

National Task Force in Diversity Committee Meeting

Tuesday, October 8, 2013 Dial-in Only

Participants

Louise Barrington
John Bickerman
Kathy Bryan
David Burt
Cassandra Georges
Ricardo Granderson
Claire Gutekunst
David Harris

Wendy Hufford
Dan Naranjo
Monica Parham
Jaya Sharma
Kenneth Standard
Beth Trent
Nancy Vanderlip
Jay Waks

Kathy Bryan began the meeting with a recap from the last call and explained that the main purpose of this call was to decide how to edit/change the Diversity Commitment. Beth Trent clarified that the original diversity commitment posted on the website was meant to be a draft and was not intended to have “CPR” in the title. It is now changed so it can be more applicable to others. This issue was initially addressed in the last call, and was changed immediately after.

Ms. Bryan read through the Diversity Commitment to solicit feedback.

Jay Waks asked if the first paragraph of the Commitment is too preachy. He believes we should dive into the fact we support diversity in mediation and arbitration and specifically get into why diversity is relevant to our mission. Jay also stated he doesn’t feel comfortable sending the Commitment to his clients because he feels he is overstepping interest in their affairs and he doesn’t want to bother his clients with what they should already know.

Dan Naranjo disagreed with Jay stating we should keep the Commitment how it is because it sets a tone.

Mr. Waks believes the opening statement is a given and it is not necessary to restate. The purpose of the Commitment is to encourage companies to hire diverse neutrals.

Ms. Trent thought that the standard format for pledges typically starts with a preamble or introductory language. She suggested that we change the first paragraph of the Commitment to a preamble for which a company can substitute their own statement of diversity in place.

Mr. Waks disagreed stating the preamble would just be telling companies what they already know, and if they believe in diversity their handbook probably has a section on it.

Ms. Bryan wants this Commitment to allow companies to connect the dots between inside counsel and their vendors.

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Wendy Hufford said it was a no brainer for her company to sign the Commitment. They did not find the language controversial and they believe in diversity. Wendy questioned why other companies have yet to sign it.

Ms. Bryan suggested adding a “Frequently Asked Questions” to go along with the Commitment for those reluctant to sign it.

Ken Standard agreed and also suggested having each committee member send the Commitment, as a trial, to a few clients. We could then see if people are willing to sign it after the language is finalized.

Ms. Bryan proceeded to reading the second paragraph. Everyone agreed with the language and did not want to change it. The third paragraph states the actual diversity commitment in the last two sentences. If companies started pushing service providers and outside counsel to provide diverse lists, it will trickle down on the whole industry.

David Harris made a point that there is not a problem with the language, rather he is not sure if diverse mediators will identify if they are diverse or not.

Ricardo Granderson responded to David Harris by stating he has been involved in ADR for 15 years. Up until a month ago, his website had no indication he was diverse. When reviewing a list of mediators/arbitrators what a client is looking for is a relationship. If you are a diverse mediator or not you need experience. All law firms have made a commitment to diversity; big firms are going places with a presumption of diversity. It’s difficult to identify diverse applicants. What we need is an analysis on how firms are identifying diverse mediators/arbitrators.

David Burt stated we need to deliver a direct message to the primary law firms expressing the expectation that they will work internally in ways to give clients access to diverse people and underrepresented groups.

Monica Parham stated that being on the receiving end of client inquiries, mediators don’t self identify. Service providers can’t identify on basis of diversity because of the potential of exclusion rather they provide information based on requests and can’t generate lists based on diversity.

Beth Trent noted that by virtue of name people can tell who is a women. From CPR’s perspective- Helena Erickson (who compiles our lists) when you have a strong pool your list start to compile themselves in a diverse way. Client corporate diversity programs have done a great deal to reshape and provide opportunity for diverse people to be successful in their career.

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We probably shouldn't get too hung up how the statement is written. If it's good we should try to get companies to sign it. The goal of the committee and the statement is to get companies to start thinking of it.

Ms. Bryan suggested changing the first section into a preamble followed by a short statement of commitment. If the commitment is direct and short it should be easier to get signatories. She also suggested we combine the Corporate and Law Firm pledge into one pledge that is applicable to both.

Ms. Trent suggested specific language changes in the last two paragraphs.

Ms. Bryan will circulate a revised version of the pledge around to the committee before the next call and welcomes any input or changes.

The next meeting is currently scheduled for **November 8, 2013 at 10 am EST**.

The call concluded at 1:00 PM EST.