



GRANDE LUM
Managing Director

533 Airport Boulevard Suite 400
Burlingame, CA 94010
grande@accordence.com
650-292-4922

June 18, 2012

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington D.C. 20510

Dear Mr. Chairman,

Attached are my responses to written questions from Senator Grassley and Senator Klobuchar.

Sincerely,

A handwritten signature in black ink, appearing to read "Grande Lum", with a stylized, cursive script.

Grande Lum

GHL/
Enclosures

cc: The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington D.C. 20510

Questions for the Record
Hearing: Nominations
June 6, 2012
Submitted by Senator Chuck Grassley

**Questions for Grande Lum, nominated to be Director of the Department of Justice
Community Relations Service:**

1. Since law school, you have spent almost your entire professional career in mediation. How will your prior professional experiences help the Community Relations Service (CRS) conduct its mission to "work with law enforcement and local government officials, community leaders, and federal agencies to support those leaders in addressing tension associated with allegations of discrimination on the basis of race, color, and national origin"?

Response: My experiences in conflict resolution would provide insight into both the approaches and benefits of collaborative problem-solving. The Community Relations Service (CRS)'s function is to assist state and local units of government, private and public organization and community groups to address conflicts arising from differences in race, color and national origin. In addition CRS helps communities develop capacity to prevent and respond to violent hate crimes on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion or disability.

As director of the Center for Negotiation and Dispute Resolution at the University of California Hastings College of the Law, I stayed abreast of the latest developments in dispute resolution and this will aid my leadership at CRS, if I am confirmed, by allowing me to bring cutting edge thinking to CRS. In addition, I managed a cadre of adjunct professors, many of whom were mediators, which will inform effective management of CRS staff, especially its conciliation specialists.

My work at Accordence and Conflict Management Inc. helped me understand conflict from the stakeholder and client perspective. Working with numerous engagements and a spectrum of disputes and negotiations will allow me to enhance outcomes at CRS. Establishing clear goals with the parties, measuring success and improving work product were critical aspects of what I did at these organizations and will serve my CRS leadership well.

2. Do you have any experience mediating situations where racial bias or discrimination was one of the contributing factors in the conflict?

Response: Yes.

- a. If so, as the mediator, how did you assist the parties in resolving this conflict?

Response: In my experiences dealing with situations where racial bias or discrimination was one of the contributing factors in the conflict, I initially started by understanding the facts of the conflict as well as possible. What actually transpired and what were the irrefutable as well as contested facts played a key role in figuring out what needed to be done. Next I would learn about the history between individuals and groups involved in the conflict. From there I sought to understand the perceptions, the emotions and other flashpoints of the conflict. As a mediator or facilitator, being equipped with this information allowed me to navigate contentious issues like racial bias and discrimination.

When in the room with parties in such a dispute, I worked hard at creating a safe environment for constructive dialogue and collaborative problem-solving. First I helped the parties to communicate openly and build trust by setting ground rules and facilitating impartially. Next I probed for the underlying concerns or needs, which was especially important with hot-button issues like racial bias and discrimination. Finally I would assist the parties in finding common ground. As a third party I found that guiding the parties to focus on solutions that worked and were fair made a crucial difference. Racial bias and discrimination can be so divisive and therefore strategies to build trust, find shared interests and workable solutions were paramount.

3. As a Senator, I believe that transparency is one of the most important features of our federal government. It helps ensure accountability to the people.

In its most recent budget justification, CRS reported that it has been alerted of more than 800 incidents of potential civil unrest during each fiscal year since 2009. Yet, there does not seem to be any reporting of how CRS responds to the incidents, especially in projecting needs for future budgets.

Nor do there seem to be any measurable metrics CRS uses to disclose its performance to the public. As a matter of fact, it appears that the last time CRS issued a press release about a specific successful mediation was in 2007.

- a. Do you agree that Congress has the duty and authority to hold federal government agencies accountable, and ensuring they are exercising sound judgment over the funds they are appropriated by Congress?

Response: I agree that agencies are accountable for conducting their mission. Transparency is an important feature of our federal government and accountability to the people is key. Federal agencies should exercise sound judgment over the funds they are appropriated by Congress. I understand that currently CRS does provide measurable performance metrics publicly, both in its annual reports and in its annual budget submissions to Congress.

- b. If confirmed, as Director how will you increase transparency and accountability within CRS?

Response: If confirmed as Director of CRS, I would increase transparency and accountability by working with managers to first understand what measureable metrics are currently being used and how these metrics are operating. I would then seek to determine how these metrics could be improved, i.e., how the metrics can more accurately measure performance. If the metrics can be improved and there are sufficient resources and staffing, I would then seek to enhance the measurable metrics in an effort to increase transparency and accountability within CRS.

4. Recently, the Orlando Sentinel ran a story highlighting the involvement of the Community Relations Service during the unrest that accompanied the killing of Trayvon Martin. The article reported that CRS was responsible for teaching civil rights organizers how to peaceably control crowds and arranging for a police escort for protesters along a 40-mile marching route.

The article suggested that CRS brokered a meeting between local NAACP and elected officials. And it was those meetings that led to the temporary resignation of the local police chief.

These reported interactions suggest that CRS strongly represented the interests of community organizers during this period of civil unrest. The article does not suggest that the CRS offered corresponding representation of the interests of local government or law enforcement.

- a. As a mediator, is it good practice to gravitate or represent one party's interests over another?

Response: As a mediator it is critical to be neutral and to assist parties in coming to an agreement of their own free will. The role of a mediator is to facilitate, not to advocate. The job of the third party is to encourage all parties to talk, and to listen to them. A mediator works to have the interests of all the parties discussed, and to help the parties find common ground amongst themselves.

- b. Often, the appearance of bias or favoritism can undermine the effectiveness of a neutral arbiter or mediator. If confirmed, how would you ensure that the CRS is able to protect its image as a neutral mediator?

Response: I think it is crucial that CRS protect its image as a neutral mediator and I would consider it a significant part of my job as director of CRS if I am confirmed. Emphasizing the neutrality in communications that come out of the CRS office and from CRS staff is critical. Education of stakeholders and other interested parties about the role CRS plays in conciliation of conflicts will broaden and deepen understanding of its impartiality. Continued emphasis within CRS, the Department of Justice and the broader federal government of the peacemaking role of CRS will also burnish the brand and reputation of CRS as a non-biased third party.

Questions for the Record
Hearing: Nominations
June 6, 2012
Submitted by Senator Amy Klobuchar

**Questions for Grande Lum, nominated to be Director of the Department of Justice
Community Relations Service:**

Mr. Lum, as Director of the Community Relations service, you will work with law enforcement and local government officials, community leaders, and federal agencies to support these leaders in addressing allegations of discrimination and in developing the capacity to more effectively prevent and respond to violent hate crimes. You have an extensive career in conflict resolution, leading Harvard's Center for Negotiation and Dispute Resolution, founding your own dispute resolution training firm, Accordance Inc., and serving as a partner with the consulting firm Conflict Management Inc., among other roles.

- How would these experiences in conflict resolution inform your leadership as Director of the Community Relations Service? What other experiences have prepared you for this role?

Response: My experiences in conflict resolution would provide insight into both the approaches and benefits of collaborative problem-solving. The Community Relations Service (CRS)'s function is to assist state and local units of government, private and public organization and community groups to address conflicts arising from differences in race, color and national origin. In addition CRS helps communities develop capacity to prevent and respond to violent hate crimes on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion or disability.

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- What other experiences have prepared you for this role?

Response: Having been a volunteer and board member at Peninsula Conflict Resolution

Center, I gained the experience of working alongside local community leaders, law enforcement officials, mediators and local government officials with the goal of preventing and responding to community tension and conflict.

Working at the United States Small Business Administration as Director of its Historically Underutilized Business Zone (HUBZone) Program provided me with federal government experience and in dealing with numerous stakeholders including Congress and other federal agencies. It will be very helpful if I become CRS director to have had previous federal agency experience. Additionally, the deeper understanding of the country's economic development issues will help me in understanding the roots of many community conflict issues.

- As a former prosecutor, I know how critical it is to have strong and clear communication between law enforcement, local leaders and the federal government. How do you plan to foster this kind of communication?

Response: If I have the good fortune of being confirmed for this position, I would both model and encourage communication between law enforcement, local leaders and the federal government. Given the amount of conflict that arises in this country and the limited resources and staffing of CRS, it is critical to help local and state government units to build capacity and to communicate crisply to prevent and respond effectively to community conflict.

- If nominated, what would be your goals for this office?

Response: My first goal would be to learn as much about CRS from speaking to its staff. I have great respect for what CRS does currently and I would want to understand what they are doing now as well as possible.

Having said that, CRS has a very clear mission – to prevent and resolve racial and ethnic conflicts and prevent and respond to alleged violent hate crimes committed on the basis of race, color, national origin, gender, gender identity, sexual orientation, religion and disability. If I have the good fortune to be the director my second goal would be to be the best possible steward of that mission.

My third goal would be to build as strong a team of conciliators as possible. I would support the recruitment of new conciliation specialists (to replace retiring conciliators or if there were budget authorization), enhance the training and development of all conciliators and codify the best practices of what conciliators do.

My fourth goal would be focused on prevention. I believe in the building of capacity. Whether it's providing assistance in establishing human relations commissions, or teaching mediation to law enforcement, if I have the good fortune of being confirmed I would really want to focus on how CRS can continue to maximize its ability to help communities to help themselves.