



RCI, INC. Statement on Supreme Court’s Affirmative Action Ruling

ABOUT THE RCI AND RCI, INC.

The Ray Corollary Initiative (or RCI) is a pledge that asks rostering entities and selectors to seek to create slates for selection of arbitrators and mediators that are at least 30% diverse as defined by ABA Resolution 105. The RCI Pledge has drawn support from three of the most prominent dispute resolution centers in the United States – the American Arbitration Association (“AAA”), JAMS and CPR Dispute Resolution Services (“CPR”), as well as others. The RCI, Inc. is a not-for-profit corporation whose mission is to support and promote the Pledge and its implementation.

The RCI, Inc. is an organization dedicated to promoting greater diversity amongst neutrals who function as arbitrators and mediators in alternative dispute resolution (ADR). The RCI Inc. reaffirms the importance of taking positive steps to overcome barriers to ensure that all the talent available is deployed in service of ADR. Although the RCI is not directly affected by the U.S. Supreme Court’s decision to significantly narrow how race can be considered in university admissions and not in other contexts, we are disheartened, but not demoralized, by the Court’s ruling. While many in the ADR community acknowledge the benefits of diversity in the field, the fact is that, despite decades of effort, the neutrals who serve in cases are overwhelmingly white males. We believe that this is because there have been a variety of obstacles, implicit biases concerning minorities amongst them, that have made diversifying the roster of ADR neutrals more difficult.

The RCI Pledge is intended to encourage selectors to overcome these obstacles by nominating a slate of proposed neutrals that is at least 30% diverse. The Pledge thus facilitates diverse selection while recognizing that ultimate appointment of neutrals is a matter for party discretion. In so doing, we endorse the view that equity requires acknowledgment of inequality.

RCI, Inc. seeks to promote access to all the talent and excellence in ADR and recognizes that the selection of neutrals is left to the parties’ discretion based on the merits of each individual candidate. Nothing in the Students for Fair Admission case is to the contrary, and we encourage parties, lawyers who represent them, and dispute resolution centers to take the Pledge and to increase the diversity of neutrals in ADR.

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