

MESSAGE FROM THE PRESIDENT



On behalf of The International Institute for Conflict Prevention and Resolution ("CPR Institute"), I am proud to bring you the first product from our esteemed National Task Force on Diversity in ADR. The CPR Institute convened the Task Force in 2006 to provide a forum for corporate and legal leadership to advocate the greater use of diverse, nationally prominent mediators, arbitrators, advocates, counselors and other participants in the ADR profession.

As you will see from the list of members, the Task Force comprises influential, accomplished and committed individuals. I am confident that the Task Force will raise the level of awareness of the need for diversity in the profession and will find this and other tangible solutions to address that need.

The ADR Diversity Survey is offered as a model to corporations seeking to measure the current state of participation of professional women and minorities in arbitration, mediation and dispute settlement, and to establish a benchmark against which future participation can be measured. The Survey also acts to express corporate clients' expectations that such participation will increase.

The Survey can be used by companies in law firm audits, internal legal department audits, project RFPs, or other applications. It is offered as a practical tool to bring the attention of a company's partners, vendors and affiliates to the challenge of broadening the pool of professionals involved in conflict management and dispute resolution, on the premise that wider ranges of approaches will yield better outcomes. I hope you will embrace this tool and use it to help increase the demand for greater diversity in the ADR profession.

Kathleen A. Bryan
President and CEO
International Institute for Conflict Prevention and Resolution

ABOUT CPR

The CPR Institute is a nonprofit organization with a membership base comprised of general counsel and senior lawyers of Fortune 500 organizations, partners in the top law firms around the world, as well as leading judges, government officials, neutrals, and academics. It promotes excellence and innovation in public and private dispute resolution.

CPR INSTITUTE NATIONAL TASK FORCE ON DIVERSITY IN ADR (as of April 10, 2008)

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International Institute for Conflict Prevention & Resolution

The ADR Diversity Survey



CPR

International Institute for
Conflict Prevention & Resolution

ADR DIVERSITY SURVEY

(To be promulgated by corporate clients to their main outside litigation law firms)

As you know, [COMPANY] is committed to diversify its work force, its providers of services, and other aspects of its activities. As part of that effort, we anticipate having minority and female attorneys assigned to our matters.

We wish to draw your particular attention to the use of women and minorities in your firm's negotiation of settlements, and in mediation and arbitration. We also expect that women and minorities will be actively sought and considered as candidates as mediators and arbitrators in matters in which [COMPANY] is a party.

We value our collaborative relationship with your firm and believe that, working together, we can achieve the enormous benefits and values that can be derived from a meaningful commitment to ADR that is truly diverse. Moreover, we intend to make decisions regarding which law firms represent our companies based in significant part on the firms' demonstrated commitment to ADR and their performance with respect to incorporating diverse attorneys into their ADR practice.

We look forward to your cooperation in this respect, and kindly request that you provide the answers to these twelve questions to assist us in accomplishing these goals. [COMPANY] will look forward to receiving your firm's response within two weeks. In addition, we ask that you forward your response to the International Institute for Conflict Prevention and Resolution ("CPR Institute"), which is conducting research in this field with our support. CPR Institute will assemble all responses to this audit, but will not attribute any data it receives to any specific firm.

Name of Firm: _____

Name of Person to be Contacted
Concerning Survey: _____

Phone: _____

E-Mail: _____

1. How many arbitrations did the firm handle for [COMPANY] in the past 18 months? ____

How many of those (if any) were international? ____

2. How many of those arbitrations took place pursuant to contract or other pre-dispute agreement? ____

3. How many mediations did the firm handle for [COMPANY] in the past 18 months? ____

4. How many of those mediations took place pursuant to contract or other pre-dispute agreement? ____

5. With respect **only to mediations** that took place **without** a contract or pre-dispute agreement, how many took place:

At the firm's suggestion? ____

At the client's suggestion? ____

At the suggestion of the other side? ____

At the suggestion or by order of a court? ____

Other ____

6. How many times did the firm assist in selecting mediators and arbitrators for service in matters involving [COMPANY] during the past 18 months? ____

7. Of the number given in answer to Question Six, how many of those instances resulted in the selection of mediators and arbitrators who were women? ____

How many resulted in selection of mediators and arbitrators who were minorities (not including the response above)? ____

8. Approximately how many candidates were presented to you over the past 18 months, by arbitration and mediation provider organizations or other sources, in the course of the selection process referred to in Question Six? ____

How many of those candidates were women? ____

How many of those candidates were minorities (not including the response above)? ____

9. We seek to gauge how many lawyers in the firm are engaged in ADR, and to learn more about what kinds of lawyers had what kinds of responsibilities. Therefore, in the aggregate, how many different lawyers from your firm worked on the matters included in your answers to Questions One and Three, in any capacity? ____

Of that number, how many were Associates? ____

How many were Partners? ____

How many were women? ____

How many were minorities (not including the response above)? ____

10. How many women or minority lawyers acted in significant roles in the arbitrations and mediations included in your answer to Question Nine? ____

11. Whether by mediation, negotiation, or other means, how many matters that your firm undertook for [COMPANY] resulted in settlement that occurred in the past 18 months? ____

12. With respect to all matters included in your answer to Question Eleven, how many lawyers in your firm played a significant role in the negotiation and settlement phase of those matters? ____

How many of those lawyers were women? ____

How many of those lawyers were minorities (not including the response above)? ____

Please return the completed surveys to [COMPANY] and to the CPR Institute at diversity@cpradr.org. We thank you for your cooperation.