
NEW YORK (December 16, 2019)— The International Institute for Conflict Prevention and Resolution (CPR), a global non-profit organization that advances dispute prevention and resolution practices and solutions, announced the selection of former U.S. District Court Judge for the Southern District of New York, Shira Scheindlin, as the Administrative Arbitrator for its Employment-Related Mass Claims Protocol.

In response to a law firm request for assistance in administering future employment-related individual arbitration claims against one of its clients, and aware of the need for innovation in this space in the wake of recent court decisions holding that class action waivers are valid and enforceable (resulting in thousands of individual claims being brought to arbitration simultaneously with nearly identical issues), CPR recently applied its expertise and resources to innovate an efficient and fair process for resolving these claims for all parties by developing the Employment-Related Mass Claims Protocol (the “Protocol”). The Protocol was developed with a variety of inputs, including from labor and employment counsel with experience representing management and employees on an individual and class basis, attorneys with mass claims and complex commercial litigation and arbitration experience, some of whom are also prominent arbitrators and mediators, including one of the most foremost experts in facilitating the resolution of mass claims.

“The role of the Administrative Arbitrator under the Protocol is to help CPR facilitate the management of the mass claims, including, if necessary, determining which claims are subject to the Protocol and which claims will proceed as test or bellwether cases. Based on her experience and expertise in active case management, Judge Scheindlin is preeminently qualified to fill this role,” said CPR SVP, Dispute Resolution Services, Helena Tavares Erickson. As a United States District Judge in the Southern District of New York for 22 years, Judge Scheindlin had significant experience managing a number of cases in which mass (or multiple) individual claims were asserted against the same defendant or defendants. On five separate occasions, Judge Scheindlin was selected by the Judicial Panel on Multi-District Litigation to manage mass claims in the courts. Judge Scheindlin was also a member of the American Law Institute (ALI) Working Group on Aggregate Litigation, which studied the issues that arise when many claims are filed against a single defendant and how such claims should be handled. Judge Scheindlin has also spoken on this subject on many occasions to both plaintiffs’ and defendants’ organizations.

“The key to handling these claims is a strong organizational structure and active case management,” said Judge Scheindlin. “Decisions must be made promptly so that the cases do not languish. I believe that CPR’s creative and innovative protocol will help to accomplish that end in a way that is efficient and fair to all parties.”

“This protocol offers advantages not only to claimants, whose cases will likely be resolved at the defendant’s cost and far more quickly than they would be in court, where mass claims often take years to
resolve, but also to defendants, with the greater odds it offers of reaching a prompt global resolution in a more cost-effective manner than the courts would offer,” Judge Scheindlin explained. “And, most unusually, the defendant-employer will release an individual from mandatory arbitration if no global resolution is reached and the individual (employee) prefers a court proceeding to arbitration.”

The CPR Institute has long brought leadership to the improvement of conflict management, as exemplified by work such as:

- The Model Rule for the Lawyer as a Third-Party Neutral and the Provider Principles developed jointly with Georgetown Law School
- The Model Procedures for Mediation and Arbitration of Employment Disputes developed by a committee of lawyers representing employees and employers as well as academics and neutrals
- CPR’s Master Guide to Mass Claims Facilities compiled by a Commission co-chaired by Kenneth Feinberg and Deborah Greenspan
- CPR’s book Cutting Edge Advances in Resolving Workplace Disputes published together with Cornell’s Scheinman Institute

About CPR

Established in 1977, CPR is an independent nonprofit organization that helps prevent and resolve legal conflict more effectively and efficiently.

The CPR Institute drives a global prevention and dispute resolution culture through the thought leadership of its diverse membership of top companies, law firms, academics, and leading mediators and arbitrators around the world. The Institute convenes best practice and industry-oriented committees and hosts global and regional meetings to share practices and develop innovative tools and resources. The Institute trains on dispute prevention and resolution, publishes a monthly journal on related topics, and advocates for supporting and expanding the capacity for dispute prevention and resolution globally.

CPR Dispute Resolution harnesses the thought leadership and output of the Institute to provide ADR services – mediation, arbitration, early neutral evaluation, dispute resolution boards and others – through innovative and practical rules and procedures and through CPR’s Panel of Distinguished Neutrals.