

## REFLECTIONS: THE PRECIOUS GIFTS OF COMMUNICATION

According to the Texas ADR Act, mediation is facilitated *communication*. Mediators continue, after basic training (boot camp), to pursue classes and courses in this fundamental set of skills. For many of us, hearing, speaking, writing and expressing ourselves non-verbally are taken for granted. Our ability to conceptualize thoughts, process feelings, imagine the future, brainstorm options and many other mediator skills, depend on high level language skills developed over a lifetime. But for Americans with disabilities (defined in the Americans with Disabilities Act or ADA) communication is a constant and formidable struggle. A recent mediation illuminated just how challenging everyday life is for a disabled person.

Imagine that you were born profoundly deaf. Although you are an adult now, you read at the third grade level. You do not read lips. You cannot speak. You only communicate through signing or with rudimentary gestures. You are not proficient in written communication, as 80% of the deaf are not. Without a highly trained interpreter, sustained, clear interaction and communication with non-disabled people is virtually impossible. One day you are walking to the bus near your school when suddenly you are accosted by a stranger who punches you in the face repeatedly and viciously. As you sprawl to the ground, your face bleeding and your glasses broken, the teenage assailant laughs at your pain and helplessness before speeding away on his bicycle. You lie there, losing consciousness and in pain, unable to cry for help or to call 911. Finally a passerby sees you and summons an ambulance. You are taken to the emergency room and the paramedic from the ambulance tells the ER physician that you are deaf and need an interpreter. The doctor says you do not and refuses to summon one. Because you are a crime victim, a policeman comes to question you. He does not sign nor bring an interpreter to help you describe the perpetrator and his bicycle. Lacking clear and complete information, the police make no arrest and you are not shown any pictures of possible suspects. No charges are ever brought. You are angry, confused and convinced your civil rights have been violated. No one assists you in pursuing justice.

After you are released from the hospital, you go to the Communication Access Ability Group, a resource for the deaf, which helps you file a complaint with the Department of Justice. Two years and one week after the assault, you attend a mediation. This time there are 6 people to facilitate communication between you and the respondent: two representatives from the CAAG (one of whom is also deaf), two highly trained and court certified interpreters, and two mediators. You finally get to tell your story in full, describe the attacker and his bicycle, express your anger, frustration and continuing high stress (Post Traumatic Stress Disorder) as well as ask for concrete actions: treatment for the PTSD and changes in the way deaf crime victims are treated by police and hospitals. The respondent listens, expresses empathy and concern, agrees to advocate for change and, most importantly, acknowledges that most people know nothing of the world view of the deaf.

What do we, as mediators, know about the reality of the deaf and mute? How can we facilitate communication when we do not understand the perception of the complaining party? What do we know of the psycho social issues they encounter daily? What do we know about appropriate communication strategies, assistive devices, and community resources provided to help them communicate? How many of us know, for example, that the number of people in the

U.S. who have hearing loss is 32 million?

Free, full day workshops are provided by the following:

- \* State of Texas, Department of Assistive and Rehabilitative Services (DARS)  
Office for Deaf and Hard of Hearing Services.
- \* Communication Access Ability Group

If we could enter the hermetic cell of the deaf, what would we learn? Since we cannot, how can we mediate effectively with these “*Children of a Lesser God*”? There are great benefits to honestly communicating what it feels like to be disabled - as trained interpreters can do. If suddenly rendered mute and deaf, how would *we* communicate, much less mediate? A recent book and film, “*The Diving Bell and the Butterfly*,” depicts this hermetic existence and the incredible feat of breaking through it to communicate, in fact to write that book, by blinking at an assistant forever reciting the alphabet. The author is not only mute but a paraplegic.

Take a moment right now to reflect on your very good fortune: you can read this, you can hear the words in your head, you can hold the paper in your hands and you can discuss it with a colleague. Such simple, precious, incredible gifts we all take for granted. Without an interpreter, many deaf people are effectively disqualified from meaningful repartee. What can we possibly know of the spasms of sadness that perforate otherwise optimistic days or the struggle to coexist with the sudden catastrophe of crime that leaves us with post traumatic stress and no way to bring the culprit to justice? How would we preserve the marrow of ourselves in such a reality?

If you have an opportunity to mediate with a severely hearing impaired person who is mute, provide a highly qualified interpreter. Learn about the Texas Society of Interpreters for the Deaf. Attend a workshop on hearing and speech impairment. Go see “*The Diving Bell and the Butterfly*” - in which the diving bell is the numb body and the butterfly is the still active, trapped mind. Learn about the legal rights of the disabled. Finally, in this season of giving, give thanks that you are, at least for now, able bodied.

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