

Slowly but Surely: Working To Increase Opportunities for Women in ADR

By Shira Forman



As alternative dispute resolution (ADR)—the resolution of disputes through arbitration, mediation, and other non-litigation methods—continues to grow in popularity, many leaders of the ADR community are focused more than ever on diversity efforts, including efforts to increase the number of women serving as neutrals.

Although reliable statistics on women’s participation in ADR are hard to come by, recent reports indicate that women make up approximately 23% of the arbitrators at the nation’s top alternative dispute resolution firms.¹ This number is steadily increasing but, for many in the ADR world, not quickly enough. Using various approaches, ADR leaders are aiming to open doors for women neutrals—and, in so doing, enhance the ADR experience for all participants.

A Hub for Connecting

In 2021, the NYSBA Dispute Resolution Section partnered with the New York City Bar Association’s ADR Committee and other organizations to create the New York Diversity Equity and Inclusion (DEI) Neutral Directory.² The directory lists ADR professionals from historically underrepresented communities and allows users to search for professionals according to self-identifying characteristics, including gender, racial identity and ethnic heritage, disability status, and membership in the LGBTQ+ community, in addition to practice area, languages, and other criteria.

Robyn Weinstein serves as ADR administrator for the United States District Court for the Eastern District of New York (EDNY) and spearheaded the creation of the directory

as co-chair of the New York City Bar Association’s ADR Committee DEI Subcommittee, along with her co-chair, Rachel Gupta, and their counterparts Stephen Marshall and Iyana Titus of NYSBA’s Dispute Resolution Diversity and Inclusion Committee. According to Weinstein, although there were published lists of diverse neutrals in the past, none were local to New York State or searchable online. The new directory, she said, is “a hub for people to connect if they want a neutral from a certain background” and “a way for people who are underrepresented to be visible to clients.” The directory is only a few months old, but already ADR leaders in other states have expressed interest in recreating it for their localities, Weinstein added.

Leadership in Court Programs

In recent years, women have made up around 50% of the volunteer mediators in the United States District Court for the Southern District of New York’s ADR program. Rebecca Price, the program’s director, attributes this in part to the increased gender parity in law school classes and at law firms. In addition, the leaders of both the Southern District of New York (SDNY) and EDNY ADR programs are women under 50, which, Price suggests, “is a signal to women under 50 that they are welcome and valued and respected.”

One benefit of joining the S.D.N.Y.’s roster, according to Price, is that it is a volunteer experience that, unlike many forums for neutrals, guarantees opportunities for everyone on the roster to mediate. “It’s not a given that a woman in the room will connect to a woman but at the same time it mat-

ters that that opportunity is offered at least part of the time,” said Price.

By Diverse Neutrals for Diverse Neutrals

When Marcie Dickson noticed that none of the large ADR firms in the U.S. were led by a woman of color, she set out to change that. In August 2021, Dickson became the first Black woman to found and lead a national dispute resolution firm in the United States when she opened Alterity ADR, which is based in Atlanta.

“Our panel of neutrals reflects the clients and communities we serve, and our procedures and rules are designed to ensure greater flexibility, transparency, and accountability in the ADR process,” Dickson said. She hopes that building a diverse roster of neutrals will improve the ADR process for all involved. “An empathetic neutral who can build rapport and trust with clients has an increased chance of empowering them to take control of the dispute at hand and work together to find a resolution.”

Endnotes

1. *Where White Men Rule: How the Secretive System of Forced Arbitration Hurts Women and Minorities*, American Association for Justice, June 2021.
2. New York DEI Neutral Directory at <https://sites.google.com/view/ny-dei-neutral-directory/home>.



Shira Forman is an employment attorney at Sheppard Mullin Richter & Hampton and a mediator and arbitrator. She serves on the arbitration rosters of the American Arbitration Association’s Consumer Arbitration division and FINRA, and as a mediator for the SDNY and the New York State court system.

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