

DR. KATHERINE M. SIMPSON
ARBITRATOR

Diversity and Quality are Indivisible

**Annual Meeting of the International Institute for Conflict Prevention and Resolution (2025)
Awards Ceremony, Outstanding Contribution to Diversity Award
Acceptance Remarks from Katherine Simpson**

February 6, 2025

Every time the U.S. has sought quality, it has arrived at diversity. The two travel together.

Until the late 1970s, the path to the judiciary was not based on quality. It was based on personal and professional networks.

A person could not expect to be considered for a federal judicial appointment unless he or she knew a senator personally, knew someone who did, or was owed a political favor by a senator. While many excellent judges and U.S. attorneys were appointed through this process, this process was not a guarantee of quality. The judiciary – and the people and system it was meant to serve – suffered. Far too many judges lacked a sufficient grasp on the law that they would apply. Many lacked the procedural skills and knowledge necessary to lead a judicial process that would produce fair and enforceable results in a timely manner.

This network-based system of appointments led to incomprehensible judgments and extraordinary delays.

The late President Carter changed this. Rather than focus on network-based appointments that did not guarantee quality, President Carter promised that all judicial appointments would be on the basis of merit. He changed the way that all federal judges were appointed.

Through his merit-based appointment procedure, President Carter appointed more women and more people of color to the judiciary, than had all prior presidents combined.

Some of these judicial appointees are today's arbitrators and mediators. Several are in private practice. One is a current Fellow of the College of Commercial Arbitrators. One served on the Iran-US Claims Tribunal and presided over the International Criminal Tribunal for the Former Yugoslavia. Some were later elevated to the Supreme Court.

All because of merit-based appointing.

We, too, can improve alternative dispute resolution ("ADR") through merit-based appointment practices. We are the leaders, and everyone in this room has benefitted from merit-based hiring and appointing. We are the embodiment of the power of merit-based appointments.

Diversity in an arbitrator strike list is a sign of high quality research. It shows – objectively – that no highly qualified and meritorious candidate has been excluded on the basis of their gender, skin color, or any other "diverse" characteristic. Diversity in a strike list is a signal that all of the available talent has been considered and has the potential to be engaged in the service of ADR.

Diversity and quality are closely connected. They travel together, and neither arrives at the expense of the other.

I look forward to working with all of you to improve ADR. Together, we must ensure that no one is excluded on the basis of any "diverse" characteristic.

Citations available at *The Diversity Dividend*, [52 University of Toledo Law Review 447](#) (2021)

DR. KATHERINE SIMPSON, ESQ.

Phone: +1 301 741 5399

Email: simpson@simpsonadr.net

LinkedIn: <https://www.linkedin.com/in/simpsonkatherine/>

Simpson Dispute Resolution, Inc.

Web: <https://simpsonadr.net>
