

What Can be Done if The Two Parties Can't Agree on Which Bais Din to Go To?

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Question: There are two *batei din* in town and the two parties cannot agree on which one to go to. Is there any other solution?

Answer: The Mishnah speaks about a type of bais din known as *Zabla*, where each party chooses one *dayan*, and those two dayanim mutually select the third *dayan* who will serve as the Av Bais Din. The Mishnah and Shulchan Aruch actually say that *Zabla* is the ideal type of bais din that has the best chance of discovering the truth. Rashi explains that since the two parties had a say in choosing the *dayanim*, they feel like their side is well-represented and will accept their ruling. Of course, the *dayanim* must be impartial and cannot favor the one who chose them, but the fact remains that the parties will feel that they are being represented by someone who understands their case, which will bring them to more readily accept the *p'sak*.