CROSSROADS
resolution group LLC

INFORMATION TO ASSIST IN PREPARING FOR CHRISTIAN ARBITRATION

The following information is provided to assist you as you prepare for an Arbitration administered and/or conducted by Crossroads Resolution Group LLC (CRG). **This is not intended to provide legal advice or counsel, nor replace the counsel given by your attorney. The assistance of independent legal counsel is especially helpful when dealing with significant legal rights or when state or federal statues are involved.** As stated in the *Rules of Procedure for Christian Conciliation (Rule 13)* "Conciliation can affect substantial legal rights and responsibilities and parties should consult with an attorney regarding specific legal issues and responsibilities."

What is Arbitration?

Arbitration, as administered by CRG, is a formal process during which parties in conflict present their evidence to an Arbitrator. The Arbitrator receives the evidence, applies applicable Biblical law and guidelines, and state, federal, and local law, and renders a legally binding decision. The Arbitrator is neutral, like a civil court judge, and will consider each party's argument and evidence, and provide the parties with a written decision which resolves the material or substantive issues identified in the *Statement of Issues* under the *Arbitration Agreement.*

The most significant difference between Christian conciliation and civil, or secular, conciliation is that of the application of law. As stated in *Rule 4* of the *Rules of Procedure*, "Conciliators shall take into consideration any state, federal, or local laws that the parties bring to their attention, but Holy Scripture (The Bible) shall be the supreme authority governing every aspect of the conciliation process."

Who is the Arbitrator?

The Arbitrator is a person selected by the parties or appointed by CRG to serve as a judge and render a legally binding decision. **The Arbitrator cannot and will not advise you or coach you on civil or scriptural law. Likewise, the Arbitrator cannot and will not coach you on how to best present your information.** You may not communicate directly with the Arbitrator without all parties being present. All communication must be directed through the Case Administrator.

Do I need to have an attorney present to represent me?

Pursuant to Rule 13 of the *Rules of Procedure* parties may have an attorney representing them, just as they would in a civil court. Their attorney should read and be fully familiar with the *Rules of Procedure*. If one or more of the parties elects to not have an attorney they may do so. It is not necessary for both sides or either side to have an attorney.

How can I prepare for Arbitration?

Prior to the Arbitration Hearing, you will have reviewed and signed not only an *Arbitration Agreement*, but also a *Statement of Issues.* **The issues on that document are the only issues, which will be considered by the Arbitrator. Additional issues will not be considered**. There may also be a Preliminary Hearing in advance of the Arbitration, where each of the parties will discuss the Hearing and preparation for the hearing with the Case Administrator and the Arbitrator.

Everything you present should answer the question, **"What does the Arbitrator need to know to be able to decide the Issues we want him/her to decide?"** The most important thing to remember is that the purpose of the hearing is for each party to provide the Arbitrator with information in the form of evidence, which he/she will need to understand the *Issues*, which are to be decided as part of the Arbitration.

The Arbitration Hearing will be structured much like a civil court hearing: Each side, or party, will have an opportunity to present evidence to support their position and the result they are asking the Arbitrator to order.

EVIDENCE AND DOCUMENTATION FOR THE CASE

Discovery and Distribution of Documents – Rule 30

Evidence is in the form of written documents and other physical evidence such as objects, pictures, etc., and testimony from witnesses. Testimony is presented by witnesses who are asked to attend the hearing and give their testimony or information live to the Arbitrator. This testimony is given either in a narrative format, or in response to questions asked by the parties. Each party is given the opportunity to ask questions of the witness. The Arbitrator also reserves the right to ask questions of the witness once the parties have completed their questions.

In some instances, subject to the agreement of the parties and the approval of the Arbitrator, testimony may be presented in the form of a written statement which all parties agree may be submitted as evidence, or in the form of a written affidavit. Because parties are not able to ask questions in follow up to testimony presented in the form of a written affidavit, if you intend to present testimony in this form, you should notify the other party, seek to get their agreement, and you should notify the Case Administrator so the Case Administrator can notify the Arbitrator and the Arbitrator can consider any objections to this plan, and make an appropriate ruling before the hearing.

The parties may also agree to make requests for information from each other. These requests may be in writing, or may be through an agreed oral request or questioning. The parties are encouraged to discuss the need for any such requests in advance of the Preliminary hearing, and to agree on how any such requests will be made and responded to. If the parties cannot agree on this process, they may ask the Arbitrator to consider whether such requests and providing of information is necessary and enter a ruling on this, prior to the Arbitration. The Arbitrator's decision on such requests is final.

The parties are to exchange copies of all evidence, which they intend to present at the hearing, as outlined above, prior to the hearing and provide the ICC with a copy, as well. In addition, each party is required to give the Case Administrator and the other party a list of the witnesses they plan to present testimony at the hearing. The Arbitrator will give the parties directions at a Preliminary hearing on how this information is to be exchanged and when.

Presenting Evidence at the Arbitration Hearing

The Arbitrator will establish the order in which the parties present their evidence. Usually the Arbitrator will allow the party, which has commenced the case, present his/her evidence first. At the designated time, the first party will present his/her evidence by having the witnesses they desire to give testimony present their testimony one at a time. During their testimony they will want to refer to and introduce the written or other physical evidence, which the witness is able to explain. Please remember, that the witness is "telling their story" of the information they have which is relevant to the issues being decided. They should do so in a manner, which helps the Arbitrator understand the necessary facts.

After the witness has provided his/her testimony and written or physical evidence, the other party will be allowed to ask any follow up questions to help the Arbitrator. Once the first witness is finished with the presentation set forth above, the next witness will present. Each witness will follow the above order.

After the first party has presented all of his/her evidence, the other party, (the Responding Party) will be allowed to present his/her facts through witnesses and evidence in the same manner in which the first party did.

What evidence (testimony and physical) is permitted to be presented?

It is important to remember that you are responsible for providing the Arbitrator with the evidence which will help him decide the facts and issues which are set forth in the Statement of Issues. Evidence is relevant if it relates to the Issues being decided. It is reliable if it comes from a source that is considered to be truthful. The Arbitrator will decide whether evidence is relevant and reliable, and therefore permitted to be presented and considered by the Arbitrator. Not all evidence is necessarily related to or necessary to decide the Issues. Therefore you should make sure that the evidence you intend to present is relevant to the Issues being decided, and is reliable. The Arbitrator's decision on this issue is final.

Scriptural and/or Legal Briefs

Rule 38 states that parties may submit "briefs or position papers that set for the parties' understandings of the legal, factual, or scriptural issues." You may also be permitted by the Arbitrator to give an oral summary of your evidence, your understanding of the law and scripture which applies, and the result you want the Arbitrator to reach, as part of a

closing summary at the end of the hearing. This written submission is presented to the Arbitrator.

Things to keep in mind

- You want to clearly state what you see the dispute is, why you believe the other person is responsible, and what remedy you are seeking.

- Present only evidence, which is relevant to the Issues to be decided, and which is reliable. Do not present evidence, particularly testimony, which is cumulative or repetitive. Presenting the facts once is enough; each witness does not have to re-state the same facts. Unless a witness or other evidence has new information to help the Arbitrator understand the facts and issues, you should not present testimony or evidence, which simply repeats that which has already been given.

- Organize your materials in the order that you will present them. It is helpful to put the written evidence into three-ring binders in the order they will be presented: one binder for you to use in presenting and one binder to leave with the Arbitrator.

- Have a copy of all organized material to give to the other party.

- It may be helpful to write out what you would like to present, so that you do not miss an important point.

- Prepare and plan the questions you want to ask witnesses, both witnesses you ask to present testimony, and the witnesses the other party may ask to give testimony. Make sure your questions allow the witness to answer a question, not merely respond to a statement. Your opportunity to ask witnesses questions are for the purpose of finding out more information to help the Arbitrator, not to make your arguments or to give your testimony.

- The Arbitrator may ask each party to give a short overview or summary of the evidence they intend to present at the start of the hearing to help him/her put the matter into context. Prepare this summary in advance. This is not an opportunity to "argue or make your case", but a time to summarize the evidence you will be presenting.

- At the close of the hearing, the Arbitrator may ask you to summarize the relevant facts you presented, the legal and scriptural guidelines you think are relevant, and the decision or result you want the Arbitrator to make. It is helpful to have planned this summary in advance and to have it ready.

- The Arbitrator cannot advise or coach you on civil or scriptural law. Likewise, the Arbitrator cannot coach or direct you on how best to present

your information and evidence, the order, what evidence to present, or how to do so.

- You may not communicate directly with the Arbitrator without all parties being present. All communications should be directed through the Case Administrator.