




**CULTURAL  
COMPETENCY**

**CULTURAL COMPETENCY** requires the continuous employment of new ideas, frameworks and approaches to aid your effectiveness, skills and competencies as a Mediator.

**IN A NUTSHELL** Cultural Competency is the ability to recognize cultural differences and work effectively with others respecting these differences.

JULY 22, 2021, JUSTICE MARIE L. GARIBALDI INN OF COURT  
M. ECHEVARRIA, ADR LLC.



# STANDARDS OF CONDUCT

## Mediation\*:

- Standard II B. A Mediator shall always conduct Mediations in an Impartial Manner. **A mediator shall guard against prejudice or lack of impartiality because of any party's personal characteristics, background, or behavior during the mediation.** A mediator shall advise all parties of any circumstances bearing on possible bias, prejudice, or lack of impartiality.
- Standard IV of the Mediator Standards of Conduct require that a Mediator shall mediate only when the Mediator has the necessary competence to satisfy the reasonable expectations of the parties. A person who offers to serve as Mediator creates the expectation that the person is competent to mediate effectively.
- Arbitration\*\*:
- CANON I: An arbitrator should uphold the integrity and fairness of the arbitration process.
- B. One should accept appointment as an arbitrator only if fully satisfied:
  - **(1)** that he or she can serve impartially;
  - **(2)** that he or she can serve independently from the parties, potential witnesses, and the other arbitrators;
  - **(3)** that he or she is competent to serve.....

\*NJ Mediator Standards of Conduct

\*\* American Arbitration Association



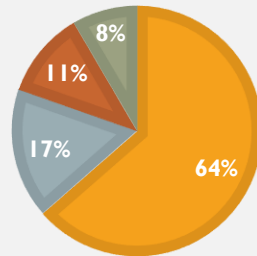
**Great American  
Melting Pot★**  
Ingredients:  
Armenians, Africans, English, Dutch,  
Italians, Chinese, Poles, Irish, German,  
Puerto Ricans, Portuguese, Spaniards,  
Swedes, Norwegians, Russians, Japanese,  
Koreans, Cubans, Mexicans, etc.

**IS CULTURAL COMPETENCY NEW?**

# MULTI-CULTURALISM IN NEW JERSEY: OVERALL POPULATION IN 2021 - 9,308,501

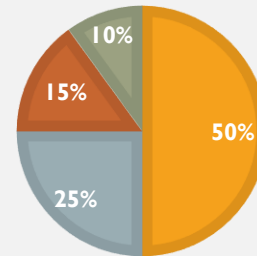
## NJ POPULATION

White Hispanic Afro-american Asian



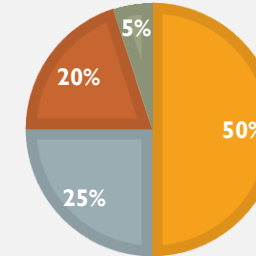
## HISPANICS

Puerto Ricans Mexicans Cubans Other



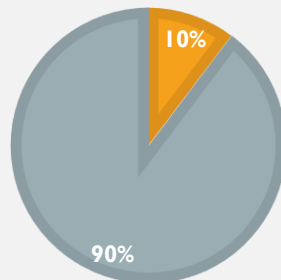
## ASIANS

S Asians Chinese Filipino Korean



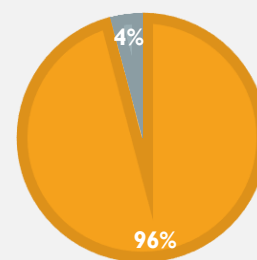
## DISABLED

Disabled Non-disabled



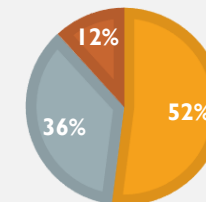
## SEXUAL IDENTITY

Heterosexual LGBTQ+



## IMMIGRANTS 22% OF NJ POPULATION

Immigrant Residents Immigrant Entrepreneurs Employees of Immig.Ent.



## MORE DATA ON NJ'S DIVERSE POPULATION

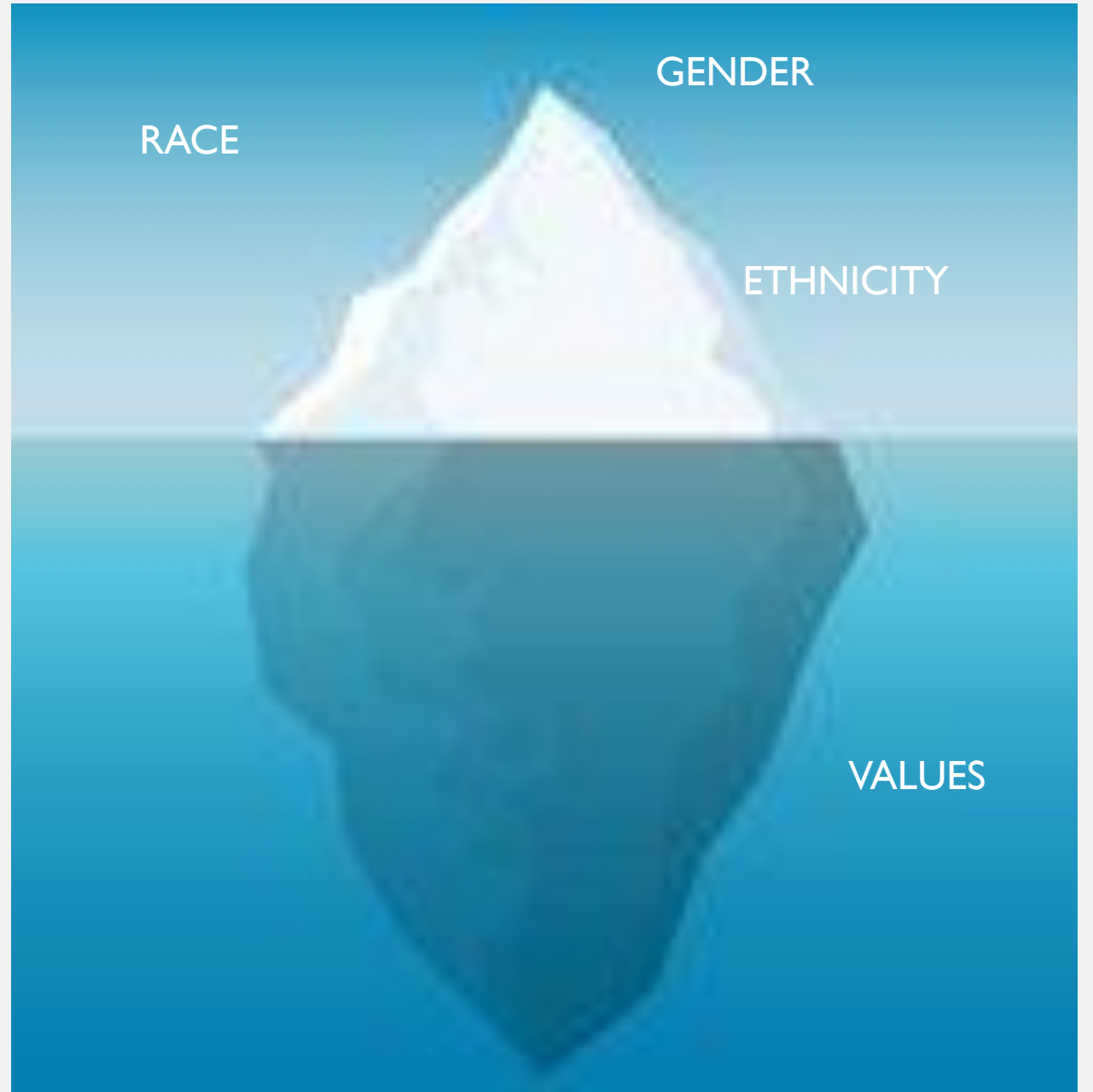
- SECOND largest **Jewish** population after New York
- SECOND largest **Muslim** population after Michigan
- SECOND largest **Cuban** population after Florida
- SECOND most spoken language in NJ after English is **Spanish**
- OVERALL a very educated population with 27% Highschool graduates & 63% with some college, AA, BA, or Graduate degrees.

- Religion
  - Art & Music
  - Food preferences
  - Generational Influences
  - Extended Family relationships
  - Traditions
  - Codes of Conduct.
  - Values
  - Educational Values
  - Family Roles
  - Rituals
  - Beliefs
- Ways of Relating to Outsiders
  - Discipline Styles
  - Coping Strategies
  - Child Rearing Practices
  - Attitudes
  - Language & Dialects
  - Dress Code & Styles
  - Child Rearing Practices
  - Family Structure
  - Work Habits
  - Norms of Behavior
  - Family Roles



SOME  
COMPONENTS  
OF CULTURE

# CULTURAL VALUES





**METHODS,  
APPROACHES,  
COMPETENCIES**

## **WHAT TOOLS CAN ARBITRATORS AND MEDIATORS USE TO IDENTIFY WHETHER CULTURAL ISSUES WILL ARISE IN A MEDIATION OR ARBITRATION?**

- Intake/Consultation Questionnaire Forms
- Relevant questions during Pre-Mediation/  
Pre- Arbitration Hearing Conferences
- If a Cultural Issue is involved, Research the  
Issue or obtain expert Guidance
- Validate your understanding of the cultural  
matter before you proceed and Consult with  
an expert if you have the time



- **DO CULTURAL ISSUES MANIFEST THEMSELVES DIFFERENTLY DEPENDING UPON THE NATURE OF THE DISPUTE? (EG AS BETWEEN A COMMERCIAL, EMPLOYMENT OR FAMILY DISPUTE)?**
- **DOES THE IMPACT OF CULTURAL ISSUES DIFFER BASED UPON THE TYPE OF PROCESS (MEDIATION VS ARBITRATION)?**



**METHODS,  
APPROACHES,  
COMPETENCIES**