

# The Mediator's Voice

Mediation Program

April 2004

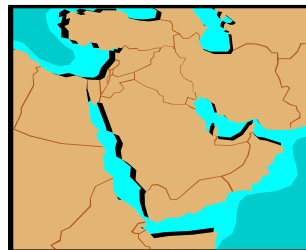
Issue 4

A QUARTERLY PUBLICATION BY THE FAIR HOUSING COUNCIL OF ORANGE COUNTY'S

## Mediating and the Arabic Way

The U.S. Department of Justice Community Relations Service's website describes cultural considerations that must be accorded Arab and Muslim Americans in legal environments. This information is important to judges, lawyers, and police officers alike. For those that practice mediation, broadening cultural knowledge and applying this tool can also prove to be immensely effective in resolving cases. Mediation skills are generally categorized as soft skills. Are you a good communicator? Are you able to clarify the issues and help guide the parties towards a solution they create? Do you keep the parties comfortable and feeling

empowered to arrive at a mutually beneficial solution? Administering mediations over time improves these skills, while also revealing the need to build even more skills. As mediation begins to become more accepted in a growing number of ethnic communities and more culturally diverse parties surface as participants in mediation, there are even more issues to address. Consequently, gaining cultural knowledge and then applying it effectively is extremely useful. Of course, no one is born with an innate sensitivity to cultural differences, but a minimal awareness can truly be helpful in settling disputes. In the case of Arab cultural



characteristics, being cognizant of a few facts could mean a successful conclusion to a mediation, rather than deeply offending an individual and having the mediation session come to a grinding halt. In Arabic culture, regardless of religious beliefs, Arabs give deep respect to people in positions of authority. What does this mean to the mediator? In the case of "Mr. Hafiz" and his commercial problem with a company representative, "Mrs. Jones", who refuses to accept the return of merchandise that he purchased, it

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## ~Volunteer Appreciation~



Special recognition should be given to those volunteers that have demonstrated extraordinary effort and dedication to our program. We would like to give special thanks to Amanda Edinger, Karam El-Mubasher and Lauren Allen for their tremendous help and commitment to mediation and our agency. We greatly appreciate all of your support and would like to express our gratitude for your efforts in promoting and providing our services to the community!



## Meditating and the Arabic Way, continued from pg. 1

is viewed negatively by the Arabic culture, which can sometimes translate into the Arabic party possibly not directly confronting the issues that need to be addressed. For example, Mr. Hafiz may want to save face and may be embarrassed to come to a deal where the company representative has decided to take back all the merchandise. She may do this because of time restrictions or because of a mandate from a manager if all else fails. As the mediator it would be wise to re-clarify the issues as well as to confirm that this is really what the parties want. The mediator may try to reassure Mr. Hafiz that Mrs. Jones is offering this deal because both of them came to mediation to come to an amicable agreement. Mr. Hafiz at that point may understand it is indeed appropriate and acceptable to settle despite the major loss to the other party.

Physical considerations have to be made as well. For instance, when Mr. Hafiz comes into the office or conference room, he may continue standing until the mediator asks him

to sit down. This is done out of respect and should not be construed negatively. There was once an occasion when I was lead to a conference room and then asked to wait as the secretary went to look for the person that I needed to meet with. There certainly was a look of surprise and perhaps even disdain when they arrived and I was still standing in the same place where the secretary had left me 10 minutes before. I am hard pressed to believe that they were aware that I was waiting for a person of authority to sit first, which further demonstrated that the unawareness of cultural differences is very alive and must be combated, especially in mediation situations.

Another physical consideration is the seating arrangement. Most Arabs are unnerved when someone crosses a leg over their knee and the sole of their shoe is pointing directly at the Arabic person. Arabic culture teaches that it is an insult to point the sole of your foot or shoe directly at someone. Seating arrangements can be made parallel to simply avoid any

possibility that someone with a crossed leg will inadvertently insult an Arabic person.

Graciousness as a mediator can be very effective since Arabic culture heavily emphasizes the importance of honoring a guest and making sure that they are very comfortable. In the home, this means you will get excessive amounts of food until the host is sure you are satisfied. Commonly, as a gesture of respect to their guest a host and his sons will not start eating before you do. In the business world, this translates into the mediator's responsibility of ensuring everyone is fully satisfied, not necessarily through food, but through graciousness, respect and patience.

BY: Karam El-Mubasher, Volunteer Mediator



## Roxane's Corner



Roxane Martinez-Kahn,  
Mediation Program Co-ordinator

Greetings everyone!

We had a tremendous turnout for our March Basic Mediation Training and I look forward to working with all of our new volunteers. I also hope to continue working with our long-time volunteers. Your dedication and contribution to our program's success is greatly appreciated. Because you are so valued it is our priority to help you enhance your skill base and, for those of you that have finished at least 25 hours of Basic Training, we offer **FREE Advanced Trainings** quarterly. Our next one is from 6 pm to 8 pm on **April 27, 2004**. I look forward to seeing you there or at our upcoming DRPA events in June and July.

# 3 Steps to Make Meetings with Disruptive People Productive

## 1. Finding the Common Ground and Using it.

- Seek each one's input on what the purpose of coming in is.
- Elicit privately, where needed, on how to accomplish what each one came to accomplish. Seeking advice is far better than giving it.



ground, common interests, common humanity.

## 2. Building Rapport

- Offer rapport to every single person. Do not neglect anyone. Rapport is an internal state of connectedness between people that facilitates recognizing common

- Reframe sparingly— use with caution. It is not necessarily desirable to reframe something unpleasant.

## 3. Relating to the Difficult Person

- Go with their flow by using inquiry

and balancing inquiry with response.

- Be responsive to them, but do not push them.
- Speak indirectly to them through comments and observations.
- Raise doubt— few are impervious to doubt. Questions raised lightly and empathetically may be more readily taken inside where they may help a person gain perspective.

Barbara Ashley Phillips (Dec 2003)  
“A Perspective on Difficult People”

## Message From the Director:

Dear Readers,

This fiscal year is continuing to prove to be quite successful. Since the beginning of the new year our agency's staff and volunteer mediators have managed over 185 cases with a remarkable resolution rate of over 80%. We thank all those that have contributed to the accomplishments and productivity of our program. In fact, as a result of our continued success, there is also an effort to expand and diversify our caseload at court and we are researching the possibility of mediating Civil Harassment cases in addition to Small Claims cases. We look forward to these changes and will update you as soon as they happen. To honor the individuals that have committed their time and skills to provide quality mediation services throughout all of Orange County, our agency is working very closely with our DRPA (Dispute Resolution Program Act) Collaborative partner organizations to prepare for the Second Annual DRPA Picnic on July 27, 2004. All volunteers are invited and welcomed. The Collaborative will also be organizing a DRPA Conference from 9am to 12pm on June 4, 2004. The featured speaker and topic content will be announced in the following months. There are many exciting events to come and we hope to see all of you soon.



Terri Duong,  
Mediation  
Program Director

## Drop Us A Line



FHC Mediator's Voice

Submission Information

*If you're interested in submitting calendar items, articles, comments and other related items to the FHC Mediator's Voice, please include your name, company, address, phone/fax numbers, and e-mail address and send information to:*

**Attn:** Terri Duong

Fair Housing Council of Orange County  
201 S. Broadway, Santa Ana, CA 92701

**FAX:** 714. 835.0281

**Phone:** 714. 569.0823 x203

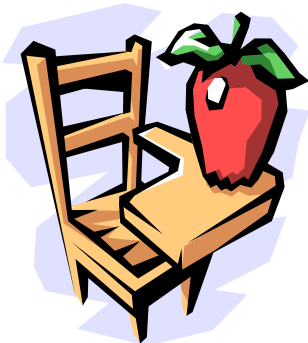
**Email:** tduong@fairhousingoc.org

Mediation Program

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We're on the Web!  
[www.fairhousingoc.org](http://www.fairhousingoc.org)

## Upcoming Training Dates:



For those of you who were unable to attend our March training or know someone who would like to become a certified mediator, we have good news for you. There's going to be another one! Our next training will begin on Saturday and Sunday in June:

**June 5, 2004 and June 6, 2004**

Training will start at 8:30 am and finish at 5:00 pm each day. A continental breakfast and lunch will be provided. Please contact the office to reserve your spot now as seats are limited. We look forward to seeing you then.

"The past cannot be changed, the future  
is still in your power"

~Hugh White

