



## **National Task Force in Diversity Committee Meeting**

*February 28, 2011 12pm-2pm E.S.T. Dial in Only*

Vicki Pynchon  
Cassandra Georges  
Kathy Bryan  
Laura Kaster  
Jay Waks  
Cynthia Thompson  
Chuck Beach  
Jim Hurd  
Edna Sussman  
Wendy Hufford  
Barry Leon

Dye Ann Graham  
Ken Standard  
Joia Johnson  
Tom Sager  
Susan Guerette  
Laurel Malson  
Dennis Archer  
Nathaniel Jones  
Jeff Kichaven  
Nancy Vanderlip

Co-Chair Tom Sager welcomed the committee and emphasized the importance of moving to actions, not just talk, about diversity. He urged the group to focus on the items which will “move the needle” to increase diversity in ADR.

The minutes of the prior meeting were approved as submitted.

### **Subcommittee Report on Mentoring by Vicki Pynchon**

Ms. Pynchon began her report by stating that the biggest issue on Diversity Programs is shifting from Mentorship to Sponsorship. In referencing her Forbes Women Column “Sponsorship, not Mentorship, can greatly narrow the Wage Gap,” she observed that mentorship, defined as “showing people the ropes,” isn’t enough to make a significant difference. Sponsorship in Private and Legal Practices is necessary in order for there to be retention. This means that people have to be willing to promote and market the people that they are mentoring.

Ms. Pynchon suggested that there be two programs formed: one focusing on improving the practice of rookies entering the field and another program to improve the acceptance of experienced neutrals in under represented groups. Ms. Johnson noted that Mentorship can be arranged much more easily with unknown people, whereas with Sponsorship there has to be a level of comfort, trust, and knowledge for there to be acceptance in Corporations.

Several ideas were presented to define/promote these programs:

#### **Co-Mediation as part of a Mentorship Program**

Ms. Bryan commented that in prior meetings it was noted that there is a level of discomfort on part of many of the users accepting co-mediation/ co arbitration. However, this is one of the most effective ways of people being able to expose both themselves to possible new clients, as well as working alongside new clients. Ms. Georges stated it would be useful tactic, but that the terms and extent to which the protégé would be participating in would have to be defined; that way it is

ensured that the consumer doesn't feel uncomfortable in the situation. Ms. Pynchon agreed and added that the task then doubles into defining Co-Mediation and Co-Arbitration under the CPR Sponsorship Program.

### **Placing Women and Minorities on Retention Lists at Various Courts.**

Ms. Pynchon stated that women and minorities need direct contact with people who make decisions about the retention of mediators and arbitrators. Nathaniel Jones suggested seeking an audience at the annual judicial conferences. Mr. Archer pointed out that diversity and inclusion of women and minorities is part of the six major goals of the ABA. The best time to approach the Judicial Administration Division is when they meet with the ABA during the ABA's Annual Meeting.

### **Creating Diversity Lists that Attract Company Participation**

Ms. Pynchon suggested an initiative where the lists that go out for the arbitrators reflect the diversity within the community. Meanwhile, Mr. Beach suggested making a list and ranking companies on the list of sensitivity to diversity in arbitration/mediation; which in turn will make companies diversify their Neutral Portfolio in order to be on the "CPR Diversity List."

### **Promoting Experienced Women and Minority Neutrals**

To highlight experienced women and minority mediators/arbitrators, Ms. Pynchon suggested that CPR and other organizations could provide platforms for those individuals to speak. Mr. Kichaven thought that "Celebrity Mediators" could help promote or sponsor. Mr. Waks thought that he could ask diverse neutrals to speak to the CPR Employment Dispute Committee to provide protégés direct contact with law firm and corporate users.

### **Using CPR as a Platform to Educate and Bring Attention to Diversity Issues in the Mediator/ Arbitrator Field**

Ms. Bryan suggested a "viral campaign" hosted on the CPR website. CPR could use the statistical information from the Harvard Business Review article to educate on the issues of unconscious bias and promote the CPR Sponsorship Program. The Sponsorship Program could focus in showing what Sponsorship looks like, by entailing all the points that were discussed. In that fashion, anybody could be educated on how to be a Sponsor. Ms. Georges added that training videos, displaying women and minorities, could be added to the website as well.

### **ABA Update Report by Kathy Bryan**

Ms. Masucci presented the ABA ADR Section Proposal for a Diversity Plan and it was adopted by the ABA last November.

It has five different elements:

- A series of webcasts on practice developments for women and minorities.
- Coordinating efforts on diversity with state and local bar associations, including a toolkit to start a diversity practice.
- Working with ADR providers in other organizations to strengthen/communicate diversity efforts, in which CPR is working with them.

- Convening a series of meetings or using surveys to gather information on how the selections are being made and making suggestions on how to improve that process.
- Encouraging the ABA leadership in respect to a call of action.

### **Discussion of Future Projects**

- David Burt's subcommittee is working on a pledge or metrics that CPR would sponsor to encourage corporations to consider women and minorities for neutral work. The pledge would state their intent to hire a specified number of diverse neutrals per calendar year. Many call participants were not in favor of the quota.
- Kenneth Standard suggested that the Task Force get in contact with Laurie Robinson, founder of Corporate Counsel for Women of Color, which consists of 2500 members worldwide, all women and all Corporate Counsel.
- Jeff Kichaven suggested, in regard to the court annexed programs, that a Pledge be made for major corporate users that can afford to pay a fair market value for the mediators that they use, to never allow a mediator to work for them for free. Ms. Bryan suggested that this would be a good subject to discuss with the Federal Judicial Group.
- Ms. Bryan suggested the formation of a subcommittee that could focus on how Arbitrators/Mediators improve their own marketing.

Ms. Bryan thanked Ms. Pynchon and Ms. Georges for their subcommittee work and presentation. Ms. Pynchon thanked everyone for their attendance and participation.

The meeting was adjourned at 2:05 pm.