

EXHIBIT 3

From: Jeffrey Zaino, Esq. [mailto:JeffreyZaino@adr.org]
Sent: Thursday, December 6, 2018 2:10 PM
To: Levy, Samuel <slevy@BlankRome.com>; Jordan Harap <jordanharap@quinnemanuel.com>; Flanders, Craig <cflanders@BlankRome.com>; Alex Spiro <alexspiro@quinnemanuel.com>; Andrew J. Rossman <andrewrossman@quinnemanuel.com>; Rex Lee <rexlee@quinnemanuel.com>
Cc: Eric P. Tuchmann <TuchmannE@adr.org>; Sasha A. Carbone <Carbones@adr.org>
Subject: Iconix Brand Group, Inc. and Icon DE Holdings, LLC v. Shawn C. Carter; Marcy Media Holdings, LLC - Case 01-18-0003-6487

Dear Counsel,

Kindly see the attached letter and four (4) exhibits.

Best,

Jeff



Jeffrey Zaino, Esq.
Vice President

American Arbitration Association

T: 212 484 3224 F: 212 286 0383 E: JeffreyZaino@adr.org
150 East 42nd Street, 17th Floor, New York, NY 10017
adr.org | icdr.org | aaamediation.org

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INTERNATIONAL CENTRE
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Jeffrey T. Zaino, Esq.
VICE PRESIDENT

150 East 42nd Street, Floor 17
New York, NY 10017

T 212 484 3224

E ZainoJ@adr.org

adr.org

December 6, 2018

VIA EMAIL ONLY

Craig M. Flanders
BlankRome
The Chrysler Building
405 Lexington Avenue
New York, NY 10174
cflanders@blankrome.com

Alex Spiro
Quinn Emanuel
51 Madison Avenue, 22nd Floor
New York, NY 10017
alexspiro@quinnemanuel.com

Re: **Iconix Brand Group, Inc. and Icon DE Holdings, LLC v. Shawn Carter, Marcy Media Holdings, LLC (AAA Case No. 01-18-0003-6487).**

Dear Counsel:

The following are responses to the parties' requests for information in the above-captioned matter. The AAA provides this information to assist the parties and the court in resolving the pending issue regarding the arbitrator's appointment, and we have attempted to be responsive given the significant effort needed to obtain some of the information sought. We also note that the AAA will not be proceeding with the administration of the arbitration in light of the court ordered stay which is currently in place.

• **Claimant's Request No. 1:** "A comprehensive list of all arbitrators in the AAA National Roster (i.e. not limited to the Large and Complex cases, any geography, or other filters) who self-identify as African American and/or are known to AAA as African American."

Response: Attached as Exhibit A is a list of all members of the AAA's National Roster members who self-identified as African American.

However, the AAA has not surveyed employees or others to determine if there are additional Roster members that may be "known to the AAA as African American" because the AAA only maintains information about the ethnicity of Roster members based on their own self-identification. The AAA previously requested that every Roster member provide the AAA with

information regarding their ethnicity, and in May 2018 all panel members who had not done so received an additional request to provide that information. See attached Exhibit B.

- **Claimant's Request No. 2:** "A description and materials identifying grants, scholarships, programs, committees, and other efforts to increase and maintain diversity within the AAA pool of available arbitrators."

Response: See attached Exhibit C.

- **Claimant's Request No. 3:** "Confirm in writing that the current "Strike List" of twelve arbitrators circulated by Lisa Romeo, Director of ADR services, to the parties in this matter on November 16, 2018, includes three arbitrators who are African American."

Response: The AAA maintains the following information for the list of twelve proposed arbitrators circulated to the parties on November 16, 2018

<u>Name</u>	<u>Gender</u>	<u>Ethnicity</u>
Laverne Y. Berry, Esq.	Female	African American/Black
James H. Carter, Esq.	Male	White/Caucasian
Theodore K. Cheng, Esq.	Male	Asian/Asian American
Willam H. Crosby, Esq.	Male	African American/Black
Daniel Ebenstein, Esq.	Male	White/Caucasian
Hon. Faith S. Hochberg	Female	White/Caucasian
Sherman W. Kahn, Esq.	Male	White/Caucasian
Christine Leparra, Esq.	Female	White/Caucasian
Hon. Timothy Lewis	Male	African American/Black
Daniel Schimmel, Esq.	Male	Undisclosed
David C. Singer, Esq.	Male	White/Caucasian
Edna R. Sussman, Esq.	Female	White/Caucasian

- **Claimant's Request No. 4:** "Confirm the AAA's position with respect to Quinn Emanuel proposing names to the AAA national roster. Our understanding of the position articulated by you on the call was that no new names can be added to the National Roster for use in this arbitration. The AAA process for vetting and approving names for inclusion on the National Roster takes eight (8) to twelve (12) months or longer, and includes rigorous vetting and training in accordance with the AAA standards and procedures. We requested during the phone conversation (and renew that request now) that the AAA memorialize this process."

Response: The AAA's Roster is open to applications and recommendations to join the Roster on an ongoing basis, and as explained in Exhibit B, it is a priority of the AAA's to identify and recruit diverse candidates. The application process includes reviewing background information and recommendations, scheduling a meeting with the applicant in person or by phone, attending mandatory training, and various additional steps. More detailed information is available at [Application Process for Admittance to the AAA National Roster of Arbitrators](#). The time required to review applications varies by region, but the review process makes it impractical to add individuals to the Roster solely for the purpose of considering them on a particular case. In addition, conflicts would arise if an individual is nominated to the AAA's Roster by a lawyer at a firm with a previous business or social relationships with the nominee, and then the individual is appointed as an arbitrator in a case involving the same lawyer that nominated the arbitrator to the AAA's Roster.

To the extent parties wish to retain the ability to appoint arbitrators with particular expertise or backgrounds, they frequently do so by providing for party appointed arbitrators as referred to in Rule 13 of the Commercial Arbitration Rules. Party appointed arbitrators do not need to be members of the AAA's Roster to serve on AAA cases. In addition, parties can agree to various other methods of appointing arbitrators, such as supplementing lists of AAA Roster members with arbitrators who are not on the AAA's Roster, or mutually agreeing to the appointment of an individual to serve as an arbitrator. The AAA will work with the parties to comply with those processes to the extent they agree to have the AAA do so.

However, because the parties' agreement in this matter does not provide for party appointed arbitrators, the parties would need to mutually agree to an alternate method of appointing arbitrators. Absent such an agreement, the arbitrators would be appointed as provided for in the Commercial Arbitration Rules.

- **Respondent's Request No. 1:** "Provide a list of all members of the AAA's Large Complex Case Roster in New York."

Response: See attached Exhibit D.

- **Respondent's Request No. 2:** "Provide a list of all members of the AAA's Large Complex Case Roster Nationally"; **Respondents' Supplemental Request No. 1:** "Please provide the number of arbitrators on AAA's national Large Complex Case roster who are African American"; and **Respondents' Supplemental Request No. 2:** "Please provide the number of arbitrators on AAA's New York Large Complex Case roster who are African American."

Response: In attempting to create a list of all AAA Large Complex Case Roster members for all regions of the country, it appears there would be over 1000 arbitrators on that list. Given that large number, and the fact that arbitrators from AAA Rosters other than the Large Complex Case Roster were used to create the list of potential arbitrators, the AAA will not provide this list. However, to the extent necessary, upon the resumption of the administration of the arbitration and outcome of the pending litigation, the AAA would work with the parties to identify arbitrators from that Roster or others who can be considered for appointment. Eighteen individuals on the AAA's national Large Complex Case Roster have self-identified as African American, and one arbitrator on the New York Large Complex Case Roster has self-identified as African American.

- **Respondents' Supplemental Request No. 3:** "Has AAA relied exclusively on arbitrators' self-identification to determine the number of African American arbitrators in response to Supplemental Requests No. 1 and 2? If not, please explain how AAA has identified arbitrators as African American."

Response: Yes. See the response to Claimant's Request No. 1.

- **Respondents' Supplemental Request No. 4:** "How many arbitrations are referred to arbitrators on the Large Complex Case roster each year? What percent of AAA's total arbitrations are referred to the Large Complex Case roster?"

Response: This request is unclear, but to the extent it seeks the number of cases administered under the Commercial Rules' Large Complex Case procedures, there were 920 such cases in 2017.

- **Respondents' Supplemental Request No. 5:** "How many of the individuals identified by AAA as African American have been selected to serve as an arbitrator?"

Response: 89 of the 152 self-identified African American Roster members were appointed to a case in 2017.

- **Respondents' Supplemental Request No. 6:** "How does AAA determine whether an arbitrator is qualified to sit on its Large Complex Case panel?"

Response: In addition to the qualifications and continuing training required for membership on the AAA Panel, Large Complex Case Panel members are recognized leaders in specific industries, prominent attorneys, retired judges and others with advanced skills in dispute management techniques that have substantial prior experience handling large complex disputes.

- **Respondents' Supplemental Request No. 7:** "Please indicate whether AAA will commit to advising parties to include the following provision (or a substantially similar provision) in contractual arbitration clauses: "The Parties agree that, wherever practicable, they will seek to appoint a fair representation of diverse arbitrators (considering race, gender, ethnicity, and sexual orientation), and will request administering institutions to include a fair representation of diverse candidates on their rosters and list of potential arbitrator appointees."

Response: The AAA has implemented significant and concrete steps toward increasing the appointment of diverse panel members by incorporating a tool in our case management systems that alerts staff if at least 20% of the lists prepared by the AAA are not diverse in terms of ethnicity or gender. For lists created in 2017, 87% of lists sent to parties met that goal. The AAA is also considering other means of encouraging the selection of diverse roster members to parties and representatives.

- **Respondents' Supplemental Request No. 8:** "With regard to any "grants, scholarships, programs, committees, and other efforts to increase and maintain diversity within the AAA pool of available arbitrators," as referenced in Claimants' requests, please indicate how many African-American individuals received the benefits of any such efforts."

Response: The AAA is engaged with numerous activities every year that are specifically aimed to increase diversity in the alternative dispute resolution field. These activities benefit diverse arbitrators and practioners, including African American individuals. These activities include the AAA Higginbotham Fellows Program where the representation of African-Americans is nearly 50% of the total number of AAA Higginbotham Fellows. They also include specific and ongoing recruitment efforts directed to members of diverse bar groups and other organizations. Given that our diversity efforts and activities occur across all offices of the AAA, it would be difficult to provide the specific number of African-American individuals who have participated or received the benefits of these efforts. See attached Exhibit B, which outlines some of the AAA's most recent diversity activities.

- **Respondents' Supplemental Request No. 9:** "Please identify the number of African-American Higginbotham fellows in the past 10 years and, of those individuals, please identify the number of African-American Higginbotham fellows now listed on the Large Complex Case roster."

Response: There have been a total of 134 AAA Higginbotham Program Fellows since the program's inception in 2009. Out of those Fellows, 65 are African-American or African. Individuals apply to the Fellows Program for various reasons, including obtaining knowledge of ADR they can take back to their work and implementing dispute resolution processes in government. Of those African-American Higginbotham Fellows who applied to our panel, all or virtually all have been accepted to the AAA's Roster. There are no African-American Higginbotham Fellows on the Large Complex Roster.

- **Respondents' Supplemental Request No. 10:** "Please indicate whether AAA will commit to selecting one of the African American arbitrators on the panel for the Arbitration," and **Respondents' Supplemental Request No. 11:** "Please indicate whether AAA will commit to providing a new panel, chosen from the full AAA National Roster, in the Arbitration."

Response: Given that the arbitrator's appointment in this arbitration is one of the issues related to the pending court proceeding, and that all parties would need to be provided an opportunity to comment on these requests, the AAA is unable to respond at this time. Please also see Response to Claimant's Request No. 4.

Sincerely,

/s/ Jeffrey T. Zaino
Jeffrey T. Zaino, Esq.
Vice President

cc (via e-mail only): Eric Tuchmann, Esq.
Sasha Carbone, Esq.
Jordan Harap, Esq.
Andrew J. Rossman, Esq.
Rex Lee, Esq

Zaino Letter Exhibit A

AMERICAN ARBITRATION ASSOCIATION PANELISTS WHO SELF-IDENTIFIED AS AFRICAN AMERICAN/BLACK			
First Name	Middle Name	Last Name	Company / Firm / Employer
William		Aiken	William Aiken
Candice	D.	Aiken	
Claude	Dawson	Ames	Claude Dawson Ames Professional Corp.
David	J	Arrington	
Linda	D	Ashford	Linda D. Ashford, P.C.
Nelson	Lawrence	Atkins	Atkins Arbitration and Mediation Service
Hon. Jerald		Bagley	Jerald Bagley, P.A.
Beverly	P	Baker	Beverly P Baker, LLC - Attorney At Law
Hon. Cynthia	Ackron	Baldwin	
Meeta	Alberta	Bass	Bass Dispute Resolution Services, LLC
Wendella Ault		Batthey	Wendella Ault Batthey, LLC
Duane	E	Bennett	
Hon. Levi James		Benton	Levi Benton & Associates PLLC
Laverne	Y	Berry	The Law Office of Laverne Berry
Byron		Berry	
Paul	S	Besson	New Day Solutions, LLC
Hon. Franklin	N	Biggins	
C. Elaine		Blackwood	Richwood Consulting Group, LLC
Linda		Bond Edwards	Rumberger, Kirk & Caldwell
Hezekiah		Brown	
Janice	P	Brown	Brown Law Group
T. Andrew		Brown	Brown Hutchinson LLP
Robert	W.	Brown	University of West Los Angeles
Yvonne	B	Burke	
Dean	L	Burrell	Dean L. Burrell, Arbitrator-Mediator
Fred	D	Butler	Fred D. Butler & Associates
Hon. Louis	B.	Butler	DeWitt Ross & Stevens, SC
Erika	Lorraine	Butler	Butler Davis PLLC
Prof. Charles	Desmond	Cambridge	
Christopher	L.	Campbell	
Joyce	Diane	Campbell Priveterre	Joyce Campbell Priveterre
Carolyn	Hopkins	Carlburg	
Frederick	M	Cash	
Lisa	C	Charles	
Kelly N.H,		Charles-Collins	
Tuneen	E	Chisolm	Chisolm Esq.
Brent	O.E	Clinkscale	Womble Bond Dickinson US LLP
Harold		Coleman	American Arbitration Association
Sylvia Jeanine		Conley	Little Mendelson, PC
Wilson	A	Copeland, II	Grier Copeland & Williams, P.C.
William	Henri	Crosby	
Barbara		Crutchfield George	
Norris		Cunningham	Katz Korin Cunningham, P.C.
Wellington	J	Davis	Wellington Davis, Inc.
Kimberly	G	Day-Lewis	

AMERICAN ARBITRATION ASSOCIATION PANELISTS WHO SELF-IDENTIFIED AS AFRICAN AMERICAN/BLACK			
First Name	Middle Name	Last Name	Company / Firm / Employer
Anita	L	DeFrantz	
Fred	L	Denson	
Edward	W	Diggs	Bechtel Corp.
Andrew	L	Dixon	
Candace	Renee	Duff	Duff Law & Mediation, PLLC
Kermit	Edward	Duncan	Kermit Duncan Architect, P.A.
James	T	Ellis	James T. Ellis & Associates, P.C.
Angela		Foster	
Linda	M	Foster-Wells	
Charles	C	Franklin	Franklin Technical Services, LLC
Hon. Hugh	L	Fraser	Hon. Hugh L. Fraser
Laverne		Gaskins	Law Office of Laverne Lewis Gaskins, P.C.
R. Peyton		Gibson	The Gibson Law Firm
Hon. James	T	Giles	Blank Rome, LLP
Wanda	N	Goodloe	CB Richard Ellis, Inc.
Angela	Newell	Gray	Gray Newell Thomas, LLP
Hon. Jon	R	Gray	Shook Hardy & Bacon, LLP
Hon. Melvia	B	Green	Melvia B. Green P.A.
Michael	Z	Green	Michael Z. Green
Donovan	E.	Greening	
Bobby Marzine		Harges	Bobby Marzine Harges
Danielle	L	Hargrove	DLH ADR Solutions PLLC.
Charles	E	Harris II	Mayer Brown, LLP
Hon. Theodore		Haynes	Judge Theodore Haynes
Pauline	E	Higgins	Pauline E. Higgins & Associates, P.C.
Frances	L	Hill	ITB Consulting, LLC
Hon. Karimu	F	Hill-Harvey	Karimu F. Hill-Harvey, Esq., P.C.
Melida	Narcisa	Hodgson	Foley Hoag LLP
Reginald	A	Holmes	The Holmes Law Firm
L. Tyrone		Holt	The Holt Group, LLC
Richard	M	Humphreys	Merles Dispute Resolution
Yvonne	R	Hunter	
Samuel	G	Jackson, Jr.	Samuel G. Jackson, Jr.
Frank	S	James	
Gloria		Johnson	Gloria Johnson Arbitrator /Mediator
Charles	S	Johnson	Holland & Knight, LLP
Reginald	E	Jones	
Corbyn ("Corby")		Jones	McDowell Rice Smith & Buchanan, PC
Hon. Clarence	J	Jones	
George	W	Jones	Sidley Austin, LLP
David	A	Kadzai	Kadzai Law Group, LLC
Saundra		Kee Borges	
Alfreida	B	Kenny	Law Office of Alfreida B. Kenny
Homer	C	La Rue	La Rue Dispute Resolution Services
Cannon	D	Lambert	
Kinard		Lang	

AMERICAN ARBITRATION ASSOCIATION PANELISTS WHO SELF-IDENTIFIED AS AFRICAN AMERICAN/BLACK			
First Name	Middle Name	Last Name	Company / Firm / Employer
Hon. Lawrence	M	Lawson	McElroy Deutsch Mulvaney & Carpenter, LLP
Hon. Timothy	K.	Lewis	Schnader Harrison Segal & Lewis, LLP
Lisa	D	Love	
Hon. Joshua	W	Martin, III	Potter Anderson & Corroon LLP
Christopher	E	Mathews	Christopher E. Mathews, Esq.
Samuel	E	McCargo	
James		McElroy	James McElroy LLC
Hon. Yvette		McGee Brown	Jones Day
Dr. A.	Y	Mckissick	
Patricia	A	McQuater	Savvy Solutions by McQ, LLC
Joyce Ann		Mitchell	Joyce A. Mitchell & Associates
Yolanda	D	Montgomery	
Marvin	Ray	Motley	Marvin R. Motley, Esq.
John		Murdock	Potter & Murdock, PC
Jason	M	Murray	Gunster, Yoakley & Stewart, P.A.
Rosalyn	H	Myers	Rosalyn Henderson Myers
Hon. Mollie Wagner		Neal	
Debra Simmons		Neveu	Debra Simmons Neveu
Paul		Ngotho, FCI Arb., Chartered Arb	Ngotho Property Consultants Ltd.
Ronald	A	Norwood	Lewis Rice LLC*
Sidney	M	Nowell	Sidney M. Nowell, Esq
Albert	P	Parker	General Counsel Legal Advisors, LLC
Robert	C	Pearman	
Judith	T	Pierce	
Jill		Pilgrim	Pilgrim & Associates
Denise	L	Presley	PRESLEY LAW, PLLC
Valencia		Rainey	
Darlene		Redmond	
Marsha	Lorraine	Ross-Jackson	
D. Billye		Sanders	
Hon. Leah	Ward	Sears	Smith Gambrell & Russell, LLP
Hon. Myra		Selby	Ice Miller LLP
Ronald	M	Shane	Ronald M. Shane Associates
Robert	T	Simmelkjaer	
Sterling	A	Spainhour	
Stephen		Starks	
Mary A .W.		Stoddard	
Janice	L	Sumler-Edmond	
Norma	J	Sutton	
Jon	H	Sylvester	
Alan	A	Symonette	Symonette ADR Services, Inc.
Timothy	S	Taylor	
Hon. John Charles		Thomas	Hunton Andrews Kurth, LLP
Daniel	J	Thompson	
Olivia	J	Valentine	
Lamont	M	Walton	Lamont M. Walton

AMERICAN ARBITRATION ASSOCIATION PANELISTS WHO SELF-IDENTIFIED AS AFRICAN AMERICAN/BLACK			
First Name	Middle Name	Last Name	Company / Firm / Employer
Floyd		Weatherspoon	Floyd Weatherspoon
L. Therese		White	
A. Martin		Wickliff	Cozen O'Connor
Hon. Betty	R	Widgeon	Betty Widgeon, Retired Judge
Sabrina		Wilkins-Brown	The Law Office of Sabrina Wilkins-Brown, P.C.
Hazel	M	Willacy	
Richard	D	Williams	Richard D. Williams, Esq.
Stanley	E	Williams	
Gail	M	Wilson	
Jeanne Charles		Wood	Law Offices of Jeanne C. Wood, PC
Samuel		Woodhouse	The Woodhouse Law Firm
John	L	Woods	NS&J Advisory Group
O'Neal	O	Wright	O'Neal O. Wright & Associates, PC
Dorothy Cowser		Yancy	Dr. Dorothy Cowser Yancy
Tamula		Yelling	Hibbett Sporting Goods, Inc.

Zaino Letter Exhibit B

Exhibit B



AMERICAN ARBITRATION ASSOCIATION®

Dear _____

Because of the breadth of the Association's work and the global reach of our services, the AAA recognizes the importance of a diverse and inclusive Roster of Arbitrators and Mediators. In order to assist the AAA's continuing efforts to reflect diversity on our panels, committees, educational seminars and other work of the Association, we are asking AAA arbitrators and mediators to voluntarily provide us with demographic information.

One important way in which the AAA utilizes demographic information is with respect to arbitrator lists provided to parties. In 2015, the AAA implemented programming in its case management system to enable us to provide arbitrator lists to parties with at least 20% diversity where the criteria specified by the parties and the arbitration agreement are met. This programming was a result of the AAA's work with an advisory committee of the AAA's Board of Directors that was tasked with identifying ways that the AAA could have a direct impact on diversity in the ADR field.

If you would like to provide the AAA with this information, please [click here](#) to be taken to RightSignature to provide your demographic information. The form requests your AAA Panel ID which is . [Click here](#) to download a detailed FAQ which answers most of the common questions related to completing the form.

We appreciate and value all of our arbitrators and mediators and thank you for your consideration of this effort.

Zaino Letter Exhibit C

Exhibit C

American Arbitration Association – Diversity Initiatives**December 2018**

The following provides a summary of the various areas where the American Arbitration Association (“AAA”) has engaged in diversity related efforts. Though this is not a comprehensive list of each such activity, it reflects the AAA’s major initiatives and the types of activities the AAA and its employees promote and are engaged in. As a result of the AAA’s work in this area, the AAA was an honoree of the New York Law Journal’s Diversity Initiative Project in 2015, where the AAA’s commitment to creating a diverse legal community and sustained efforts to reach that goal was recognized.

Arbitrator Recruitment and Increasing Diverse Arbitrator Appointments

Improving Roster Diversity: The AAA has engaged in a multi-year effort to increase the diversity of its Roster in terms of gender and ethnicity. Executives across every division of the organization actively recruit women and minority candidates who meet the criteria established for the AAA’s panels.

The following statistics reflect the number individuals added to the AAA’s Roster domestically:

<u>2018*</u>	<u>#</u>	<u>%</u>	<u>2017</u>	<u>#</u>	<u>%</u>	<u>2016</u>	<u>#</u>	<u>%</u>	<u>2015</u>	<u>#</u>	<u>%</u>	<u>2014</u>	<u>#</u>	<u>%</u>
# Added	184		# Added	215		# Added	232		# Added	170		# Added	305	
Men	124	67%	Men	155	72%	Men	154	66%	Men	114	67%	Men	229	75%
Women	60	33%	Women	60	28%	Women	78	34%	Women	56	33%	Women	77	25%
Minority	27	15%	Minority	31	14%	Minority	27	12%	Minority	18	11%	Minority	26	9%
<i>Diverse Gender or Ethnicity</i>	78	42%	<i>Diverse Gender or Ethnicity</i>	78	36%	<i>Diverse Gender or Ethnicity</i>	94	41%	<i>Diverse Gender or Ethnicity</i>	69	41%	<i>Diverse Gender or Ethnicity</i>	95	31%

*Through Q3

Organizational Goals: Each year, the AAA commits itself to four or five organizational goals. One of those organizational goals for each of the last few years has focused exclusively on diversity, and in each of the last three years the AAA has increased the diversity goals it set for itself. In establishing diversity metrics, the AAA measures itself against metrics of other ADR organizations and the courts, law firms, and the advocates on cases.

- In 2018, the overall AAA diversity goal is to: (1) add 100 diverse panelists; (2) ensure that at least 50% of faculty and speakers on AAA programs are diverse; and (3) for 90% of the lists of proposed arbitrators created by the AAA, ensuring that at least 20% of the names included are diverse in terms of gender or ethnicity.
- In 2017, the AAA’s organizational diversity goal was to: (1) add 85 diverse panelists; (2) for 80% of the lists of proposed arbitrators created by the AAA, ensure that at least 20% of the names included are diverse; (3) establish AAA Committees that were at least 33% diverse in terms of gender or ethnicity; and (4) ensure that at least 50% of faculty and speakers on AAA programs were diverse.

Exhibit C

- In 2016, the AAA's diversity goal was to: (1) add 75 diverse panelists; (2) ensure that at least 33% of faculty and speakers on AAA programs are diverse; and (3) for 80% of the lists of proposed arbitrators created by the AAA, ensure that at least 20% of the names included are diverse.

To assist AAA employees with the creation of diverse lists of potential arbitrators, the AAA incorporated a tool in its case management system that alerts staff if at least 20% of the arbitrators on the list are not diverse in terms of ethnicity or gender.

The AAA's Higginbotham Fellows Program

The AAA's Higginbotham Fellows Program is named in honor of Judge Aloysius Leon Higginbotham, Jr., a prominent African-American civil rights advocate and scholar and the first African-American to serve as a Judge of the United States District Court for the Eastern District of Pennsylvania prior to his appointment to the Third Circuit Court of Appeals.

- The Higginbotham Fellows program was established in 2009 to provide training, mentorship and networking opportunities to up and coming diverse alternative dispute resolution professionals who have historically not been included in meaningful participation in the field of alternative dispute resolution.
- Fellows are matched with AAA neutrals as mentors in their field of interest who commit to providing networking opportunities and advice to the Fellows during the Fellowship year.
- Of the AAA Higginbotham Fellows who have applied to our panel, all or substantially all, have been accepted to the Roster, and a majority of which have been appointed as arbitrators in AAA arbitrations.
- Since 2009, the Fellows Program has inducted 134 Fellows.
- Fellows have come from 24 states and D.C. in the United States; two U.S. territories, Puerto Rico and Virgin Islands; and three foreign countries, China, Ghana and Kenya.

Support, Partnerships and Coalitions With Minority Bar and Trade Groups

As part of its recruitment efforts, the AAA has built coalitions and sponsors and participates in events with national, minority, and local bar associations and law schools around the country in order to provide training and create opportunities for diverse practitioners.

- Among the initiatives launched in 2017 is a joint arbitrator recruitment initiative with the National Association of Minority & Women Owned Law Firms (NAMWOLF) to recruit their members for inclusion on the AAA's Roster. The AAA also successfully partnered with the National Bar Association (NBA) to provide training and recruitment opportunities to its members, which resulted in several of its members being invited to apply to the AAA's Roster. These combined efforts resulted in over 20 diverse individuals being recruited to join the AAA's Roster.
- The AAA also continued its partnership and outreach to several national and minority bar associations to identify and recruit diverse panelists. One such program in 2016 was the Aspiring Arbitrators Academy during which members of a minority bar association received arbitration training and individual counseling about opportunities to become an arbitrator.
- Additional diversity related events took place with local bar associations and law schools to provide training and create opportunities for diverse practitioners. These groups include the

Exhibit C

American Bar Association, the National Bar Association, the New York City Bar Association, the New York State Bar Association, Fordham Law School, the Minority Corporate Counsel Association, and other organizations around the country.

- As part of the AAA's continuing effort to expand diversity on the Panel of arbitrators and mediators, the AAA's Commercial Division collaborated with the Minority Corporate Counsel Association (MCCA) through sponsorship of the MCCA's annual meeting and presentation of an ADR program for its members. The Commercial Division also assisted with the conception of a new organization, the ADR Inclusion Network, which focuses on promoting diversity in the ADR community.
- In 2016, the AAA's Commercial Division held a diversity roundtable in New York with arbitration practitioners and panelists to discuss how the AAA can further its commitment to diversity. That Division also partnered with various bar associations to co-sponsor diversity events such as the National Asian Pacific American Bar Association Convention held in San Diego, attended by more than 1,900 corporate counsel, large-firm lawyers, solo practitioners, judges, non-profit counsel, and lawyers from governmental agencies.
- AAA's Mediation.org continued to mentor Higginbotham Fellows alumni and conducted mediation training workshops in conjunction with the National Bar Association's 2017 Annual Convention in Toronto to prepare diverse candidates for AAA Mediation.org panel consideration.
- A number of years ago, the AAA also established an AAA Diversity Committee to assist with establishing goals, coordinating diversity events, promoting diversity within the organization, and building relationships with organizations externally.

Diversity Within the AAA

- In addition, 70% of all AAA staff are women and 52% self-identify as minorities.
- In 2017, the AAA launched an important company-wide staff training curriculum to advance a greater level of comprehension on diversity and inclusion. The curriculum includes 12 hours of training and provides staff with an opportunity to examine implicit bias, learn how to resolve diversity-related conflicts and understand the organizational benefits of promoting a diverse and inclusive workplace that fosters innovation and collaboration. Approximately 50% of our staff have signed up to engage in this voluntary diversity and inclusion training and have completed 680 hours of diversity and inclusion-related training to date. In 2018, the curriculum became required for all staff and executives.

Additional Diversity Related Programs and Events

For each of the following diversity related events, the AAA was substantively involved in organizing, hosting, providing speakers or funding, marketing, or otherwise supporting the program.

National Bar Association Annual Meeting (July 16-22, 2016 / St Louis)

NAMWOLF Annual Meeting (September 14-17, 2016 / Houston)

ACC Annual Meeting (October 16-19, 2016 / San Francisco)

Ismaili Community Arbitrator Training (Oct 2016)

NAPABA 2016 Convention (November 3-6, 2016 / San Diego)

Getting Started in ADR: A How-To for Women Attorneys (2017)

Exhibit C

NAMWOLF Annual Meeting (2017)

ABA Women in Dispute Resolution Webinar (2017)

Minority Corporate Council Program (June 2017)

NYSBA Dispute Resolution Section Fall Meeting (Oct 2017)

ABA Margaret Brent Awards for Women Lawyers of Distinction Sponsor (2018)

NAMWOLF's 2018 annual meeting

CORE Training for NAMWOLF Members (Feb 2-Mar1, 2018)

Women Owned Law and New York Women's Bar Association Event (June 6, 2018)

National Bar Association (July 2018)

LGBT Bar Association Annual Meeting (Aug 2018)

Women's Construction Initiative Event - Good Foundations, Strategies for Self Advocacy (2018)

Co-Sponsored an Entertainment Law Event with the Haitian American Lawyers Association of New York and Marino Legal (September 18, 2018)

ABA Litigation Section's Professional Success Summit – for the Advancement of Racially and Ethnically Diverse Litigators (2018)

La Raza Lawyers of California – Central California Chapter Judicial Reception (2018)

Zaino Letter Exhibit D

AMERICAN ARBITRATION ASSOCIATION COMMERCIAL LARGE COMPLEX CASE PANEL - NEW YORK			
First Name	Middle Name	Last Name	Company / Firm / Employer
David		Abeshouse	Law Offices of D.J. Abeshouse
Robin	S.	Abramowitz	Lazer Aptheke Rosella & Yedid; PC
Linda Leuchte		Addison	Norton Rose Fullbright US; LLP
Cheryl	H	Agris Ph.D.	Cheryl H. Agris; PhD
Mark	H	Alcott	
Peter	L	Altieri	Epstein Becker & Green
Reid	L	Ashinoff	Dentons US; LLP
Joanne		Barak	Crossways Consulting Group Inc.
William L.D.		Barrett	
Harvey	E	Benjamin	
Laverne	Y	Berry	The Law Office of Laverne Berry
Larry		Biblo	Biblo & Freier; LLP
John		Bickerman	Bickerman Dispute Resolution PLLC
Peter		Brown	Peter Brown & Associates PLLC
Mark	J	Bunim	Case Closure; LLC.
John	F	Byrne	
James	H	Carter	Wilmer Cutler Pickering Hale & Dorr; LLP
Joseph	A	Catania Jr.	Catania; Mahon; Milligram & Rider PLLC
Steven	A	Certilman	
William	F	Chandler	Spectrum Consulting Partners; LLC
Robert	G	Cohen	Orrick Herrington & Sutcliffe; LLP
Hon. Billie		Colombaro	
George	A	Davidson	
Matthew	E.	Draper	Draper & Draper LLC
James	P.	Duffy	Baker McKenzie LLP
Daniel		Ebenstein	Amster; Rothstein & Ebenstein
Amy	K	Eckman	Amy K. Eckman
Neal	M.	Eiseman	Goetz Fitzpatrick; LLP
Eugene	I	Farber	Farber; Pappalardo & Carbonari
Alfred	M	Fazio	
John	D	Feerick	
Michael	E	Feldman	
Alfred	G	Feliu	Feliu Neutral Services; LLC
Arthur	D	Felsenfeld	Jaspan Schlesinger LLP
Lynne	M	Fischman Uniman	Allegaert Berger & Vogel; LLP
Susanna	S	Fodor	Scarola Zubatov Schaffzin PLLC
Walter	G	Gans	
Loretta	M	Gastwirth	Meltzer; Lippe; Goldstein & Breitstone; LLP
Stephen	P	Gilbert	
George		Gluck	
Walter	D	Goldsmith	WDG Trust

AMERICAN ARBITRATION ASSOCIATION COMMERCIAL LARGE COMPLEX CASE PANEL - NEW YORK			
First Name	Middle Name	Last Name	Company / Firm / Employer
Marc	J	Goldstein	MJG Arbitration & Mediation
John	F	Grubin	Wasserman Grubin & Rogers; LLP
Thomas	D	Halket	Halket Chambers
Hon. Faith	S	Hochberg	HochbergADR LLC
Eric	H	Holtzman	Eric H. Holtzman; Attorney at Law
Robert	Jeffrey	Jossen	Robert Jossen; P.C.
Sherman	W.	Kahn	Mauriel Kapouytian Woods; LLP
Jean	E	Kalicki	
Kalvin		Kamien	Greenberg Trager & Herbst; LLP
William	L	Kandel	
Leonard	M	Kessler	
Patrick	R	Kingsley	Stradley Ronon Stevens & Young; LLP
James	B	Kobak	Hughes Hubbard & Reed; LLP
Daniel	F	Kolb	
Harold	A.	Kurland	Ward Greenberg Heller & Reidy; LLP
Kim	J	Landsman	Two Sigma Investments; LP
Thomas	R	Langan	Dempsey & Langan
Bernice	K	Leber	Arent Fox LLP
Christine		Lepera	Mitchell Silberberg & Knupp; LLP
Jack	P	Levin	
Michael	A	Levy	Westerman Ball Ederer Miller Zucker & Sharfstein;
Hon. George	D	Marlow	Gellert; Klein & MacLeod; LLP
Paul	B	Marrow	
Richard	L	Mattiaccio	Allegaert Berger & Vogel; LLP
Eli	R	Mattioli	
Sayward		Mazur	Schiff Hardin; LLP
Barbara	A	Mentz	Barbara A. Mentz; Attorney
Hon. E. Leo		Milonas	Pillsbury Winthrop Shaw Pittman; LLP
James	C	Moore	
Mark	C	Morril	MorrilADR
Charles	J	Moxley Jr.	MoxleyADR LLC
John	A	Pappalardo	Farber; Pappalardo & Carbonari
Abigail		Pessen	null
Hon. Susan		Phillips Read	Greenberg Traurig; LLP
Howard	R	Reiss	Reiss Sheppe; LLP
Nathan	J	Robfogel	Harter Secrest & Emery LLP
Hon. Albert	M	Rosenblatt	McCabe & Mack; LLP
Hon. Richard	D	Rosenbloom	
Allen	J	Ross	Duane Morris; LLP
Thomas	J	Rossi	Rossi & Crowley; Sancimino & Kilgannon; LLP
Gary	L	Rubin	Schiff Hardin; LLP
Anibal	M	Sabater	Chaffetz Lindsey; LLP

AMERICAN ARBITRATION ASSOCIATION COMMERCIAL LARGE COMPLEX CASE PANEL - NEW YORK			
First Name	Middle Name	Last Name	Company / Firm / Employer
Hon. Shira		Scheindlin	Stroock & Stroock & Lavan; LLP
Daniel		Schimmel	Foley Hoag LLP
Ira	M	Schulman	Pepper Hamilton; LLP
Mark		Seiden	Milber Makris Plousadis & Seiden; LLP
Richard	H	Silberberg	Dorsey & Whitney; LLP
David	C	Singer	
Steven		Skulnik	Practical Law - Thomson Reuters
Kevin	D	Slakas	
Stephen	S	Strick	Arbitration & Mediation Services
Edna	R	Sussman	
Martin	S	Tackel	
Rosemary	Angela	Townley	TownleyADR; P.C.
Michael	T	Walsh	Michael T Walsh Esq.
Michael		Wexelbaum	Davidoff Hutcher & Citron LLP
John	H	Wilkinson	
John	Busey	Wood	Akerman; LLP
Joseph	P	Zammit	Zammit Technology ADR
Richard	F	Ziegler	Jenner & Block; LLP