

CONFLICT RESOLUTION IN THE AFTERMATH OF THE WORLD TRADE CENTER ATTACKS: A FAMILY MEDIATION PROGRAM

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I. RESPONSES TO THE 9/11 DISASTER¹

It is not unusual for a disaster or crisis to give rise to increasing tensions, interpersonal disputes and general conflict; however, even after an unexpected disaster of the magnitude of the 9/11 attacks, mobilizing conflict resolution services was not a priority for conflict professionals. In the wake of 9/11, mediators, arbitrators and other conflict resolvers were primarily concerned, like their fellow citizens, with their own safety and the safety of their families. When the fear of harm from additional attacks eventually subsided, many who had not been directly affected turned their attention to assisting those less fortunate who had lost their homes, their jobs or their loved ones.

Like many of my local ADR colleagues, I joined a community of spontaneous volunteers, eager to assist in any way that was needed. A few hours after the attacks, my wife, Sarah Davies, and I appeared first at a neighborhood school where the American Red Cross and others were attempting to organize a glut of volunteers. After the Red Cross determined that we and hundreds of others were not needed there, we walked a mile to Chelsea Piers, a staging area on the Hudson River, where supplies were being stockpiled for rescue workers. At the Piers, Sarah helped to prepare hundreds of sandwiches, many of which were never consumed. As a social psychologist with some clinical training, I volunteered to

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¹ Thanks to Elizabeth Clemants, Sarah Davies, Molly Gross, Debra Shime, Robert Thaler, Maria Volpe, and Hope Winthrop for helpful comments on this report. The Mediation Program gratefully acknowledges the volunteer assistance of our mediators: Jeff Caplan, Mary Jo Eyster, JoAnn Fuqua, Michael Lang, Gorman Reilly, Robert Thaler, Marilyn Wallace, and Hope Winthrop.

facilitate groups to cope with grief and anxiety, but was never called to help. My guess is that the victims were too fully occupied with surviving and satisfying basic needs to schedule a support group. Although I had yet to find a helping niche, it never occurred to me that conflict resolution would be useful for those who had been victims of the 9/11 tragedy.

Having practiced arbitration and mediation for a number of years, I had become a volunteer affiliated with a program operating two major community mediation centers in the New York City boroughs of Manhattan and Brooklyn. The mediation centers were a division of Safe Horizon, a large non-profit victim assistance organization, which last year, helped more than 350,000 New Yorkers. Through the mediation center, I learned that Safe Horizon was mobilizing many of its almost one thousand staff members and was recruiting volunteers to assist victims in the aftermath of the World Trade Center disaster. Safe Horizon, together with the American Red Cross, the Salvation Army, New York City and State governments, FEMA and many other groups had, within a few days, set up centers throughout the city to aid victims who had lost loved ones, residents displaced from their homes, and those impacted economically and psychologically by the disaster.

At the same time, Safe Horizon partnered with the September 11th Fund and began distributing what would amount to more than \$100 million to 46,000 victims over the next year. I devoted the greater part of the twelve months following the attacks to assisting victims and survivors to recover by distributing a mixture of financial help and supportive counseling. Until January 2002, I was stationed at the largest disaster assistance service center, a virtual city including restaurants, a massage room, child care center and comfort animals that grew overnight at Pier 94 on the west side of Manhattan. After a few weeks as a front line support counselor, I was appointed as the volunteer coordinator, eventually recruiting more than 2000 volunteers and training many of them myself. Despite the frequent disputes among staff, volunteers and clients, some of whom worked up to sixteen hours per day under draining, stressful conditions, not a single one of the hundreds of tables and booths at Pier 94 was devoted to conflict resolution.

The absence of a formal mediation center or table did not mean that mediator skills were not employed when we interviewed applicants for assistance. For example, as a trainer for interviewers, I often cautioned volunteers not to give advice and certainly

not to say “I know how you feel.” Instead, we taught and practiced a form of active listening, especially reflection.

II. MINIMAL RESPONSE FROM CONFLICT PROFESSIONALS

Maria Volpe² and Volpe and Strobl³ argue that New York City conflict resolvers were unable to communicate with each other or collectively plan interventions in part because no structures such as regular meetings and listservs were in place on 9/11. While many ADR professionals, myself included, volunteered various services as individuals, during the immediate aftermath, we rarely offered the unique dispute resolution services that define the ADR profession.⁴

As Volpe and Strobl⁵ report, however, 9/11 served as a wake up call, and that subsequently there have been a number of attempts to prepare conflict resolvers to respond to future disasters. In New York City, for example, John Jay College of Criminal Justice - City University of New York (“CUNY”) now sponsors an active dispute resolution listserv with a membership in excess of 1000 subscribers and hosts a monthly breakfast meeting which began immediately after 9/11.⁶ In addition, Volpe and Strobl⁷ chronicle a number of modest interventions that were organized some months after the dust had settled. It remains to be seen whether lack of structure was the critical factor delaying the availability of dispute resolution services, or simply that needs for ADR expertise were superseded by the immediate physical and emotional needs of the victims. It is also possible that even if pressing victim needs

² See Maria R. Volpe, *Taking Stock: ADR Responses in Post-Disaster Situations*, 9 CARDOZO J. CONFLICT RESOL. 381 (2008).

³ See Maria R. Volpe & Staci Strobl, *Conflict Resolvers' Response to 9/11*, ACRESOLUTION 37, 37-39 (Fall 2004).

⁴ Many of the volunteers who provided services such as intake interviewing, distribution of awards, and grief counseling had been trained in mediation and ADR. Perhaps dispute resolution professionals, when they are not dealing with conflicts, are predisposed to involve themselves in other forms of assistance.

⁵ See Maria R. Volpe & Staci Strobl, *Responses to 9/11 Reveal Opportunities – and Barriers – for Commercial ADR*, 23 ALTERNATIVES TO THE HIGH COST OF LITIGATION, Issue 6, 93, 95-104 (June 3, 2005); Volpe & Strobl, *supra* note 3, at 37-39.

⁶ In late 2007, sponsorship and hosting of the monthly breakfast meetings was assumed by the Greater New York Chapter of the Association for Conflict Resolution but meetings continued to be located at John Jay.

⁷ See Volpe & Strobl, *supra* note 5, at 95-104.

were not present, some conflicts would only manifest themselves after a fairly lengthy latency.

Omission of ADR services continued for many months after Pier 94 closed in January 2002. In early 2002, I assumed the role of outreach manager at many high-rise buildings near the World Trade Center site that were damaged by the 9/11 attacks. One of the handouts that I prepared and distributed to residents whose apartments were damaged listed a number of referrals including counseling, legal services, environmental, tax help, fraud reporting, cleaning grants, and several other useful resources (Fig. 1). The failure to list mediation centers or any other ADR resolution resources was certainly not conscious. It was difficult to even consider mediation when victims at first were concerned about their immediate needs such as burial arrangements, and even later about salient matters such as memorials, jobs and replacement of possessions. Preoccupation with pressing needs in a crisis may eclipse awareness of conflict for the victims themselves as well as for the service providers.

FIGURE 1

REFERRAL PHONE NUMBERS

SAFE HORIZON HOTLINE **1-866-689-4357**

(Open 24 hours, 7 days for crisis counseling and for any questions related to Safe Horizon financial assistance. Call the above number to locate a lost check, to make arrangements for obtaining a service coordinator, or to get referrals for other services such as free financial planning seminars.)

LIFENET –COUNSELING **1-800-LIFENET**

(Free counseling, therapy for 9/11 victims) (1-800-543-3638)

CRIME VICTIMS BOARD **1-800-247-8035**

(Financial assistance with medical bills, memorial/burial, therapy and other expenses directly associated with 9/11 but usually only for next of kin or those injured and hospitalized. Free counseling for most victims and witnesses to 9/11)

NY CITY BAR – LEGAL HELP **212-636-2727**

(Pro Bono – free legal assistance for 9/11 victims for relevant issues such as eviction, dealing with creditors, negotiating new leases etc. Also try borough Legal Aid Societies)

IRS – TAX HELP FOR VICTIMS **1-866-562-5227**
(Special line for questions about income tax matters related to 9/11)

NYC ATTORNEY GENERAL **1-800-771-7755**
(Use this number to report fraud or abuse related to applications for financial assistance from any relief agency)

FEMA REGISTRATION **1-800-462-9029**
(For questions after registration, call 1-800-525-0321)

IFG GRANTS **1-866-346-0348**
(For Air Conditioners, Purifiers, HEPA Vacuums, Filters – must register with FEMA first)

EPA HOTLINE **1-877-796-5471**
(Call to schedule air testing and cleaning of apartments)

AMERICAN RED CROSS **1-866-438-4636**
(Returning clients should call 1-877-746-4987)

SALVATION ARMY **212-337-7429**

LOWER MANHATTAN DEV. CORP. **1-866-RENEWNYC**
(Provides incentives to stay in lower Manhattan. Also check www.renew.org)

As is evident from the more rapid response and institutionalization of dispute resolution services in relatively recent disasters such as the hurricanes in Florida⁸ and Hurricane Katrina on the Gulf Coast and New Orleans,⁹ consciousness of the need for ADR in disaster situations has been raised both within the ADR community and among the general public. Mazur in reporting on the quick creation and utilization of mediation programs by Louisiana and Mississippi in the aftermath of Hurricanes Katrina and Rita comments that “one day soon . . . ADR professionals will be a routine aspect of disaster work.”¹⁰ The increase in ADR use after

⁸ Mel Rubin, *Natural Disaster Mediation: Or How Do You Mediate Nature's Wrath?* 9 CARDOZO J. CONFLICT RESOL. 351 (2008).

⁹ Linda Baron, *Experiences of the FEMA ADR Cadre Mediating in Disaster Field Offices*, 9 CARDOZO J. CONFLICT RESOL. 301 (2008).

¹⁰ Cynthia Mazur, *Working Toward Critical Mass: FEMA, ADR & Disasters*, 13 DISPUTE RESOL. MAG. 9, 11 (Fall 2006).

disasters may parallel the general increase in public awareness and usage of ADR in non-disaster situations.

III. ESTABLISHING A FAMILY MEDIATION PROGRAM AFTER 9/11

One opportunity to establish a program to mediate the sometimes bitter disputes among family members of victims arose more than a year after the attacks. Shortly after the disaster, Congress passed an act authorizing the United States Department of Justice to establish a Victim Compensation Fund (VCF), which served to compensate individuals who were injured as well as the personal representatives of anyone killed as a result of the terrorist attacks. Kenneth Feinberg, an influential attorney who had mediated and arbitrated thousands of commercial and environmental disputes, was appointed Special Master for the VCF, which eventually distributed \$7 billion to ninety-eight percent of the families that had lost a loved one.¹¹

In late November 2002, Mr. Feinberg along with Maria Volpe, Director of the Dispute Resolution Program at John Jay College of Criminal Justice - CUNY and Kevin Curnin, Director of a pro bono project for Stroock, Stroock, and Lavin LLP, a law firm that had assisted 9/11 victims, appeared at the Benjamin N. Cardozo School of Law in downtown Manhattan on a panel titled “ADR’s Response to the Day that Changed the World.” The panel was moderated by Debra Shime, former Senior Director of the Safe Horizon Mediation Program who had directed much of the aftermath relief effort at Pier 94 and elsewhere.

Because VCF staff had reported that a number of family members disputed who should represent the victim’s family and how funds should be distributed, the panel afforded an opportunity for Safe Horizon to offer assistance with family mediation services. Feinberg gratefully accepted the offer and assigned several VCF deputies, including Adam Zimmerman, Fredric Brooks and Peter Woodin to assist with referrals and to familiarize mediators with the VCF procedures.

Shime and Elizabeth Clements, former Senior Director of the Safe Horizon Mediation Program, appointed me to coordinate the

¹¹ Final Report: The Special Master for the September 11th Victim Compensation Fund of 2001, Volume 1, Kenneth R. Feinberg, Special Master, *available at* http://www.usdoj.gov/final_report.pdf (last visited Mar. 4, 2008)

program and together we began to plan a program designed to deal with 9/11 related disputes. Shortly thereafter, we recruited four experienced volunteer mediators and conducted a training session to provide them with information about 9/11 issues that were likely to arise during mediation sessions. At our first training session in late 2002, Tisha Hillman, a United Service Group service coordinator, and Steve Murakami, an attorney representing clients before the VCF, briefed the mediators on social and legal service information.

In March 2003, four additional veteran mediators were recruited and a second training session was conducted featuring Sandra Cuneo of Trial Lawyers Care, an organization of pro bono lawyers representing nearly 1600 surviving families, and Adam Zimmerman, Deputy Special Master of the VCF. Because the eight mediators were already experienced in mediation strategies, the training sessions consisted largely of information specific to the disaster. For example, VCF staff discussed how victims might choose between initiating litigation or applying to the Fund.

IV. PUBLICIZING AND OPERATING THE PROGRAM

The next step was to publicize our services to potential clients. We reached out to victims by posting on the VCF website and on the sites or newsletters of all of the major surviving family groups in New York, New Jersey and Connecticut. We also distributed posters and a flyer that included a short description of the mediation process (Figure 2), and we staffed tables at a number of forums, fairs and meetings attended by victims in the tri-state area. Additional referrals were obtained through collaboration with Trial Lawyers Care. We also scheduled several information sessions in person and via conference calls with intake officials working for the VCF in Washington D.C. and New York City. At these sessions we familiarized VCF staff with the mediation process and asked them to identify and refer appropriate cases.

These outreach activities and presentations to VCF intake officials in New York and Washington resulted in approximately 100 inquiries, eighty-five of which were screened. Only five of these family disputes were co-mediated in person resulting in three negotiated written agreements. Many of the remaining cases were provided with referrals or were handled through telephone shuttling including a number of disputes involving participants outside of the U.S.

FIGURE 2



9/11 Related Dispute?



**Are you in conflict with family members
over 9/11 related issues?**

Mediation may be the tool to assist you.

Mediation provides a fair environment where people in conflict can discuss their concerns in an informal private meeting. Impartial mediator teams, guide the participants through a series of problem solving steps so they can find their own solutions. Mediators do not make decisions but rather help the parties to discuss their viewpoints, generate new options and create effective solutions. The Safe Horizon Mediation Program provides mediators that are familiar with victim and family concerns including the Federal Victims Compensation Fund and custody/visitation issues.

For more information e-mail to SHMediator@aol.com or

Contact: Alan Gross at 212-760-1333

V. CASE EXAMPLES

Most of the hundred inquiries that I screened focused on issues faced by surviving family members who had applied or were contemplating applications to the VCF. Typical disputes involved distribution of funds, assignment of a personal representative for the VCF, and issues of visitation with children of people who died on 9/11. A few of the visitation disputes involved grandparents and other relatives of the deceased, but the majority of participants who contacted our program were involved in conflicts with widow(ers) or ex-spouses of those who died. After an initial screening conversation, many inquiries were referred to appropriate agencies, some immediate counseling and conflict coaching was provided, and in many instances, permission was obtained to contact other relevant parties to initiate telephone shuttling which often resulted in conciliation or improved clarification and understanding.

Our first case was successfully mediated in late December 2002.¹² The dispute involved a large family, some of whom were legal immigrants living in the New York City area, and other relatives who were living in their home country. This case, like many others involved relatives who emerged only after the death of their relative on 9/11. Like many other survivors, the majority of these family members were experiencing considerable grief more than a year after the disaster.

All of the local family members were invited to a co-mediated session at a Safe Horizon facility devoted to 9/11 relief. Those at the table included the widow, siblings, and children from a previous marriage. The facility's childcare center accommodated younger children that accompanied the family. Although a family attorney did not appear, he had urged one of the family members to be cautious in discussing financial issues. During the mediation, which lasted more than three hours, emotions became heated and it emerged that recent incidents had resulted in this blended family becoming confused and suspicious. After some of the incidents were clarified, the participants began to cry and the mediators helped the family to focus on their shared history and shared loss and how they had created good lives for themselves despite many

¹² Because we promised confidentiality to all family members who contacted us, whether or not they came to the mediation table, presenting identifying details here would not be appropriate. Some elements of these cases have been changed to disguise the identity of the participants. A few cases were presented in more depth in the press. See *infra* note 14 for an example.

difficulties. Apologies followed, after which the session ended in smiles and plans for a family dinner. The mediators wrote in their report that after airing concerns and suspicions, the family was “able to proceed with greater trust and understanding . . . we felt it was an honor to participate in this mediation.”¹³

Perhaps our most complex case was brought to the table at a law office conference room in a nearby state. I managed this dispute by interviewing eight separate attorneys representing various parties in a situation involving children of previous relationships of the deceased. The surviving spouse, other parents, adult principals, and five of the attorneys appeared at a lengthy session, which convened in the morning, but extended late into the day after a lunch break. According to the volunteer co-mediators, Robert Thaler and Hope Winthrop, the session began with the attorneys largely speaking for their clients, taking positions, and making arguments to justify those positions. Eventually the mediators were able to encourage direct conversation among the adults who even prior to 9/11 had been somewhat hostile to each other.

The mediators reported that the conflict was largely defused after their meeting, that several of the adults had reconciled their long-standing problems and found common interests in protecting the children, and that they began to consider ways to cooperate with each other as survivors of a disaster that had affected them all. Once the parents addressed some of their own contentious issues, they were also able to better deal with some of the other family members' concerns. The session ended with an outline for settlement in place and considerable clarification and improvement of the complex relationships among the surviving parties. Following the facilitated direct communication among the parties, several of the attorneys noticeably began to shift from positional advocacy to a more collaborative stance in support of their clients.

We also screened two very similar cases dealing with visitation and access of grandparents to the children of their deceased sons. In both cases the widow, who had not been close to the paternal grandparents before the disaster, was unwilling to grant access under conditions acceptable to the grandparents. Both widows made allegations of verbal abuse and attorneys were hired. In one case, after much posturing, the parties came to the table and agreed, in writing, to a reasonable visitation schedule. In the other

¹³ Two of our most experienced and skilled volunteers, Marilyn Wallace and Michael Lang, co-mediated this first case. Safe Horizon service coordinator, Stephanie St. Pierre assisted in locating and preparing the parties for the mediation.

case the attorney for the widow refused to allow her client to take part in a proposed mediation. The grandparents in the later case contacted me recently to report that they still are not able to see their grandchildren on a regular basis.

Another case mediated by our program involved a victim's parents who traveled from abroad to meet with an attorney for the remarried widow at our Manhattan Mediation Center. And among cases where the parties never physically came to the table were a successful attempt to locate the biological son of a victim who was serving with the US military, shuttle conversations with European parents and the girlfriend of the deceased over distribution of his possessions and photographs, and an Asian father who had not recognized his deceased son's marriage to his non-Asian widow. Many other disputes, many of which we handled, were described in newspaper articles,¹⁴ and in published comments by Kenneth Feinberg.¹⁵

VI. PROGRAM UNDERUTILIZATION

As noted earlier, there was a relatively long recovery period during which victims and service providers attended to immediate needs, mainly involving counseling and financial aid. But even after our family mediation program was widely publicized and had attracted almost a hundred inquiries,¹⁶ only five cases that included all relevant parties came to the table.¹⁷

¹⁴ See, e.g., Martin Kasindorf, *Compensation Battles Inflict New Wounds on 9/11 Families*, USA TODAY, Jan. 19, 2004, available at http://www.usatoday.com/news/sept11/2004-01-19-911-compensation-cover_x.htm.

¹⁵ KENNETH R. FEINBERG, *WHAT IS LIFE WORTH, THE UNPREDENTED EFFORT TO COMPENSATE THE VICTIMS OF 9/11* (2005). See also *Recalling Bitter Money Battles*, N.Y. DAILY NEWS, June 6, 2004.

¹⁶ We have no way to compute the rate of inquiries as a percentage of all survivors who could have benefited from our services, and even if we could have calculated the percentage of those in need who reached out to us for help, we would not have been able to compare this rate with that of other disasters or with more normal situations. While the base rate of those in need of assistance in resolving disputes is not known, there is considerable research and theorizing demonstrating that people in need of help are often inhibited from seeking help.

¹⁷ Many parties that inquire about services at community mediation centers and other venues do not eventually find their way to the mediation table. Frequently the responding party refuses or fails to show up and that also occurred in the 9/11 Family Program. However there may be additional factors that resulted in relatively few formal mediations, among which were a large number of geographically distant parties and strong negative emotions that preexisted the attacks but were exacerbated by them.

Although many thousands of families were affected directly or indirectly by the attacks and almost three thousand families lost a loved one, most families, especially those with solid relationships before the attacks, pulled together in support of each other. As in most crises, empathy, sympathy, and mutual assistance were far more common than divisiveness, selfishness and conflict.

But why did so few of those who were aware of our mediation services attempt to face disputants across the table? As Bernard Mayer has described, some disputants don't want resolution so much as they want to win a fight, or even to seek vengeance against perceived adversaries.¹⁸ In several cases, paid attorneys helped to fuel litigiousness or suspiciousness of mediator neutrality by advising their clients to avoid mediation. Others either were not sold on the usefulness of the mediation process, or did not perceive their situation as conflictual.¹⁹

For some families in dispute over matters related to the Victims Compensation Fund, Mr. Feinberg himself acted as a mediator. He officiated at approximately 900 of the 1600 VCF hearings and since he was accurately perceived by families as the chief arbiter of close to \$7 billion in awards, he wielded considerable settlement power.²⁰ The few cases referred directly to us by VCF staff largely involved non-financial matters such as visitation with children of victims.

In the most contentious cases, negative emotions ran so deep that family members sometimes refused to face each other in the same room much less begin a productive dialog. Some of these cases and others, where the parties were geographically distant from each other, were effectively handled by telephone concilia-

¹⁸ BERNARD S. MAYER, *BEYOND NEUTRALITY* 15–17 (John Wiley & Sons, Inc. 2004).

¹⁹ While specific population base rates of those in need of assistance with disputes is not known, there is considerable research and theorizing demonstrating that people in need of help are often inhibited from seeking help. See, e.g., Alan E. Gross & Peg McMullen, *Models of the Help-Seeking Process*, in *NEW DIRECTIONS IN HELPING BEHAVIOR*, Vol. 2 *HELP-SEEKING* (B.M. DePaulo, A. Nadler, & J.D. Fisher, eds., Academic Press, 1983). One of the major psychological reasons that people fail to ask for help that they need is that, at least in North American culture, supplicants often perceive themselves as weak or incompetent when they must initiate a request. Moreover potential help-seekers sometimes believe that others who might observe them requesting help will characterize them as inadequate. An application of this research to increase post-disaster assistance for conflict amelioration and other needs is to contact victims with outreach programs so that they and others will only have to respond to offers rather than initiate a help contact themselves.

²⁰ For a discussion of differences between decisions made by Mr. Feinberg and the VCF versus the mediation process in other mass claim situations and in the more usual mediation process see Margaret Shaw, *Uncharted Territory: Sept. 11 Victims Compensation Fund Presents Massive ADR Design Challenge*, 8 *DISPUTE RESOL. MAG.* 5 (2002).

tion. In one case, where because of distance extensive e-mail communications were utilized, we received the following testimonial from a woman in Eastern Europe who had lost her brother: "I am very touched by the effort and thought you have given to our complex family situation" And finally, counseling and referral to various service organizations was sometimes sufficient to resolve a problem.

Although not directly related to our Family Mediation Program, which was designed to assist individuals and families who were involved in disputes, a number of opportunities arose to intervene in inter-group conflicts. Among the issues that generated heat were how and where an appropriate memorial should be constructed, how victims should be identified on a memorial, and whether and how ashen human remains that had been placed in a Staten Island landfill could be returned for a dignified burial. Various coalitions also fought the Lower Manhattan Development Corporation (LMDC), an agency which had been created to rebuild Ground Zero, especially on scope and design of buildings, a museum and a memorial.

Several colleagues and I attended a number of contentious meetings where disputes emerged among various 9/11 family groups with different agendas and priorities. At these meetings and via many personal, telephone and e-mail contacts, we offered to facilitate discussions both within and among groups and with the LMDC. Perhaps because our neutrality was suspect, because the groups preferred to fight their own battles, or because we were "outsiders" not having suffered personal losses ourselves,²¹ none of our offers to facilitate were accepted. Additionally, it is unlikely that the public and especially advocates for various issues and causes are most receptive to unfamiliar approaches when they are in the midst of reacting to a horrific event.

²¹ On this last possibility, see Mel Rubin's contribution to this issue in which he points out that mediators who themselves had survived Florida hurricanes and suffered property damage, were likely perceived as more credible to other victims. See Rubin *supra* note 8. Rubin asserts that it is "absolutely essential" that local ADR professionals be used as post-disaster mediators. See *id.* The related phenomenon of relief worker-victim similarity was evidenced by the relative acceptance of the New Yorker 9/11 volunteers contrasted with many American Red Cross volunteers who were often shipped in from out of state in two-week shifts and housed at local hotels. The concepts developed in Robert Ackerman's "Communitarian Responses to Disaster" piece that appears in this issue are relevant to positive perceptions of both fellow victim and local assistance providers. Robert Ackerman, *Mitigating Disaster: A Communitarian Response*, 9 CARDOZO J. CONFLICT RESOL. 283 (2008).

VII. SMALL BUSINESS PROJECT

In addition to the Safe Horizon family mediation program, which was dedicated exclusively to survivors and family members of victims who perished, Safe Horizon mediators participated in a separate program which was designed to provide mediation services to landlords and tenants in downtown Manhattan whose businesses were financially and logistically disrupted by the events of September 11th. Many businesses had fallen behind in their rent, leading landlords to initiate eviction proceedings in the Housing Part of the Civil Court of the City of New York.

This Small Business Court Assistance Project was organized by Fern Fisher, Administrative Judge of the New York City Civil Court, working with the Legal Aid Society; the Association of the Bar of the City of New York; Stroock, Stroock and Lavan LLP; Latham and Watkins; and Safe Horizon. The mission of the project was to transform traditional eviction proceedings into opportunities to explore resolutions that could avert business dislocation and contribute to the renaissance of the downtown areas affected by the September 11th attacks. Safe Horizon provided mediators who worked with the parties to facilitate settlements. This project began in June 2002, and as of early 2003, the Safe Horizon Mediation Program had successfully mediated more than two dozen cases. This Small Business Project is more fully described by Payne & Gross²² and by Volpe.²³

VIII. CONCLUSION

Given the magnitude of the unexpected attacks, it was not surprising that immediate financial and psychological needs were attended to first and long before most disputes became primary problems for families in conflict. But although the need for conflict resolution services did not exist or was low on the need hierarchy for most families, some families were able to ameliorate disputes and improve relationships via mediation and related services. Telephone counseling, coaching, conciliation and referrals were especially effective.

²² Kim Payne & Alan E. Gross *Safe Horizon Mediation Program: Response to September 11*, 21.1 *NEW YORK MEDIATOR*, 2-3 (Spring/Summer 2003).

²³ Volpe, *supra* note 2.

Our experience with the Safe Horizon Family Mediation program, and the experiences related by others who participated in this symposium, indicate that conflict resolution, although not always formal mediation, has an important role to play in disaster recovery. Hopefully this symposium will contribute to raising the consciousness of victims, conflict professionals, and their organizations, so that services for disputants will more likely be prepared, in place and available shortly after future disasters wherever they may occur.

