

ILR/NAA NEXT GENERATION OF NEUTRALS (NGN)  
CONSORTIUM PROPOSAL

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1 NGN CONSORTIUM WORKING DRAFT

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5 **I. Introduction**

6 The purpose of this proposal is to set forth a framework for and identify items in need of  
7 further consideration in the development of the Next Generation of Neutrals Consortium (NGN  
8 Consortium or Consortium). The purpose of the NGN Consortium is to help build an inclusive  
9 next generation of neutrals of workplace disputes. The NGN Consortium will serve as the umbrella  
10 organization to administer a fellowship program committed to outreach and recruitment of new  
11 neutrals including those of emerging identities, the training, support, and mentorship of fellows,  
12 and to assist fellows in gaining or enhancing acceptability and income through appointments to  
13 early career cases (EC cases<sup>1</sup>).

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15 **II. Consortium Membership & Governance**

16 The Consortium will be composed of member organizations who have committed to the  
17 following:

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- 19 • Providing a minimum number of EC cases to be heard by Fellows each year and a  
20 contribution for financial support to the Consortium;
  - 21 • Providing financial and/or administrative support to the Consortium; and/or
  - 22 • Rostering agencies who have agreed to administer the assignment of EC cases to  
Fellows.

23 The governing body of the Consortium will be a Board of Directors drawn from consortium  
24 members. The day-to-day management of the Consortium's objectives, as determined by the Board  
25 of Directors, will be the responsibility of the Executive Director (ED) of the Consortium (who may  
26 be formally employed by the ILR Scheinman Institute). The responsibilities of the ED will  
27 include: outreach and recruitment of persons of emerging identities and administration of the  
28 fellowship selection process; management and coordination of the mentorship program;  
29 identification of training and other opportunities to enhance the education and acceptability of  
30 fellows; administration of the associateship program<sup>2</sup>; coordination of EC case identification and

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<sup>1</sup> "EC cases" will be defined by each consortium member and will include disciplinary matters as well as contract interpretation matters that are less complex and will have less impact on the enterprise and the parties' relationship.

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31 assignment processes; seeking funding to sustain the programs; and data collection, analysis, and  
32 reporting.

33 Items/issues in need of further consideration include:

- 34 • the minimum number of EC cases necessary for an organization to join the  
35 Consortium;
- 36 • the amount of financial assistance required to join the consortium;
- 37 • the structure of the Board, including bylaws;
- 38 • A job description of the functions of the ED;
- 39 • If the Scheinman Institute will house the Consortium and formally employ the ED,  
40 what steps need to be taken/what level of financial support is needed.

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### 43 **III. NGN Fellows**

#### 44 **A. Outreach and Selection**

45 The Consortium will develop a strategy for outreach to new neutrals including those of  
46 emerging identities seeking to build a conflict resolution practice which includes labor and  
47 employment arbitration and mediation. The Consortium will establish an application process for  
48 the fellowship program and criteria to select NGN Fellows. It is understood that, at a minimum,  
49 Fellows must possess the essential personal qualifications outlined in the Code of Professional  
50 Responsibility for Arbitrators of Labor-Management Disputes (“honesty, integrity, impartiality,  
51 and general competence in labor relations matters”).

52

53 While years of service in some capacity in labor-management and employment matters  
54 may be considered, it will not be the sole or primary criterion for admission to the program as a  
55 NGN Fellow. Members of the Consortium shall develop criteria for admission to the program as  
56 NGN fellow giving primary consideration to whether the applicant will fulfill the range of needs  
57 of the next generation workplace.

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#### 60 **B. Fellow I – Training & Mentorship**

61 Once selected, the NGN Fellows (Fellow I) will attend orientation and training program(s)  
62 developed or selected by the Consortium. The NGN Fellows will be assigned a mentor who is a  
63 member of the National Academy of Arbitrators and who has agreed to abide by the expectations  
64 for mentors developed by the Consortium. Mentors will attend a required orientation and review  
65 mentorship guidelines developed by the Consortium prior to assuming responsibilities as a mentor  
66 The mentorship commitment will be, at minimum, 12-months in length. The expectations to be  
67 developed by the Consortium will include: the minimum number of cases the mentee will attend

68 with the NAA Mentor, the minimum number of shadow awards the Fellow will draft (and on which  
69 the Fellow will receive feedback from the NAA Mentor), and the minimum number of professional  
70 events the Mentor would attend with the Fellow in order to introduce the Fellow to advocates and  
71 other members of the labor-management community (for example, LERA meetings, state bar  
72 events, et cetera). The NGN Consortium will recruit NAA Members in needed geographic regions  
73 (those regions where Fellows are located) willing to serve as mentors for at least 12-months. In  
74 addition to the responsibilities listed above, the NAA Mentor will assess and recommend, in  
75 accordance with criteria established by the Consortium, the Fellow I's readiness to be added to the  
76 EC panel. The recommendation of the NAA Mentor for a Fellow I to be included on the EC panel  
77 will be considered by a committee, including the ED, established by the Consortium.

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### 79 **C. Fellow II – EC Panel**

80 Once approved to receive appointments to EC cases, Fellows (Fellow II) will be included  
81 on the panel to receive direct appointments to EC cases. Organizations will identify EC cases with  
82 the understanding that Fellow IIs will receive feedback on their decisions from mentors and other  
83 neutrals so designated by the Consortium. Such cases will be equitably assigned (rotation) to  
84 Fellows IIs.

85 The ED will supply the rostering agencies and/or organizations with the order of the  
86 rotation of the panel. The ED will monitor and collect data concerning the number of appointments  
87 received by Fellow IIs as well as the performance of Fellow IIs. A system for assessment of  
88 performance and provision of feedback to the Fellow IIs will be established in accordance with  
89 any applicable rules of confidentiality and ethical codes.

90 Items/issues in need of further consideration include:

- 91 • Criteria to become Fellow II and receive appointments
- 92 • Compensation for EC panel work (per diem? Are there different rates? Who sets  
93 the rate?);
- 94 • Rostering agencies – willingness to administer panel appointments/cases
- 95 • Can organizations reach out directly to the Consortium or must cases be  
96 administered by rostering agency
- 97 • How will decisions be assessed and feedback provided – pre-issuance and/or post-  
98 issuance in accordance with Code?
- 99 • How long may a Fellow II be on the panel? 24 months? 36 months?

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102 **IV. NGN Associateship Program**

103 The Consortium will conduct outreach and establish guidelines for NAA Arbitrators and/or  
104 a group of NAA Arbitrators from the same region (Group) who wish to employ an Associate  
105 Arbitrator to attend hearings and draft decisions under the guidance and direction of the NAA  
106 Arbitrator(s). The NAA Arbitrator or Group seeking to employ an Associate Arbitrator will  
107 commit to contributing a minimum amount toward the stipend to be paid to the Associate  
108 Arbitrator for such work. The Consortium may also seek grants and/or contributions to partially  
109 fund the associateships. All participating NAA Arbitrators or Groups will commit to uphold  
110 expectations established by the Consortium, including the maximum number of hours/cases for  
111 which an Associate Arbitrator will be responsible for attending and/or completing. Opportunities  
112 to apply for Associateships endorsed by the Consortium will be limited to Fellow I and Fellow IIs.

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114 **V. Complementing Existing Programs & Further Fellow Support**

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116 The Consortium opportunities provided to Fellows are meant to be in addition to and not  
117 as a replacement for any existing opportunities or programs. Fellows will be encouraged to apply  
118 to other programs, including but not limited to the AAA Higginbotham Fellows Program, JAMS  
119 Diversity Fellowship Program, State Bar Associations mentorship programs, and Salons sponsored  
120 by NAA Regions. In addition to providing Fellows information about these opportunities, the  
121 Consortium will provide Fellows with support and guidance in applying to rosters and panels for  
122 which they are qualified.

123 Items/issues in need of further consideration include:

124 **\*\*Note:** this document is focused on arbitration. I am not sure how we would like to incorporate  
125 mediation appointments (and assessment of performance).