

# IN THE TRENCHES



**Editor's Note:** Several months ago, a CLS member suggested that *The Christian Lawyer* have a regular feature of articles from member attorneys practicing "In the Trenches." This article is the first instalment. If you have your own story that you would like to share as an encouragement to other members, please let us know.

## The Case for Opening Mediations with Prayer

By Sam Crosby

For the past eighteen years I have been mediating cases. Two months ago a case was settled in mediation that disposed of nine separate jury trials on the dockets of five different judges. Last week a nine million dollar settlement was reached in the mediation of a case that was two weeks into a five-week long jury trial. Each year, mediations are becoming a larger part of my general civil law practice with a ten lawyer firm.



A Jewish king who was believed to be the wisest person of his era once spoke these words: "...acknowledge him in all your ways and he will direct your paths."<sup>1</sup> I begin every mediation with prayer, because by so doing I acknowledge Him, and He directs my path. For example, recently in a very difficult wrongful death case, the decedent's family members were screaming and wailing with grief when I walked into the room to meet them. After spending an hour listening and trying to console them, we prayed together

before the mediation sessions started. This began a process that led to settling the case in mediation.

Roy Bowes, president of the New Orleans Chapter of CLS, asked me to write this article to share my method of introducing prayer in mediations.

When I conduct a mediation, my opening remarks are, "Good morning, my name is Sam Crosby. I want to start by thanking you for giving me the privilege of working with you. I also want to give you a little background about myself. The most important thing you need to know about me is that I followed in the great tradition of all Crosby men and married way over my head. Asking Ann to marry me was the second most important decision I ever made."<sup>2</sup> I then present my mediation outline and notes and conclude by asking the lawyers if I have forgotten anything they wish for me to cover. My final statement is, "For the past eighteen years, I have opened every mediation with prayer, and if no one has an objection, I would like to do so now."

The prayer that I say to open the mediation should be helpful to persons of any faith: "Heavenly Father, thank you for our health, our families and the privilege of living in this country.

Please bless everyone present here and their families. Please give us wisdom from above and guide us in our words and actions. May everything we say and do glorify you." I close the prayer with either "amen" or "in the name of the wonderful counselor and the prince of peace."<sup>3</sup>

I try to bring up the issue of prayer in a sensitive manner, and I have never had a complaint or objection from a participant in a mediation. My experience has been that because it is a stressful situation most people are grateful for a prayer. If I ever do get an objection, I plan to say, "Thank you for letting me know this is objectionable to you. Let's just share a moment of silence together to think about the task at hand or pray silently."

Occasionally a participant in a mediation will say to me, "Sam, we appreciate your being here, but it is impossible for you to settle this case." This statement is true. However, whenever I hear it I am reminded that we know someone for whom "nothing is impossible,"<sup>4</sup> and He can settle the case and often does.

Just as many physicians believe that praying with their patients promotes the healing of disease, I believe that praying with the participants in a mediation is helpful in healing conflict.

In his book, *The Peacemaker*, Ken Sande states, "Conflict always provides an opportunity to glorify God..."<sup>5</sup> As mediators, we can take advantage of this opportunity by including prayer in the conflict resolution process.

### REFERENCES

- 1 Proverbs 3:6.
- 2 Randy Thomas, a retired Montgomery judge, encouraged me to add this statement to my opening remarks. He said that this statement sometimes prompts the question, "If selecting your wife was the second most important decision you made, what is the most important decision?" At this point Randy gives his testimony about his relationship with Christ.
- 3 Isaiah 9:6.
- 4 Mark 10:27.
- 5 Kenneth Sande, *The Peacemaker*, p. 26, Baker Books (1999).



Sam Crosby graduated from the University of Virginia with academic distinction and the University of Alabama School of Law. He is a past president of the Alabama State Bar and the first Alabama lawyer to receive the Chief Justice's Outstanding Leadership Award for his service to the public. He is a director of the Mobile Area Chapter of CLS.