYPE): _____ _____					
RELIGION:	<input type="checkbox"/> None	<input type="checkbox"/> Christian	<input type="checkbox"/> Jewish	<input type="checkbox"/> Agnostic	<input type="checkbox"/> Other
Do you believe in God? What role does God have in your life? _____					
What is your opinion of the Bible? What role does it have in your life? _____					
Does your faith have a role in conflicts you experience? If so, what? _____					

Church information

Church Name:	Pastor:
Address:	Denomination:
City/State/Zip:	Are you a member: <input type="checkbox"/> Yes <input type="checkbox"/> No
Phone:	

Attorney Information -If you are consulting with an attorney about this dispute, please complete the following section to authorize our communication with your attorney.

Attorney:		
Address:		
City/State/Zip:		
Phone:	FAX:	E-mail:
Has a legal action been filed? If yes, list date and action, also attach copies of actions:		

Information About the Party With Whom You Are in Conflict

Name:		
Name of Organization (if applicable):		
Address:		
City/State/Zip:		
Phone:	FAX:	E-mail:
What steps have you taken to address/resolve the conflict?		

Preliminary Statement of Issues and Remedies

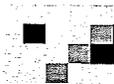
The following questions are designed to assist your conciliator in developing an Issues Statement for your case. The answers will also assist the ICC in appointing or nominating conciliator (s) whom are gifted to your conflict or dispute. A copy of this page may be provided to the other party (s). Please frame your responses in a conciliatory manner to promote dialogue with the conciliator and other party (s).

Please describe the dispute or conflict in three or four sentences.

Are you requesting Mediation, Mediation/Arbitration, or Arbitration?

The questions/issues which are to be answered/resolved through conciliation are:

The claims and/or remedies I seek are (if monetary, please include dollar amount):



Mediation Agreement

We, the undersigned parties, are presently involved in a dispute with one another, which we hereby submit for mediation before Dr. Ernie Baker (and assistants if necessary).

We have received and read the *Rules of Procedure for Christian Conciliation* of the Institute for Christian Conciliation (ICC Rules), which are incorporated into this Agreement by reference and which we agree to follow, unless modified as stipulated by the parties and Dr. Baker. In particular, subject to the more detailed provisions of the ICC Rules, we acknowledge and agree that:

1. The conciliators will attempt to assist us in reaching a voluntary settlement of this dispute through mediation. If we are unable to agree on a settlement, the conciliators may, at their discretion, issue an advisory opinion, which shall not be legally binding or admissible for any purpose in any subsequent legal proceeding. We understand that we may quit the conciliation process at any time.
2. We understand that neither Dr. Baker nor any conciliators, including those who happen to be attorneys, will provide any of us with the kind of legal advice or representation we would receive from a privately retained attorney. Furthermore, no conciliator, regardless of training or expertise, will be expected to provide any of us with the kind of advice or services that we would receive from an independent professional.
3. We agree to protect the confidentiality of this process and will not discuss these matters with people who do not have a necessary interest in them. Furthermore, we agree to treat all dealings with Dr. Baker in regard to this dispute as settlement negotiations and we

agree that all communications, between the parties during the mediation process shall be inadmissible in a court of law or legal discovery.

4. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which shall constitute on and the same agreement.

We further agree that any dispute with Dr. Baker arising from or related to this Agreement shall be settled by mediation and, if necessary, legally binding arbitration in accordance with the ICC Rules; judgment upon an arbitration decision may be entered in any court otherwise having jurisdiction.

Signed: _____ Date: _____

Signed: _____ Date: _____

Signature of Conciliator _____ Date: _____

or intake coordinator

Stanley and Emma Jones and Susan Michaels Mediation

May 20, 2011

Memorandum of Understanding

Parties:

Stanley and Emma Jones

Susan Michaels

Mediators:

Ernie Baker

Geoffrey Chaucer

Stanley, Emma, and Susan out of a desire to glorify the Lord by being reconciled and because of the Gospel, met and confessed their sin to one another. They served one another by openly sharing their stories and lovingly listened to one another, took responsibility for their sins and failures and came to the following agreements.

The following relational agreements were reached:

- a. Stanley, Emma, and Susan agreed to abide by the following ground rules throughout the mediation:
 1. Commitment to confidentiality
 2. Honesty and openness
 3. Respectful communication
 4. Taking notes
 5. No assumicide
 6. Addressing new offenses quickly
 7. Private meetings
 8. No interrupting (with one exception)
 9. Anyone can ask for a break

- b. Susan began with a God-glorifying confession, using the 7 A's of confession, asking forgiveness for not helping the Jones' adapt to the field and actually making their transition more difficult and for having unrealistic expectations (desires that turned into demands that led to judging and punishment). She acknowledged that she has had a heart theme of control that has shaped her expectations and the way she has communicated.
Both Stanley and Emma granted forgiveness with a full understanding of the four promises of forgiveness. We were reminded of our Lord's forgiveness from Ephesians 4:32 and Jeremiah 31: 34.

- c. During "storytelling" Stanley confessed being a comfort lover who has run from problems and not dealt with issues and allowed them to fester. He and Emma both acknowledged that this did not help their team and led to the further deterioration of their relationship with Susan. Susan granted forgiveness with a clear understanding of the four promises of forgiveness.

- d. Emma also acknowledged that she was wrong and had acted sinfully by withdrawing from relationship with Susan stemming from a worship of comfort loving. She asked for forgiveness and forgiveness was granted by Susan.
- e. Concerning issue one of building a team relationship we asked, "how can we rebuild and build our relationship?" It is necessary to discuss this since there has been distrust in the relationship and since from the beginning of the Jones' term on the field little relationship was built. The following was agreed upon. We will have brunch together weekly alternating homes or going out. During this time we will share 2 or 3 prayer requests with one another. We will also schedule a weekend away together in the forest at Geoff's. We will have 3 or 4 game nights throughout the summer. Stanley will be responsible to schedule this time. During this time they will rejoice with each other on how the Lord used one another in the previous weeks. And, in an effort to learn to walk with the Lord together and to learn better communication and especially to understand our heart motives behind why we have related to one another the way we have we will study Paul Tripp's book *War of Words* 2 or 3 times a month.
- f. Concerning issue two of roles we asked, "who is really the team leader?" And, "what is Emma's role?" The following was agreed upon. Geoff left the mediation to go speak with the Field Director for clarification. The Director clarified that per mission agency policy Stanley is the team leader and expressed sorrow that this had not been clarified with Susan before this time. Cadence leadership needs to follow up with Susan. Geoff is going to contact Stanley and Emma about Emma's role. Until Geoff clarifies this Emma is operating 100% in student ministry. They will revisit the "job description" documents to make sure all responsibilities are being covered.
- g. Concerning issue three of communication we asked, "what is proper communication with one another" and "what is appropriate communication with the teens?" Based upon Ephesians 4:15; Philippians 2:4; and Romans 14 the following was agreed upon. It was agreed to work on keeping short accounts, and "speaking the truth in love" as the team standard. They will also ask weekly of one another, "how am I doing with my words?" Reading and discussing *War of Words* will also address this issue.
- h. Discussing issue four of Stanley's leadership we asked, "How is the transition to Stanley's leadership as the Community Director going to be made smoothly?" We also asked, "how do they function as a team with Stanley as leader?" And, "what is Stanley's leadership style?" It was re-emphasized that they need to revisit the team job descriptions to make sure responsibilities are clear. Stanley will also initiate the scheduling of transition and scheduling meetings. Susan announced that she will probably be taking a home assignment furlough starting at the end of August and continuing to January. This would help Stanley's transition to Director and give Susan a much needed break. It was also determined that any changes to the way ministry is done will be discussed over the summer before Susan leaves so she will know what to expect when she returns from home assignment. If there are areas where there is disagreement on issues, Susan will make Middle School decisions and Stanley will make High School decisions. Stanley

expressed his desire for there to be a team mentality. It was also decided that Stanley will start leading the team meetings and making the agenda with input from others. If there are major disagreements they will appeal to the Field Director.

- i. Because there had been an assumption that expectations were not being met we discussed, "what are the ministry expectations?" Susan again acknowledged that her expectations were wrong and unrealistic and that she was guilty of not giving charitable judgments (I Cor. 13:7). She asked for forgiveness and forgiveness was granted. It was emphasized again that they will review the official documents. They will also work on giving each other charitable judgments. They also agreed on the necessity of regular staff meetings so that expectations are clearly communicated.
- j. On the sixth issue of philosophy of ministry we discussed, "how will this be developed?" It was acknowledged by all that it would be impossible to adequately address this issue in a mediation meeting. Ernie explained how to do a SWOT analysis (Strengths, Weaknesses, Opportunities and Threats). The importance of talking about core values was agreed upon and Stanley will initiate a meeting to discuss ministry philosophy.
- k. It was also agreed upon that a copy of this memorandum can be sent to the Field Director and to Geoff who will provide support, follow-up and accountability.
- l. We acknowledge that the primary role that the mediators have played in the preparation of this Memorandum of Understanding has been to transcribe our own agreement into writing.
- m. We agree that the intended purposes of the items listed above in this Memorandum of Understanding is to facilitate personal reflection, prayer, and accountability as we voluntarily commit to comply with the agreements as specified in this document.

Stanley Jones

Date

Emma Jones

Date

Susan Michaels

Date

Ernie Baker

Date

Arbitration Decision

The undersigned arbitration panel, having heard the claims, defenses, evidence and arguments of the parties, renders the following decision.

Name/Address of Initiating Party Daria Mitchell	Name/Address of Responding Party Will Mitchell
Name/Address of Arbitration Administrator Rose Baker 33218 Acklins Ave. Acton, CA 93510	Hearing Date Sept 24, 2009 Hearing Location DFW Hyatt Regency
Source of parties' arbitration agreement <input type="checkbox"/> Conciliation clause in contract dated _____ <input type="checkbox"/> Mediation-Arbitration Agreement dated _June 12, 2007_____ <input type="checkbox"/> Arbitration Agreement dated _____ <input type="checkbox"/> A copy of the parties' arbitration agreement, noted above, is attached to this decision.	
This matter was conducted pursuant to the following procedural rules: <input type="checkbox"/> Rules of Procedure for Christian Conciliation, version _4.5____ <input type="checkbox"/> Other _____	
Procedural History (Check all that apply.) <input type="checkbox"/> The parties moved from mediation to arbitration pursuant to RPCC 24A. <input checked="" type="checkbox"/> The parties moved from mediation to arbitration pursuant to RPCC 24D. <input type="checkbox"/> The parties moved directly to arbitration pursuant to RPCC 24C. <input type="checkbox"/> The parties moved directly to arbitration pursuant to an agreement providing for arbitration only. <input type="checkbox"/> The arbitrators made preliminary rulings as indicated in the attached ____ pages of Preliminary Ruling Summary forms.	
Hearing attendees <input type="checkbox"/> _____, Daria Mitchell _____, Initiating Party <input type="checkbox"/> _____, Initiating Party's attorney <input type="checkbox"/> _____, Initiating Party's spiritual advisor <input type="checkbox"/> _____, Initiating Party's spouse <input type="checkbox"/> _____, Initiating Party's witness <input type="checkbox"/> _____, Initiating Party's witness <input type="checkbox"/> _____, Initiating Party's witness <input type="checkbox"/> _____, Will Mitchell _____, Responding Party <input type="checkbox"/> _____, Responding Party's attorney <input type="checkbox"/> _____, Responding Party's spiritual advisor <input type="checkbox"/> _____, Responding Party's spouse <input type="checkbox"/> _____, Responding Party's witness <input type="checkbox"/> _____, Responding Party's witness <input type="checkbox"/> _____, Responding Party's witness <input type="checkbox"/> _____, Sole Arbitrator/Lead Arbitrator <input type="checkbox"/> Ernest Baker _____, Arbitrator <input type="checkbox"/> Doug las White _____, Arbitrator <input type="checkbox"/> Other: Name _____ Role: _____ <input type="checkbox"/> Other: Name _____ Role: _____ <input type="checkbox"/> Other: Name _____ Role: _____ <input type="checkbox"/> Other: Name _____ Role: _____	

Statement of Issues	Decision on Issues
Issue How much should Will pay Daria for support during the six months they are living separately to work toward restoring their marriage?	Decision: Given that both Will and Daria offered during the hearing the use of their joint savings of \$10,000 to make up the difference in their proposed budgets we decide that Will shall pay \$1520.00 per month as required by North Carolina child support guidelines.
Issue	Decision
<input type="checkbox"/> The statement of issues from the arbitration agreement is attached to this decision. <input type="checkbox"/> The arbitrators, after giving the parties reasonable opportunity to comment on the proposed decision on fees, costs and expenses, award the following fees, costs and expenses pursuant to RPCC 40C: <input type="checkbox"/> Initiating Party shall pay _____?_____ to Administrator. <input type="checkbox"/> Responding Party shall pay _____?_____ to Administrator. <input type="checkbox"/> Initiating Party shall pay _____ to Responding Party. <input type="checkbox"/> Responding Party shall pay _____ 1520.00 per month _____ to Initiating Party. <input type="checkbox"/> The reasoning for this decision is set forth on the attached __1__ pages of Reasons for Decision forms.	

Date of Arbitration Decision: Oct. 8, 2009

Signed: Ernest Baker _____, Arbitrator
 Date: Oct. 8, 2009

Signed: _____, Arbitrator Date: _____

Parties: Daria and Will Mitchell

Hearing

Date: Sept.24, 2009

<p>Initiating party's position and requested outcome Daria desires Will to pay \$2702.00 per month beginning the first day of the month after Will moves out temporarily. During the hearing she offered the use of the family savings account of \$10,000.</p>	<p>Responding party's position and requested outcome Will wants to pay Daria \$1520.00 per month for the stated period as required by state child support laws.</p>
<p>Relevant facts Both offered during testimony as part of the arbitration for the family savings account of \$10,000 to be used to make up the \$1182.00 difference in the proposed budgets.</p>	
<p>Applicable biblical principles applied I Ti. 5:8-a man to be the provider for his family. This is to be whatever it takes to care for his whole family, including his wife, not just a minimum as required by state law for child support. Romans 13:1ff. The government has set up guidelines for just administration of such cases (cf. North Carolina child support guidelines). 2 Cor. 7:11; Matt. 3:8-There is to be fruit in keeping with repentance. Both admitted to sin and asked for forgiveness during mediation; therefore, they both should be willing to contribute to the family getting back together as soon as possible. Using the family savings will motivate both of them to work hard toward restoration so as to preserve the family savings. Using the family savings, that is there predominantly through Will's hard work (thus fulfilling I Tim. 5:8), is showing his faithfulness in fulfilling not just minimal state obligations of child support. The goal is a healthier, Christ-honoring, functioning family, back together as soon as possible (Eph. 5:18-6:3). To require him to work two jobs (to meet Daria's budget), go to counseling and maintain all his family responsibilities seems punitive and unreasonable and would seem to indicate that Daria has possibly not fully owned her contribution to the weakness of their marriage. This would not be in keeping with the Gospel of grace and reconciliation.</p>	
<p>Applicable legal principles applied North Carolina child support guidelines</p>	
<p>Conclusions (Applying applicable principles to relevant facts) s The family savings account should be used so that Will can be providing for his family and has the time necessary to work on all the necessary counseling homework and relationship with his family.</p>	

The undersigned arbitration panel, having heard the claims, defenses, evidence and arguments of the parties, renders the following preliminary ruling.

Name/Address of Initiating Party	Name/Address of Responding Party
Name/Address of Arbitration Administrator	Hearing Date
	Hearing Location

Source of parties' arbitration agreement

- Conciliation clause in contract dated _____
- Mediation-Arbitration Agreement dated _____
- Arbitration Agreement dated _____
- A copy of the parties' arbitration agreement, noted above, is attached to this decision.

This matter was conducted pursuant to the following procedural rules:

- Rules of Procedure for Christian Conciliation, version _____
- Other _____

Type of Hearing

- Preliminary hearing pursuant to RPCC 28B.
- Temporary relief hearing pursuant to RPCC 29.
- Other _____ pursuant to RPCC _____.

Hearing attendees

- _____, Initiating Party
- _____, Initiating Party's attorney
- _____, Initiating Party's spiritual advisor
- _____, Initiating Party's spouse
- _____, Initiating Party's witness
- _____, Initiating Party's witness
- _____, Initiating Party's witness
- _____, Responding Party
- _____, Responding Party's attorney
- _____, Responding Party's spiritual advisor
- _____, Responding Party's spouse
- _____, Responding Party's witness
- _____, Responding Party's witness
- _____, Responding Party's witness
- _____, Sole Arbitrator/Lead Arbitrator
- _____, Arbitrator
- _____, Arbitrator
- Other: Name _____ Role: _____

Decision on Issue See arbitration decision

Statement of Preliminary Hearing Issues	Ruling on Issues
Issue	Ruling
<input type="checkbox"/> The statement of issues from the arbitration agreement is attached to this preliminary hearing ruling. <input type="checkbox"/> The arbitrators, after giving the parties reasonable opportunity to comment on the proposed decision on fees, costs and expenses, award the following fees, costs and expenses pursuant to RPCC 40C: <input type="checkbox"/> Initiating Party shall pay _____ to Administrator. <input type="checkbox"/> Responding Party shall pay _____ to Administrator. <input type="checkbox"/> Initiating Party shall pay _____ to Responding Party. <input type="checkbox"/> Responding Party shall pay _____ to Initiating Party. <input type="checkbox"/> The reasoning for this ruling is set forth on the attached _____ pages of Reasons for Decision forms.	

Date of Arbitration Decision: _____

Signed: _____, Arbitrator Date: _____

Signed: _____, Arbitrator Date: _____

Signed: _____, Arbitrator Date: _____

“STOREE”

I am grateful to the LORD for the opportunity to meet with you and sincerely desire to understand what is happening or has happened in your life. To get started could you tell me your “storee?” “Storee” is a way for me to get some general information about what is going on. Your answers can be as long as you like but please give me at least a few sentences for each letter. Thank you for your help and I will be prayerfully anticipating our meeting.

S – Situation: What are the circumstances? How old are you? What’s going on in your life? What are the names of family members? What seems to be the main problem? How do you hope I can help you?

T-Thinking: What is your typical thinking about this situation (what goes through your mind regularly)? What do you think or wonder about yourself in relation to the situation? What do you think of others in relation to the situation? What do you like to think about in general? What do you do to occupy your mind?

O-Others: How are others involved? How does this issue impact others? What have others done to compound or alleviate the problem?

R-Response: What are you doing about this issue? What have you done to try to address this issue in the past? How do you react when this issue is a problem? What are your typical actions or reactions to this problem (e.g. “I get angry and go for a drive”)? When you are feeling pressure in life how does it come out? How are you sleeping?

E-Emotions: What are your typical emotions? What do you fear? What makes you feel anxious? What makes you angry? What would make you happy, related to this situation? What would give you peace, related to this situation?

E-Expectations: What do you desire related to the situation? What would you like? What are you getting that you don’t want? What do you want that you aren’t getting? What do you think you need (e.g. “I need respect”)? What are you hoping will happen through counseling? What do you think others are desiring/wanting in relation to this situation?

Dr. Ernie Baker
Pastor of Counseling and Discipleship
First Baptist of Jacksonville
Chair of on-line BA in Biblical Counseling
The Master’s University
Fellow, The Association of Certified Biblical Counselors
Certified Conciliator, Institute for Christian Conciliation

Counselor _____

Counselee _____

Date _____

Session _____

LOVE	Involvement Establish a change-facilitating relationship.	
	Inspiration Inspire hope.	
KNOW	Inventory Secure info. to understand ce. and her problems.	
	Interpretation Analyze and organize info. to identify & explain problems to ce.	
SPEAK	Instruction Give appropriate instruction to solve problems.	
	Inducement Motivate ce. to obey God.	
DO	Implementation Help ce to plan new habits and patterns.	1.
	Integration Coach until ce. changes and is integrated into local church.	

Drawing out the Purposes of the Heart

"The purposes of a man's heart are deep waters, but a man of understanding draws them out."
Prov. 20:5

Instructions: The Scriptures give us many windows into the heart and what functionally rules it. Here are a few examples. These questions are meant to help you examine personal heart themes of thought, motive, and desire so that you can begin to understand the true treasures of your heart. They will also help you to begin to see how these desires have shaped the way you have responded to God, others, and the situations of life.

Please answer the questions as thoroughly as possible. A paragraph on each question would be ideal. Throw in some illustrations of how this is true in your life. We will be looking for themes and patterns that define your heart tendencies. You will find it to be a liberating experience as the Lord helps you understand your heart and helps you to grow.

1. When do you tend to experience fear, worry, or anxiety (Matthew 6:19-34)?
2. Where have you struggled with disappointment (Proverbs 13:12,19)?
3. In what situations do you struggle with anger (James 4:1,2; Proverbs 11:23)?
4. Where do you encounter problems in relationships (James 4:1-10)?
5. What are the situations of life that you find particularly difficult (1 Corinthians 10:13-14)?
6. What things do you find yourself seeking to avoid?
7. Where have you experienced regular problems in your relationship to the Lord?
8. In what situations do you tend to doubt the truths of Scripture?
9. What is a good relationship? What do you expect of others?
10. In what type of situations do you struggle with bitterness?
11. Where have you struggled with regret, being tempted to say, "If only..."?
12. In what experiences from the past do you have a hard time of letting go?
13. Where do you tend to struggle with envy? What do you find yourself wanting that others have and you don't?
14. Whose opinion really matters to you?

Fill in the blanks:

1. Life would be all right if _____?
2. I really wish I had _____?
3. I need _____?

DEVELOPING COMMITMENT IN DISCIPLESHIP

Proverbs 14:23 states "In all labor there is profit, but mere talk leads only to poverty."

As a disciple of Christ do I desire to:

1. Accept personal responsibility for my desires, motivations, thoughts, attitudes, feelings, words, and actions. I believe that change is possible through Christ Jesus.
2. Agree that Biblical change involves personal choice. Do I want to change?
3. Grow in my desire to change my ways to God's ways? Thoughts, attitudes, desires, motives, and intentions: what do mine look like? Be committed to put off wrong desires, thoughts, words, and actions that hinder my Biblical change? Continuously be committed to putting on Christ-like thoughts, words, actions, and desires daily?

In light of these points, commitment looks like:

A: Acknowledge personal responsibility. Hebrews 12:1-2, 14; James 1:13-15; Matt. 7:1-5

C: Choose to look at all circumstances from a Biblical point of view. I Peter 1:6-7; 4:12-13; 3:8-9; 2 Tim. 3:16-17

C: Commit to begin to eliminate ALL that hinders biblical change. Ephesians 4:15, 17, 22-27. Progressive sanctification.

E: Exert energy to the goal. Romans 13:14; I Timothy 4:7.

P: Persevere in obedience. Romans 5:3-5; James 1:2-4; Hebrews 10:36.

T: Trust God for the strength and resources to change, i.e.: the Holy Spirit. Psalm 28:6-7; Philippians 2:12-13, John 14:26, I Thessalonians 5:23-24.