

CPR News

SCHNADER'S TIM LEWIS RECEIVES CPR AWARD FOR DIVERSITY WORK

The International Institute for Conflict Prevention and Resolution presented its 2019 Award for Outstanding Contributions to Diversity in ADR to Timothy K. Lewis, counsel to Schnader Harrison Segal & Lewis LLP, at its Annual Meeting, at the Fairmont Hotel in Washington, D.C., last month.

Lewis is a nationally known neutral, and a former Third U.S. Circuit Court of Appeals judge—he was the youngest federal court judge when President George H.W. Bush appointed him to the U.S. District Court for the Western District of Pennsylvania in 1991, then elevated him to the Third Circuit a year later.

He is counsel at Schnader, where he serves as co-chair of the firm's ADR Practice Group, and works out of its Pittsburgh, Washington, D.C., and Philadelphia offices. He is an arbitrator in national and international complex commercial matters and a mediator,



appellate counselor and litigation strategist to corporations.

Lewis is a former member of the board of directors of the CPR Institute. He also is a CPR Distinguished Neutral and is co-chair of CPR's Diversity Task Force, a group whose mission is to devise practical strategies to increase the participation and inclusion of women, minorities and other diverse individuals in mediation, arbitration and other dispute prevention and resolution processes.

Shira Scheindlin, of counsel at New York's Strook & Strook & Lavan and a former New York Southern District federal court judge, serves with Lewis as the task force's co-chair. "Judge Lewis is a true leader in the effort to ensure that diversity is a goal that is achieved in the world of ADR and throughout the legal profession,"



Schnader's Timothy K. Lewis

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Alternatives



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ADR Brief

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 tration, *The Hill* (Feb. 28) (available at <http://bit.ly/2u2kOwb>).

* * *

It is disputed whether employment arbitration presents more negatives (i.e. lack of account-

ability and publicity) than positives (i.e. confidentiality, cost and flexibility) in resolving workplace disputes. There is a consensus, however, that ideally employees should be able to at least choose the method by which they resolve workplace disputes. See Hershenberg & O'Casey *Alternatives* article.

Polarized politics aside, federal legislative reform is, in theory, more efficient than a company-by-company approach, as has been the tech industry experience. The determining factor will probably be whether workers will be able to maintain momentum to boost the chances for reform. 

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said Scheindlin in a statement when the award was announced. She added, "He is courageous, outspoken, committed and tireless in his determination to achieve true equality."

"There is no person more deserving of this recognition than Judge Lewis," said Noah J. Hanft, the CPR Institute's president and CEO (and *Alternatives'* publisher), in a statement. "He has taken on this issue with his powerful intellect, dedication and unparalleled passion and we in the ADR community benefit every day from his commitment."

At the March 1 awards luncheon, Bennett G. Picker, senior counsel in Philadelphia's Stradley Ronon Stevens & Young and long active in many CPR Institute initiatives, including diversity efforts, introduced the honoree.

"Tim is one of the most sought-after neutrals in this entire country," said Picker. But, he added, "Tim has never defined himself solely by his work. Throughout his distinguished career, his greatest passion has been the pursuit of equal justice and equal opportunity."

Picker continued:

In our field, Tim quickly became painfully aware of the paucity of diverse neutrals receiving assignments in commercial disputes. ... He quickly became invested in the problem and the search for solutions. For two decades, he has worked indefatigably ... to overcome the inertia, the implicit bias, and yes, the

'In many ways ... alternative dispute resolution is still in its infancy. We are the vanguard in this field. We are the vanguard of new theories of law and new techniques and approaches. ... But that's not enough. It's not nearly enough. It has never been enough.

prejudice that prevents us and those we serve from realizing the rewards of diversity.

Picker told the audience that Judge Lewis regards this work as "unfinished business."

Picker, noting his service with Lewis on the American Arbitration Association's board of directors, said that the AAA's "significant commitment to diversity" is attributable to the former judge's efforts. He cited Lewis's work on the decade-old AAA A. Leon Higginbotham Jr. Fellows Program, which provides training, mentorship and networking opportunities to diverse ADR practitioners, as well as Lewis's work on implicit bias training programs and new protocols to support diverse neutrals at the nation's largest ADR provider.

"Similarly," said Picker, "Tim has worked to promote equal opportunity at CPR," citing Lewis's work as Diversity Task Force co-chair and its numerous initiatives, highlighting a new task force effort, a book profiling women attorney-neutrals. [The new book, which Picker praised as a potential new standard for the field, was posted last month after the meeting at <http://bit.ly/2H6nr8R>.]

"Beyond this body of organizational effort," continued Picker, "Tim has mentored and sponsored countless promising diverse neutrals over the years, using his personal capital and giving willingly of his time. Tim has finally has been a tireless public advocate lecturing widely on the benefits we all achieve from an ADR landscape that is diverse."

Picker read briefly from Lewis's recent article expanding upon a speech he gave at an ADR diversity event Picker and Stradley Ronon hosted in Philadelphia year ago. See Timothy K. Lewis, Promoting Diversity in Mediation, 36 *Alternatives* 81 (June 2018) (available at <http://bit.ly/2EFrQfv>). For information on the event, see Anna M. Hershenberg, "Philadelphia Meeting Emphasized Mediation Strategies and Diversity," 36 *Alternatives* 82 (June 2018) (available at <http://bit.ly/2HhONbA>).

Lewis opened with personal thanks and anecdotes. Here is an edited adaptation of his remarks:

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I am deeply honored to receive this award. I know so many of you have also worked hard to make things more equal in our profession and in our chosen field. To be recognized by one's peers is humbling, and I am filled with gratitude. Thank you so very much.

At every step in what has been a fascinating journey in the law, I have endeavored, and I know so many of you have endeavored, to not only perform at the highest level and to do the very best that we can, but to change hearts and minds. I have tried to do this by example, first and foremost. ...

When I served as a federal judge, I had very simple criteria for hiring law clerks: I was looking for talented young lawyers who were bright and smart and interesting and thoughtful, but I was particularly interested in hiring people who represented groups that had been historically excluded from active and meaningful participation in our nation's federal judiciary.

So I focused on hiring women and people of color and LGBTQ individuals and ethnic minorities. And as a result of that, my chambers became a vibrant cauldron of diversity of thought and feeling and ideology and approach, and that helped us learn more and helped us perform better.

The exposure to different ways of understanding issues also helped the Court and the country, because my opinions were often informed by and reflected a perspective that was enlightened by exposure to people and ideas and thoughts that were foreign to my own experience.

I truly grasped that, and I cherished that. That's what we became as a chambers. And I wanted to offer that contribution to the court and to the country.

These young lawyers went on to serve as the White House Counsel under President Obama, Department of Justice officials, Deans of major law schools, political leaders, corporate general counsel, and partners at major law firms. And in part because of their exposure and experience, now they—along with many of you, in particular [New York neutral] Theo Cheng, who has been doing some phenomenal work in the area of diversity in addition to his terrific work as a mediator and an arbitrator and an ADR specialist—they along with so many others are truly teaching the next course in why the achievement of excellence is directly related to inclusion and equality of opportunity—and how to go about doing just that.

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The Industry Elite

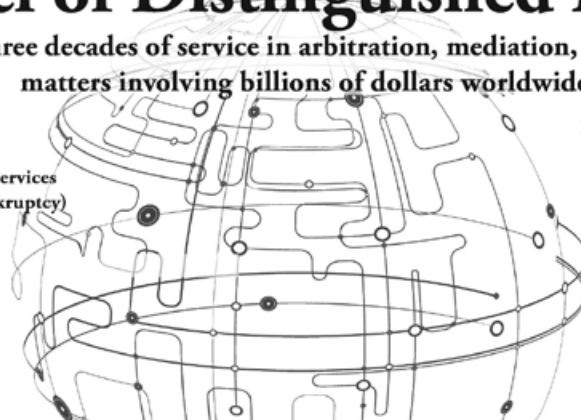
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It's important to understand that diversity first and foremost is a state of being. Diversity is an achievable ideal. But it's the follow-through that really matters. Diversity is the ideal. Inclusion is the real work.

In many ways ... alternative dispute resolution is still in its infancy. We are the vanguard in this field. We are the vanguard of new theories of law and new techniques and approaches. It's wonderful to be a part of this growth. We are smart. We are talented. We are curious. We are good at what we do. But that's not enough. It's not nearly enough. It has never been enough.

When Thurgood Marshall was appointed to the U.S. Supreme Court, the character of that institution changed. When Sandra Day O'Connor went to the Supreme Court, the character of that institution changed again.

When women became general counsel at major corporations and CEOs, the characters of those institutions changed. The same is true with African Americans and ethnic minorities. These appointments, and these outreaches, and this inclusion actually changes the character of institutions—whether it's government, or banks, or whatever the institution might be, and that includes this institution, this field of alternative

dispute resolution.

When this happens, things change, and we become better.

So meticulously crafted arbitration awards and impressive mediation results—as important as they are, will never be the measure of our character. And our character—who we are—will always inform the overall quality of our collective performance.

When we find the courage to truly see ourselves in each other, then an award like this will become thankfully superfluous. ... And that's a good thing. Because when we choose to live up to the values we say we cherish, we will all share together in the same reward and the only honor that truly matters: Our selfless care for the dignity and well-being of one another.

So I am grateful and I am honored and I am humbled by this award, and that is the spirit that I accept it in, and that is the spirit that I hope that we all can carry forward as we continue to do all this great work in the field of ADR—to make it better and more open, to increase opportunities for everyone. We will do this. And we will be better for it.

Thank you.



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