



**National Task Force in Diversity Committee Meeting**  
*December 1, 2011 12pm-2pm E.S.T. Dial in Only*

**Participants**

Olivier André  
Charles A. Beach  
Carlos Concepcion  
Caleb Davies  
Nelson Diaz  
Michael C. Dotten  
Cassandra Georges  
Susan Guerette  
David L. Harris  
Wendy Hufford  
Laura Kaster

Jeff Kichaven  
James Lawrence  
Barry Leon  
Deborah Masucci  
Monica Parham  
Thomas L. Sager  
Linda Singer  
Ken Standard  
Beth Trent  
Nancy Vanderlip  
Jay Waks

Co-Chairs Tom Sager and Laurel Malson welcomed the Task Force members. Ms. Bryan urged the members to continue to persevere, be patient and that good progress is being made and worth the time and effort of the Task Force.

Monica Parham, President of the Women's Bar Association and Chair of Crowell & Moring's Diversity Council opened the meeting with a brief discussion of diversity initiatives from her perspective. She noted that the recession and contraction in the legal market has a disproportionate impact on women and people of color, particularly on the ranks of senior women lawyers. Training at the more senior levels is one avenue of opportunity to counteract this trend.

She also expressed the view that systemically reaching out to Bar Associations where women and people of color congregate and providing them with information and education about CPR and ADR and opportunities to consider mediator and/or arbitrator skills would be beneficial.

Mr. Beach noted that CPR had solicited other Bar Associations in the past but had not been able to gain traction. Ms. Parham acknowledged the importance of connecting to a limited number of the right people and subgroups within the Bar Associations. As there are around 5 conferences a year, she thought it would be possible to target participation on the program or provide materials to those limited number of conferences.

Ms. Bryan noted that CPR staff had been on panels at the National Bar Association and the Hispanic Bar Association in the recent past, and urged Task Force members to seek to participate on an ongoing basis. Dennis Archer, as a past President of the National Bar Association, was mentioned as a possible resource.

Ms. Kaster suggested an "advertising campaign" with a one page summary of the work of the Task Force which could be used in many different venues.

The group discussed the pros and cons of educating the women and minorities about mediation and to what result. Mr. Kichaven expressed concern with training in mediation as the market will not absorb mediators unless they are committed as full-time mediators. Others pointed out the differences in arbitration practices and the fact that there may be value in exposing diverse advocates to mediation as an addition to their law practice.

Mr. Sager pointed out the MCCA CLE conference in Chicago highlights panels of diverse lawyers and would likely be willing to have diverse CPR neutrals and a discussion of the importance of considering diversity in selection as a topic at that conference next March.

The group discussed the value of more senior level training and Ms. Kaster suggested the CPR highlight individuals who had successfully completed senior level training on the website and at the Annual Meeting.

Mr. Waks described the main concern as finding ways to encourage users to select diverse neutrals and the group discussed whether the issue is awareness of the experience of diverse neutrals or something else. Mr. Diaz pointed out that most outside counsel, and to a lesser extent inside counsel, dislike unpredictable results and therefore avoid risk by choosing well known neutrals. Ms. Masucci pointed out that every case is important to the client and having information and publicizing successes of diverse neutrals is key.

Ms. Trent noted the discussion at the prior meeting of the importance of asking opposing counsel to also consider diversity when selecting neutrals and Mr. Sager echoed the importance of that insight.

The group discussed whether the “pedigree” of a top tier law school and AM100 were barriers and most felt that the economic downturn presented new opportunities for lawyers without the top tier credentials to be selected. Ms. Trent noted that the service providers tended to observe a preference for top tier credentials “in the aggregate.”

Ms. Masucci, the current Chair of the DR Section, described the collaborative efforts with the ABA DR Section on Diversity in ADR. The efforts include:

- Directory of Diverse Neutrals – An on line directory of diverse individuals who would want to be considered for work as mediators or arbitrators.
- Through the newly formed Task Force on Women in Dispute Resolution:
  - Several ADR magazines, including *Alternatives*, will devote their April Issue to Women in ADR.
  - Conduct a survey at the CPR Annual Meeting.
- Ms. Masucci and Ms. Bryan will identify opportunities at the ABA DR Spring Conference to highlight the work of the Task Force.

Ms. Kaster felt that educating users on the importance of considering diversity when arbitrators are selecting the third member of the tribunal would also be helpful.

Ms. Trent reported on the progress of the “Beat the Bushes” effort and the program to “Build the Pipeline.”

Ms. Bryan asked for volunteers interested in supporting the work of sponsorship/mentoring to let Vicki Pynchon or Cassandra Georges know.

Mr. Leon reported on the event "Women in Arbitration in Canada, and Beyond" to be presented on Monday 12 December at locations in Toronto, Vancouver, Calgary, Ottawa and Montreal.

Ms. Bryan informed the group that CPR had received only one nomination for the Diversity Award, and without more nominations, the Award would not be presented this year. Mr. Sager asked that additional emails be circulated.

He also suggested using advertising space purchased by companies for events be used to highlight the work of the Task Force. Ms. Kaster offered to work with CPR in developing effective advertizing for this purpose.

Mr. André informed the group about the upcoming Y-ADR events and asked about potential diverse speakers. He agreed to inform the Task Force about the events currently scheduled.

Ms. Bryan asked for reactions to 4 one-hour conference calls in 2012, which was generally preferred. However, one in person meeting, in conjunction with the Annual Meeting if possible, or mid-year, if not, was also desired by the group.

The minutes of the prior meeting were approved as submitted.

The meeting was adjourned at 1:50 pm.