

# RESTORATIVE JUSTICE IN POST-DISASTER SITUATIONS: UNTAPPED POTENTIAL

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## INTRODUCTION

Post-disaster situations can provide a wide range of opportunities for restorative justice. Depending on the nature of the disaster, man-made or natural, the potential of using restorative justice practices to assist in rescue, recovery, and rebuilding efforts can be significant. The challenges, however, can be even more significant.

My interest in examining restorative justice efforts in post-disaster situations grew out of my earlier research on dispute resolution responses to 9/11.<sup>2</sup> In the aftermath of the 9/11 terrorist attacks, countless questions arose about the role and relevance of dispute resolvers.<sup>3</sup> 9/11 also triggered a wide range of hate crimes, which seemed appropriately suited for utilizing restorative justice practices that aim to heal and repair the harm done.<sup>4</sup> This article will address the disparity between the potential and the challenges of using restorative justice in post-disaster situations.

## I. POST-DISASTER REALITIES

To understand the role and relevance of restorative justice in post-disaster situations, it is important to acknowledge the realities of disaster contexts. When disasters occur, whether they are man-made or naturally occurring, anticipated or unanticipated, they involve destruction, loss, distress, injury, death, and/or the disruption of norms. Disasters can be of any magnitude and severity; their

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<sup>2</sup> See Maria R. Volpe & Staci Strobl, *Dispute Resolvers in a Post-September 11th World*, 3 PRAC. DISP. RESOL. 1 (2003); Maria R. Volpe & Staci Strobl, *ADR Responses to Business-Related Conflicts After 9/11*, 23 ALTERNATIVES TO THE HIGH COST OF LITIG., 93 (2005).

<sup>3</sup> See Maria R. Volpe, *Looking Back, Looking Ahead: The Role and Relevance of ADR in Responses to Disaster*, 13 DISP. RESOL. MAG. 5 (2006).

<sup>4</sup> See Maria R. Volpe & Staci Strobl, *Restorative Justice Responses to Post-September 11 Hate Crimes: Potential and Challenges*, 22 CONFLICT RESOL. Q. 527 (2005).

aftermath can last any length of time. After disasters occur, many critical needs, such as evacuations, medical treatment, transportation, food, supplies, communication, decontamination, shelter, and safety require immediate attention. Regardless of the types of disaster incidents people experience, such incidents always pose uncertainties and unexpected emergency conditions. Hence, a sense of urgency and the need for rapid assistance drive disaster response efforts.

Coordinated initiatives stemming from much planning, training, and rehearsing are central to disaster preparedness and response efforts. Though each disaster presents its own unique characteristics and risks, organizations, government entities, groups, and individuals can still prepare for both anticipated and unanticipated disaster effects. Preparation for response efforts includes addressing the need for trained personnel, working equipment, and other resources. Those who routinely respond to disasters spend countless hours rehearsing best practices, acquiring needed resources, and practicing ways to utilize appropriate equipment to respond more effectively and efficiently. For some organizations, planning for disasters is a major and ongoing undertaking. It is also not unusual for existing organizational infrastructures to be supplemented with a massive infusion of government and other assistance.

Quite simply, post disaster responses require relevant and functional infrastructures. Individuals operating as solo, independent entrepreneurs are not in a position to be able to undertake large scale, complex disaster responses. Their unattached status does not position them in a way that grants them access to the gatekeepers of response efforts. As a result, the challenges for them are even more pronounced than for those experienced by post disaster responders who are connected to resources. This has been the predicament of dispute resolvers in general, and those who do restorative justice more specifically.<sup>5</sup>

## II. THE RESTORATIVE JUSTICE LANDSCAPE

The restorative justice landscape is eclectic and complex. As a concept, restorative justice conveys varied images, diverse defini-

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<sup>5</sup> *See id.*

tions, and evokes a sense of amorphous boundaries.<sup>6</sup> Moreover, the presence of restorative justice-like practices prevalent in different communities and cultures historically has made it nearly impossible to establish the origins of restorative justice. Braithwaite notes that “restorative justice has been the dominant model of criminal justice throughout most of human history for all the world’s peoples.”<sup>7</sup> With roots dating back to ancient cultures, restorative justice is as old as humankind. In recent years, interest has flourished due to the attention coming from a variety of sources including interest in indigenous practices, the need to address victims’ needs, and discontent with how the legal and penal systems process cases.<sup>8</sup>

Generally speaking, restorative justice is understood to involve a variety of informal justice processes that rectify harm and restore relationships by involving victims, offenders, and members of the community.<sup>9</sup> Widening the circle of individuals involved in the restorative justice process deliberately elevates the role of others in responding to the offender’s actions. As such, restorative justice is seen as contributing to the healing process, not only for the victims and the community, but for the offenders who are actively engaged in the dialogues. This approach contrasts with the more traditional criminal justice system which, in many societies focuses primarily on the offender. When offenses are committed, the criminal justice system traditionally proceeds against an offender without providing an opportunity for interested parties, particularly victims and other members of the community, to play a role in the process.

There is no one universal restorative justice mechanism to which all those who practice it subscribe. In fact, the restorative justice umbrella encompasses a very large range of informal processes, including family group conferences, circle sentencing, peacemaking circles, community reparative boards, and victim-of-

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<sup>6</sup> ELMAR G.M. WEITEKAMP, *Restorative Justice: Present Prospects and Future Directions*, in REESTORATIVE JUSTICE: THEORETICAL FOUNDATIONS 322–338 (2002). A RESTORATIVE JUSTICE READER: TEXTS, SOURCES, CONTEXT (Geity Johnstone, ed. 2003); LEENA KURKI, *Restorative and Community Justice in the United States*, 27 CRIME & JUSTICE 235 (2000).

<sup>7</sup> John Braithwaite, *Restorative Justice: Assessing Optimistic and Pessimistic Accounts*, 25 CRIME & JUST. 1, 2 (1999); GERRY JOHNSTONE, RESTORATIVE JUSTICE: IDEAS, VALUES, DEBATES (2002).

<sup>8</sup> See, e.g., DANIEL VAN NESS & KAREN HEETDERKS STRONG, RESTORING JUSTICE (1997).

<sup>9</sup> See TONY MARSHALL, RESTORATIVE JUSTICE: AN OVERVIEW (1999), available at [www.homeoffice.gov.uk/rds/pdfs/occ-resjus.pdf](http://www.homeoffice.gov.uk/rds/pdfs/occ-resjus.pdf) (last visited Apr. 9, 2007); JOHNSTONE, see supra 6.

fender mediation<sup>10</sup> – one of the most popular forms of restorative justice. In victim-offender mediation, victims and offenders are brought together in an informal, non-adversarial setting with the assistance of a mediator who helps them to talk face-to-face. Victims have an opportunity to share their concerns, get answers, and begin to recover. Offenders have a chance both to provide information about why they engaged in the offense and to be restored to the community. If others from the community are present, they can expand the discussion regarding ways to respond to an offense.

In 1974, a vandalism case referred to victim-offender mediation in Kitchener, Ontario, Canada, stimulated interest in victim-offender mediation in the United States.<sup>11</sup> Since its replication in Elkart, Indiana in 1978,<sup>12</sup> evidence of victim-offender mediation and the larger restorative justice field's growth includes a growing number of victim-offender programs, academic courses, small and large scale conferences, training initiatives, publications, and policies.<sup>13</sup> Supporters and advocates of restorative justice enthusiastically recite the potential of healing from restorative justice efforts.

The expansion of restorative justice parallels the expansion of community based mediation efforts, particularly in the United States. In many instances, the processes are so inextricably linked that it is almost impossible to distinguish between victim-offender mediation and community mediation.<sup>14</sup> The distinction may be a matter of how labels are attached to the various intervention processes which strive to bring parties together to discuss their concerns.

Given the growth of interest in restorative justice, its use in diverse contexts beyond the traditional criminal justice system has

<sup>10</sup> See GORDON BAZEMORE & MARK S. UMBREIT, *A COMPARISON OF FOUR RESTORATIVE CONFERRING MODELS* (2001), available at [www.ncjrs.gov/pdffiles1/ojdp/184738.pdf](http://www.ncjrs.gov/pdffiles1/ojdp/184738.pdf) (last visited Apr. 9, 2007); see also JOHNSTONE, *supra* note 7.

<sup>11</sup> Dean E. Peachy *The Kitchener experiment*, in JOHNSTONE, *supra* note 6 (178-186).

<sup>12</sup> Mark Umbreit, *The Development and Impact of Victim-Offender Mediation in the United States*, 12 *MEDIATION Q.* 3 (1995).

<sup>13</sup> Reference to growth of victim offender initiatives can be found at the Victim Offender Mediation Association's website, <http://www.voma.org/abt/voma.shtml> (last visited Apr. 9, 2007); see also MARK S. UMBREIT & JEAN GREENWOOD, ET. AL., *NATIONAL SURVEY OF VICTIM-OFFENDER MEDIATION PROGRAMS IN THE UNITED STATES*, U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS (2000), available at [http://www.ojp.usdoj.gov/ovc/publications/infores/restorative\\_justice/96520-national\\_survey/natsurv4.html](http://www.ojp.usdoj.gov/ovc/publications/infores/restorative_justice/96520-national_survey/natsurv4.html) (last visited Apr. 9, 2007).

<sup>14</sup> See, e.g., MARK S. UMBREIT & JEAN GREENWOOD, ET. AL., *DIRECTORY OF VICTIM-OFFENDER MEDIATION PROGRAMS IN THE UNITED STATES*, U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS (2000), available at [http://www.ovc.gov/publications/infores/restorative\\_justice/96521-dir\\_victim-offender/welcome/html](http://www.ovc.gov/publications/infores/restorative_justice/96521-dir_victim-offender/welcome/html).

also been explored. For instance, Truth and Reconciliation Commissions have drawn upon restorative justice concepts by providing governments in transition with options that are less than punitive, all adding to the complexity of the restorative justice landscape.<sup>15</sup>

### III. RESTORATIVE JUSTICE IN POST-DISASTER SITUATIONS: UNTAPPED POTENTIAL

In light of all of the interest in restorative justice, what is the potential for the use of restorative justice practices in responding to post-disaster situations? Quite simply, the potential is vast. For dispute resolvers in general, and restorative justice experts more specifically, their skills and talents in mediating, facilitating, and creatively intervening in a variety of diverse contexts help to make conversation work among victims, offenders, and members of the community. These practitioners specialize in bringing people together, listening to concerns, and problem solving. In criminal situations, restorative justice can divert these cases from costly time-consuming adversarial processes. Restorative justice also provides a more holistic, problem-solving approach, and helps with repairing harm and building community. As noted earlier, restorative justice can provide an opportunity for healing to occur and even for communities to transform themselves.

As the restorative justice field's potential continues to expand and mature, it is understandable that those who practice restorative justice and related dispute resolution processes continue to search for ways to respond to disasters. After 9/11, numerous dispute resolution-related organizations began encouraging the use of restorative and mediation responses to hate crimes, including the Victim Offender Mediation Association (VOMA), the National Association for Community Mediation, the State Bar of Texas Alternative Dispute Resolution Section, and the United States Department of Justice Community Relations Service.<sup>16</sup> Religious and other tolerance-focused organizations also pleaded for use of peace-related efforts as responses to hate crimes.<sup>17</sup>

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<sup>15</sup> Robert I. Totberg & Dennis Thompson (eds) *TRUTH V. JUSTICE: THE MORALITY OF TRUTH COMMISSIONS* (2000); Jennifer J. Llewellyn & Robert Howse, *Institutions for Restorative Justice: The South African Truth and Reconciliation Commission*, 49 *U. TORONTO L.J.* 355 (1999).

<sup>16</sup> See Volpe & Strobl, *supra* note 4.

<sup>17</sup> See *id.*

The terrorist attacks of 9/11 stimulated many discussions among dispute resolvers about their field's post-disaster role, relevance, and capacity. For example, in New York City, the site of the most horrific 9/11 attacks and home to thousands of dispute resolvers, many of those dispute resolvers spent much time reflecting on what they could do in response to the local disaster. Dozens met at the City University of New York Dispute Resolution Consortium for breakfast meetings to share their concerns.<sup>18</sup> More recently, Hurricane Katrina again raised questions about what dispute resolvers could do in response to a disaster. Shortly after Hurricane Katrina struck, the American Bar Association Dispute Resolution Section established a listserv and appointed a small working group to identify dispute resolution initiatives which were undertaken in response to the disaster in the Gulf Coast region.<sup>19</sup> The list of initiatives identified through these efforts was posted on the ABA's website.<sup>20</sup> Of particular note, not one of the entries mentioned restorative justice.

While countless dispute resolvers were ready, willing, and able to assist after 9/11 and Hurricane Katrina, there were few clearly defined roles and limited opportunities for them to do so. Both of these recent events have served as a wake-up call for dispute resolvers.<sup>21</sup> The dispute resolution field in general does not have a visible, identifiable infrastructure to provide the leadership and resources needed to respond. Nor have dispute resolvers been adequately embedded in others' organizations. In fact, in response to 9/11 and Hurricane Katrina, if dispute resolvers did not have other credentials, like degrees in social work, psychology, and law, they were turned away from some of the local centers established to provide crisis-related services. One of the most high profile efforts to include mediation in response to disasters has been undertaken

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<sup>18</sup> See archives of the NYC-DR listserv, which was started by the City University of New York Dispute Resolution Consortium at John Jay College of Criminal Justice in response to 9/11 to strengthen communications among dispute resolvers in NYC. See CUNY Dispute Resolution Consortium, <http://johnjay.jjay.cuny.edu/dispute/>.

<sup>19</sup> See Hurrigan (sic) Katrina Relief and ADR Volunteers, American Bar Association Dispute Resolution Section, <http://www.abanet.org/dispute/katrina.html> (last visited Oct. 26, 2007). The Working Group consisted of Homer C. La Rue, Lela Love, Mel Rubin and Maria R. Volpe. LaRue and Love served as Working Group Coordinators.

<sup>20</sup> Disaster Relief: Dispute and Conflict Resolution Initiatives American Bar Association Dispute Resolution Section, <http://www.abanet.org/dispute/katrina.html> (last visited Oct. 26, 2007).

<sup>21</sup> See Volpe, *supra* note 3.

by the Federal Emergency Management Agency (FEMA).<sup>22</sup> In the aftermath of Hurricane Katrina, FEMA created twenty-five conflict resolution specialist positions for individuals to support FEMA's ADR staff in responding to disasters.<sup>23</sup> The FEMA mediators were embedded in the FEMA workforce so that when situations emerged within FEMA disaster field offices, they could respond immediately.

Despite the proliferation of interest in restorative justice and some impressive strides made over the years, its overall potential in responding to disasters has not been tapped.<sup>24</sup> The countless situations that could otherwise benefit from restorative justice expertise often get handled, or perhaps not handled, by those who have general responsibility for managing the responses on the scene, usually criminal justice professionals.

#### IV. POST-DISASTER AFTERMATH: WHY THE CHALLENGES?

In post-disaster situations, any problem that existed under normal conditions is exacerbated. This does not bode well for the restorative justice field, as the field is still establishing itself in routine, non-disaster everyday contexts. It has neither essential service status nor an established infrastructure. While some of the restorative justice activities could be important for managing situations after disasters occur, as mentioned previously, emergency conditions require assistance with evacuations, medical assistance, transportation, feeding, supplies, communication, decontamination, shelter, and safety. Many organizations and government agencies spend considerable time and resources preparing for the time when they are called upon to serve. If restorative justice efforts are not known to those in charge of managing infrastructures prior to a disaster, the chances of being called upon in the aftermath of a disaster are reduced.

After 9/11 at one of the many breakfasts held by dispute resolvers in New York City convened by the City University of New York Dispute Resolution Consortium, a former public official re-

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<sup>22</sup> See Cynthia Mazur, *Working Toward Critical Mass: FEMA & ADR & Disasters*, 13 DISP. RESOL. MAG. 9 (2006).

<sup>23</sup> See Robert W. Scott & Linda Baron, *Embedding Mediators: Benefits and Challenges of the FEMA Workplace Model*, 13 DISP. RESOL. MAG. 13 (2006).

<sup>24</sup> See BERNARD MAYER, *BEYOND NEUTRALITY: CONFRONTING THE CRISIS IN CONFLICT RESOLUTION* (2004).

marked that political officials, who often determine what next steps to take, are not likely to call upon people whom they do not know in the middle of a crisis, particularly if their work is also not known to the officials.<sup>25</sup> When post-disaster responses occur, those in charge will call upon people and services known to them. After Hurricane Katrina, the dispute resolvers most likely to be called upon were those who were able to mediate insurance claims.<sup>26</sup> The insurance industry has an established record in working with mediators in post-disaster situations and can rapidly organize response efforts. In fact, “disaster mediation” and “hurricane mediation,” both associated primarily with insurance claims, are now part of the dispute resolution lexicon and can be searched online.<sup>27</sup>

Hundreds of small, local, low-budget, under-funded programs staffed by pro bono volunteers dominate the restorative justice field.<sup>28</sup> This has implications for the types of infrastructure and staffing available that can be deployed after a disaster occurs.<sup>29</sup> It is very challenging to deploy staff in post-disaster situations when the workforce is not readily available. While volunteers do provide many services in any post-disaster situation, such as fire fighting, mental health intervention, and emergency medical assistance, they are often enlisted to support essential services. In contrast, for the larger dispute resolution field and, more specifically, restorative justice, volunteer and pro bono personnel are the norm. Deploying restorative justice practitioners who are already serving as volunteers for extended periods of time or in places far removed from home during a disaster can be an insurmountable hardship which could preclude them from serving.

Another challenge is that restorative justice efforts can be viewed as “soft on crime.” Prosecution and punishment with a tough-on-crime approach often dominate responses to situations that otherwise lend themselves to restorative justice intervention. For example, in response to a bias-related assault that occurred in Staten Island shortly after 9/11, New York City Mayor Michael

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<sup>25</sup> See NYC-DR listserv archives at [listserv.jjay.cuny.edu](mailto:listserv.jjay.cuny.edu) for February 26, 2002 for a summary of remarks made by David Addams, former Deputy Borough President of Manhattan.

<sup>26</sup> See Mel Rubin, *Disaster Mediation: Lessons in Conflict Resolution*, 13 *DISP. RESOL. MAG.* 17 (2006).

<sup>27</sup> While it is possible to mediate other types of situations after a disaster, disaster and hurricane mediation are synonymous with insurance mediation involving property damage resulting from disasters.

<sup>28</sup> See, e.g., UMBREIT & GREENWOOD, *supra* note 13.

<sup>29</sup> See Andrea Chasen, *After Disaster Strikes: Do I Volunteer as a Mediator?*, 13 *DISP. RESOL. MAG.* 21 (2006).

Bloomberg sent a letter to district attorneys in each borough stating, "I strongly urge you to punish such criminals to the fullest extent permitted by law and vigorously utilize provisions of the Hate Crimes Act of 2000. Justice requires no less."<sup>30</sup>

Restorative justice programs are not always readily distinguishable from other related programs like community mediation programs.<sup>31</sup> Restorative justice cases that are handled by more mainstream community mediation programs could easily be labeled as mediation cases. In fact, there might be more restorative justice cases if community mediation cases were classified as restorative justice cases.

Finally, for restorative justice to work, parties need to be ready, willing, and able to participate. Unlike many other disaster response services where clients can be passive recipients of services, for restorative justice to work, the parties need to be actively engaged. Introducing them to restorative justice in the middle of a disaster compounds the complexity of the situation and reduces the likelihood that they will be receptive.

#### V. POST-DISASTER AND RESTORATIVE JUSTICE: SOME LESSONS LEARNED

An examination of post-9/11 data shows that there was a dearth of cases sent to restorative justice programs despite the increase in hate-related crimes against Muslims. A review of two cases that went to restorative justice provides insight into what contributed to their success. The first involved voicemail death threats to a Muslim Community Center and an adjacent Mosque in Eugene, Oregon, on September 11, 2001.<sup>32</sup> Victim-offender mediation was agreed to by all of the parties, resulting in the offender writing a letter of apology to the Muslim community that was published in the local paper and attending several lectures about Islam. Several important factors contributed to the success of this case. First, there was a viable program, the Restorative Justice Program of the Community Mediation Services of Eugene, which had collaborated with agencies providing services to victims and offenders

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<sup>30</sup> David Saltonstall & Lisa L. Colangelo, *Bloomberg Enlists DAs in Battle vs. Bias Crimes*, N.Y. DAILY NEWS, Sept. 18, 2003, at 8.

<sup>31</sup> See, e.g., UMBREIT & GREENWOOD, *supra* note 13.

<sup>32</sup> See Mark S. Umbreit, Ted Lewis, & Heather Burns, *A Community Response to a 9/11 Hate Crime: Restorative Justice Through Dialogue*, 6 CONTEMP. JUST. REV. 383 (2003).

and was able to reach out to the offender and members of the mosque. Second, the members of the Mosque and the remorseful offender were ready, willing, and able to prepare for and attend the mediation session.

Restorative justice work can also be undertaken by those who do not identify themselves as restorative justice experts. The coming together of victims and offenders in processes that mirror restorative justice-type ways is the work of many others who do not specifically refer to their work as restorative justice, e.g. faith based groups, therapists, counselors, etc. In fact, in some instances, the parties themselves can come up with restorative justice-type responses to situations. For example, in another post-9/11 hate crime situation on November 18, 2001, in Palermo, New York, where four teenagers burned down a Sikh temple that they had erroneously thought was a Muslim house of worship, the Sikh leaders publicly forgave the offenders, and the teens' school board president got involved by extending an apology to the Sikhs in India. In this case, the Sikhs' perspective about healing and forgiveness enabled them to reach out directly to the offenders. Of the four teens, one of them was ready, willing, and able to meet with members of the Sikh community, participated in a Sikh religious ceremony, and helped to rebuild the temple.<sup>33</sup> This case illustrates how parties themselves can deal with harm and start healing, without the assistance of intermediaries.

## VI. RESTORATIVE JUSTICE: REACHING ITS POTENTIAL IN POST-DISASTER SITUATIONS

Restorative justice has clearly made its presence felt. There is much enthusiasm among its advocates. To more fully achieve its potential in post-disaster situations, however, groundwork needs to be laid on an ongoing basis. It is much too challenging to begin establishing relationships and building capacity in the midst of a crisis situation; relevant infrastructure has to be in place and ready to be operational when needed.

First, greater public awareness about restorative justice continues to be important. To further restorative justice's potential, the larger dispute resolution field, has been taking stock of how to boost its role and relevance. For example, the Association for

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<sup>33</sup> See NORTH OF 49 (Richard Breyer & David Coryell (2003)), <http://www.filmmakers.com/indivs/northof49.htm> (last visited Jan. 28, 2007).

Conflict Resolution established a Public Education Task Force that is “developing an action plan for a nationwide public education program.”<sup>34</sup> As part of the public awareness initiative, it is important to keep in mind that virtually every cause that seeks to bring attention to itself relies on star power, namely celebrities or champions, to serve as educators, fundraisers, or spokespersons.

In addition to educating the public, restorative justice advocates have the added burden of reminding the public that restorative justice is not “soft on crime” and that it is not weak to seek or give apologies. Related to this is the need to provide the public and policy makers with data about what works and what does not work, since comprehensive information about restorative justice cases is not available in readily accessible databanks or clearinghouses.

Finally, one of the significant findings of our post-disaster research is that dispute resolvers may not be needed immediately after a disaster;<sup>35</sup> the conflicts need time to ripen or clients need to be prepared to make use of conflict resolution-related services. It may take time, sometimes even years, for parties to come together.<sup>36</sup> Restorative justice’s potential in post-disaster situations, then, may not be realized until long after a disaster occurs.

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<sup>34</sup> PUBLIC EDUCATION TASK FORCE, ASSOCIATION FOR CONFLICT RESOLUTION, <http://www.acrnet.org/about/taskforces/index.htm> (last visited Jan. 28, 2007).

<sup>35</sup> See Volpe & Strobl, *supra* note 2.

<sup>36</sup> For example, after 9/11, one of the most high profile cases involving the Deutsche Bank and its insurers, Allianz Insurance and AZA Insurance, was sent to mediation with former Senator George Mitchell over two years after the attacks on the World Trade Center in October 2003. “Senator set to mediate Deutsche Bank dispute” Barbara Nelson, *REAL ESTATE WEEKLY*, Nov. 5, 2003, available at [http://findarticles.com/p/articles/mi\\_m3601/is\\_12\\_50/ai\\_111115526](http://findarticles.com/p/articles/mi_m3601/is_12_50/ai_111115526) (last visited on Nov. 7, 2007). Senator Mitchell announced an agreement between the parties on February 27, 2004. Press Release, Governor Pataki: Deutsche Bank Settlement Reached, available at [http://www.empire.state.ny.us/press/press\\_display.asp?id=421](http://www.empire.state.ny.us/press/press_display.asp?id=421) (last visited on Nov. 6, 2007).

