

STATE BAR OF TEXAS  
ADR SECTION  
Fall Council Meeting  
September 27-28, 2002  
Clear Lake City, Houston

REPORT AND RECOMMENDATION OF THE CROSS-CULTURAL TASK FORCE  
A Joint Project of the Section's Member Services And Liaison Committees

BACKGROUND

Responding to the events of September 11 last year, and ensuing events, the State Bar of Texas ADR Section created a Task Force last year upon the joint recommendation of the Section's Member Services & Liaison Committees.

REPORT OF TASK FORCE ACTIVITIES IN BAR YEAR 2001 - 2002

This Task Force focused last year (2001-2002) on serving Section members and the public by bringing together resources, developing infrastructure, and creating public awareness of a cross-cultural awareness program for the delivery of *pro bono publico* mediation services in Texas to second tier victims of the attacks in Washington DC and New York City, and related tragedies in Pennsylvania and other locations,<sup>1</sup> with an initial pilot project in Houston, delivery of which will be completed on October 4, 2002. In Houston, delivery of any "9-11" mediation services will be coordinated by the Harris County Dispute Resolution Center.

We succeeded in engaging these organizations in our effort, some as nominal sponsors and others as more active participants in the development and delivery of the July 26 and October 4 programs: American Bar Association Dispute Resolution Section; American Bar Association Section on International Law & Practice Cross-Cultural Negotiations, Dispute Resolution and Virtual Legal Communications Task Force; Association of Attorney Mediators; American Corporate Counsel Association, Houston Chapter-Pro Bono Committee; American Corporate Counsel Association, Dallas/Ft. Worth Chapter; Center for the Healing of Racism; Harris County Dispute Resolution Center; Houston Bar Association; Houston Volunteer Lawyers Program; San Antonio Bar Association ADR Section; San Antonio Bar Foundation; State Bar of Texas Administrative Law Section; State Bar of Texas Corporate Counsel Section; State Bar of Texas Consumer Law Section; Dispute Resolution Service of Tarrant County; Tarrant County Bar Association; Texas Accountants & Lawyers for the Arts; Texas Association of Mediators; Texas Wesleyan Law School; Thurgood Marshall School of Law at Texas Southern University; University of Houston Law Center.

The July 26 "Mediating Across Cultures" program came close to break-even. We charged \$75 tuition, with total revenues of \$1,500 (20 students at \$75 each) and total expenses to date of \$1,797.26 (\$197.26 more than the tuition). A total of 28 experienced mediators participated in the program, including 8 faculty (for whom tuition was waived). The entire program was videotaped at a \$50 cost (exclusive of afternoon studio charges), for review and the development of improvements in the delivery of any subsequent programs using this template in other Texas cities. A segment of the afternoon program was studio-taped to create product for delivery in subsequent programs.

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<sup>1</sup> "Second-tier victims" were considered to include, for example, individuals and families who experienced conflict or disputes as a result of (1) activation of military reserve status or deployment of active-duty personnel; (2) loss of employment (e.g., airline employees); and (3) community hate crimes toward those who are (or are believed to be) Muslims, Arabs, or Middle Easterners.

## RECOMMENDATION

### **Mediating Across Cultures.**

With the delivery of the make-up role-play session scheduled for October 4, the Task Force has substantially completed its task of developing a template for sensitizing mediators to the significance of cross-cultural issues in mediation. The completed evaluation forms and audio-video tapes created in the Houston pilot project can be used by the Section for distance learning; for tweaking the template to fit other community contexts; and for continual improvement.

### **Facilitated Community Dialogues.**

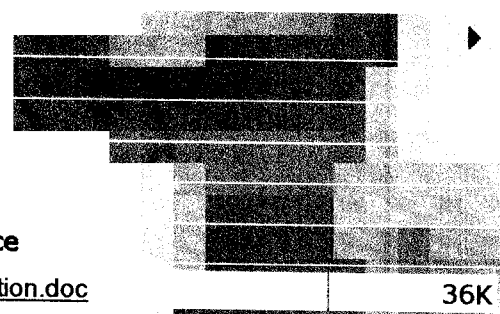
The Task Force recommends that it shift its own focus to the process of facilitated dialogue, with needs assessment the appropriate first step. The Task Force further suggests that the Section begin assessing needs by identifying local community leaders to educate us about communities that experience significant conflict with which other communities; the nature of the resulting disputes; and the methods by which each group prefers to manage conflict and resolve disputes internally. At a minimum, the Task Force would report its findings, which we believe would have value to the communities involved. Ideally, if the needs assessment appears to warrant it, the Task Force would seek additional resources to support the development of models for conflict management across specific cultural divides in our community, and a report about those models.

The Task Force is not yet prepared to make any recommendation with regard to future training in this substantive area; however, we note that the first national conference on "dialogue" is scheduled to take place in Washington, DC, the same week-end as our make-up role-play session (October 4-6).

Respectfully submitted,

Ann L. MacNaughton  
Co-Chair, Cross-Cultural Task Force

**From** [mvolpe@jjay.cuny.edu](mailto:mvolpe@jjay.cuny.edu)  
**Sent** Saturday, September 28, 2002 11:45 pm  
**To** [nyc-dr911@jjay.cuny.edu](mailto:nyc-dr911@jjay.cuny.edu)  
**Cc**  
**Bcc**  
**Subject** Fwd: State Bar of Texas Cross-Cultural Task Force  
**Attachments** [2002 09 \(27-28\) Task Force Report and Recommendation.doc](#)



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----- Original Message -----

**From** "Ann L. MacNaughton"  
**Date** Sat, 28 Sep 2002 20:57:19 -0500  
Stan McGlothlin , Maria Volpe , Kelley Jones King , Cynthia Riley , Jack Hanna , Stewart Levine , David Sterling , Cherry Steinwinder , Wilbur Hicks , Kay Elkins-Elliott , Andy Kahan , Barbara Urdiales , Debra c/o Philip , "Dr. Elwyn Lee" , Jane Lowery , Kathy Bivens-Norris , Ken Waldman , Marilyn Barnes , McKen Carrington , "Nick Hall (DRC)" , "Rev. Timothy Sloan" , Richard Watts , "Rosemary L. Ford" , Tom Newhouse , Trey Bergman , Walt Krudop  
**To**  
**Subject** State Bar of Texas Cross-Cultural Task Force

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Today the Council of the State Bar of Texas ADR Section approved the attached Report and Recommendation from the Cross-Cultural Task Force.

The next meeting of the Houston Task Force will be on Wednesday, 6-8 pm, at the Harris County Dispute Resolution Center (49 San Jacinto Street, Suite 220).

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