



RAY COROLLARY INITIATIVE, INC. (RCI, INC.)

END-OF-YEAR REPORT, 2021

ORGANIZATIONAL FORMATION

December 31, 2021

“Differences are not intended to separate, to alienate. We are different precisely in order to realize our need of one another.”

Archbishop Desmond Tutu



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EXECUTIVE SUMMARY

2021 was a transformative year for the Ray Corollary Initiative (RCI)! What began as a science-backed idea reported in a law review article, developed into an independent corporate entity, Ray Corollary Initiative, Inc (RCI, Inc.) aimed at increasing diversity, equity, and inclusion (DEI) in the selection of ADR neutrals.

Beginning in mid-2021, volunteers laid the groundwork for the RCI's incorporation. Collaboration with the National Academy of Arbitrators (NAA) helped the RCI to establish an internet presence, while volunteers with the American Bar Association (ABA) drafted an RCI Pledge that would enable appointers to announce their intention to assess the 30% metric. Now with a corporate structure focused on realizing diversity in arbitration, the RCI is on its way toward expansion by (1) establishing a Council of Advisors, (2) publishing the RCI Pledge and usable contract clauses on its own website (under development), and (3) studying the impact of the Pledge and of diversity on dispute resolution.

In 2021, the RCI, Inc. adopted its first By-Laws, and elected its first Board of Directors: Sarah M. Espinosa (Secretary), Michael J. Gan, Christopher Kwok, David A. Larson, Homer C. La Rue (Chair), Rebekah Ratliff, Katherine In 2021, the RCI was adopted as an initiative of the National Academy of Arbitrators, and the CPR adopted the 30% metric as part of its diversity commitment. A majority of AMTRAK unions agreed to include the RCI 30% metric in their arbitration agreements. The City of Philadelphia and the Fraternal Order of Police declared their intention to increase the diversity in their selection of arbitrators, using a 40% metric. Finally, on December 21, 2021, the 130,000-member National Board of the National Rural Letter Carriers' Association unanimously adopted the RCI Pledge.

In 2022, the RCI will improve the appointment of diverse neutrals by requiring that those who join its Pledge seek to ensure that at least 30% of each arbitrator roster is made up of "diverse" neutrals. The RCI includes "the 30% metric" because of the demonstrated effect that 30% diversity has on the likelihood that a diverse neutral will be appointed.

|| BOARD OF DIRECTORS OF RCI, INC. BIOS & PERSPECTIVES



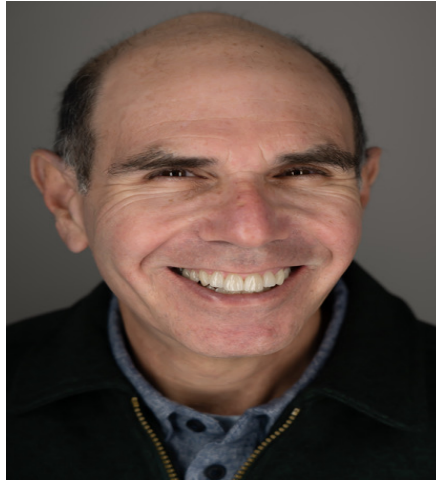
**Sarah Miller Espinosa
Arbitrator. Mediator. Ombuds.
SME Dispute Resolution, LLC
RCI, Inc. Board Member, Secretary**

Sarah Miller Espinosa is a labor arbitrator, mediator, and organizational ombuds. Espinosa is a member of the National Academy of Arbitrators, a member of the founding board and president of the Labor and Employment Relations Association (LERA) Virginia Chapter, and the co-chair of the Association for Conflict Resolution's (ACR) Ethics Committee. She served as the founding ombuds at Montgomery College and the Prince William County Public Schools. Espinosa is a graduate of the Cornell University ILR School and the University of Connecticut School of Law.

"The Ray Corollary Initiative's 30% metric is a concrete step toward increasing diversity in the selection of arbitrators. Arbitrator diversity enhances the quality and credibility of arbitration systems and benefits all the participants in the arbitration process, parties, arbitrators, advocates, and appointing agencies. I also believe RCI is an important component in furthering diversity in the field of dispute resolution."



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**Michael J. Gan, Partner
Peer, Gan and Gisler, LLP
RCI, Inc. Board Member**

Michael J. Gan is a partner in the Washington, DC labor and employment law firm, Peer, Gan and Gisler LLP. He is also an adjunct professor at American University's Washington College of Law. Since 2003, Mr. Gan has served as General Counsel to the National Rural Letter Carriers' Association, one of four major United States Postal Service unions. Mr. Gan is a frequent speaker at labor union and arbitration conferences and is the author of *Multiparty Arbitration of United States Postal Service Work Jurisdiction Disputes*, which was published in the 2016 Proceedings of the National Academy of Arbitrators.

"It is critical that workers know that the arbitrators who are selected to hear their disputes reflect the diversity of our workplaces. The RCI will help to make that a reality. Arbitrator selection is key to any dispute resolution process and incorporating DEI principles with the 30% metric will be the hallmark of any forward-looking arbitration program."

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**Christopher M. Kwok
JAMS Mediator and Arbitrator
RCI, Inc. Board Member**

Christopher M. Kwok is a mediator and arbitrator with JAMS, specializing in Labor & Employment law. Formerly, he was the Alternative Dispute Resolution (ADR) Coordinator at the U.S. Equal Employment Commission in the New York District office. Mr. Kwok is active in the ADR field as a trainer, lecturer and writer.

He was the founding Co-Chair of the Labor & Employment Committee at the Asian American Bar Association of New York (AABANY). He was also the founding Co-Chair of the Dispute Resolution Committee at the National Asian Pacific American Bar Association (NAPABA).

Mr. Kwok received his B.A. from Cornell University with a major in Government and minor in Asian American studies. He earned his J.D. from UCLA Law School, where he was an Editor of the Asian American Pacific Islander Law Journal.

"For far too long, there has much talk about diversifying ADR neutrals. The RCI proposes a framework to make it happen and challenges the industry to move from talk to action. The time is now."

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**Prof. David Allen Larson
Chair ABA Section of Dispute Resolution
RCI, Inc. Board Member**

David Allen Larson is a Professor of Law and Senior Fellow of the Dispute Resolution Institute at the Mitchell Hamline School of Law, Chair of the American Bar Association Section of Dispute Resolution, an American Bar Foundation Lifetime Fellow, Fellow of the National Center for Technology and Dispute Resolution, and he holds the James H. Faricy Professorship in Empirical Research.

“It is one thing to believe that it is important to increase diversity in arbitrator, mediator, and other ADR neutral appointments. It is another thing to take action to accomplish that goal. I believe the Ray Corollary Initiative (RCI), which encourages ADR providers, selectors, and influencers to create rosters that include at least 30% diverse neutral candidates, can help achieve this goal.”

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**Prof. Homer C. La Rue, Arbitrator
RCI, Inc. Board Member, Chair**

Homer C. La Rue is a Professor of Law at Howard School of Law and is President-elect of the National Academy of Arbitrators (NAA) (taking office in May 2022). He also is the recipient of the 2020 D'Alemberte-Raven Award from the American Bar Association Section of Dispute Resolution. It is the highest individual honor given by the ABA Section of Dispute Resolution. The award recognizes outstanding service in the field of dispute resolution.

In response to the need to move from aspiration to a plan of action, Prof. La Rue and Mr. Alan Symonette wrote *The Ray Corollary Initiative: How to Achieve Diversity and Inclusion in Arbitrator Selection*, which was published in the Howard Law Journal. The Ray Corollary Initiative (RCI) was incorporated as nonprofit organization in October 2021. "I believe that the RCI, with its 30% metric, promotes a deliberate evidence-based approach to increasing diversity in arbitrator appointments."

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**Rebekah Ratliff, CCLS
JAMS Mediator, Arbitrator and Neutral Evaluator
RCI, Inc. Board Member**

Rebekah Ratliff is a native of Chicago, IL, and graduate of the University of Illinois at Urbana, holding a degree in Psychology. She is based in Atlanta, GA and offers mediation and arbitration services worldwide with JAMS. Rebekah is the 2nd Vice Chair of the NBA ADR Section and serves as the Diversity Committee Co-chair for the American Bar Association's Dispute Resolution Section. She is a nationally sought-after presenter, panelist and lecturer in the insurance and legal industries. She is the recipient of various prestigious awards to include a 7th U.S. District (IL) Congressional Award for her work in dispute resolution.

Rebekah is driven by the awareness that alternative dispute resolution touches everything and she is a champion for diversity, equity and inclusion across industries, in international scope. "Serving on the RCI Board is an opportunity to be a change agent in the dispute resolution space and to make impact for the next generations of peacemakers."

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**Dr. Katherine Simpson, FCI Arb
Arbitrator
Simpson Dispute Resolution, Inc.
RCI, Inc. Board Member, Vice-Chair**

Katherine Simpson is an arbitrator with offices in the U.S. and the U.K., and her dispute resolution experience includes complex international, treaty-based, commercial, and labor and employment cases. She is an educator and Academic Affiliate at the University of Michigan, where she leads research on international dispute resolution.

Dr. Simpson is an author and frequent presenter on the importance of diversity and inclusion in dispute resolution. Her advocacy for increased diversity in dispute resolution has been nominated for international awards, including the “Equal Representation in Arbitration Pledge” Award (2020). Repeatedly, she has proven that the failure to appoint women and people of African Descent to arbitral tribunals and panels cannot be explained by any alleged absence from the field: diverse neutrals are well-trained and available for appointment. “The RCI and its proven 30% metric will help counsel and institutions appoint more diverse neutrals.”

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**Alan A. Symonette, Arbitrator
Symonette ADR Services, Inc.
RCI, Inc. Board Member, Treasurer**

Alan Symonette has been a full-time labor and employment neutral since 1988. He is also the owner of Symonette ADR Services, Inc. of Media, Pennsylvania.

A member of the National Academy of Arbitrators since 1996, he currently serves as the President of the NAA Research and Education Foundation. Mr. Symonette is a Fellow with the College of Labor and Employment Lawyers where he has served as its President. He also serves on the Advisory Board of the Scheinman Institute.

“As an arbitrator involved in arbitration of collective bargaining disputes for over 30 years, I have come to recognize the importance of establishing and maintaining a diverse contingent of neutrals. The American workforce is quite diverse, and workers are demanding neutral decision makers who recognize and are empathetic to the changing cultural dynamics of the workplace. The RCI represents a significant effort towards reaching that goal.”

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**ALLEN WAXMAN
President & CEO, CPR
International Institute for Conflict Prevention and Resolution
RCI, Inc. Board Member**

Mr. Waxman is President & CEO of the International Institute for Conflict Prevention and Resolution (CPR). CPR is a not-for-profit organization dedicated to helping parties and their counsel find more efficient and effective ways to prevent and resolve disputes through both a membership-based think-tank, the CPR Institute, and as a provider of ADR services, CPR Dispute Resolution, with over 600 neutrals worldwide.

In recognition of the need to ensure all of the available talent is being deployed in support of ADR, Mr. Waxman and CPR were early adopters of the RCI pledge for CPR through CPR's Diversity Commitment. "The evidence-based approach of the RCI pledge should encourage action by parties, their counsel and ADR providers, like CPR, toward greater diversity amongst those who arbitrate matters."

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**Keisha Williams, Esq.
Director, Workplace Equality Program
Human Rights Campaign Foundation
RCI, Inc. Board Member**

Keisha Williams is the Director of the Workplace Equality Program at the Human Rights Campaign Foundation where she educates, advocates, and sets benchmarks for LGBTQ+ workplace equality and inclusion. Keisha further serves as an Adjunct Professor of Law at the University of Maryland School of Law and on the Steering Committee for the Georgetown University Law Center’s Workplace Street Law program. Prior to her current role, Keisha practiced law for over a decade, where she was in-house counsel at various labor unions.

“As a legal practitioner, the lack of diversity in arbitrator appointments was evident. The Ray Corollary Initiative’s mission to increase diversity in arbitrator appointments addresses a long-standing need to have the pool of arbitrators better reflect societal and workplace diversity.”



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MISSION AND FORMATION OF THE CORPORATION

1. RCI, Inc. Mission Statement

The mission of RCI Inc. is to increase diversity, equity, and inclusion in the selection of arbitrators, mediators, and other ADR neutrals. It will do this by encouraging commitment to the RCI pledge and otherwise providing research and tools to support the selection of diverse neutrals.

2. Formation as a 501(c)(3) Not-for-Profit Corporation

RCI, Inc. was formed as a not-for-profit Maryland corporation on October 1, 2021. See Appendix “A.”

3. Members and Officers of RCI, Inc.

The initial members and officers of the Board of Directors are:

Sarah M. Espinosa, Secretary
Michael J. Gan
Christopher Kwok
David A. Larson
Homer C. La Rue, Chair
Rebekah Ratliff
Katherine Simpson, Vice-Chair
Alan A. Symonette, Treasurer
Allen Waxman
Keisha Williams

The officers were elected by a unanimous vote of the Board on December 13, 2021. Prior to the election of officers, the Board adopted the bylaws of the RCI, Inc. on October 11, 2021.



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4. Trademark of the Corporate Name and Logo

The trademark for the name “Ray Corollary Initiative” was obtained by Homer La Rue on July 28, 2020, and the trademark will be transferred to RCI, Inc. In addition, RCI, Inc. is in the process of trademarking the RCI, Inc. logo.

GOALS AND OBJECTIVES OF RCI, INC.

The RCI™ (Ray Corollary Initiative™) is a broad diversity initiative of the ADR community to increase diversity, equity, and inclusion (“DEI”) in the selection of neutrals in labor-management, employment law disputes, and all other ADR dispute resolution processes. The RCI is a product of Homer C. La Rue and Alan Symonette’s article, *The Ray Corollary Initiative: How to Achieve Diversity and Inclusion in Arbitrator Selection*, 63 HOWARD U. L. REV. 215 (2020). More information on the RCI can be found at its temporary home with the National Academy of Arbitrators (NAA), here: <https://naarb.org/rci/>.

The RCI promotes a deliberate, evidence-based approach to increasing diversity in arbitrator appointments. The RCI will help appointers and rostering entities consider multiple types of diversity and will support them in creating arbitrator rosters that enable the appointment of diverse neutrals. The RCI will improve the appointment of diverse neutrals by requiring that those who join its pledge seek to ensure that at least 30% of each arbitrator roster is made up of “diverse” neutrals.

The RCI includes “the 30% metric” because of the demonstrated effect that 30% diversity has on the likelihood that a diverse neutral will be appointed. In studies on U.S.-based employment, when there is only one diverse candidate for a position, there is almost no chance that that person will be hired. Yet, when there were at least 2 female candidates in a pool of four, the chance that one would be hired was 79.14 times greater. For race, the results were more dramatic – “the odds of hiring a minority were 193.72 times greater if there were at least 2 minority candidates in the finalist pool” of four. The results remained consistent, so long as the 30% metric was met.

In the U.S., the 30% metric has helped professional football (Rooney Rule) and law firms (Mansfield Rule) achieve meaningful change in diversity. The RCI believes the 30% metric can also support diversity in arbitrator appointments throughout the ADR field.



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Consistent with this research, the RCI will encourage the ADR community to ensure, subject to reporting and accountability measures, that at least 30% of their slates of proposed neutrals for any matter be comprised of “diverse” candidates (defined as Black, Latinx, Indigenous, Asian American Pacific Islander (“AAPI”), other people of color, women, persons of the LGBTQ community, and persons living with disabilities). Similarly, the RCI encourages advocates to pledge: 1) to include diverse neutrals among any list of mediators or arbitrators they propose in their disputes 2) to select diverse mediators or arbitrators in their disputes; and 3) to track the selection of diverse neutrals in arbitrated and mediated disputes.

RCI SUCCESSES AS A NEUTRAL- SELECTION-DIVERSITY INITIATIVE

1. The RCI adopted as an Initiative of the National Academy of Arbitrators

Before their article, *The Ray Corollary Initiative: How to Achieve Diversity and Inclusion in Arbitrator Selection*, was published in the Howard Law Review, Arbitrators Homer La Rue and Alan Symonette presented their idea to the Board of Governors (BoG) of the National Academy of Arbitrators (the “NAA” or the “Academy”). La Rue and Symonette suggested to then-President Barry Winograd that the Academy adopt the RCI and its 30% metric as an initiative of the Academy to encourage an increase in diversity in the selection of arbitrators in labor-management disputes. The BoG voted unanimously to adopt the initiative in November 2019. The charge to the NAA Organizing Committee was:

The NAA Organizing Committee Charge:

- The *Ray Corollary Initiative*TM (RCI) is national effort by the ADR community to address the issue of diversity and inclusion in the selection of arbitrators and mediators in labor-management, employment and commercial disputes.
- The RCI establishes that there shall be a minimum percent of diverse neutrals list considered in the selection process (i.e., *strike-*



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and-rank lists and party-prepared rosters) used for the selection of arbitrators and mediators. The RCI does not seek to change the criteria for the selection of arbitrators and mediators by the parties.¹

- The NAA wishes to continue its ongoing commitment to diversity and inclusion in the selection of diverse arbitrators and mediators by the establishment of an Organizing Committee to promote the *Ray Corollary Initiative*TM.
- The NAA hereby forms an Organizing Committee to convene a national collaboration of stakeholders in labor-management, employment and commercial disputes to address the national problem of arbitrator and mediator selection, that is, significantly increase diversity and inclusion in the selection of ADR neutrals.
- The Organizing Committee is composed of NAA members who will organize and convene a gathering of ADR stakeholders that shall include:
 - Sections of the American Bar Association
 - Private and public arbitrator rostering agencies and associations
 - Lawyers and law firms who select arbitrators and mediators
 - Private and public entities that hire lawyers and law firms who select arbitrators and mediators for disputes
- The identified stakeholders shall form a national task force to be known as the Ray Corollary InitiativeTM National Task Force (“RCINT”) for the purpose of bringing about diversity in the selection of ADR neutrals.
- The RCINT would develop a corollary of the *Mansfield Rule* and the *Rooney Rule* that has been used in “biglaw” and in the National Football League to increase diversity in law firms and in the number

¹ Amended by Homer C. La Rue during BoG discussion. Amendment offered and seconded prior to the matter being before the BoG for official Board action. Date of amendment: **La Rue Email to BoG**, Tuesday, November 19, 2019 11:00 AM. **Subject:** RE: NAA Board of Governors: RCI Organizing Committee Proposal.



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of black coaches and upper-level managers among professional football teams.

- The RCINT also would engage in research to support the implementation of the RCI and would determine, among other things, the degree of underrepresentation of diverse neutrals and ADR community attitudes impacting arbitrator selection.

- The role of the NAA Organizing Committee would be to convene the members of the RCINT and to facilitate the organization of the RCINT.

- The Organizing Committee will entertain the application for participation on the RCINT based on at least three (3) principles which are not intended to be exhaustive:

- Commitment
- Accountability
- Transparency

- Commitment—This would be demonstrated by applicants for the RCINT committing themselves to the implementation of a plan that would eventually result in *strike* lists that consists of 30% diverse neutrals.

- Accountability-- This would be demonstrated by applicants for the RCINT committing themselves to a plan that will include the collection and reporting data as to compliance with the 30% *consideration corollary*.

- Transparency-- This would be demonstrated by applicants for the RCINT committing themselves to the sharing of their experiences with the implementation of all aspects of the *RCI* with others involved in the *Initiative*.

2. CPR Adopts RCI Metric as Part of Its Diversity Commitment

In July 2020, the International Institute for Conflict Prevention and Resolution (CPR) issued a Diversity Commitment, adopting the RCI Initiative for its own efforts as a rostering organization. Homer LaRue has presented on the RCI Initiative to CPR's Diversity Task Force and has joined the Board of CPR.



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The Diversity Commitment seeks action by different stakeholders in the selection process:

FROM CPR:

To facilitate the selection of diverse neutrals, we will endeavor to include diverse neutrals on any slate of candidates we are asked to provide to the parties, to provide a slate that is made up of at least 30% diverse candidates,^[i] and when given the opportunity to make a default appointment, to appoint at least 30% diverse neutrals.

[i] The Ray Corollary Initiative™ recommends that at least 30% of any nominated slate be diverse.²

FROM THE CORPORATE COMMUNITY:

We will include diverse neutrals among any list of mediators or arbitrators we propose and ask our outside law firms and counterparties to do the same. We also ask that our outside law firms discuss with our counterparties the value in diversity and inclusion among those who mediate and arbitrate and emphasize selecting diverse mediators or arbitrators. Finally, to drive accountability and transparency, we will track the selection of diverse neutrals in our matters.³

FROM THE LAW FIRM COMMUNITY:

We will discuss with our clients the value in diversity and inclusion among those who mediate and arbitrate our matters on behalf of our clients, which discussion may include the importance of: 1) including diverse neutrals among any list of mediators or arbitrators we propose in those matters, 2) selecting diverse mediators or arbitrators in those matters, and 3) tracking the selection of diverse neutrals in those matters.⁴

² [Diversity Commitment | CPR International Institute for Conflict Prevention & Resolution \(cpradr.org\)](https://www.cpradr.org/Diversity-Commitment).

³ *Id.*

⁴ *Id.*



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3. The RCI Implementation Strategy Group

The Section of Dispute Resolution of the American Bar Association was an early supporter of the RCI, the governing body of the Section having approved the RCI as an initiative of the Section in 2020. That support evolved into the formation of what came to be known as the “RCI Implementation Group” (RCI-IG) started by Homer La Rue and then Executive Director of the Section, Linda Warren Seely. The members of the RCI-IG consisted of:

1. Anna Hershenberg
2. Alan Symonette
3. Allen Waxman
4. Deborah Hylton
5. Linda Seely
6. Rebekah Ratliff
7. Katherine Simpson
8. Myra Selby

This *ad hoc* group developed the RCI Pledge intended to be used as part of the campaign to amend ABA Resolution 105⁵, the ABA ADR diversity resolution. A version of the RCI Pledge was finalized with the idea that the completed version would be modified to be used in the different sectors of the ADR community. The Pledge reads:

RCI™ Pledge (sample⁶)

In furtherance of our commitment to diversity, equity, and inclusion,

(Name of Organization or Firm)

pledges to set as a goal to include at least 30% diverse neutrals (Black, Latinx, Indigenous, AAPI, other people of color, women, persons of differing sexual orientations and gender identities, and persons living with disabilities) as candidates on any list (three or more) from which the mediators or arbitrators for a given matter are ultimately selected and will ask our outside law firms and counterparties to do the same.

⁵ [105.pdf \(americanbar.org\)](#).

⁶ The language of the Pledge will be modified to identify the entity taking the Pledge.



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To further drive accountability and transparency, we also will track the selection of diverse neutrals chosen in our matters, including asking our outside counsel to track the selection of diverse neutrals across all matters for which they represent us.

Organization/Firm [±]	
Organization/Firm Website [±]	
Signatory [±]	
Job Title [±]	
Email [±]	
Commit to the RCI™ [±] Diversity Pledge	I commit to the RCI™ Diversity Pledge.
Date of Commitment [±]	

The RCI-ISG also prepared a Preamble to the Pledge:

RCI™ Pledge Preamble

The American Bar Association has been a leader in promoting diversity, equity, and inclusion efforts, specifically regarding the elimination of bias and enhancing diversity in the legal profession. In 2018, the ABA's House of Delegates adopted Resolution 105,⁷ which was aimed at increasing diversity in dispute resolution because parties, society and justice are best served when neutrals reflect the broader community.⁸

In response to the call to action of ABA Resolution 105, the Ray Corollary Initiative™ was launched to encourage ADR providers and selectors to strive for their slates or rosters of proposed neutrals for any given matter to include at least 30% of diverse neutral candidates (defined as Black, Latinx, Indigenous, Asian American

[±] Required

⁷ In part, ABA Resolution 105

... urges providers of domestic and international ... dispute resolution to expand their rosters ... to encourage the selection of diverse neutrals; and ... urges all users of domestic and international ... neutral services to select and use diverse neutrals. [105.pdf \(americanbar.org\)](#).

⁸ See ABA Dispute Resolution Section, ABA Resolution 105 Report to House of Delegates at 1 (Aug. 2018).



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Pacific Islander (“AAPI”), other people of color, women, persons of differing sexual orientations and gender identities, and persons living with disabilities) and drive accountability by tracking selections from those slates or rosters.

Social Science empirical research has demonstrated that when 30% or more of a final slate of candidates is diverse, the statistical chance of selecting a diverse candidate is disproportionately higher. The converse is true: when less than 30% of the slate is diverse, the chance of selecting a diverse candidate diminishes nearly to zero (collectively, the “30% metric”). Meeting the 30% metric has been shown in other contexts to have the effect of expanding and promoting diverse persons in positions of importance.⁹

4. AMTRAK and the RCI

On April 26, 2021, Andrea Gansen, Vice President of Labor Relations, for AMTRAK sent a communication to the unions representing employees of AMTRAK. In pertinent part, that letter reads:

At Amtrak, we are committed to the pursuit of diversity not only in our workforce, but in our business practices and initiatives as well. In so doing, we demonstrate our respect for each other, our aim to recognize and celebrate our multicultural, multigenerational and diverse workplace by creating a culture of “inclusion and a sense of belonging,” and our commitment to “excel together.”

In this regard, Amtrak would like to increase the diversity of neutral arbitrators used to resolve Amtrak’s Section (3) disputes. Attached to this letter is a copy of a Howard Law Journal Article titled “*The Ray Corollary Initiative: How to Achieve Diversity and Inclusion in Arbitrator Selection*,” by arbitrators Homer C. La Rue and Alan A. Symonette. The article makes a compelling case for the titular initiative, which proposes that neutral services and users commit to ensuring that 30% of candidate pools (e.g. strike lists) will contain “persons of color and women” (p 245, 32/34). They refer to requirements of this type as *soft affirmative action*, because there is

⁹ Stefanie K. Johnson, David R. Hekman, & Elsa T. Chan, *If There’s Only One Woman in Your Candidate Pool, There’s Statistically No Chance She’ll Be Hired*, HARVARD BUS. REV. REPRINT H02U2U at 2-3, 6.

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no obligation regarding selection. However, the article cites studies that strongly suggest that including at least two candidates of any given underrepresented community in an applicant pool significantly increases the chances of a candidate from one of those communities being chosen simply by reducing implicit bias regarding the status quo (p 233, 20/34). The Article also raises the example of the NFL's *Rooney Rule*, which requires teams to interview at least one minority candidate for a head coaching vacancy. The 30% figure is drawn from the *Mansfield Rule*, a commitment by over 100 law firms regarding the candidate pools for "equity partner promotions, formal client pitch opportunities and senior lateral positions" (p 238, 25/34). Consistent with the Article's findings, Amtrak proposes amending any language in existing Board Agreements where it provides for obtaining a list of neutrals from the NMB, to include a requirement that at least 30% of the names on such a list be composed of members from communities generally recognized as under-represented.

Amtrak will be sending each Organization specific proposals for currently active Special Boards of Adjustment and Public Law Boards. Our hope is that each of you will recognize the potential for this initiative to develop a diverse community of Neutral Board members more representative of the diversity of your memberships. Amtrak thanks you for your consideration of this proposal.

AMTRAK reported success with a majority of its unions agreeing to amend the neutral-selection language of their respective agreements. The different agreements have a variety of provisions that require tailoring of the amendments. However the common language is:

[Absent timely agreement on a Neutral] the members of the Board shall jointly request the National Mediation Board to provide a list of nine (potential) Arbitrators, at least 3 of which will come from communities generally recognized as under-represented amongst current Neutral Members ... ¹⁰

¹⁰ Email from C. Roodenberg, AMTRAK, Mon, Apr. 26, 2021 at 3:11 PM.



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5. City of Philadelphia Interest Arbitration Award with the Fraternal Order of Police and the RCI

Board Member and Treasurer, Alan Symonette, presided over an interest arbitration during the preparation for the organizational meeting of the corporation. The City of Philadelphia and the Fraternal Order of Police (FOP) declared their intention to increase the diversity in their selection of arbitrators to serve on their “Police Termination Arbitration Board.” These arbitrations decide grievances protesting terminations of police officers.

Arbitrator Symonette assisted the parties in their declared intent to increase diversity in their arbitrator selection. He suggested that they review the article co-authored by himself and Arbitrator Homer La Rue. The party arbitrators agreed to the following language in their new collective bargaining agreement.

B. PTAB Arbitration Procedures

1. The parties will select a panel of no fewer than 10 arbitrators to hear arbitrations involving terminations.

4. At least forty percent (40%) of the PTAB arbitrators will be people who identify as women, people of color, members of the LGBTQ+ community, or other underrepresented groups.¹¹

6. The RCI Pledge and the National Rural Letter Carriers’ Association

Board Member, Michael Gan, serves as general counsel to the National Rural Letter Carriers’ Association (NRLCA). The NRLCA, one of the four major Postal Service unions, represents 130,000 employees of the United States Postal Service. On December 21, 2021, the National Board of the NRLCA voted unanimously to adopt the RCI Pledge.

¹¹ *Fraternal Order of Police and City of Philadelphia, Interest Arb Award.* (Arb. A. Symonette, Sept. 14, 2021).



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CURRENT ACTIVITIES OF THE BOARD

1. Bylaws of the Corporation

The Bylaws of RCI, Inc. were adopted by a unanimous vote of the Board of Directors on November 1, 2021.

2. Services and Support Obtained by the RCI, INC.

The RCI has retained the services of the Community Development Clinic at the University of Baltimore School of Law, which will assist with all aspects of business advising and with the RCI's tax exempt status.

3. Administrative Support for the Board

Essence Clark, Virtual Consulting (ECVC), has provided administrative support for the Board. Essence Clark Virtual Consulting is engaged by Homer La Rue, Board Chair, to support his arbitration practice. He has provided a part of the time of ECVC to meet the administrative needs of the Board.

FINANCIAL STATUS OF THE BOARD

The Board agreed that each member of the Board would also donate to the organization once tax-exempt status is obtained. In 2022, the Board aims to (1) obtain tax exempt status, (2) obtain officers and directors liability insurance, and to submit grant applications to the NAA and other potential grantors.



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END-OF-YEAR REPORT PREPARATION AND APPROVAL

Report Prepared by

Professor Homer C. La Rue

RCI, Inc. Board Chair

homer@laruedisputeresolution.com

Dr. Katherine Simpson

RCI, Inc. Board Vice-Chair

simpson@simpsonadr.net

Homer C. La Rue

Homer C. La Rue

K Simpson

Katherine Simpson

**Approved by the Board of Directors
RAY COROLLARY INITIATIVE, INC.**

Date: January 12, 2022



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APPENDIX “A”

NOTICE OF INCORPORATION

Maryland

DEPARTMENT OF

ASSESSMENTS AND TAXATION

Larry Hogan, Governor • Boyd K. Rutherford, Lt. Governor • Michael L. Higgs,
Jr., Director

Date: 10/1/2021

MICHAEL GAN

1730 RHODE ISLAND AVENUE, NW SUITE 715

WASHINGTON DC 20036

**THIS LETTER IS TO CONFIRM ACCEPTANCE OF THE FOLLOWING
FILING:**

ENTITY NAME	Ray Corollary Initiative, Inc.
DEPARTMENT ID	D22218044
TYPE OF REQUEST	Articles of Incorporation
DATE FILED	9/28/2021
TIME FILED	2:21 PM
FILING NUMBER	5000000005748867
CUSTOMER ID	5000809644
WORK ORDER NUMBER	I125800725

PLEASE VERIFY THE INFORMATION CONTAINED IN THIS LETTER. NOTIFY THIS
DEPARTMENT IN WRITING IF ANY INFORMATION IS INCORRECT. INCLUDE THE
CUSTOMER ID AND THE WORK ORDER NUMBER ON ANY INQUIRIES. EVERY YEAR THIS



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ENTITY MUST FILE A PERSONAL PROPERTY RETURN IN ORDER TO MAINTAIN ITS EXISTENCE EVEN IF IT DOES NOT OWN PERSONAL PROPERTY. THE RETURN IS FOUND ON THE SDAT WEBSITE.

EFFECTIVE DATE 9/28/2021

PRINCIPAL OFFICE 6122 Triangle Drive
Columbia MD 21044

RESIDENT AGENT Andrew M Strongin
4977 Battery Lane Unit 208
Bethesda MD 20814