



CPR Continues to Pioneer in Diversity Space, with Launch of Diversity & Inclusion Model Clause

New clause to be made available to parties who wish to pre-commit to a diverse panel of neutrals

April 1, 2020

New York, NY—**The International Institute for Conflict Prevention and Resolution (CPR)**, a global non-profit organization that advances dispute prevention and resolution practices and solutions, announced that it is taking a further step toward promoting diversity in alternative dispute resolution (ADR) by launching a new clause to be made available to parties who wish to pre-commit to a diverse panel of neutrals in a future dispute to be resolved by arbitration.

The release of the new clause follows other efforts CPR has made to encourage the selection of diverse neutrals for ADR matters, including the recent addition of a diversity statement to its nomination letters, the option for neutrals to self-identify as diverse on slates of candidates being provided to parties, as well as the Young Lawyer Rule recently added to CPR's revised Rules for Non-Administered Arbitration of Domestic and International Disputes.

“While many are committed to diversity, improvement in selection of diverse neutrals for matters continues to be slow. The gap between good intentions and actual implementation may arise due to implicit bias or other obstacles,” said CPR President & CEO, **Allen Waxman**. “It is our hope that, by encouraging parties to consider expressly committing in advance to select diverse neutrals, we create a practical process to help close that gap, and better ensure we are calling upon *all* of the talent available for dispute resolution.”

In pertinent part, the new clause provides: *“The parties agree that however the arbitrators are designated or selected, at least one member of any tribunal of three arbitrators shall be a member of a diverse group, such as women, persons of color, members of the LGBTQ community, disabled persons, or as otherwise agreed to by the parties to this Agreement at any time prior to appointment of the tribunal.”*

The clause was developed by CPR with the help of its Diversity in ADR Task Force, co-chaired by **Hon. Timothy K. Lewis** of Schnader Harrison Segal & Lewis LLP and **Hon. Shira A. Scheindlin** of Stroock & Stroock & Lavan LLP, along with a Diversity Model Clause subcommittee led by CPR Distinguished Neutral, **Laura Kaster** and **Bennett Picker** of Stradley Ronon.

“The world of dispute resolution has lagged in diversification because ADR has not previously been specifically included in corporate diversity oversight,” said **Kaster**. “CPR's members are focused on moving the needle *now*. CPR's new diversity clause will mean real change is here.”

Picker added that “CPR’s new clause will promote the selection of highly skilled diverse neutrals, a goal of every major company in America. The clause will also accomplish a second major corporate goal - better decisions - as it has been established by virtually every study that diverse groups make better decisions.”

Both Kaster and Picker were clear about the call to action that the clause can answer. As Kaster put it: “Please be part of a vivid and vital future and select this clause for your next arbitration agreement. This is a change worth fighting for. Thank you, CPR.”

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, lawyers, 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 while providing independent **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**.