

National Task Force on Diversity Committee Meeting Minutes

Thursday, March 13, 2014 Dial-in Only

Participants

Kathy Bryan
David Burt
Cassandra Georges
Ricardo Granderson
Wendy Hufford
Barry Leon
Laurel Pyke Malson
Bennett Picker

Linda Singer
Kenneth Standard
Nancy Vanderlip
Jay Waks
Irene Warshauer
Conna Weiner
Nancy Wieggers Greenwald

Kathy Bryan opened the meeting by welcoming the participants. She spoke of the Diversity in ADR Award given in recognition to Barry Leon for his Excellence in Diversity in ADR. The award ceremony took place Charleston, SC during CPR's 2014 Annual Meeting.

Barry Leon then spoke of the award and said it was a memorable evening and thanked CPR for recognizing him. He continued that it was important to be part of the task force and the work they committee does. Leon stated that since the beginning of the task force, one of the themes has continuously been raising awareness in raising the diversity in neutrals and believes that is gradually changing. He once again thanked CPR for the opportunity to convey the dedication and importance to diversity in ADR.

Kathy raised the Diversity Commitment and why there haven't been many more signatories. What can we do to continue to promote or modify the commitment to raise more awareness?

David Burt from DuPont, an original signatory, asked if anyone has taken the commitment to outside counsel to be signed. Burt believes the way to get more signatories is to begin with Corporations then go to law firms. To get corporations around the country, we need a persistent campaign.

Ben Picker suggested having everyone attending the program sponsored by CPR: Innovative Corp Practices and ADR Diversity to sign the pledge. The event was originally scheduled for January and was snowed out and rescheduled to April. The original event had 51 individuals signed up to attend. Ben also stated we need some kind of momentum to get the commitment on peoples' minds. We should start with big named Corporations to get the ball rolling.

Ben Picker spoke of a diversity initiative article coming out in the fall in the ABA Dispute Resolution Magazine. The article deals with the selection of diverse neutrals and the process.

National Task Force on Diversity Committee Meeting Minutes

Thursday, March 13, 2014 Dial-in Only

Kathy noted there has been much discussion on the number of signatories to the commitment and why it hasn't gone up. Do we need to call someone up and ask them to sign it, why aren't other companies and firms signing it at this point?

Ben answered this with two points; first that 95% of people don't know about it and second because the commitment is not self executing, corporations have to ask their law firms.

Kathy stated we don't have the resources to call people and ask for their signatures. Because we have only been promoting through e-mail there is a disconnect. People may feel the commitment belongs to someone else. Kathy proposed that the entire task force commit to signing the commitment and send to their clients. Kathy also noted, after a company signs the pledge, CPR posts their name and link to their website. This is free promotion which is another benefit to signing the pledge. If everyone on the task force signs the pledge there will be 50 new signatories and will definitely get the ball rolling.

Barry Leon asked how we get organizations, non-profits and legal organizations that involve ADR/diversity to sign the commitment. Kathy replied reaching out would be best.

Conna Weiner made the suggestion to first educate inside counsel about ADR. If we are able to develop an educational program for inside counsel/ actional lawyers, we can then create a program in what arbitration can be today, all the various protocol on discovery and mediation and ADR mechanisms. There needs to be a systematic approach for early case assessment. We need to get people to change their attitude on arbitration by giving the seminar by diverse neutrals. It's obviously a much larger effort but it will eventually solve prejudice against arbitration and diversity in arbitration.

Overall consensus was that it is a great idea and everyone would be happy to work on this.

Nancy Vanederlip encouraged corporations/ attorneys to think more about dispute system design, what kind of repetitive issues arise. How can they craft dispute resolution clauses to give more efficient answers? ABA women in dispute are interested in working on developing materials of the above nature.

Jay Waks stated that this has to be driven by the companies who are in favor in DRS and have written them in connection with commercial/ employment disputes.

Irene Warshauer asked how do we get more diverse people involved? People want to use the well known mediators/arbitrators because if they lose they will say why did you hire... instead of an expert.

National Task Force on Diversity Committee Meeting Minutes

Thursday, March 13, 2014 Dial-in Only

It was resolved that everyone needs to start off someplace. Experts got where they are from experience and cases can be given for smaller disputes.

Patience is also key in resolving this issue. Many firms may have distinguished neutrals, women and people of color but they seem to be dropping off when they are not being chosen for cases.

Kathy concluded by stating it is tough to break into. CPR views its mission, not to create work for neutrals, but does so as a byproduct. The effort to raise awareness that diversity is important. Kathy wants to encourage organizations who publish magazines/articles to highlight diverse neutrals, which CPR is going to begin doing in Alternatives each month. We need to expose people to the quality of minority neutrals and it requires a tremendous amount of patience.

The next meeting is scheduled for Thursday, May 8, 2014, at 11:00 AM Eastern.

The call concluded at 12 noon EST.