



DIVERSITY TASK FORCE

Patterson Belknap Webb & Tyler, 1133 Ave of the Americas, New York, NY

Charles Morgan – Co-Chair
Laurel Pyke Malson– Co-Chair (via phone)
Kathy Bryan
John Bickerman
Lorraine Brennan
David Burt
Dennis Archer (via phone)
Charles Beach (via phone)
Joia Johnson (via phone)
Carla Herron (via phone)
Cassandra Georges (via phone)
Claire Gutekunst
Laura Kaster
Jim Lawrence (via phone)
Barry Leon (via phone)
Debbie Masucci
Edna Sussman
Kenneth Standard
Cindy Thompson (via phone)
Nancy Vanderlip (via phone)
Wendy Hufford (via phone)
Dye Ann Graham (via phone)

Ms. Bryan opened the meeting at 10:11 am by welcoming the participants, who introduced themselves, and thanking everyone for their attendance.

Ms. Malson welcomed the participants.

Minutes

The minutes of the prior meeting were approved as submitted.

Diversity Award

Ms. Erickson noted that as of today's date no nominations had been received for the Diversity Award.



Mr. Lawrence suggested that Mr. Villareal be nominated. Mr. Beach seconded the suggestion and noted how appropriate it would be if he were to win with his former boss as one of the keynote speakers.

Scholarships

Ms. Brennan introduced the idea of promoting scholarships for the Vis Moot. Other organizations such as Arbitral Women have done similar things in the past. An amount of \$2500 to 5000 would be necessary to cover the 650 Euro competition fee and travel expenses.

Ms. Gutekunst suggested that the criteria be the same definition as used for the Task Force (see Update dated 9/15/2010, fn 1).

Mr. Burt noted that the team should not be limited to people within the definition, lest it end up being exclusionary.

In the past the Task Force has also provided scholarships to the CPR Annual Meeting. If you identify any such persons, let CPR know by the end of December. Ms. Sussman identified one such graduate of Georgetown. It was also suggested that last minute cancellations also be transferred to scholarships and there was wide spread support for this idea. This idea will be communicated to CPR members via our regular e-news, to this committee via the Minutes and to the Y-ADR mailing list.

Shadowing Project

Ms. Malson introduced the concept of a shadowing project. Apprentices would be identified, and CPR would ask neutrals and parties if they would accept a shadow apprentice in their matter. Ms. Sussman noted that at least in arbitration, there must be a clear delineation of parameters due to issues with delegation of arbitral authority. Ms. Vanderlip noted that as a party, she has found that it is difficult when other people are involved in the proceeding with the neutral. Ms. Masucci noted that one of her colleagues had done this and it can work even in arbitration. In such cases, discussions typically take place after the award has been rendered. It was noted that the protégés should make disclosures and otherwise be treated as a neutral would be. Daniel Weinstein has done this for years.

Ms. Georges suggested that down the line, there could be a program success as ACCESS, where the apprentices would then be able to handle their own cases. Robert Grey has taken a leave of absence to head up the Leadership Council which is doing a similar program in the legal profession, and Mr. Standard suggested that he be involved and perhaps partner with them. Mr. Archer volunteered to contact Mr. Grey and Ms. Bryan



will follow-up with him. Another possible partner would be Corporate Counsel Women of Color headed up by Lori Robinson, a VP at CBS.

Ms. Gutekunst suggested that it would be necessary to open up to CPR neutrals in general since they do not get the majority of their cases through CPR. She suggested that people be matched up with neutrals. Ms. Georges suggested making a public list. Ms. Gutekunst noted that there are list servs for groups such as the Hispanic Bar Association where we can publicize the availability of the program. Mr. Standard suggested involving the Sports arena in the task force.

A Diverse Neutral Development Subcommittee will be set up. Cassandra volunteered to participate. CPR will solicit more volunteers. Edna Sussman will also contact the DR Section diversity Committee as a potential partner.

ABA Diversity Initiatives

Debbie Masucci, Chair of the ABA DR Section, described the various programs that are being spearheaded by the ABA in the diversity area. There are practice development teleconferences being held by the ABA to help with promotion, and practice development. The ABA will also be supporting what the various ADR providers are already doing. Perhaps there could be a call on how to be a mentor.

DuPont Inclusion Efforts

Mr. Burt highlighted the projects that DuPont has undertaken. The first such project is to assign two matters/year to diverse neutrals. He noted that it was necessary to lead by authority. Mr. Lawrence noted that he and CPR had considered the issue of affirmatively eliminating the panels fee for diverse neutrals and had identified some legal issues. Mr. Burt noted that in the current economy it was a tough haul for all neutrals to break through to complex commercial matters. He noted that in-house lawyers are very siloed. He is trying to introduce people within his company to mediators of color by bringing them in to speak – for example, Joshua Martin is speaking to his team. Mr. Bickerman suggested a mandate issue from corporate counsel from a few companies for a few cases a year. Ms. Vanderlip stated that she often has to ask her outside counsel to go back and get her a diverse slate of candidates. Mr. Burt suggested that the corporate members get together on a conference call and come up with a mandate that would be opened up to the full corporate membership. David will chair a corporate subcommittee to pursue this corporate led initiative.

Ms. Bryan thanked Patterson, Belknap for its hospitality, and Ms. Malson thanked all for their attendance.

The meeting was adjourned at 12:33 pm.