

## Diversity

# ACCESS ADR: A New Diversity Initiative Launched With The Support Of The JAMS Foundation And The ABA

The Editor interviews **Homer C. La Rue** and **Marvin E. Johnson**, who are neutrals with JAMS, *The Resolution Experts*.

**Editor:** Would each of you gentlemen provide our readers with something of your background and experience?

**La Rue:** I am a graduate of the Cornell School of Industrial Relations and of Cornell Law School, and I have been a law professor for the past 25 years, the last 10 of which I have been at Howard University School of Law. During all of this time I have been involved in the practice of arbitration and mediation, and various other ADR activities, in conjunction with my teaching.

**Johnson:** I have been in this field for over 25 years as well. My undergraduate degree and graduate degrees from Kent State University and Wisconsin University are in industrial relations. At the Catholic University School of Law, my focus was in the area of employment law. For over 17 years I taught labor relations law and conflict resolution at Bowie State University in Maryland, where I created the first ADR center in the state university system. My law practice has been in the employment and labor law areas.

**Editor:** How did each of you become interested in ADR?

**Johnson:** I had a familiarity with labor relations from a very early age because my father worked in a unionized environment and was active in the union. I wanted to learn more about labor negotiations and was interested in alternative methods of resolving labor-management disputes. In my view, ADR offered a sensible approach to managing conflict. At that time, industrial relations was one of the few avenues into the ADR field.

**La Rue:** My background parallels that of Marvin. I come from a working class family, and my father was a union member. At an early age I learned about labor strife and about strikes. In law school – after getting past the inevitable first year belief that I would become a criminal defense attorney – I took a course in labor law and began to learn about arbitration and the very real benefits it offered. The more I learned, the more I came to believe that this area constituted a very worthwhile career path, one where it was possible to make a living and do some good.

**Editor:** Can you tell us of your ADR work at JAMS?

**La Rue:** We are both recent arrivals at JAMS, and we both see it as an opportunity to expand and diversify our practices by resolving complex commercial and employment disputes.

*Homer C. La Rue, Esq. and Marvin E. Johnson, Esq. are Co-Founders of ACCESS ADR, designed to increase the number of Alternative Dispute Resolution (ADR) professionals of color and to enhance their access to ADR clients. The JAMS Foundation, in cooperation with the American Bar Association's Section of Dispute Resolution, is supporting the initiative.*



**Homer C. La Rue**



**Marvin E. Johnson**

**Editor:** It was recently in the news that the JAMS Foundation and the ABA Section of Dispute Resolution had teamed up to launch a project called "ACCESS ADR." I understand that the two of you are the founders.

**La Rue:** This project had its origins in the work that Marvin and I were engaged in leading up to last year's Annual Conference of the ABA Section of Dispute Resolution. Our initial discussion revolved around the need to increase diversity within the Section. For the Annual Conference in 2003 we initiated and helped to organize a forum entitled "Expanding Professional Opportunities For Minorities And Women In Dispute Resolution." It was a resounding success both from the point of view of the participants as well as from the viewpoint of the panelists – all of whom were users of ADR services.

We then asked ourselves where to go with what we had learned, which included, among other things, the fact that many high volume users of ADR services do not know how to locate persons of color to serve as their ADR resolution experts in their various disputes. ADR is a vehicle that functions on the basis of relationships, and those relationships have not developed, as a general matter, between the mainstream users of ADR and the ADR practitioners who happen to be persons of color or from various racial and ethnic groups. To date, these have been separate communities. ACCESS ADR is meant to make the connection between the users and the providers of the services. The project is designed to bring together the high volume, high-stakes users of ADR and a group of experienced practitioners to whom they have not been exposed as yet.

**Editor:** What are the problems that ACCESS ADR is designed to address?

**Johnson:** Homer mentioned relationships. Once a relationship is established, the user of ADR services tends to return to that provider. ACCESS ADR is meant to encourage users to take a broader look at the people who make up the provider group. We believe users have a real interest in bringing persons of diverse ethnic and racial backgrounds into the resolution of their disputes because those persons bring a set of perceptions and skills to the table that are, in many cases, new to the process. That is one of the very positive features of diversity.

**Editor:** How does this relate to the broader issue of diversity within the legal community?

**Johnson:** Diversity within the legal community is a concern that has been discussed for some time, particularly at the ABA. I serve on the ABA President's Advisory Council on Diversity, which has as its mission the construction of a pipeline to the legal profession for young persons of

diverse ethnic and racial backgrounds. The pipeline extends from secondary school through college, law school and the bar exam.

Approximately 30 percent of the general population of the United States is made up of persons of color, but only 10 percent of the lawyers fall into that category. The pipeline, over time, will increase that percentage. Another ABA initiative is the ABA Commission on Racial and Ethnic Diversity in the Profession. Created in 1986, the Commission is committed to achieving full and equal participation in the legal profession by lawyers from diverse racial and ethnic backgrounds. ACCESS ADR seeks to address the same issues in the ADR field. Without a variety of initiatives and the support of organizations like the ABA, the JAMS Foundation, and others, these important issues will remain unresolved.

**La Rue:** ACCESS ADR tries to do two things. First, it attempts to raise awareness of the mainstream users of ADR services that there is an issue – the one Marvin has just articulated – and second, it attempts to create a bridge which will connect the users with a group of practitioners to whom they have not been connected in the past. ACCESS ADR is meant to foster relationships. In a profession that relies upon relationships, this is extremely important.

**Editor:** Will you tell us what role the JAMS Foundation and the ABA's Section of Dispute Resolution play in this project?

**La Rue:** About a year ago Marvin and I drafted a concept paper and circulated it among a small number of organizations. The JAMS Foundation found the concept in alignment with its mission and offered immediate support. The ABA Section likewise offered support, on the basis of a unanimous vote of the Council of the Section of Dispute Resolution taken last fall. We see the strong support of both of these organizations as lending credibility to the project and to the message it seeks to convey.

**Editor:** Can you tell us about the current status of the project?

**Johnson:** At the moment we are building our Board of Advisors. The Board of Advisors will consist of senior level legal professionals from throughout the country who are heavy users of ADR. We do not propose to launch the program until we have a sufficient number of board members. They will represent the organizations which will be the source of both case work and funding. They will also provide program direction, and they are expected to evaluate and provide guidance to the program fellows.

**Editor:** Please tell us about the program fellows.

**La Rue:** Let me emphasize that the persons we seek as program fellows are not novices. They will have extensive ADR experience. During the 12- to 18-month program period, the fellows will be assigned cases – anywhere from 24 to 30 in number – that originate from our Advisory Board members. The fellows will serve as mediators of those cases, and they will be paid at the market rate. Following the mediation, the parties will submit an evaluation, which will be shared with the Board of Advisors. Board members will serve as mentors, and they will critique and provide guidance to the

program fellows on an ongoing basis. At the conclusion of the fellowship period at least some of the program fellows may be asked to serve as mentors for the incoming class of program fellows. From all of the fellows we ask for a commitment to work to increase diversity in the ADR field.

**Editor:** Who are the members of the Board of Advisors and what kinds of organizations will they represent?

**Johnson:** We are looking for people from the corporate sector, from law firms and from the insurance industry, both plaintiff and defense groups. We want to have a variety of cases for the fellows to work on, and we want to look at the program, and its progress, from a variety of perspectives. We expect to have a few people on the board from organizations that cannot make a financial contribution to the program but who possess insights of particular importance in evaluating it.

**Editor:** Please tell us what you hope to accomplish with ACCESS ADR. Is it a pilot program meant to lead to other initiatives, or do you anticipate that it is going to be a permanent undertaking of the JAMS Foundation and the ABA?

**La Rue:** While JAMS and the ABA are strong supporters of this effort, it is not a JAMS or an ABA project. It is a stand-alone project. That is why the Board of Advisors is so important. The board members constitute the engine that will make the train run. Of course, whenever you start something new you are bound to run into things that you do not anticipate. For that reason, we wanted this initiative to start its life relatively small in size, with clearly achievable goals and to proceed with a certain deliberation. We really want to get this right. If we do, this project may evolve into something much bigger and, indeed, become a permanent presence in the ADR field. If it accomplishes our goal – increasing diversity in ADR – it will have been well worth the effort.

**Editor:** How are things proceeding?

**La Rue:** We have both been very pleased with the response we have received from those with whom we have spoken about the project. This appears to be generating a considerable amount of excitement, and that is very gratifying. People are interested, and that is spurring us on to launch the program in a very concrete way over the next several months.

**Editor:** If some of our readers would like to inquire about becoming a fellow or joining the Board of Advisors, how would they go about it?

**Johnson:** The program is going to be administered through the Center for Alternative Dispute Resolution. Persons interested in becoming a fellow may approach the Center by accessing one of the three ACCESS ADR coordinators: Jay Welsh, Vice President and General Counsel of JAMS at [jwelsh@jamsadr.com](mailto:jwelsh@jamsadr.com) or (949) 224-1810; Marvin Johnson, Co-Founder, ACCESS ADR at [marvinjohnson@jamsadr.com](mailto:marvinjohnson@jamsadr.com) or (202) 942-9180; or Homer La Rue, Co-Founder, ACCESS ADR at [hlarue@jamsadr.com](mailto:hlarue@jamsadr.com) or (202) 942-9180.