

**ADR in the International Setting:
The Howard Law School World Bank Group ADR Initiative
and the Dominican Republic Human Rights Investigation**

American Bar Association Section of Dispute Resolution Annual Conference
Washington, DC
April 7, 2018

Carmia N. Caesar, Howard University School of Law
Nadine A. Chapman, World Bank Group
Homer La Rue, Howard University School of Law
John L Woods Jr., Esq., Howard University School of Law

Reporter: Robin Gonzales, University of Nevada, Las Vegas, William S. Boyd School of Law

Program Description: This workshop provides an interactive overview of two unique international experiential learning initiatives in ADR developed by the Howard University School of Law. One program is a collaboration between the Howard University Law School and the Internal Justice Services of the World Bank Group (the “WBG”). The other is the fact-finding mission in Haiti based on an integrated stakeholder model for human rights investigations. The development of both programs will be presented by the panelists along with input from current and past students. The workshop will explore the program development, the learning goals, and the lessons learned. Participants will learn the challenges and successes created by collaborations with international partners in the resolution of workplace disputes and human rights investigations.

This article describes a workshop session given during the Spring 2018 ABA Section of the Dispute Resolution Conference in Washington, D.C. The workshop highlighted the experiences of Howard law students in two unique experiential learning initiatives in ADR that advance diversity and inclusion. One program is a collaboration between the Howard University Law School and the Internal Justice Services of the World Bank Group (the “WBG”). The other is a fact-finding mission in the Dominican Republic (the “DR”) based on human rights investigations.

World Bank Group ADR Initiative

The WBG employs about 15,000 staff worldwide. It has offices in 100 countries and represents over 130 nationalities. But its main headquarters and 55% of staff work are in DC. Employees of the WBG don't have access to any court system. Instead, they have an internal justice system that resolves workplace disputes. Over 1400 workplace cases annually go through their internal justice system offices – like the ombudsman office, mediation office, peer review, administrative tribunal, etc.

Howard law students are placed in a hybrid clinic-externship experience through various ADR roles within the WBG. They learn critical ADR skills in a self-contained

complex internal justice system. They are usually assigned for a year-long placement and work part-time. These students are asked to create individual performance plans, participate in weekly seminars, weekly journals, and midyear and year-end assessments. They are assessed as first-year associate lawyers would be in the workplace.

This program increases diversity in the WBG's workplace while allowing Howard law students invaluable opportunities. Students receive a unique experience in a very unique setting. Very few Americans work at the WBG, and even fewer are African Americans. The WBG has historically been elitist in selecting its workforce. This externship helps the WBG find talent where they don't normally go, and gives deserving Howard law students unparalleled learning opportunities.

One workshop participant asked how American students experience the unique international environment of the WBG workplace. As program organizers noted, students find themselves working in an environment with numerous languages and diverse cultures. Conflict resolution in the western context may be different, so students learn to adjust. The complexity of the WBG's internal justice system raises many issues to talk about and explore for American students.

The program organizers noted the success of this WBG / Howard Law partnership. It has become a pathway for talented Howard law students to enter the elite WBG workforce after graduation. This partnership was borne out of the WBG and Howard University's common goals of social justice and diversity. As a former Howard Law School dean said, "[a] lawyer's either a social engineer or ... a parasite on society." Howard law students are fulfilling their school's mission while helping diversify WBG's workforce.

Dominical Republic Human Rights Investigation

Local laws in the DR retroactively stripped hundreds of thousands of people of their Dominican citizenship. These laws systematically discriminate against certain groups and turned them into stateless people – most often Dominican-born people with Haitian descent. Fact finders were needed to assist the human rights community in assessing the impact of these laws and policies to the affected groups.

Howard law students were placed in various fact-finding roles and worked with different teams. Prior to leaving the United States, students had to undergo an intense bootcamp curriculum preparing them to understand the history, culture and law of the DR. Students spent a total of six to eight weeks in the country. Each student was assigned to a component of the human rights infrastructure – like the United Nations, intergovernmental and nongovernment organizations, and the civil society. Their task was to employ neutral fact-finding – assisting the human rights community in DR to assess socio-economic impact to black Haitians in the DR.

Students gained valuable skills in interviewing, data analysis, research, and writing reports. But one of the most important skills they learned was how to impartially investigate the truth. They learned to see how the law was applied and to objectively measure the impact of the law. As one program organizer observed, the law was the

cause of injustice in this situation. So law students learned how to be neutral fact-finders and step out of their traditional advocacy roles.

One workshop participant asked how students are evaluated in these types of placements. The program organizers acknowledged the challenges of evaluating unique experiential opportunities such as this. Since students serviced a need in various organizations in the DR, they crafted a performance plan based on those needs and the ADR skills they employed in their roles.

Student Experiences

Howard law students in both programs reported gaining valuable substantive experiences. But equally important, these opportunities allowed them to reflect on the challenges they encountered and learn valuable lessons.

Learning from different perspectives. One WBG intern at the International Monetary Fund saw the significance for employees with workplace complaints to be understood by someone who understands their culture and can speak their language. She also learned from the different perspectives attorneys bring in different roles – for example in the role of mediators versus litigators. Another intern who was placed in an administrative tribunal in the DR saw how different judges with different backgrounds evaluated the facts and balanced their decision-making.

Exposure to different cultures. Another WBG intern in the mediation unit, who has never been out of the country, noted the value of the program in giving him exposure. Being at the world bank exposed him to different cultures and their own internal justice systems. The world perspective afforded him to “grow beyond own limits.”

Learning how to collaborate. One DR intern placed with a human rights investigation fact-finding team experienced the challenges of working in a foreign country, with different people from different countries. He saw the value of ADR in being able to bring everyone together to work towards a common goal.

Gaining practical skills. One DR intern placed with a think tank gained substantive skills and produce work product she can use for finding jobs. As one of the younger students in the group, this was her first work experience and it gave her a unique experience to develop her skills and market herself for future employers. Another WBG intern in the peer review services hones basic ADR skills – such as giving informative presentations to employees and working on mediation cases.

Learning how to be neutrals. One student intern with a personal connection the DR – she herself was of Dominican descent – had to learn how to be neutral in her fact-finding role. She learned to appreciate the importance of taking a step back from her advocacy role and having an impartial perspective in investigating the truth. She learned that “being an advocate means being a neutral sometimes.” Another student with a similar experience noted that these ADR skills, such as learning how to be impartial, can be applied across different fields.