

# Answering two questions

Law



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Question Arbitration refers to a process where two disputing parties involve in a third party to listen to their different point of views and issues out a final solution to the impeding conflict without bias or preference. On the contrary, mediation refers to when two or more disputing parties can not reach an agreement therefore seek the services of a mediator to help them explore possible avenues and discuss the possible consequences of actions taken by the disputants to help them reach an agreement on how to solve the issue at hand. A comparison between arbitration and mediation firstly shows that whereas arbitration is adjudication, mediation involves expedited negotiations. Secondly, in arbitration, the arbitrator is given the power to make a decision whereas in mediation both parties are given authority to control the outcome of the agreement. Thirdly, arbitration requires extensive information for accurate judgment by the arbitrator whereas mediation exchange of information is always voluntary. Lastly, arbitration is always a formal process whereas mediation is an informal process. The two are however similar because they both aim at solving a conflict or dispute between parties involved.

#### Question 2

In the Garner situation, the legal issue was the excessive use of police force during his seizure although this was not the case because under NYPD rules the officer's action was allowed. In my opinion, it is false to say that the officers involved were objectively unreasonable to the victim leading to his death after being forced to place his head on the pavement in spite of saying that he could breathe well. The rule of law stated that the officer involved was only to be indicted if found out that he had malice or intent to hurt Garner. In sum his death was judged to be as result of intervening medical

conditions.

The legal issue here is resisting arrest and unlawful possession of marijuana leading to death of the victim. In the Radio Rahim situation, excessive use of police officers was not necessary because the victim in question was walking on a sidewalk. The law allowed a certain amount of force to be used and not excessive force to be used when arresting unarmed victim who posed no danger to the officer. In my opinion, it would have prudent enough fore the police officer to approach the victim and ID him before taking any action against like use of excessive force on him. Moreover, using excessive force on an unarmed civilian totally shows how clouded the police officers mind are in making judgments as there are several ways to still achieve the interest. The case is similar to the Garner situation as they both shared the same ending.

However, I partially support excessive use of force by police officers in the Rodney King situation. The legal issue here is of excessive use of force by officers leading to victim's death. The victim had resisted arrest thus leading the police in a high speed chase along the street putting other commuters in danger. However, along his arrest, use of excessive force was purportedly exercised towards him because after the first whippings he had accepted arrest and assumed a felony prone position but the officers were captured beating him from his apartment balcony. In my opinion, Officers were therefore expected to judge the situation and stop the use of excessive force, but they went a head to apply force on a victim who had already surrendered. In the end, officers were charged with assault for going against the rule of law and some acquitted

Works Cited

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" I Cant Breathe" - Eric Garner Dies After NYPD Chokehold (Full Video  
Compilation) <https://www.youtube.com/watch?v=OWoZ4Mj9028>

Rodney King Beating (Full Version) <https://www.youtube.com/watch?x-yt-ts=1422579428&x-yt-cl=85114404&v=4OauOPTwbqk#t=19>

Do the Right Thing Radio Raheems <https://www.youtube.com/watch?x-yt-cl=85114404&x-yt-ts=1422579428&v=7TrE6GquNKE>