LOOK WHO'S JOINED ADR'S MOST EXCLUSIVE CLUB
Established in 1977, CPR is an independent nonprofit organization that helps global businesses prevent and resolve commercial disputes effectively and efficiently.

CPR Dispute Resolution is an ADR provider offering quality, efficiency and integrity via innovative and practical arbitration rules, mediation and other dispute resolution services and procedures—as well as arbitrators, mediators and other neutrals, worldwide.

The CPR Institute, the world’s leading ADR think tank, positions CPR uniquely as a thought leader, driving a global dispute resolution culture and utilizing its powerful committee structure to develop cutting edge tools, training and resources. These efforts are powered by the collective innovation of CPR’s membership—comprising top corporations and law firms, academic and public institutions, and leading mediators and arbitrators around the world.

Each element of this unique organization informs and enriches the whole, for the benefit of our members and users.

Learn more: https://www.cpradr.org/neutrals
LETTER FROM CPR’S DRS TEAM:

We at CPR are incredibly proud of our entire Panel of Distinguished Neutrals, which comprise among the most respected and elite mediators and arbitrators in the world. They include prominent attorneys, retired state and federal judges, academics, as well as highly-skilled business executives, legal experts and dispute resolution professionals who are particularly qualified to resolve all business disputes including those involving multi-national corporations or issues of public sensitivity. Focusing in more than 30 practice areas, CPR’s esteemed arbitrators and mediators have provided resolutions in thousands of cases, with billions of dollars at issue worldwide.

Admission to one of CPR Panels occurs only after an individual is reviewed and approved by CPR and/or a select panel of high-end users, peers and/or academics. Candidates are screened for their ADR expertise and training, and candidate references are asked to comment specifically on the applicant’s qualifications to serve on complex commercial disputes. Qualification to the CPR roster is demanding and available openings are limited.

CPR is dedicated to driving greater diversity of every kind in the field of ADR. Due to a generous grant provided to CPR for this purpose, this brochure highlights just one portion of our illustrious panel, but a portion of which we are particularly, justifiably proud: Our female neutrals.

We invite you to take a moment to get to know these amazing women. They hail from all over the world. Their backgrounds are wide-ranging and impressive. Learn how they began their careers in ADR, and about their dispute resolution styles and philosophies. As their words come alive on these pages, hear them describe some of the most difficult challenges they have faced in their careers, as well as some of their greatest accomplishments. Take in their best practices tips, as well as their advice for those who would follow them and are just starting their careers in ADR. Let them tell you who inspired them – as they, certainly, continuously inspire us. And then, finally, consider them, recommend them, and pick them for your matters.

HELENA TAVARES ERICKSON
Senior Vice President, Dispute Resolution Services & Corporate Secretary

OLIVIER ANDRÉ
Senior Vice President, International

CITLALLI GRACE
Manager, Dispute Resolution Services

CHRISTOPHER SILVA
Coordinator, Dispute Resolution Services & International Events
**HOW DID YOU GET YOUR START AS A NEUTRAL?**

**JUDITH MEYER**  
**ARBITRATOR & MEDIATOR**

“As a litigator I loved the courtroom. It did not take long to realize that my clients did not. Whether they won, compromised, or (rarely) lost, every client was happiest when it was finally over. The emotional, financial and time cost of litigation – and business litigation is as emotional as divorce litigation – was enormous. I began to try to find a more satisfying route for my clients to take. I began settling hard cases for Los Angeles Superior Court judges who referred cases to me to ‘get rid of.’ There was no mediation vocabulary at the time. But when commercial mediation began in California in the early 1980’s, I was early to embrace it. I found that parties in litigation were eager to have a negotiation coach who moved them to ‘yes.’ And when I moved to Philadelphia in 1988, I began to grow a mediation practice. The rest is both history, and my future.”

**VICTORIA KUMMER**  
**ARBITRATOR & MEDIATOR**

“I got my start as a neutral about 20 years ago when, after being involved in numerous arbitrations as an advocate, one of the case administrators who worked several of my cases mentioned to me that the panel is always looking for experienced women to join... and asked me if I was interested in applying. I thought about it and realized she was right: All of the arbitrators I had, and all of the arbitrators proposed by the institutions, seemed always to be men. So, I figured, why not? I went out and got some training, then got some more, and joined a panel, then another, then another...”

**ANK SANTENS**  
**ARBITRATOR**

“I was appointed by an arbitral institution as a sole arbitrator in a small case when I was 34. It was a great opportunity and I am very grateful to that institution for the trust they placed in me. Their policy of giving younger practitioners a chance in small cases is to be lauded and demonstrates how arbitral institutions can play a major role in the career development of an arbitrator. I believe it would have been several more years before a party would have first considered naming me.”

**DEBORAH COLEMAN**  
**ARBITRATOR & MEDIATOR**

“...I realized that my job as a business litigator included not only learning the facts that gave rise to the dispute, and preparing the submissions that would demonstrate the justice of the client’s position, but also finding the ‘deal’ that could resolve the dispute. I started looking at the potential outcomes through trial and settlement much earlier in each case, and sought training in negotiation, mediation and, later, arbitration.”

**VICTORIA KUMMER**  
**ARBITRATOR & MEDIATOR**

“I got my start as a neutral about 20 years ago when, after being involved in numerous arbitrations as an advocate, one of the case administrators who worked several of my cases mentioned to me that the panel is always looking for experienced women to join... and asked me if I was interested in applying. I thought about it and realized she was right: All of the arbitrators I had, and all of the arbitrators proposed by the institutions, seemed always to be men. So, I figured, why not? I went out and got some training, then got some more, and joined a panel, then another, then another...”
“Having served as an expert witness for several years on very large claims and projects appearing in front of the very best arbitrators, I realized that my experience in arbitration would provide me with an opportunity to become a neutral. Thus, in 2008, I decided to change careers from ‘giving testimony’ to ‘Listening to testimony.’”

“I first became involved in mediation when I was a young construction litigation associate at a major law firm. I embraced the practicality of mediation, particularly in the context of multi-party and multi-claim disputes.”

“As a junior associate in my large law firm, I was the sole attorney representing a major financial institution as the respondent in my first arbitration hearing. My opposing counsel refused to refer to me by my name throughout the hearing, instead consistently referred to me as ‘this little lady,’ and greatly discomfiting my client representative (the female Assistant General Counsel of that major institution). I disregarded his demeaning behavior entirely and recommended that she do so as well when she told me she wanted to raise his conduct with the panel. My client prevailed in the award far beyond the expectations of my client or the senior attorneys in my firm, and this AGC continued to call on me for years as that financial institution’s counsel on whatever legal matters (including corporate transactions) arose in my city. Significantly for my career, I knew from the first ‘this little lady’ during that hearing that I wanted to lead and engage more female attorneys in the ADR process to offset long-standing stereotypes. Soon after that hearing, I committed my practice fully to ADR as arbitrator and counsel.”

“After serving for a total of 27 years as a federal judge I thought ‘private’ judging would be a natural fit.”
WERE YOU EVER THE FIRST TO DO SOMETHING?

LILLIAN STENFELDT ARBITRATOR

“I am first in my family to go to law school and become an attorney. I was the first student from my public high school to graduate from Stanford University. I am the only student from my high school to work in a big law firm for 3 decades. I was the only female member of my law firm to serve on the management committee for 4 years. I have been the first and only partner at my law firms who also earned a Master’s degree in Organizational Behavior prior to going to law school.”

DEBORAH COLEMAN ARBITRATOR & MEDIATOR

“As a result of an early act of advocacy, I became the first girl in Mecklenburg County, N.C. to take Industrial Arts instead of Home Economics in seventh grade. Years later, I became the first woman admitted to the partnership of the law firm where I worked until I set up my own practice...”

PATRICIA D GALLOWAY ARBITRATOR

“I was the first woman tunnel inspector in the State of Wisconsin in 1979. I was the first woman elected President of the American Society of Civil Engineers in 2004 in its 152-year history at that time. I was the first non-engineer elected to the College of Commercial Arbitrators and remain the only non-lawyer member.”
TONG WANG
ARBITRATOR & MEDIATOR

“I don’t think I have ever set out to do anything that nobody has done before me and I don’t know if I have indeed done anything like that. Oh, now that you mention it, I heard anecdotally and observed that I might be one of very few arbitrators here who actually grew up and started professional life in China or Asia before coming to the US. And yes, I think I am the only one in the big family of my parents (together they have 10 other siblings in total) who lives outside China. I am one of the few in the class of 1990 of Peking University Law School who are practicing law in the US. And I could be the only one from my international LLM class of 1998 at Northwestern University School of Law who is practicing law in the US.”

FIRST STUDENT FROM MY PUBLIC HIGHSCHOOL TO GRADUATE FROM STANFORD
FIRST IN MY FAMILY TO GO TO LAW SCHOOL
FIRST FIRMWIDE CHAIR OF ALTERNATIVE DISPUTE RESOLUTION, MALE OR FEMALE
FIRST WOMAN ELECTED PRESIDENT OF THE AMERICAN SOCIETY OF CIVIL ENGINEERS
FIRST WOMAN MEDIATORS IN THE NASD/FINRA PROGRAM
FIRST CHARTERED ARBITRATOR IN INDONESIA
FIRST WOMAN FEDERAL JUDGE IN THE SOUTHERN DISTRICT OF FLORIDA
FIRST GIRL IN MECKLENBURG COUNTRY, NC TO TAKE INDUSTRIAL ARTS INSTEAD OF HOME ECONOMICS
FIRST WOMAN ADMITTED TO THE PARTNERSHIP OF THE LAW FIRM

JOAN STEARNS JOHNSEN
ARBITRATOR & MEDIATOR

“I assume that I was probably among the first women mediators in the NASD/FINRA Program...because even now there are so many more men doing this work than there are women. I had never really been conscious of the fact that there comparatively fewer women in my field until my own consciousness was raised with discussions of diversity and implicit bias. I don’t know whether it was a first, but as an arbitrator I had the distinction of sitting on a National Futures Association Arbitration Panel with another woman when both of us were about 8 months pregnant. We were the only women involved in any capacity with the entire case. I would say that was rather notable.”
KAREN MILLS
ARBITRATOR

“In 1987, I became the first woman attorney at my law firm to go part-time after the birth of my two children. This was the mid-eighties and the concept that a woman could both be an effective litigator and be part-time was a difficult concept for the firm leaders to accept. But to the firm’s credit, they allowed me to do it. It was successful, and it became the model for many women who came after me at the firm.”

NANCY LESSER
ARBITRATOR & MEDIATOR

“I was, and am still, the first Chartered Arbitrator in Indonesia, and the first to establish the CIArb presence here.”

JUDITH KORCHIN
ARBITRATOR & MEDIATOR

“In 1987, I was the first woman elected President of the Dade County Bar Association, which had been incorporated in 1920. In the 67-year history of the organization prior to my taking office, no women had been president. Miami-Dade County in 1987 and today is the most populous county in Florida.

The Committee of One Hundred Women Organizations in Miami-Dade County gave me their Trailblazer Award, also given to the first woman federal judge in the Southern District of Florida and the first woman Attorney General of the United States, Janet Reno, a Floridian.

In 1987, no woman had served as the president of the Florida Bar Association, the statewide Bar organization. 1987 was also the first year the New York Bar Association elected a woman President, Maryann Saccomando Freedman. In 1987, there were very few women across the United States as the President of the organized bar associations founded by men...

In 1974, I was the first woman federal law clerk to work with then Chief United States District Court Judge of the Southern District of Florida, C. Clyde Atkins. Judge Atkins prior to my clerkship had entered the Order which desegregated the public schools of Miami-Dade County, Florida. I was the first firmwide Chair of Alternative Dispute Resolution, female or male, for the national law firm Holland & Knight LLP.”
WO
MEN
WHO ARE YOUR DISPUTE RESOLUTION HEROES/HEROINES?

LINDA GERSTEL
ARBITRATOR & MEDIATOR

“I graduated law school at a time when there were few women lawyers, but in my practice as a litigator for over thirty years and as a neutral for the past ten years I found a male mentor, who also happens to be an ADR hero for many. When I decided to transition my practice towards being a full time neutral, I sought out John Feerick, the former Dean of Fordham Law School who is a legend in the world of ADR. Not many people are as fortunate as I am to have her mentor also be her dispute resolution hero.

The decision of how to choose a great mentor has some similarities to the decision of how to select a neutral. Often when a person chooses a mentor one chooses someone whose values one shares or at least a person whose values one seeks to emulate. For me, those qualities included: honesty, trustworthiness, open-mindedness and intelligence which are four critical qualities for an arbitrator as well as a mediator. What I learned from being mentored by John Feerick was the importance of actively listening (and listening some more) and at least with regard to mediation, having extraordinary humility, patience as well as humor in order to continue assisting parties despite what appears to be an intractable conflict.

Perhaps, another heroine would be the former Chief Judge, Judith S. Kaye who was a big proponent of increasing the use of ADR. My colleagues, opposing counsel in my previous life as a litigator, individuals who have been part of an arbitration panel or those who have co-mediated with me as well as parties who have selected me as a neutral would likely advise you that I value and strive for those critical four characteristics. As for humility and a sense of humor, the former is hard to promote publicly and the latter has to be done on cue.”

KAREN MILLS
ARBITRATOR

“There are many. Those that come to mind at the moment include Judith Kaye, Prof. M. Sornarajah and Tan Sri Dato’ V.C. George – because all give due regard to the needs and position of both sides, and treat all with equal respect and in light of what they intended in getting into the relationship or drafting the documenta- tion in the first place. Also Neil T. Kaplan, who established, almost single-handedly, the arbitration system in Hong Kong, with tentacles way beyond, much to the betterment of the dispute resolution process in Asia.”
IN MEMORIAM

JUDITH S KAYE
Former Chief Justice of NY Court of Appeals; Skadden, Arps, Slate, Meagher & Flom LLP

“CPR mourns the loss of Judge Kaye. Judge Kaye dedicated her life to improving the administration of justice. An active member of CPR’s Board of Directors, she was an ardent supporter of our mission: to find better ways to resolve disputes. A consummate problem solver, Judge Kaye thoroughly deserved the national reputation she earned for both her groundbreaking decisions and her innovative reforms of the New York court system. We at CPR also knew her to be extremely warm, kind and approachable. She has left an indelible mark, and will be missed.”

- Noah J Hanft (2016)
WHAT MAKES YOUR STYLE OF CONFLICT RESOLUTION UNIQUE?

CONNA WEINER
ARBITRATOR & MEDIATOR

“I am always prepared, on top of the process and responsive. I know how to manage projects from my years as inside counsel and I actively manage the pre-hearing process to keep things moving and efficient. I will entertain dispositive motions if I think that they have merit and will help narrow the issues in the case. In addition, and knowing that the tribunal award very likely will be ‘it,’ without prematurely judging any issue, I try actively to let the parties know my issues about their respective positions early on so that they can address them with argument and evidence. I want everyone to have a fair and clear shot at convincing me and to do that they need to know – to an appropriate extent – what I am thinking.”

ERIN GLEASON ALVAREZ
ARBITRATOR & MEDIATOR

“I bring a unique perspective to arbitration and mediation. The breadth and complexity of disputes that I have seen as an in-house practitioner, and as an advocate for both claimants and respondents, has given me an ideal platform for effectively managing diverse and complex disputes as a neutral... Providing parties with a clear roadmap of the process is another way to promote efficiency and fairness. This sets the stage for a complete understanding of the scope of the process, expectations for meeting objectives and always keeping an eye on maintaining efficiency.”
JOAN STEARNS JOHNSEN
ARBITRATOR & MEDIATOR

“...As the mediator, I have no actual power. I am armed only with negotiation technique, skill, objectivity, and the appropriate mediation style. As the mediator, I must always know exactly which questions to ask, how best to frame each question, and when not to ask, but instead to just listen. Each situation and each dynamic is different. My personal focus in each mediation is on reading the dynamics and selecting the appropriate approach. My philosophy is centered first on being the most prepared person in the mediation and second on being absolutely present so I can make what is quite effortful and challenging appear effortless and inevitable.”

SHERYL MINTZ GOSKI
ARBITRATOR & MEDIATOR

“I use humor, creativity and frankness. Since I have been at this for more than 20 years, I feel that I have some gravitas and my opinion—despite the fact that the parties may (respectfully) disagree—nonetheless do receive attention and consideration.”

JUDITH MEYER
ARBITRATOR & MEDIATOR

“No matter the nature of the business dispute, ‘it’s never about what it’s about.’ I look for the emotion fueling the passions of the clients in the litigation. It is always there. There is the insult, the loss of face, the anger, the wish for retaliation and vindication and revenge. Those base emotions need to be heard and acknowledged before reasoned and reasonable solutions can be put in place. So, I always start far from talking about solutions; I begin by listening and asking sometimes wide open, sometimes probing questions. We work from a wide exterior perimeter, peeling layers of onion – seemingly irrelevant memories fueling feelings – and work to a core of calmness where the parties are ready and willing to problem solve.”

JUDITH B ITTIG
ARBITRATOR & MEDIATOR

“I believe in the individuality of every dispute, so I do not expect all mediations to be the same. I want to strike the path that is most advantageous to the full discussion and resolution of the particular circumstances of each case.”

LUCY GREENWOOD
ARBITRATOR

“I am not unique but I do think I am unusual in that my case management style is very pro-active – I firmly believe that Alternative Dispute Resolution should be a real alternative to court litigation, so I manage my cases very firmly and I don’t have a lot of time for US-style litigation tactics.”

ANK SANTENS
ARBITRATOR

“My philosophy is to take the trust placed in me when I am appointed as an arbitrator very seriously and to try to execute my mission in a way that preserves or enhances the reputation of arbitration as a whole as well as my own reputation. I strive for efficiency in the process and for clear and timely decisions. As a sole arbitrator or chair, my approach to case management is to be fair but firm when necessary. As a party-appointed arbitrator, I try to ensure that the arguments of the party that appointed me are fairly considered and to provide an appropriate counterweight if I feel the other party-appointed arbitrator is not entirely neutral. I also pay attention to project management and try to avoid waste of any kind (including of paper – I work fully electronically). No part of this approach is original or unique, but, unfortunately, I find that many arbitrators do not apply these principles, to which all subscribe, in practice, whether knowingly or unknowingly. I hope that I am not myself unknowingly part of the latter group! I take comfort from the fact that, in a case that recently settled which I was hearing as a sole arbitrator, the parties sent me a joint message just yesterday thanking me for ‘the exemplary speed and efficiency in addressing matters when raised.’”
MELINDA JAYSON
ARBITRATOR & MEDIATOR

“My experience is somewhat unique in ADR because I have served in every role – an outside counsel representing claimants and respondents, the client representative during my years as General Counsel of a holding company and its affiliated entities, the arbitrator selected to serve in more than 500 cases and issuing more than 250 awards thus far, and a mediator assisting parties in resolving their disputes. No matter which role I have, I try to find ways to narrow the disputed issues, decrease the hostilities (particularly when the parties may have to conduct future business together or will cross paths in their business communities), involve the parties in the process, and turn the parties to productive processes.”

HON. SHIRA SCHEINDLIN (RET.)
ARBITRATOR & MEDIATOR

“My philosophy with respect to mediation is to be the best prepared person in the room; to be a good listener; to come to a mediation prepared to achieve a creative resolution and to be evaluative after many hours of being facilitative. With respect to arbitration, I repeat that being very prepared is key and then being a good, clear, thorough, and concise writer when preparing a written, reasoned award. Also being a good case manager and ensuring that everyone is fairly prepared to engage in an efficient hearing.”

VICTORIA KUMMER
ARBITRATOR & MEDIATOR

“My style of conflict resolution is the same with both mediation and arbitration – I’m myself. Who I am is someone who listens carefully and speaks frankly. Sometimes parties don’t want a mediator to be evaluative in this way, and when I sense they want a more conciliatory approach I adapt – but surprisingly often, parties do indeed want a mediator who will tell it like it is and give them a frank assessment of their case. And in arbitration, decisiveness is key – the parties do not want an arbitrator who drags out the proceedings or allows one of the parties to do so.”

TONG WANG
ARBITRATOR

“Based on the tested experience, the contributions I brought to the panels are (1) the domain knowledge lying in the corporate and transactional work I do in private practice, which provides me with a comprehensive understanding and analytical approach to assessing a given dispute; and (2) my multi-cultured background and legal training, which help manage the cultural dynamic underlying an international commercial dispute and its resolution. I give parties a clear picture at the outset the protocols of the proceeding and the expectations of the tribunal, respect parties’ consensus and act promptly when one or all parties request for intervention or guidance. The goal is to fully utilize the flexibility of arbitration as compared with litigation and bring a matter to a fair and efficient resolution, keeping in mind the mission of faster, better and cheaper resolution of complex domestic and international commercial disputes.”

NANCY LESSER
ARBITRATOR & MEDIATOR

“...I try to bring a creative, ‘outside the box’ touch to fashioning the process that fits the particular dispute. Mediation is not a ‘one size fits all’ process. No one style or technique is appropriate for all mediations. I utilize a range of approaches to help parties to communicate more effectively, move past impasse, and craft creative settlement options.”
WHAT WAS THE MOST DIFFICULT CHALLENGE YOU FACED AS A NEUTRAL?

JUDITH MEYER
ARBITRATOR & MEDIATOR

“I am accepted by all the men I work with, and, sadly, the mediation room is peopled by men. Male lawyers, male clients, occasionally women who serve as second chairs, women who rarely speak unless supplementing something a man has said. As a much younger mediator, I was assigned a case by one of the early mediation companies – American Intermediation Service – and an old male lawyer, surprised that a woman had been sent, bellied up to me and asked me if I was an expert on a section of the New York Civil Code.

I was not, and his question was clearly hostile. I replied that while not an expert, I looked forward to becoming one after I had the opportunity to listen to his side’s opening statement. There are many women neutrals, but there is a dearth of women neutrals who are as active as the men in our field. I get it. First, while businesses and law firms are diligent in being diverse, there is no push, by businesses and law firms to hire women neutrals. And, if I were a female partner in a law firm choosing a neutral in a ‘bet the ranch’ case, I would likely feel pushed to hire a male neutral. Why? If the male neutral delivers an opinion in an arbitration that displeases the client, the client is likely to say: ‘Let’s not use him again.’ If a female neutral were to deliver the same opinion, the question would more likely be: ‘Why did you choose her?’ – an implied challenge to the capability of the neutral. And, that question might be followed by the client looking for a new law firm to represent him.”

ANK SANTENS
ARBITRATOR

“Dealing with a defaulting party, because a default award is final and binding and one must arrive at the right result without the benefit of the adversarial process. I noted in a previous answer how I dealt with this situation when it arose in the very first case I heard as arbitrator. I would take a similar approach today (unless the circumstances mandated a different approach).”

LUCY GREENWOOD
ARBITRATOR

“As an international arbitrator who is not a US citizen but is qualified in the US and the UK, I am frequently appointed as a chair in international cases. As a result I often find myself sitting between arbitrators from very different cultural backgrounds who have different approaches to procedural issues. Before I became an arbitrator I had no idea how much diplomacy I would have to use in building a consensus and trying to keep both wing arbitrators happy, or at least making sure they were both equally disgruntled.”
WHO ARE THEY?

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FEMALE NEUTRALS

WHO THEY WERE

Chief Litigation Officer
General Counsel
Judge
Law Clerk
Law Firm Management Committee Member
Law Firm Managing Partner
Practice Group Chair
President of the ABA

29
CPR WOMEN PANELISTS LOCATED OUTSIDE UNITED STATES

28 SPECIALTY PANELS

ARBITRATION APPEALS
BANKING, ACCOUNTING & FINANCIAL SERVICES
BIOTECH
CERTIFIED PUBLIC ACCOUNTANTS
CHINA BUSINESS MEDIATION
CONSTRUCTION
CROSS BORDER DISPUTES

CYBER
E-DISCOVERY
EMPLOYMENT
ENERGY, OIL & GAS
ENTERTAINMENT
ENVIRONMENT
FRANCHISE
GENERAL COUNSEL
GLOBAL
HEALTHCARE & LIFE SCIENCES

HEDGE FUNDS
INSURANCE
INSURER-POLICY HOLDER
COVERAGE
JUDICIAL
MUNICIPAL BANKRUPTCY
NATIONAL
REAL ESTATE
SPORTS LAW
TAXATION
TECHNOLOGY/IP
TRADEMARK
WHAT THEY STUDIED

- Business
- Economics
- Humanities
- Physical Science
- Civil Engineering
- Education
- Life Science
- Social Science

6 MBA
2 PhD

HONORS

1 Chartered Arbitrator (C.Arb)
3 Fellow of the American College of Civil Trial Mediators
10 Fellow of the Chartered Institute of Arbitration
10 Distinguished Fellow of the International Academy of Mediators
23 member of the College of Commercial Arbitration

27% PANELISTS SELECTED FOR CASES ARE WOMEN
17% CPR PANELISTS ARE WOMEN
3% CPR FEMALE PANELISTS ARE ETHNICALLY OR RACIALLY DIVERSE
14 COUNTRIES REPRESENTED

- Germany
- Switzerland
- Italy
- Nigeria
- Singapore
- Indonesia

LANGUAGES SPOKEN
WHAT IS THE BIGGEST MISTAKE
YOU SEE ADVOCATES MAKE?

CONNA WEEINER
ARBITRATOR & MEDIATOR

“The single biggest mistake I see advocates make in both an arbitration and mediation setting is failing appropriately to modify their litigation mindset given the context of the particular process. Particularly in mediation, which often is a business negotiation, going in with the idea that you will convince a mediator that you are right on the legal merits and that they will then simply pound the other side into submission fails to take into account the fact that mediation is a facilitated negotiation that requires compromise and an appreciation (if not agreement) of how the other side sees things. And in arbitration, litigators need to be able to make sophisticated judgments about making do with less mandated process and discovery than they would get in litigation and less ‘tactical’ argumentation, all in the interests of setting up a reasonable and efficient process that gives the arbitrator the information they need fairly to adjudicate the matter. Arbitration advocacy is not a game for lawyers brand new to practice; it requires wisdom and experience to make these judgments.”

ELIZABETH ANN MORGAN
MEDIATOR

“The biggest mistake I see advocates making in arbitration and mediation is alienating the opposing side. This often manifests itself through words or actions intended to project strength. The motivation is to impress the client. But in reality these tactics backfire. Every. Time. In an alternative dispute resolution environment, the goal is to resolve the dispute. That alone is the ‘win.’ Tough tactics impede that goal.”

MICHELE S RILEY
ARBITRATOR & MEDIATOR

“In arbitration, advocates often neglect to streamline the process in ways that can directly benefit their clients without sacrificing their right to have a full and fair hearing. For example, in the area of information exchange, advocates should make a concerted effort to come to an agreement without seeking the intervention of the arbitration panel... In mediation, advocates often fail to make the best use of the process to speak directly to the principal on the other side. Advocates who have been most effective in mediation have been those who engage, with the help of the mediator, in a problem-solving negotiation, inviting input from and sharing information with the principal, without excluding or alienating his advocate.”

ANK SANTENS
ARBITRATOR

“In an arbitration, being misleading in the presentation of arguments and the evidence, such as saying the other side argues something that is not precisely the argument being made, quoting misleadingly from documents, hiding contrary legal authority on point. Opposing counsel tends to point out these deficiencies or I discover them in my own review, and, once trust in counsel is lost, anything they argue becomes suspicious.”

LUCY GREENWOOD
ARBITRATOR

“Personally I think it is a mistake and a wasted opportunity to argue a case as if counsel were appearing before a federal judge. Counsel often under-estimate the familiarity a good arbitrator will have with the case prior to and at the oral hearing. Experienced arbitrators do not need to be taken through evidence line by line and I find that this approach often backfires. I also strongly dislike highly aggressive cross examination. Counsel must remember that witnesses are almost invariably there voluntarily and should be treated with courtesy at all times.”
HOW CAN PARTIES HELP TO ENSURE PROGRESS AT IMPASSE?

JOAN STEARNS JOHNSON
ARBITRATOR & MEDIATOR

“The best way to break impasse is to avoid it altogether. To me, thorough preparation is the best way to anticipate the likely causes of impasse such as failing to bring the appropriate authority or parties, having unrealistic expectations, inexperience in a subject matter area, miscommunication, or clashes in negotiation style. The best techniques for breaking impasse once it has happened is first to always leave the door open and allowing all parties to ‘save face.’ It is also very important to analyze the nature of the impasse. Not all impasses are equal. For example, it does not make sense to address an impasse that is intended as a tactic in the same way you would break an impasse that is the result of the other side sincerely believing that further negotiation would not be fruitful. Depending on the particular impasse, often just taking a break can help. Another effective technique impasse is change. Advocates should think about changing the issue being discussed, the person taking the lead in the negotiation, even changing where the negotiation is taking place may help depending on the particular circumstances.”

NANCY F. LESSER
ARBITRATOR & MEDIATOR

“I try not to use the word ‘impasse’ with parties. Eventually, we know most cases will resolve prior to trial. The question is when, and on what terms. If we have not made progress in a mediation session, I often suggest that parties take a pause in the mediation process and have me check in with them in a few weeks. Sometimes all the parties need is more time to think about the progress they did make in mediation and how unpleasant the alternatives are. I find that the vast majority of my cases settle when the parties have time to think through their options.”

DEBORAH COLEMAN
ARBITRATOR & MEDIATOR

“A mediator should not declare an impasse without trying some tools to help break it. But if there is truly impasse on a material point, the mediator can turn the parties’ attention to narrowing the issues in dispute, choosing a process and timetable for resolving a disputed issue, agreeing on the non-monetary terms of a potential settlement agreement, or planning further discovery and motion deadlines.”

KAREN MILLS
ARBITRATOR

“Parties need to examine and evaluate what their real basic needs are, not what their rights are. When a dispute has arisen, the transaction is already compromised, and there is usually no point insisting on exactly what was agreed upon in the first place if it cannot work for the other side. Best to find a solution that both sides can live with, even if not what either side desires most.”
IF YOU COULD CHANGE ONE THING ABOUT COMMERCIAL ARBITRATION/MEDIATION, WHAT WOULD IT BE?

LINDA GERSTEL
ARBITRATOR & MEDIATOR

“If I could change one thing about ADR it would be changing the process of how individuals currently choose neutrals. On the one hand, the traditional word of mouth (WOM) has built in limitations and despite the latest technologies, electronic word of mouth (EWOM) by way of an email blast is only a marginal improvement over the traditional technique. Selection of neutrals in ADR seems to be the last bastion for diversity in the legal profession; It is a rare bird: access to information is limited because of the importance of confidentiality. There is no comparable trip advisor, health grades review or speed-dating app that is applicable for ADR. Unlike the purchase of consumer goods, you do not get to try it on first and return it: at least not for arbitration. Many companies hiring practices (outside of the area of hiring neutrals) have been built around informal practices of motivating and rewarding successful referrals. Yet WOM and even EWOM recruiting comes with disadvantages too. It limits the number of applicants for consideration and discriminates against candidates who have no personal connection to the hiring organization or person.

The conundrum for clients is that often an arbitration or mediation is high stakes which is a difficult time to try an unknown. Could a client or outside law firm consider looking at a potential neutrals’ achievements and recognized milestones and decide based on parameters that do not include a reference to a picture or name which makes race, ethnicity or gender apparent? When orchestras changed hiring practices and made decisions behind a curtain, diversity increased and the music was no less beautiful and magical. What if Alexa helped a client choose a neutral? Would the same quality of neutral be chosen? Would the neutral or panel of neutrals be more diverse?”
PATRICIA D GALLOWAY
ARBITRATOR

“The perception that an arbitration panel ‘splits the baby’ and cannot make a decision in favor of one party should the facts so demonstrate.”

HON. SHIRA SCHEINDLIN (RET.)
ARBITRATOR & MEDIATOR

“I wish the selection process was not quite so binary – meaning that it would be helpful if parties were less focused on using only those neutrals with long track records and only upon full agreement. I sometimes think (as with jury selection) that a random draw from a list of five (or 3) qualified neutrals would serve the parties just as well as endless strategizing on which neutral is most likely to ‘see it our way!’”

MICHELE S RILEY
ARBITRATOR & MEDIATOR

“In most commercial mediations, litigators represent the parties to the dispute. I think, based only on my own experience, that the success rate in reaching mediated settlements might be higher, and perhaps better out-comes could be attained, if commercial transactional lawyers served as advocates for the parties. After all, commercial mediation is essentially a business negotiation facilitated by the mediator. This representation is unlikely to change because parties who find themselves in a dispute un-derstandably retain a litigator in anticipation of litigation or arbitration.”

“TRY AN UNKNOWN”

P: +1.212.949.6490 l www.cpradr.org
WHAT DO YOU SEE AS THE “NEXT BIG THING” IN GLOBAL DISPUTE PREVENTION & RESOLUTION?

LINDA GERSTEL
ARBITRATOR & MEDIATOR

“While many might point to the increasing use of technology to assist in ADR, and no doubt there will be many such changes, I think the increasing trends outside of technology will be a greater role that transactional attorneys will have in changing the mediation landscape by increasingly incorporating waterfall provisions or multi-tiered ADR dispute resolution clauses in legal documents.”

DEBORAH COLEMAN
ARBITRATOR & MEDIATOR

“Globally, the ‘next big thing’ will be subscription to the Singapore Convention on Enforcement of Mediation Settlements and adoption of the model law supporting it.”

TONG WANG
ARBITRATOR & MEDIATOR

“I expect to see continued rise of arbitration and mediation for international commercial disputes, continued convergence between rules of dispute resolution institutions in divergent legal systems, and continued innovation and creativity in devising ways to facilitate dispute resolution.

It would be interesting to see what kind of impact the artificial intelligence may have on global dispute prevention and resolution.”
FOR WHICH TYPES OF CONFLICTS WOULD YOU RECOMMEND ADR?

MICHELE S RILEY
ARBITRATOR & MEDIATOR

“I would recommend disputes where several of the following elements are present: the business relationship is significant, and the parties are interdependent so that they are better off continuing or terminating the relationship in a mutually acceptable way; the parties have relatively equal negotiating power so that the agreement reached will not be unfairly advantageous to one party, making the agreement more durable; the parties are in an ‘equally hurting stalemate’ so that no party is happy with, and each is motivated to change, the status quo; more than one issue divides the parties so that they can prioritize what is most important to them and trade off less important issues for more important ones; paradoxically, a certain degree of complexity sometimes makes disputes easier to resolve; the dispute is not ‘too cold’ (where the parties don’t care about resolving the dispute) and not ‘too hot’ (where the dispute has become intractable); the dispute presents risk to reputation, the potential to create unfavorable precedent, or risk of exposure to governmental scrutiny, so that the parties want to avoid publicity; and one or more parties seeks a remedy other than money damages, such as measures that modify the relationship between the parties or benefit third-parties.”

LILLIAN STENFELDT
ARBITRATOR & MEDIATOR

“I consistently recommend ADR for any type of dispute. The ability to select the neutral, the speed of the dispute resolution, the confidentiality of the process and the lower cost all are huge benefits of ADR.”

TONG WANG
ARBITRATOR & MEDIATOR

“...[T]he type that finality and confidentiality are as important as the outcome.”

MELINDA JAYSON
ARBITRATOR & MEDIATOR

“I believe the most significant dispute ideally suited for arbitration/mediation involves parties who need to continue to interact in their industry or in future business transactions.”
WHAT IS YOUR FAVORITE PART ABOUT BEING A CPR NEUTRAL?

JUDITH MEYER
ARBITRATOR & MEDIATOR

“As a CPR neutral, I am in the company of the best neutrals in the field of ADR. My colleagues on the national panel are among the most accomplished, disciplined, and dedicated neutrals. And even more important, CPR is the leading think tank dedicated to ADR in the U. S. Its sets of rules for arbitration and mediation are cutting edge and gold standard. The articles it publishes in *Alternatives* are thought-provoking and erudite. The cases submitted to its panels are complex and challenging. CPR is a not-for-profit dedicated to making ADR continually more user-friendly and used. Its supporters – General Counsel of major global corporations – are thought leaders who are truly dedicated to consensual dispute resolution. Being part of CPR is being at the core of best practices applied to the most challenging business disputes. Being part of CPR is a privilege.”

LILLIAN STENFELDT
ARBITRATOR

“I greatly enjoy the inclusiveness and comraderie of CPR. New members and panelists are made to feel welcome. I also really enjoy the programs, training and other resources of CPR and, of course, the outstanding and helpful CPR staff.”

JOAN STEARNS JOHNSEN
ARBITRATOR & MEDIATOR

“I am absolutely delighted to be a CPR Distinguished Neutral. First, I am a huge supporter of everything that CPR does. It is a thought leader in conflict prevention and resolution. I believe in the research, innovation, and implementation efforts of everyone at CPR. Second, it is an honor to be a CPR Neutral. I am very proud to attach the CPR logo to my signature line because of what a CPR credential represents.”

SHERYL MINTZ GOSKI
ARBITRATOR & MEDIATOR

“I enjoy the respect, particularly, in my field of insurance coverage where I had practiced for many years. Insurance is such an integral part of daily life and interpretation, though long-standing and often resulting in published opinions, still yields a font of viewpoints.”

CONNA WEINER
ARBITRATOR & MEDIATOR

“The parties and counsel with whom I have worked are very high quality – this reflects the sophistication of the CPR membership. It is a pleasure.”
“Being part of CPR is being at the core of best practices applied to the most challenging business disputes.”

- Judith Meyer
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Retired commercial litigation attorney Victoria Pynchon earned her LL.M in Conflict Resolution from the Straus Institute in 2006. After mediating and arbitrating for six years, she co-founded the negotiation consulting firm She Negotiates Consulting and Training. In 2017, she was appointed to the Pay Equity Task Force convened by the California State Commission for Women and Girls. Victoria and She Negotiates are dedicated to eliminating the gender wage gap for one profession, one career and one job at a time.