An open letter to Christians Regarding Marital Conflict and Divorce

A new approach to family law:
"Conciliate and Collaborate, Don't Litigate!"

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Dear Christian, Christian Pastor, Christian Church Leader, Christian Mental Health Professional, Christian Counselor, Christian Lawyer, and Christian Judge:

As of the date of this writing, I'm 56 years old. I've been licensed to practice law since 1986 and have litigated, mediated, and conciliated hundreds of marital and family disputes over these years. I've seen it all.

I'm writing to ask you to join me in creating a movement among those who profess faith in Jesus Christ to approach marital and family dissolution and conflicts in an entirely new, biblical manner in the 21st century.

I believe that this movement has the potential to show the world what God in Christ is truly like, to represent God faithfully and truthfully to a fallen and broken world.

- It is a practical way for believers to practice the imitation of God as "dearly loved children" (Ephesians 5:1) through kind, tenderhearted, forgiving love (Ephesians 4:32 – 5:2).
- It is a practical way for Christians to let the lights of their lives shine, to be salt and light and specks of gospel leaven, as they honor and glorify God by good works of forgiveness and reconciliation (Matthew 5:16-26).
- It is a practical way to experience the joy and blessedness of peacemaking and to experience at deeper levels our eternal identities as children of the only true and living God ("blessed are the peacemakers" Matthew 5:9).

- It is a practical way to walk by grace through faith in the Son of God who loved us and gave his life for us in the good works that God has prepared beforehand "so that we would walk in them" (Ephesians 2:10, NASB; Galatians 2:20).
- It is a practical way for Christian lawyers and judges to administer justice in marital and family law matters in a manner that is consistent with the biblical mandates of resolving conflict on the basis of God's generous, gracious, merciful, forgiving love (1 Corinthians 6:1-11).
- It is a practical way to show the world the unity and love of God in Christ Jesus for and with us through our unity and love as believers, even though you may be going through the pain, suffering, and trauma of a marital and family dissolution (John 17:1-26).

I hope that this letter will encourage you and exhort you to begin spreading this message in your Christian community:

"Conciliate and Collaborate, Don't Litigate!"

Having represented hundreds of Christians going through marital conflict over the past 30+ years, both as a Christian lawyer and as a Christian conciliator, I am convinced that the best God-honoring, redemptive, and healing choice Christians can make is to pursue resolution through the alternative dispute resolution methods available to them.

Instead of litigating marital and family disputes, believers should strive to *conciliate* and *collaborate*. Litigation should always be a last resort.

Scripture attests to this routinely for believers.

> Pursue peace with all men, and the sanctification without which no one will see the Lord (Heb 12:14).
>
> If possible, so far as it depends on you, be at peace with all men (Rom 12:18).
>
> Does any one of you, when he has a case against his neighbor, dare to go to law before the unrighteous and not before the saints?....I say *this* to your

shame. *Is it* so, *that* there is not among you one wise man who will be able to decide between his brethren, but brother goes to law with brother, and that before unbelievers? (1 Cor 6:1, 5-6)

Therefore if you are presenting your offering at the altar, and there remember that your brother has something against you, leave your offering there before the altar and go; first be reconciled to your brother, and then come and present your offering. Make friends quickly with your opponent at law while you are with him on the way,…(Mt 5:23-25a).

Salt is good; but if the salt becomes unsalty, with what will you make it salty again? Have salt in yourselves, and be at peace with one another (Mk 9:50).

If your brother sins, go and show him his fault in private; if he listens to you, you have won your brother. But if he does not listen *to you*, take one or two more with you, so that BY THE MOUTH OF TWO OR THREE WITNESSES EVERY FACT MAY BE CONFIRMED. If he refuses to listen to them, tell it to the church; and if he refuses to listen even to the church, let him be to you as a Gentile and a tax collector. Truly I say to you, whatever you bind on earth shall have been bound in heaven; and whatever you loose on earth shall have been loosed in heaven. Again I say to you, that if two of you agree on earth about anything that they may ask, it shall be done for them by My Father who is in heaven. For where two or three have gathered together in My name, I am there in their midst (Mt 18:15-20).

Conciliation and *collaboration* are two practical means available to believers to put Scripture into practice. Those going through the trauma of marital and family conflict can pursue a path of peace in a manner that is pleasing to God through conciliation and collaboration.

I have found over the past three decades that pastors and counselors genuinely desire to help believers resolve conflict in ways that honor and please God, provide the best pathway to healing for themselves and their children, and help them grow to be like Christ through the pain and suffering that inevitably comes with a marital meltdown and its consequent family dissolution.

But it's a difficult path, as we both know. And as I've reflected on the practice of marital and family law here in Central Arkansas since moving here in 1999 to join FamilyLife, it surprises me that conciliation and collaboration have yet to gain a toehold in the Christian community. They are virtually non-existent.

I have also been surprised to find that few, if any, domestic relations lawyers who profess faith in Christ and who represent Christians going through marital dissolution litigate *in a manner consistent with Scripture*. From a biblical standpoint, there is a right way for a Christian lawyer representing a Christian in a family law matter to litigate the case, and there is a wrong way.

In my opinion, the right way to litigate a family law case involving a believer is zealously and competently advocate for the believer in a manner consistent with the biblical mandates applicable to lawsuits. Practically, this means the lawyer should use all means available to (1) conciliate, (2) then collaborate, and (3) in the last instance litigate with pleadings that reflect the law applied to the facts biblically.

This last point may be a bit too technical, but in my view the Christian lawyer representing the Christian client should file pleadings that always present faith and hope in God for the possibility of reconciliation in every case. As I always like to say, "God loves to get glory for himself by resurrecting dead things." This kind of pleading practice can be performed in a specific manner of pleading two counts, one that claims relief short of divorce and the other in the alternative claiming divorce only if there is no hope of reconciliation as proven by the conduct of the other party (whether an unbeliever or a believer acting like an unbeliever).

Of course, this takes more work for the Christian lawyer and Christian client. And it takes more work for church leaders. But if it's pleasing obedience to God reflected in Scripture, is it too much work?

Christian pastors and counselors should support and encourage this practice, in my view. They should encourage their members and clients to find lawyers who are willing to approach their marital and family meltdowns in by conciliating and collaborating first, not litigating. They should repeat the mantra with us:

“Conciliate and Collaborate, Don’t Litigate!”

One of the primary reasons this lacunae of knowledge and practice exists among Christians, their lawyers, churches, and counselors is lack of education and training. Pastors and counselors are busy people, like all of us. They have long-standing relation
ships with family lawyers to whom they refer their members and clients. They don’t know how to go about helping the people they serve other than to send them to the lawyers they know. And when they do, more often than not they send them right into the maw of litigation, which at times can result in a metaphorical blood-letting.

What is Christian conciliation?

Christian conciliation involves biblical conflict coaching and mediation that is grounded in the Scriptures and implemented using the *Rules of Procedure for Christian Conciliation* promulgated by the Institute for Christian Conciliation, a division of Peacemaker Ministries. We practice it with believers and, whenever possible, with the spiritual oversight of their churches and help of their counselors.

Since 2000, I have helped numerous couples resolve their marital and family disputes without litigation by using Christian conciliation. Many churches, pastors, and counselors refer these conflicts to me. Some have resulted in reconciliations. Some have ended with complete agreements ending in dissolution of the marriage, making the case uncontested. This has saved couples from spending thousands of dollars unnecessarily, from wasting untold hours of time in litigation, and from needlessly expending incredible amounts of emotional and spiritual energy required by litigation. And those couples with minor children have spared their little ones much pain and suffering. They have also avoided putting more stumbling blocks to faith in Jesus before their children as a result of their marital conflict (Matthew 18:1-14).

Collaboration, as we practice it with believers and the spiritual oversight of their churches and help of their counselors, incorporates biblical conciliation but involves an additional process that protects couples and their families from the Pyrrhic and often devastating effects of domestic litigation.

When minor children are involved, collaboration in marital disputes has two components:

First, the parties agree on a neutral psychological professional to help them resolve any issues concerning the children.

Second, the parties agree on a neutral financial professional to help them resolve any issues concerning how to divide the marital estate, what income is under the law for purposes of settling child support and alimony issues, and any other financial matters about which the parties cannot agree.

Under a collaborative law agreement, the parties and their attorneys agree in advance that if they cannot settle all issues with the help of their lawyers and the neutral professionals, then the lawyers cannot represent them in any subsequent litigation. The prospect of having to start over with, and pay legal fees for, lawyers for litigation hopefully will deter unnecessary litigation and increase the prospects of successful settlement.

If no minor children are involved, then the parties operating under a collaborative law agreement select a neutral financial professional and work toward settlement under the same construct.

The difference for *Christians* involved in collaboration is that they agree to conciliate throughout the process. This means they agree to pursue peace with each other so far as it depends on them, using the Peacemaker process (see www.peacemaker.net). Pastors and their counselors agree to encourage and hold them accountable to pursuing peace, including forgiveness, with each other. This involves a biblical process of repentance and faith implemented through confession, accountability to the leadership of the church, restitution if appropriate, and so forth. This promotes healing and peace in the family, church, and community. And it is the best means for Christians and their churches and counselors to "hallow" God's name – that is to honor and glorify God – in the process of resolving the conflict. This limits and can even eliminate actions or words by which believers going through marital and family conflict unwittingly take God's name in vain, defame God, and give reasons for unbelievers, society, culture, and the world to blaspheme God's holy name.

At all times, even if marital reconciliation does not take place, we always work hard to help facilitate forgiveness and reconciliation at the level of the eternal identity of those who profess faith in Christ, that identity that is already but not yet complete as siblings in Christ. Christian husbands and wives, along with their children, who are going through the pain of marital and family dissolution, often forget this eternal dimension of their relationships. Ephesians 5:1 teaches us that those who are in Christ are dearly loved children of God. They often do not realize that their marriages and families on this earth will end, but their relationships in Christ will never end. That's why the Scripture exhorts us to practice kind, tenderhearted, forgiving love with each other "just as" God in Christ also forgives and loves us in Christ (Ephesians 4:32 – 5:2).

This is a very important point, as Matthew 6:14-15 and 18:21-35 further teach. It should not be overlooked. Our human marriages and families will end. Only the divine marriage between Christ and the Church (which believers comprise) and the divine family (which believers comprise) God is creating in Christ Jesus will last. The Bible describes this marriage and family in other ways as well (God's household, the universal church/body, etc.).

Matthew 6:14-15 and 18:21-35 teach very plainly that forgiving the way God forgives is a key marker of whether or not you're in God's marriage and family. Forgive, you're in. Don't forgive, you're out.

It's very serious business. But I'm often shocked how cavalierly God's children treat this, as if it's somehow an optional think. "Oh yeh, I forgive him/her. But I don't ever want to be close her/him again [i.e., I intend to hold onto my bitterness]."

Approaching marital and family law by conciliating and collaborating is pregnant with opportunities to help believers live free in the forgiving love and loving forgiveness with each other that God in Christ has for them every nanosecond of every day.

This is why I am passionate about this alternative approach to resolving marital and family conflict.

The steps I am taking to lead this movement are:

1. Practice it with the believers God sends us to represent.
2. Write about it in blogs, letters, and articles.
3. Speak, teach, and preach about biblical conflict resolution and peacemaking in family matters.
4. Train pastors and counselors on how to educate and communicate with their members and clients regarding conciliation and collaboration as alternatives to the way family law is practiced in Central Arkansas and Central Florida.
5. Continue faithfully serving Christians and clients in conciliation, collaboration, and, if necessary, litigation.

Since moving to Little Rock in May 1999 to join FamilyLife, I have had the privilege of teaching, preaching, and training many pastors, counselors, elders, and ministry leaders in biblical conflict resolution.

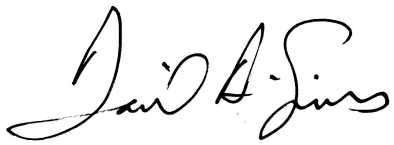
I focus the majority of my time on practicing conciliation with a view to reconciliation first and continuing to help Christians become generous stewards and build lasting legacies through my firm, BRS Consulting (www.brsconsulting.com).

I work hard to help believers reconcile, even in the worst of cases. If reconciliation is impossible, then I utilize conciliation and collaboration to bring the dispute to a peaceful, less costly end. If one side to the conflict refuses to conciliate or collaborate, then we can provide excellent litigation services and representation.

I am available to discuss this new approach to family law in Arkansas. If you or your church or counseling organization is interested in being trained in conciliation and collaboration, please let us know. We believe that we can transform how Christians, their pastors, and their counselors resolve marital and family conflict in Central Arkansas and Central Florida for God's glory and for the good of his church and people and great name.

> Now to Him who is able to do far more abundantly beyond all that we ask or think, according to the power that works within us, to Him *be* the glory in the church and in Christ Jesus to all generations forever and ever. Amen.

Sincerely yours,



David A. Sims