

REPORT ON THE 2023 SURVEY ON
**DIVERSITY AND INCLUSION IN
ALTERNATIVE DISPUTE RESOLUTION**

2023 Survey on Diversity and inclusion in alternative dispute resolution (ADR) conducted by the **London Chamber of Arbitration and Mediation** and the **Department of Law and Criminology** at **Royal Holloway, University of London**



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Special thanks are expressed to the Advisory Board of LCAM for their continuing support and oversight.

About the London Chamber of Arbitration and Mediation (LCAM)

London Chamber of Arbitration and Mediation (“LCAM”) is part of the London Chamber of Commerce and Industry but independent in its administration of disputes. LCAM was launched to provide innovative, speedy, and cost-effective services to help resolve commercial disputes. LCAM offers arbitration, expedited arbitration, and mediation services delivered by diverse practitioners with many years' experience in alternative dispute resolution. Oversight is provided by the LCAM Advisory Board. Fees are fixed, providing cost-certainty and good value without compromising quality.

About the Department of Law and Criminology, Royal Holloway, University of London

The Department of Law & Criminology is a multi-disciplinary and world-leading department offering a range of programmes including law, criminology, psychology, sociology, forensic psychology and social work. We are a diverse, dynamic and vibrant community with sound intellectual and policy aims and outcomes. We place students at the heart of our focus helping them to reach their highest potential. The unique strength of our community in this department and the School of Law and Social Sciences is that it brings together so many exceptionally talented people of different backgrounds, experiences, interests, methodologies, and perspectives in a subject mix which is stimulating and distinctive in legal and social science education. Our department is built on strong traditions in law, criminology, psychology, sociology and social work. Our qualifying law courses, and combined honours courses offer a mix of opportunities within the broad framework of our key disciplines. We have outstanding national and international collaborative links in the world of law, criminal justice and forensics, and social work; with a real commitment to making a difference in society.

Introduction

The London Chamber of Arbitration and Mediation (LCAM) and the Department of Law and Criminology, Royal Holloway, University of London are proud to present this Report on the 2023 Survey on Diversity and Inclusion in Alternative Dispute Resolution (ADR) (the Survey)¹. The snapshot Survey collected responses between 4 February 2023 and 2 May 2023, with the aim of securing some preliminary quantitative data exploring levels of diversity and inclusion in the ADR industry and to assist research efforts in answering the question “How big is the diversity gap in ADR?”. It is hoped that the Survey and this Report provide an important, but modest, step forward in the analysis of diversity in ADR and in answering this question, laying foundations for deeper exploration in the future and for informed discourse on this critical subject.

In this report, we present the overall results of the snapshot Survey², analyse key findings and suggest that although there is some level of diversity in the ADR community, further research should be undertaken to analyse some potential diversity gaps identified by the Survey. This Report also suggests some steps that can be undertaken by industry stakeholders to reduce the potential diversity gaps identified by the Survey.

1 – The importance of diversity in ADR

The significance of diversity and inclusion in all spheres of society cannot be overstated. As the legal and dispute resolution domains continue to adapt to the changing needs and different demographics, and the use of ADR expands, understanding and embracing diversity within ADR processes has emerged as a pivotal consideration.

The expansion of ADR comes with substantial implications on how we resolve disputes. The idea that ADR is used for specific disputes and by specific users (mainly related to commerce), is no longer the rule. ADR is now employed in a plethora of disputes involving non-commercial parties, such as consumer disputes, employment disputes, sports disputes, family disputes and even parking fine disputes. As a result, it is imperative for ADR processes to be trusted by society more widely. If there is a lack of diversity and inclusion across ADR processes, the effectiveness and fairness of the various processes may be called into question by ADR’s users and by civil society. Indeed, such questions are already making their way to the fore. In *Carter et al. v. Iconix Brand Grp. Inc.* No. 17-03096 (N.Y. App. Div. filed Oct. 27, 2017), for example, the singer Jay Z notably petitioned for a stay of arbitration due to the fact that the American Arbitration Association’s list of arbitrators, did not, at the time, include a single African American arbitrator.

2 – The purpose of the Survey

The objective of the Survey is to assist in efforts to investigate levels of diversity and inclusion in the ADR industry and identify areas for further research. Although there are some available data in relation to specific areas of ADR concerning diversity, there are not easily accessible, up to date, citable data resources with which we can achieve the wider objective of this Survey.

Commendable efforts have been made to date by (among others) the Centre for Effective Dispute Resolution (CEDR), who have undertaken some statistical analysis of diversity in mediation based on their annual audits (see CEDR report on Improving Diversity in Commercial Mediation)³ and the International Council for Commercial Arbitration, who published a Report of the Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings concerning arbitration.⁴

Other initiatives have recognised the importance of diversity and assist in efforts to take positive steps to promote diversity in a wide variety of forms. Dr Ula Cartwright Finch’s *The Usual Suspects: Decision Making in Arbitrator Selection*

¹ The Department of Law and Criminology, Royal Holloway, University of London was led in these efforts by Dr Leonardo V P de Oliveira. The London Chamber of Arbitration and Mediation (LCAM) was provided with particular assistance by its former manager, Farad Asghari.

² The survey received over 50 responses to a questionnaire related to diversity and inclusion in ADR.

³ Centre for Effective Dispute Resolution, ‘Improving diversity in commercial mediation: Executive Summary Report’ <<https://www.cedr.com/wp-content/uploads/2019/10/Executive-Summary-Report.pdf>> accessed 11 March 2024

⁴ International Council for Commercial Arbitration, ‘Report of the Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings: 2022 Update’, ICCA Reports No. 8 (2022) <https://cdn.arbitration-icca.org/s3fs-public/document/media_document/ICCA-Report-8u2-electronic3.pdf> accessed 11 March 2024

report (the Usual Suspects Report) provides empirical analysis of the decision making process in the appointment of arbitrators, alongside recommendations for best practice that encapsulate diversity-related considerations, but does not seek to provide quantitative data on diversity in appointments specifically.⁵ Institutions, such as the International Institute for Conflict Prevention & Resolution, have also started initiatives like the Diversity in ADR Task Force.⁶ Other notable endeavours include the ICC's Guide for Disability Inclusion in International Arbitration⁷, the Equal Representation in Arbitration Pledge⁸ and REAL (Racial Equality for Arbitration Lawyers)⁹, alongside a number of young-practitioner focused groups.¹⁰ While diversity in arbitration and mediation has been studied in other forms of qualitative research¹¹, no quantitative research, as presented here, has undertaken an evaluation of diversity in the ADR sphere more widely, suggesting specific areas for further research. The present Survey is therefore intended to be a modest further step in the mission to investigate levels of diversity and inclusion in the ADR industry and identify a course for further exploration.

The authors of this Report draw upon diversity data from a number of other sources to contextualise the results obtained by the Survey. These sources include the Solicitors Regulation Authority's (SRA) Diversity in law firms' workforce analysis¹², alongside diversity data provided by the Bar Standard Board (BSB)¹³ and CEDR's most recent mediation audit.¹⁴ While not all of those appointed or otherwise involved in ADR processes practice from BSB or SRA-regulated entities, and the Survey sought responses from international practitioners across a range of ADR processes (not just those in the UK and involved in mediation like the CEDR audit), these contemporary data sources nonetheless provide useful context to understanding the data from the Survey's snapshot sample. Together, they comprise a statistically significant sample. Furthermore, the SRA and BSB analyses also contextualise their data in relation to society more widely. If ADR is to serve and be reflective of society more widely, then it must be compared with society and not just with subsets of society which may contain their own diversity gaps.

3 – Methodology

The research consisted of an empirical analysis by experimentation in the form of a questionnaire. The Survey took place from February to May 2023. During this period, we asked ADR professionals to answer questions about their background and their appointments as an arbitrator, mediator, or another role in ADR. The Survey focused on questions not only relating to practitioners' role in ADR, but also more personal questions looking at characteristics such as race, gender, education, and socioeconomic background. The Survey sample comprises ADR practitioners, presumed (in light of the Survey's distribution and promotion) to be mainly based in the United Kingdom of Great Britain and Northern Ireland, but not necessarily practitioners with a British educational background or necessarily those practising from the UK.

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- 5 CortexCapital;TheUsualSuspects:DecisionMakinginArbitratorSelection(2023)<https://www.cortexcapital.org/_files/ugd/4ebf15_1758d4ae0bd24547aefcc3e6e8fa30e3.pdf> accessed 27 March 2025
 - 6 International Institute for Conflict Prevention and Resolution, 'National Task Force on Diversity in ADR' <<https://www.cpradr.org/national-task-force-on-diversity>> accessed 27 March 2025
 - 7 International Chamber of Commerce, 'ICC Guide on Disability Inclusion in International Arbitration and ADR' (2023) <https://iccwbo.org/wp-content/uploads/sites/3/2023/10/2023_ICC-Guide-on-Disability-Inclusion-in-International-Arbitration-and-ADR-902.pdf> accessed 27 March 2025
 - 8 'Equal Representation in Arbitration Pledge' <<https://www.arbitrationpledge.com/>> accessed 27 March 2025
 - 9 'REAL – Racial Equality for Arbitration Lawyers' <<https://letsgetrealarbitration.org/>> accessed 27 March 2025
 - 10 See e.g. International Chamber of Commerce 'ICC Young Arbitration and ADR Forum' <<https://iccwbo.org/dispute-resolution/professional-development/yaaf-programme/>> accessed 27 March 2025; London Very Young Arbitration Practitioners <<https://www.londonvyap.com/>> accessed 27 March 2025
 - 11 Shahla F.Ali, Filip Balcerzak, Adam Mickiewicz, Giorgio Fabio Colombo, and Joshua Karton (ed) *Diversity in International Arbitration Why it Matters and How to Sustain It* (Elgar 2022); Susan D. Franck, James Freda, Kellen Lavin, Tobias Lehmann & Anne Van Aaken, 'The Diversity Challenge: Exploring the Invisible College of International Arbitration' (2015) 53 Colum J Transnat'l L 429; Rosabel E. Goodman-Everard, 'Cultural Diversity in International Arbitration – a Challenge for Decision-Makers and Decision-Making' (1991) *Arbitration International*, 7(2) 155; Christopher R. Drahozal, 'Diversity and Uniformity in International Arbitration Law' (2017) 31 *Emory Int'l L Rev* 393; Isabelle R. Gunning, 'Diversity Issues in Mediation: Controlling Negative Cultural Myths' (1995) 1995 *J Disp Resol* 55; Nadja Alexander, 'Harmonisation and diversity in the private international law of mediation: The rhythms of regulatory reform', in Klaus J. Hopt and Felix Steffek (eds) *Mediation: Principles and Regulation in Comparative Perspective* (OUP 2013).
 - 12 Solicitors Regulation Authority, 'Diversity in law firms' workforce' (2025) <<https://www.sra.org.uk/sra/equality-diversity/diversity-profession/diverse-legal-profession/>> accessed 27 March 2025
 - 13 Bar Standards Board, 'Diversity at the Bar 2023: A summary of the latest available diversity data for the Bar, Bar Standards Board' (2024) <<https://www.barstandardsboard.org.uk/resources/bsb-publishes-its-annual-report-on-diversity-at-the-bar.html>> accessed 27 March 2025
 - 14 Centre for Effective Dispute Resolution, 'The Tenth Mediation Audit: A survey of commercial mediator attitudes and experience in the United Kingdom' (2023) <<https://www.cedr.com/wp-content/uploads/2023/02/Tenth-CEDR-Mediation-Audit-2023.pdf>> accessed 27 March 2025

The Survey comprised a mix of closed and open-ended questions, the former typically being answerable with either a “yes” or “no” answer, and the latter capable of response with a short form answer. The questions addressed not only respondents’ roles within the ADR world, but also more personal questions related to inclusion and diversity, including, race, gender, education, and socio-economic background. The questions were developed to statistically consider trends, patterns and links about the level of diversity and inclusion in ADR and the format allowed for the economical collection of large amounts of data. Ethical approval for the research was obtained on 16 January 2023 by the Research Ethics Committee at Royal Holloway, University of London, REC ProjectID: 2842.

By analysing a broad range of factors, we intend to start an assessment of the status of diversity amongst ADR professionals and tentatively evaluate whether there is a diversity gap amongst ADR professionals. The analysis is deductive as it started from a current understanding of the diversity of the ADR world. In the authors’ view, the impressionistic consensus among users, potential users and those operating in the ADR world is that there is not much by way of diversity. This understanding was put to the test through the data gathered in the Survey. The research design was cross-sectional based on a survey which was controlled and structured.

4 – Overall results

The Survey collected over 50 responses. The questions were divided into four different areas, namely (i) respondents’ personal characteristics; (ii) their level of education; (iii) languages; and (iv) practical experience.

Over half of the respondents to the Survey reported their practice encapsulating just one form of ADR. Of those respondents whose practice was comprised of just one form of ADR, arbitration was the most selected option, followed by mediation. Indeed, across all Survey respondents, arbitration was the most selected ADR process, chosen by over 80% of respondents individually or alongside another form of ADR. Most of the respondents additionally reported having a career before engaging in ADR (66%).

The main sectors in which Survey respondents practiced were:

- Construction
- Energy (Oil & Gas)
- International Trade

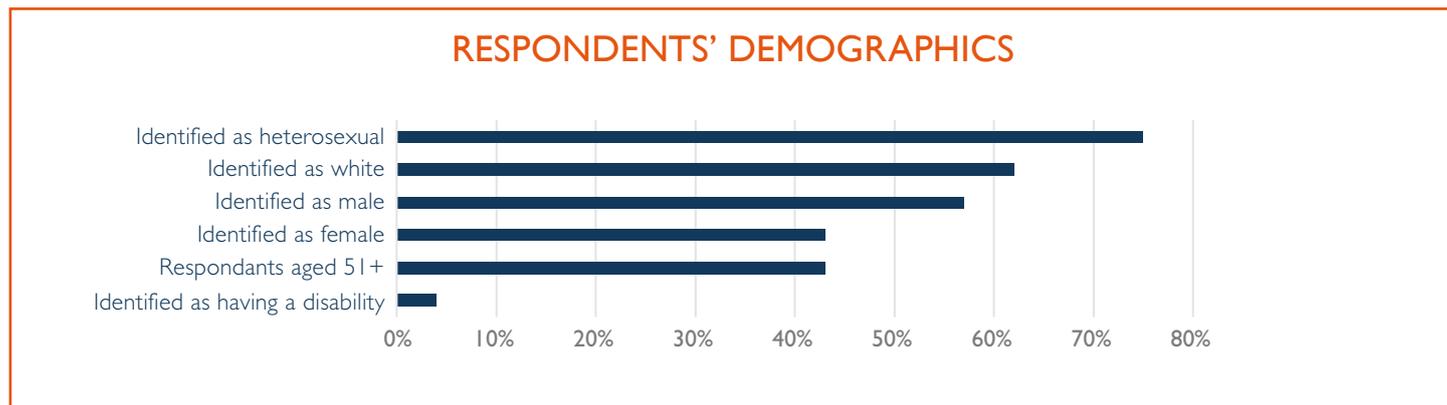
The Survey revealed a notable amount of diversity in respondents’ practice areas. Just under half of the Survey’s respondents reported specialising in 3 to 5 sectors while around 30% reported that they specialised in 6 or more sectors. Only around 20% reported specialising in just 1 to 2 sectors.

When it came to how respondents who had been appointed had received their appointments, the Survey revealed most respondents were typically appointed directly / ad hoc by the parties, with institutional appointments accounting for one third of the overall numbers.

Turning to demographic features, starting with age, the majority of the respondents, (just under 80%) reported being over 40 years old, with, 43%, reporting being 51+. 57% of respondents identified as male. As to sexual orientation and race, around three quarters reported being heterosexual, while just over 60% identified as white.



Around 4% of respondents indicated that they have a disability, broadly in line with the 6% figure reported by the SRA (which the SRA rightly observes is “still [a] significant underrepresentation compared to 16% of the UK workforce”)¹⁵ and the 6% figure provided by CEDR (which focuses on UK mediators).¹⁶ The percentage is, however, notably lower than the 8.2% of the Bar who provided a response on whether they had a disability as reported by the BSB.¹⁷



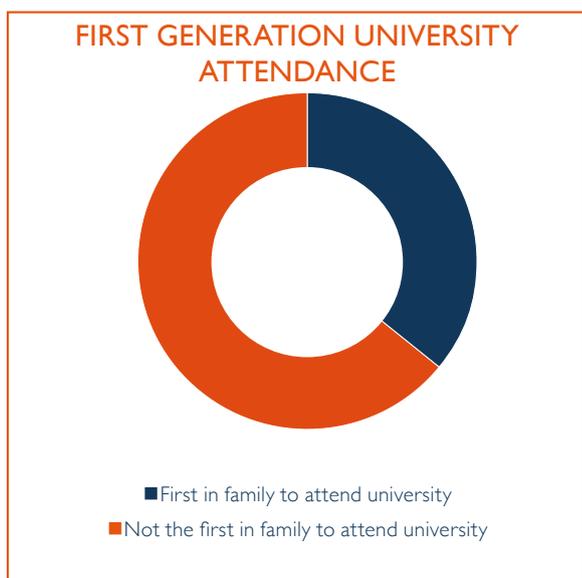
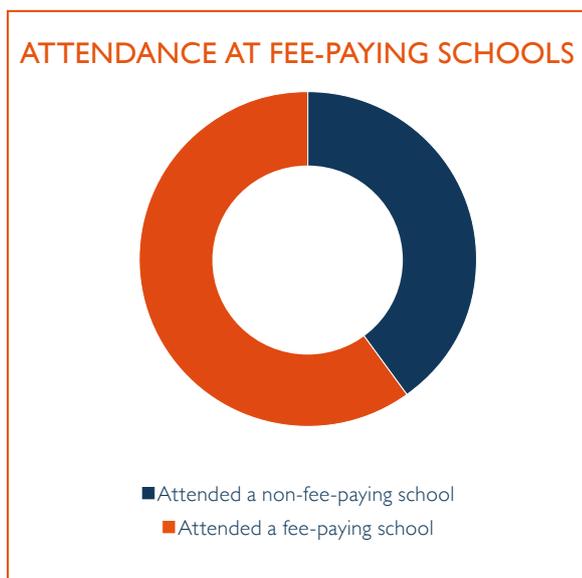
Most respondents (around 68%) reported speaking English as their first language. French was spoken to a standard high enough to conduct work by around 30% of respondents.¹⁸

The connection between language and appointments to ADR roles produced a noteworthy result, with only around one quarter of respondents believing their appointments had a connection to the language they spoke.

Regarding education, 60% of respondents reported attending a fee-paying school, and only 13% were supported to do so by a scholarship. Just one of the respondents reported not graduating from university. The preponderance of respondents reported attending university in the UK, with around 75% of those attending a Russell Group University. Out of all Survey respondents, just over one fifth went to either University of Oxford or University of Cambridge.

Around 35% of respondents indicated that they were the first in their family to attend university (an oft-cited measure of diversity and social mobility).

Concerning attainment at university, a master's degree was the highest level of qualification for around 45% of respondents who graduated from university. For around one third of the respondents, the highest qualification obtained was a bachelor's degree.



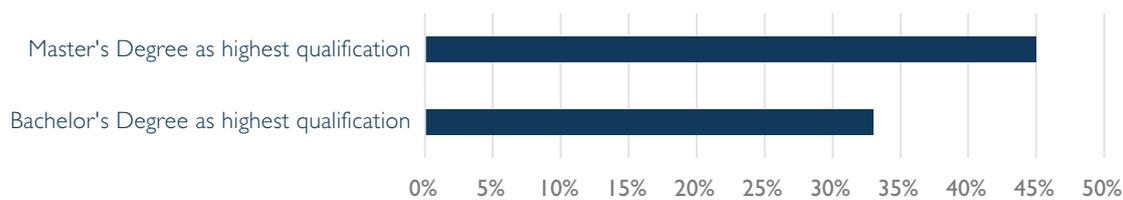
¹⁵ SRA Diversity in law firms' workforce (n 12)

¹⁶ CEDR Tenth Mediation Audit (n 14) 5

¹⁷ BSB Diversity at the Bar 2023 (n 13) 19

¹⁸ Some respondents provided further context to their French-language skills, clarifying, for example, their ability to read documents, to follow submissions, or that it remained to a “non-native” standard.

HIGHEST LEVEL OF EDUCATION



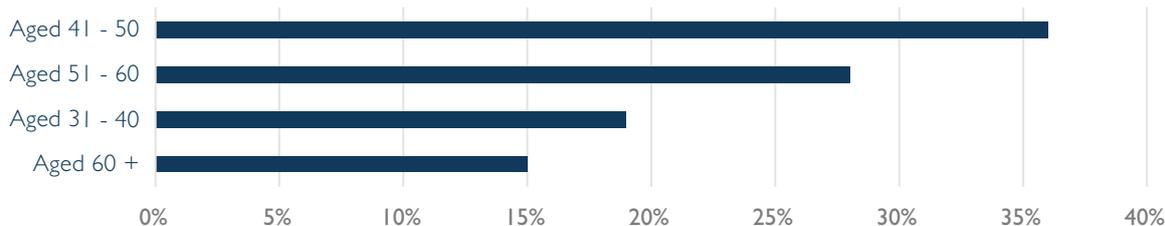
5 – Key findings

5.1 – Personal characteristics

The Survey asked five questions concerning respondents' personal characteristics. The primary question was straightforward: 'How old are you?' A major part of the respondents was between 31-50 years old. Just over 35% reported being 41-50, in line with CEDR's analysis of mediator ages, which found that 33% of mediators were between the ages of 40 and 50.¹⁹ Just under 20% reported being between 31-40 years old, while just under 30% of respondents reported being in the 51-60 bracket (in line with CEDR's finding that 30% of mediators were between the ages of 50 and 60²⁰), while 15% reported being 61+. The low proportion of respondents aged 30 or below likely reflects more senior and experienced members of the industry receiving appointments in ADR processes. Indeed, in their audit among mediators, CEDR found just 3% of mediators to be under the age of 30.²¹

While some of the Survey's data concerning age diverges with CEDR's findings (for example, CEDR found that just 5% of Respondents were between the ages 30 and 40, and 23% of mediators were between the ages of 60 and 70²²), the Survey was expressly concerned with respondents involved in a greater range of ADR processes (and not just mediation) and sought responses from international practitioners, rather than those operating in the UK. These differences may go some way towards explaining the divergences in findings.

AGE



In relation to gender ("What gender do you identify as?"), one respondent chose 'not to say', and no one responded to the non-binary option. Even though the majority identified as male, this was a small majority, with 44% identifying as female. This compares with the 62% of solicitors in the SRA's analysis identifying as female²³, and is slightly above CEDR's most recent audit, which found that 37% of mediation practitioners were female²⁴ (although noting that in

¹⁹ CEDR Tenth Mediation Audit (n 14) 5

²⁰ *Ibid*

²¹ *Ibid*

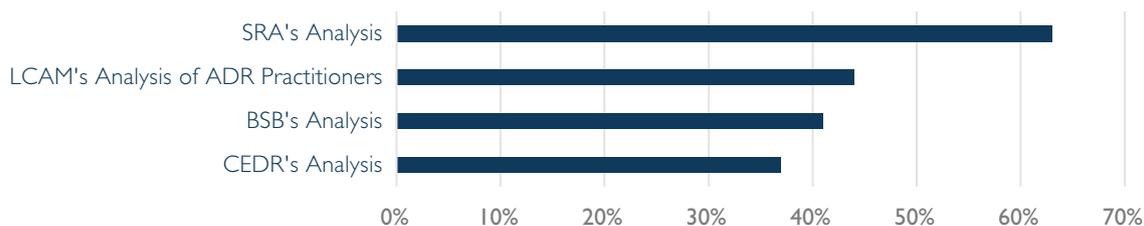
²² *Ibid*

²³ SRA Diversity in law firms' workforce (n 12)

²⁴ CEDR Tenth Mediation Audit (n 14) 5

2020 this figure was at 41% and accordingly more in line with the Survey's finding²⁵). The Survey's finding is additionally closely aligned with the BSB's reported figure of approximately 41% of barristers identifying as female.²⁶

GENDER: PRACTITIONERS IDENTIFYING AS FEMALE

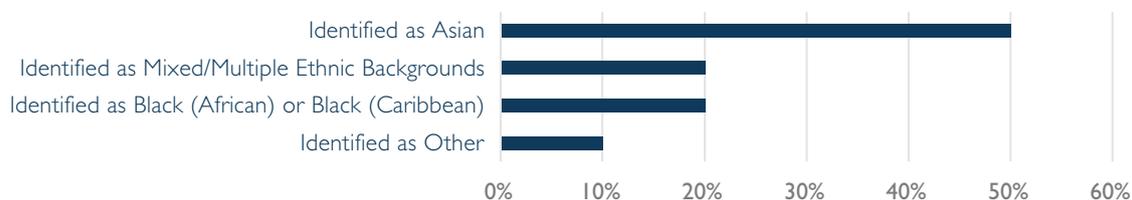


When it came to sexual orientation, (*What is your sexual orientation?*) just over 10% reported identifying as homosexual (compared with 2.6% of lawyers in the SRA analysis²⁷, and above both the 1.8% of the general population²⁸ and CEDR's audit of just UK mediators where 5% of respondents defined themselves as being either lesbian, gay or bisexual²⁹). Two Survey respondents identified as asexual (one also identifying as heterosexual) and a further respondent identified as bisexual.

While the Survey's finding is above that of the SRA's and CEDR's samples, the 10% finding is, however, more closely aligned with the BSB's reported figures that 7.2% of non-KCs, 5.3% of KCs and 12.6% of pupils reported their sexual orientation as bisexual, gay or lesbian, or used another term for their sexual orientation (not including heterosexual)³⁰.

In terms of ethnic groups, the answers showed a prevalence of white-identifying respondents, with respondents identifying with another ethnic group representing 35% of the sample. Among those respondents who did not identify as white, the highest ethnic group was Asian, accounting for just under 20% of overall responses and 50% of Survey respondents who did not identify as white.

ETHNICITIES OF NON-WHITE IDENTIFYING RESPONDENTS



Only around 8% of Survey respondents said they came from mixed/multiple ethnic groups, and 8% identified as either Black (African) or Black (Caribbean) (both accounting for 20% of the non-white identifying subset). Other reported ethnicities of respondents included Arab and Egyptian (10% of the non-white identifying subset), and just under 4% of the Survey population as a whole.

By way of comparison, the 2025 SRA analysis found that 12% of lawyer respondents identified as Asian (and likewise found it to be the highest percentage non-white ethnic group), but just 3% identified as Black and 3% from a mixed / multiple background.³¹ The SRA notes that the Office for National Statistics employment figures from 2023 showed

²⁵ *Ibid*

²⁶ BSB Diversity at the Bar 2023 (n 13) 4

²⁷ SRA Diversity in law firms' workforce (n 12)

²⁸ *Ibid*

²⁹ CEDR Tenth Mediation Audit (n 14) 5

³⁰ BSB Diversity at the Bar 2023 (n 13) 6

³¹ SRA Diversity in law firms' workforce (n 12)

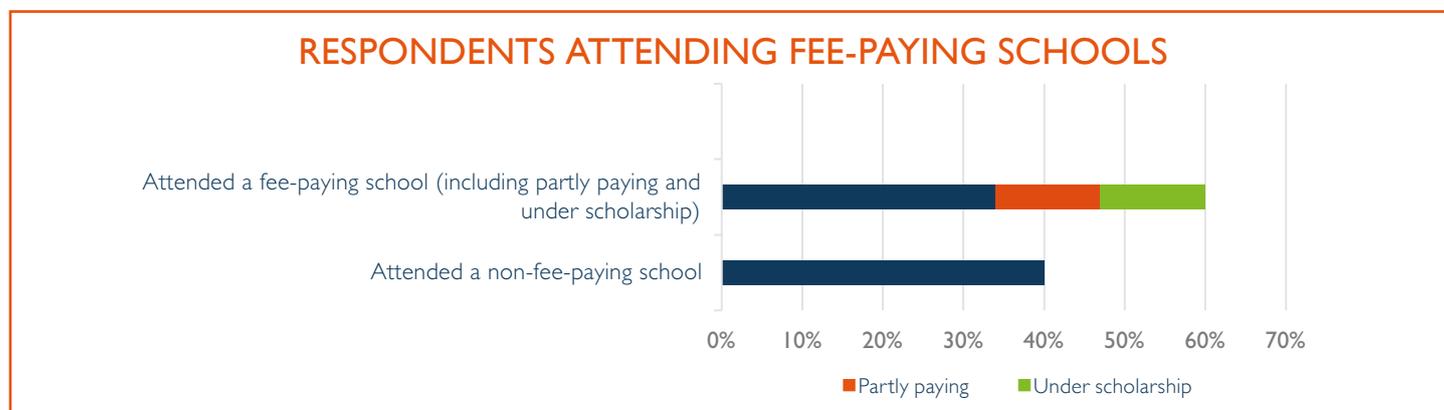
that 6% of the workforce in England, Scotland and Wales were of an Asian background and 4% were Black.³² The BSB, by contrast, reported that 16.9% of its sample are from a minority ethnic background, with 8.2% identifying as Asian and 3.6% as Black³³, while CEDR (focusing on mediators in the UK) found that “only 8% of respondent mediators report[ed] coming from ethnical minority groups”.³⁴

The demographic data from the Survey accordingly paints a mixed picture when it comes to diversity in the ADR industry. On the one hand, the Survey reveals potential diversity gaps when it comes to gender and age. On the other, the Survey shows the sample as being more diverse in terms of ethnicity than those UK lawyers featuring in the SRA and BSB analyses, particularly (perhaps unsurprisingly given the Survey’s international focus) in relation to ethnic background. Crucially, the pool of ADR practitioners only paints part of the complex picture when it comes to diversity. As a snapshot survey taking the first step in the collection and analysis of quantitative data, the Survey did not address other important matters such as appointment rates of those with different diversity characteristics, as well as the nature and value of the disputes in which they had been appointed. It is important to note that less than a third of respondents to the Queen Mary Arbitration Survey in 2021 felt that sufficient progress had been made in relation to the ethnic diversity of arbitral tribunals and that the REAL initiative continues to work towards racial equality for arbitration lawyers.³⁵ Further research is required to identify the extent of these diversity gaps, alongside others, and contribute to painting a fuller picture.

5.2 – Level of education

In this section, respondents were invited to answer a range of questions regarding their education. The first subset of questions addressed the topic of secondary education. One related to whether respondents’ studies took place in a private or state institution (*What type of school did you attend?*) while others concerned the school’s location (UK or international).

Around 47% of the respondents specified that they attended school in the UK, while approximately 53% declared they did not. For the type of school attended, around 60% of respondents reported attending a fee-paying school (including part-fee-paying schools). Around 13% of those who attended a fee-paying school did so by being funded by a scholarship, while 13% similarly reported that they attended a part-fee-paying school. It is noteworthy that just 40% of respondents attended non-fee-paying school or state-funded school.



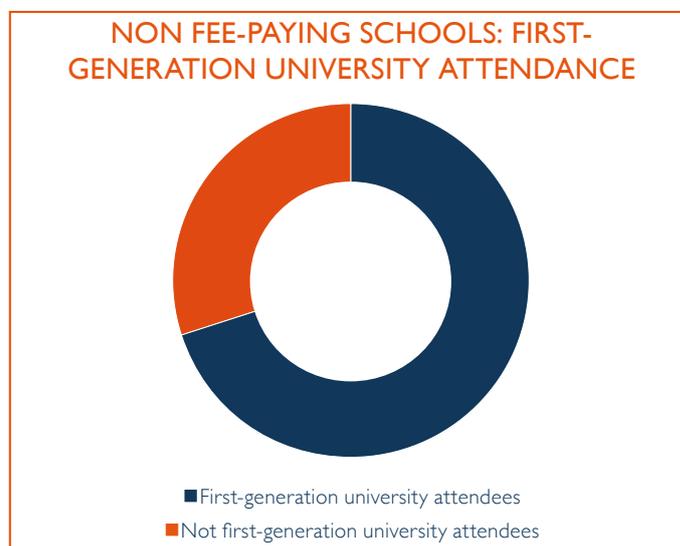
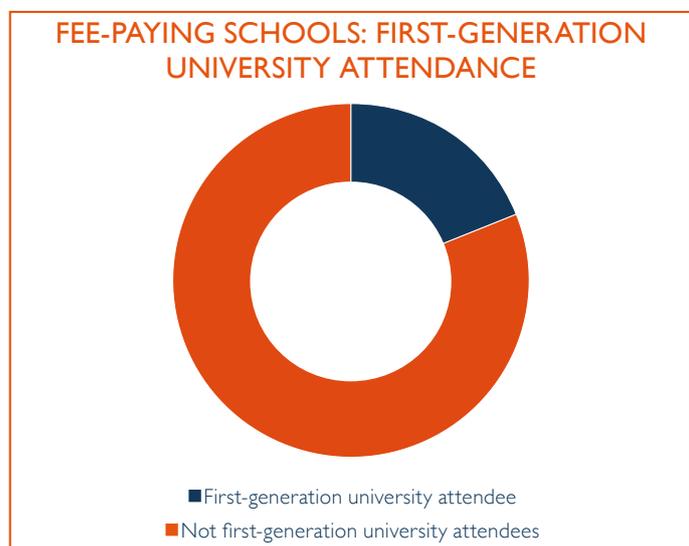
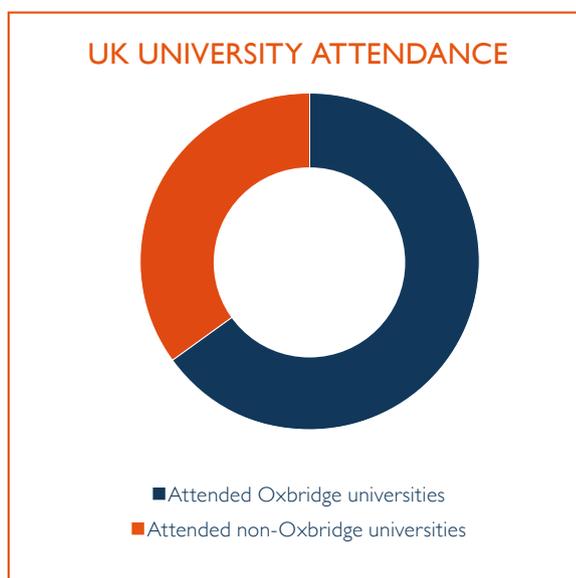
Turning to higher education, just one respondent reported that they did not graduate from university. Despite the majority of respondents attending school overseas, most of the respondents attended university in the UK. Of those, 65% attended either Oxford or Cambridge (Oxford being the most common of the Oxbridge institutions, accounting for just over 80% of the Oxbridge cohort).

The second most attended institution among those who attended university in the UK was University College London, attended by approximately 9% of those respondents. Several Russell Group Universities appeared in the results, but respondents also reported attending a broader range of organisations such as University of Keele,

³² *Ibid*
³³ BSB Diversity at the Bar 2023 (n 13) 5, 16-17
³⁴ CEDR Tenth Mediation Audit (n 14) 5
³⁵ Queen Mary, University of London, White & Case, '2021 International arbitration Survey: Adapting arbitration to a changing world' (2021) <https://www.qmul.ac.uk/arbitration/media/arbitration/docs/LON0320037-QMUL-International-Arbitration-Survey-2021_19_WEB.pdf> accessed 27 March 2025

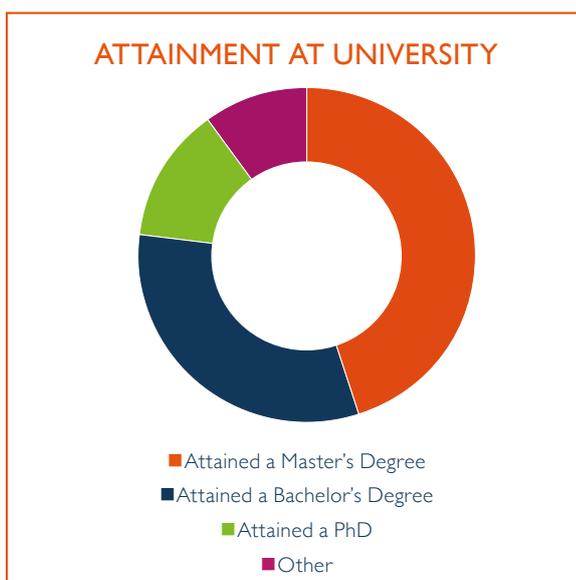
University of Westminster and Manchester Metropolitan University. Of those respondents who attended a fee-paying or part-fee-paying school (in any country and however funded) and who also attended university in the UK, 94% attended a Russell Group university. Of those who did not attend a fee-paying school but went to university in the UK, just over 60% attended a Russell Group university.

As mentioned above, most of the participants were not the first member of their family to go to university. Interestingly, however, of those who attended university in the UK, 44% were first generation university graduates, compared with 22% of respondents who attended university outside the UK. Of those who reported being in the first generation of their family to attend university, just under 70% attended a non-fee-paying school. Drilling down further, of those who attended a non-fee-paying school, 70% went on to be in the first generation in their family to attend university. By comparison, of those respondents who attended a fee-paying school, only 19% were in the first generation of their family to attend university.



As to attainment, while 45% of the respondents reported obtaining a master's degree as their highest degree and 32% reported a bachelor's degree as their highest level of education, around 13% of respondents reported possessing a PhD, which requires a higher level of specialisation.

By way of context, the SRA's analysis suggests that 21% of all lawyers attended a fee-paying school, compared with 6.5% nationally, and that 64% of lawyers attended a state school.³⁶ The BSB reports a similar figure of 19.4% of the Bar attending a fee-paying school.³⁷ CEDR did not provide a figure in their analysis. Neither the SRA or BSB's analysis, however, provides data on the type of university attended (such as whether those in their samples attended a Russell Group or non-Russell Group university). The Survey data alone, therefore, suggests that there is an underrepresentation of non-Russell group universities in the ADR industry.



³⁶ SRA Diversity in law firms' workforce (n 12)

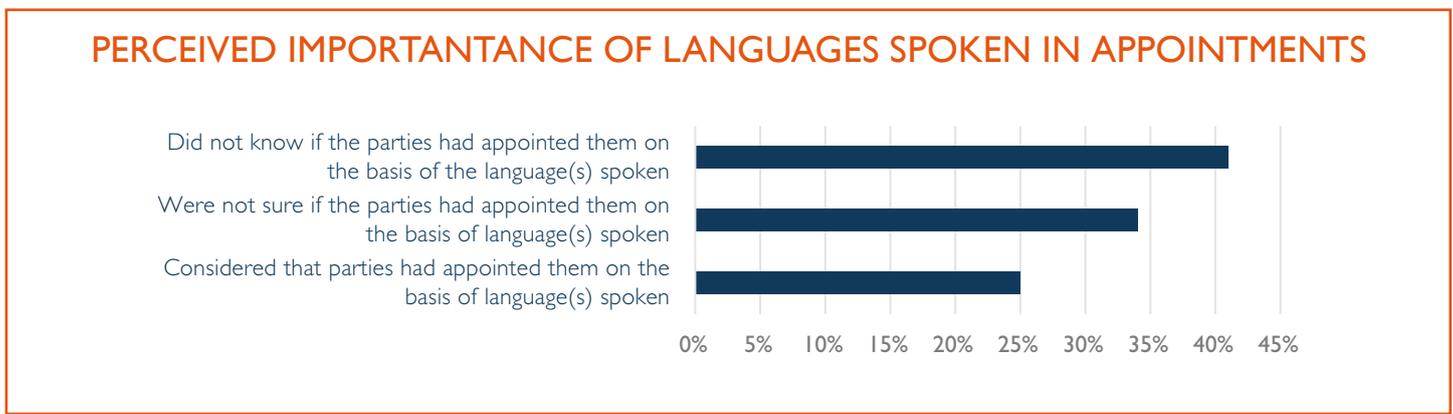
³⁷ BSB Diversity at the Bar 2023 (n 13) 26

Together, the Survey and contextual data reveal a diversity gap when it comes to the educational background of professionals in the ADR industry, particularly when it comes to the type of school attended.

5.3 – Language

When it came to the language in which Survey respondents reported being able to conduct their work, unsurprisingly (given that the Survey was conducted in English), around 87% reported being able to conduct their work in English, with around 70% of those respondents reporting English to be their first language. The second most prevalent language in which respondents were capable of conducting work was French. Respondents also reported capability to undertake work in a plethora of other languages, such as Arabic, Farsi and Tamil.

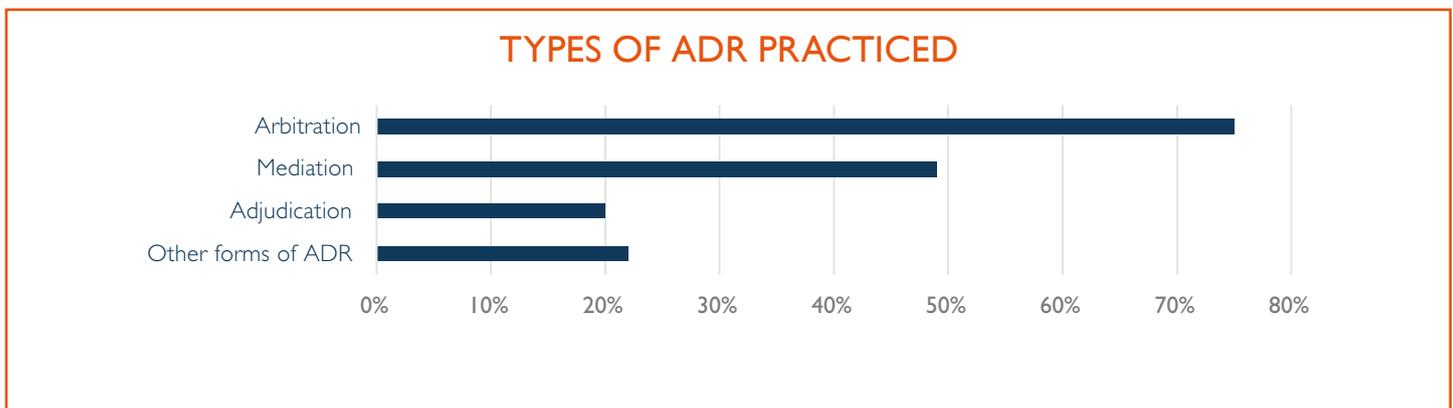
The Survey explored the potential relationship between appointments and languages spoken by ADR practitioners. Respondents were asked “*Have parties ever appointed you because you can speak the same language as them?*”. Around one third indicated that they were not aware if the languages in which they were able to conduct their work played a role in their appointment in ADR process. Around 25% considered that they had been appointed on account of the languages they speak, while 41% considered that they had never been appointed because of the languages they speak. One respondent highlighted the inherent challenges in determining any connection between languages spoken and appointment, observing that they have always been appointed by parties who spoke English.



5.4 – Diversity among sectors, industries and forms of ADR

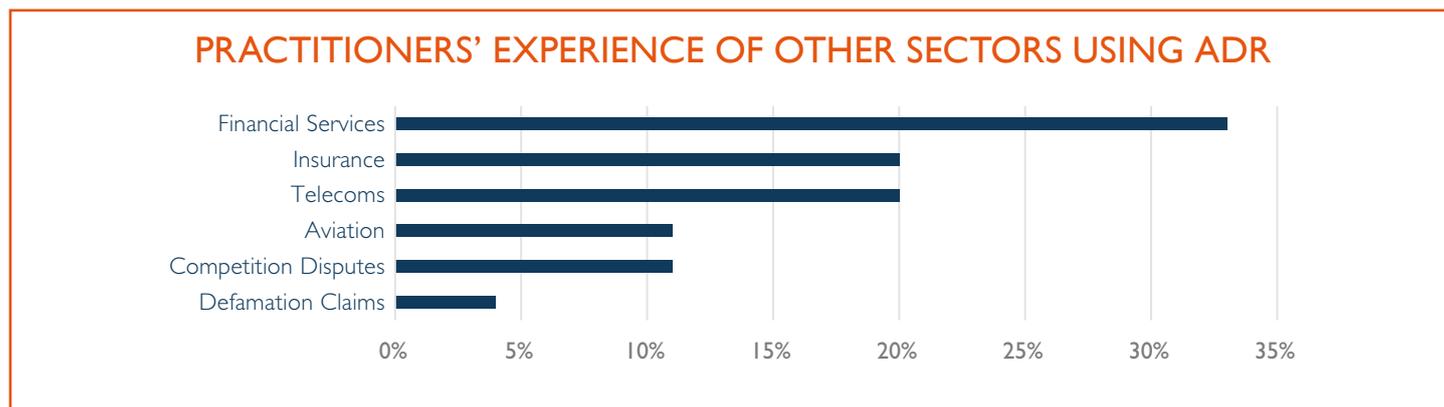
An important element of diversity in the ADR sphere is the diversity of industries, sectors and types of disputes in which ADR is used.

The Survey asked respondents “*What types of ADR do you practice?*”. Arbitration was the most practiced form of ADR among respondents (over three quarters of respondents selecting this option either on its own or alongside one or more other ADR processes), followed by mediation (just under half, at 49%). A noteworthy minority of respondents reported an adjudication element to their practice (just under one fifth). The Survey also attracted responses from those engaging in expert determination, conciliation, and those who acted as expert witnesses, encapsulating ADR practitioners in the broadest possible sense.



Regarding diversity across sectors (“What Sector(s) of ADR do you specialise in?”), the most popular sectors in which respondents reported undertaking ADR were Construction (53% of respondents), Energy (Oil & Gas) (51%), and International Trade (also 51% of respondents). Other “usual suspects” also featured on the list of industries, sectors and types of disputes respondents reported as participating in ADR processes, including sports (25%), property (25%) and transport (around 23%).

In addition to these stalwart users of ADR processes, responses to the Survey also showcased a wider breadth of industries and sectors in which ADR processes are being adopted, underscoring the importance of ensuring that those involved in ADR processes reflect a wide variety of users. Around one third of respondents reported their experience of ADR in the financial services sector, followed by the insurance and telecoms industries (each around one-fifth of respondents) and another 11% in the aviation sector. Interestingly, 11% of respondents reported having used ADR processes in competition disputes and approximately 4% of respondents reported having used ADR in defamation claims.



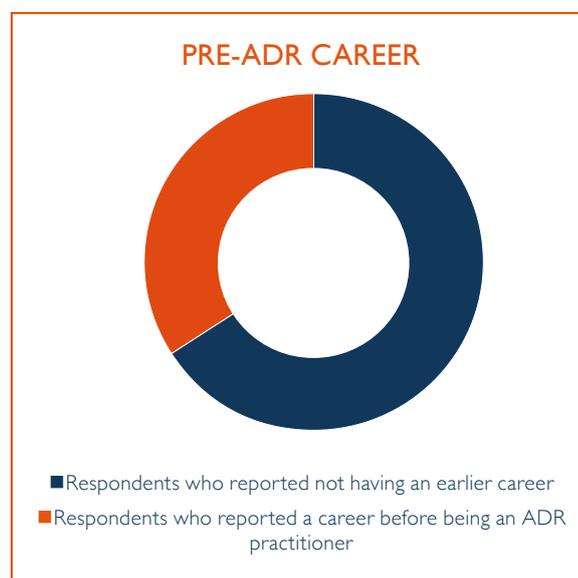
5.5 – Diversity in career background

The Survey asked respondents whether they had previously had another career before embarking on their ADR practice, and if so, what it was. One of the oft-cited advantages to ADR is the ability for the dispute to be resolved (or assistance provided in its resolution) by someone with expertise in the subject matter or who otherwise appreciates the commercial context.

The majority of respondents (66% of respondents) reported that they did not start their career in ADR. It is noteworthy, however, that of those reporting an earlier career, over 60% reported their previous roles as acting as some kind of legal representative or lawyer. This highlights some of the definitional challenges about carers in ADR: some ADR practitioners may consider that their ADR practice is separate to their practice as a solicitor, barrister or other kind of lawyer, while others may view it as part and parcel of that practice. Of those who had careers outside of law before embarking on an ADR-inclusive practice, respondents reported experience in banking and finance, IT, and construction. Those who reported careers outside the legal sector before embarking on their ADR-related practice unsurprisingly utilised this experience and expertise in the sectors where they reported currently practising (e.g. construction).

5.6 – Diversity in appointment methods

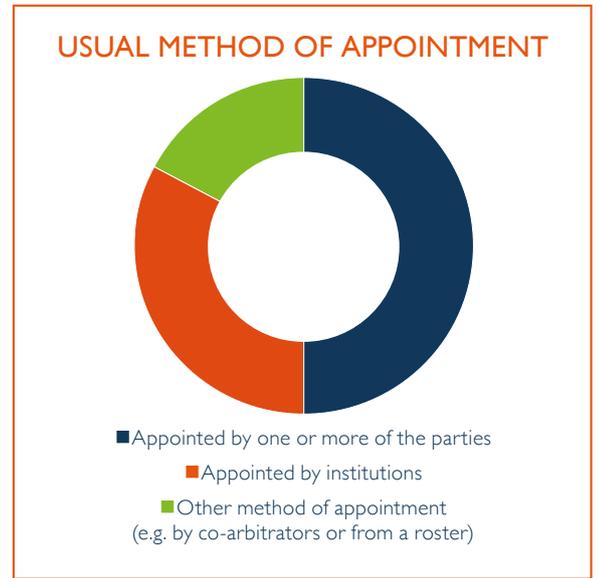
Lastly, for the “How do you normally receive your appointments?” question, for those appointed in these processes, just under half of the respondents indicated that the appointments usually come from one or more of the parties. Over one third reported usually receiving their appointments from institutions. Other methods included appointment by other arbitrators as the chairperson or appointment through a roster.



6 – Additional cross analysis – further potential diversity gaps

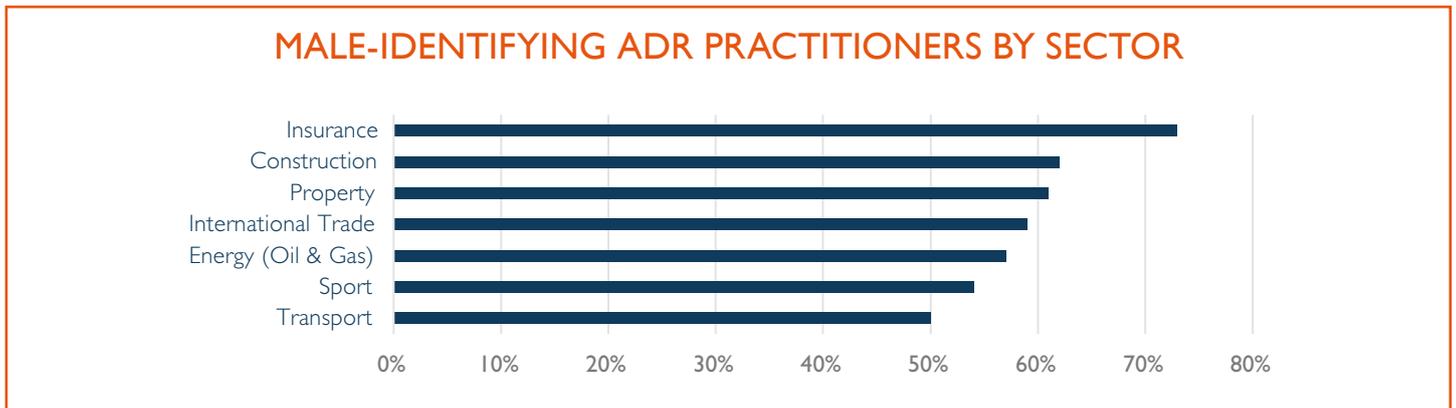
Cross-analysis of the data collected from the Survey by considering multiple reported characteristics at the same time yields some further insights about potential diversity gaps in the ADR industry. Care should, however, be taken when undertaking any cross analysis as combining data points collected from the Survey can result in low sample sizes. Larger-scale empirical research in these areas is therefore needed before more definite conclusions are drawn.

In any analysis of diversity in the legal context, it is important to consider the relationship between the personal characteristics of respondents and the sectors in which they practice (including those that are seen to be particularly lucrative, such as Oil & Gas). Such analysis is important to determining whether there are “glass ceilings” for those possessing certain characteristics. Two sets of characteristics notably feature in general societal discourse on glass ceilings: gender and education. The Survey provided a unique opportunity to start to explore whether some practice areas are open to all practitioners equally regardless of their gender or educational background. In doing so, the Survey has identified some potential diversity gaps requiring further empirical research.



6.1 – Gender and sectors

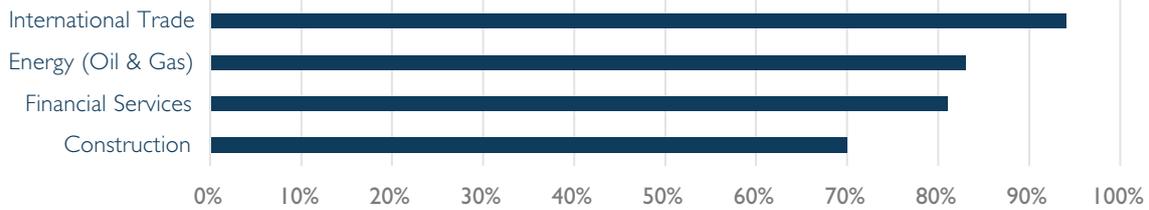
Starting with gender, of those sectors with a statistically significant sample size, some sectors appeared to be male-dominated, including Construction (62% of respondents choosing this option identifying as male); International Trade (59% of respondents choosing this option identifying as male), Property (61% identifying as male) and insurance (73% male). Interestingly, however, some statistically significant sectors appeared to be relatively well-balanced in terms of gender. This includes the perceived to be lucrative Energy (Oil and Gas) sector, with a 43% female uptake. The Transport sector boasted a 50-50 gender split between male and female ADR practitioners, while Sport was similarly gender-balanced at 54% male and 46% female.



6.2 – Education and sectors

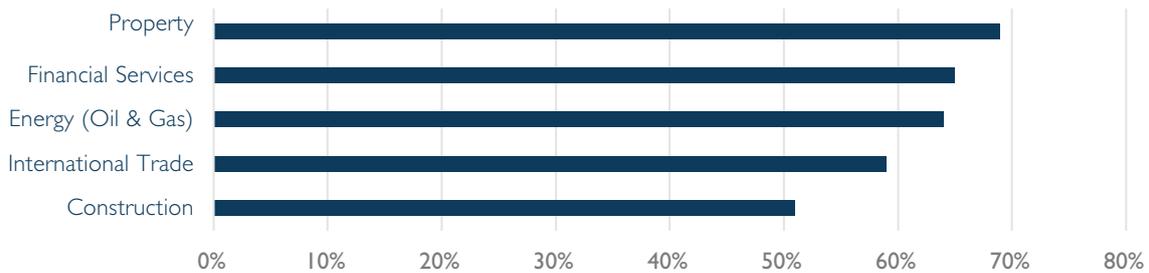
Regarding educational background, of those sectors with a statistically significant sample size, some appeared to be dominated by those who attended a Russell Group University (among those who attended a UK university). Of those respondents who reported practising in International Trade and attending university in the UK, 94% attended a Russell Group university, compared with 75% of those who attended university in the UK from the Survey sample as a whole. The Energy (Oil & Gas) and Financial Services sectors also saw a higher percentage of Russell Group attendees among those who attended university in the UK than the sample as a whole, at 83% and 81% respectively. The Construction sector, on the other hand, saw a lower percentage of Russell Group attendees among those who went to university (70%) when compared with the sample as a whole.

RUSSELL GROUP UNIVERSITY ATTENDANCE BY SECTOR (UK UNIVERSITY GRADUATES ONLY)



Turning to the relationship between fee-paying school and sectors, there was a general level of parity between the proportion of the Survey sample as a whole attending a fee-paying school in some capacity and the statistically significant sectors. International Trade, for example, saw 59% of practitioners attending a fee-paying school, while Energy (Oil & Gas) saw 64% and Financial Services 65%.³⁸ One statistically significant sector reported a higher prevalence of fee-paying school attendees than the Survey population as a whole, namely Property (69%). Only the Construction sector saw a markedly lower percentage of fee-paying school educated respondents, with 51% of those specialising in Construction reporting attending a fee-paying school, compared with around 60% of the sample as a whole.

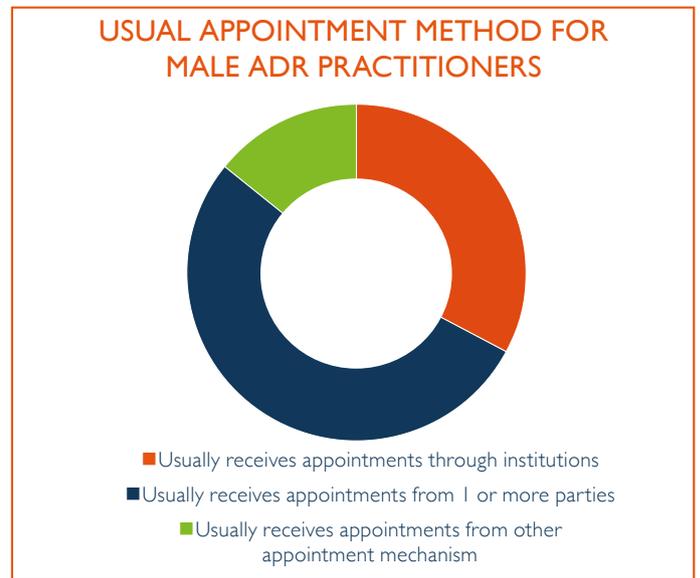
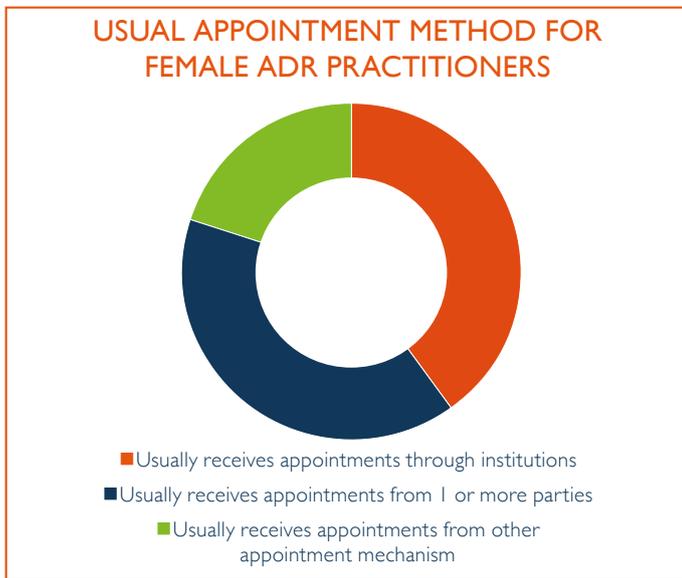
FEE-PAYING SCHOOL ATTENDANCE BY SECTOR



6.3 – Gender and appointment mechanism

Cross analysis suggests that female-identifying ADR practitioners are more reliant on appointments from dispute resolution institutions than male-identifying applicants. Of those respondents that identified as female, 40% reported primarily receiving their appointments from institutions while another 40% reported primarily receiving their appointments from one or more of the parties. Of those respondents who identified as male, on the other hand, around one third reported primarily receiving their appointments from institutions compared with over half reporting primarily receiving them from parties.

³⁸ Other statistically significant sectors showcasing a general level of parity include Transport (58% attending a fee-paying school); Insurance (55% attending a fee-paying school).



This is in line with diversity data published by arbitral institutions including the LCIA, which suggests that more female arbitrators tend to be appointed by institutions than by parties.³⁹

If further research confirms this potential diversity gap across ADR as a whole, this suggests that institutions have a vital role to play in improving levels of diversity in the appointment of neutrals.

7 – Addressing the potential diversity gaps

When it comes to addressing the potential diversity gaps identified by the Survey, more initiatives can take place within the ADR world and more generally to reduce these potential diversity gaps and fully realise diversity's potential for ADR's users. The responsibility rests with all, rather than any organisation or business in particular.

Starting with institutions, dispute resolution bodies can move the dial by ensuring that their institutional appointments are more reflective of the wider population, continuing their efforts to appoint more women and ensuring appointments are also mindful of the full range of diversity characteristics, including ethnicity, sexuality, disability, socio-economic background and age. LCAM is already leading the way in ensuring that parties are provided with diverse shortlists and ensuring diversity in appointments of neutrals. In the period between 2020 and December 2024, under its model mediation procedure LCAM appointed an equal number of male and female mediators.

In light of the importance of direct party appointments, the Survey reveals that the parties themselves, as well as their internal and external legal advisers additionally have a role to play in ensuring diversity in appointments. Legal advisers can adopt policies and robust processes for ensuring diversity in shortlists provided to clients, such as those proposed in *The Usual Suspects: Decision Making Arbitrator Selection* report.

More generally, wider societal diversity initiatives also have some contribution to make in ensuring that the ADR world fully realises the benefits that diversity can bring to dispute resolution. While the Survey did not ask respondents whether they were in independent practice or a member of a law firm or chambers, the hiring and promotional practices of those organisations additionally have a role to play in ensuring diversity among senior practitioners who go on to be appointed in these processes.

³⁹ See, for example, London Court of International Arbitration, '2023 Annual Case Work Report' <<https://www.lcia.org/LCIA/reports.aspx>> 19 accessed 2 April 2025: "The moderate increase in the percentage of appointments of women by co-arbitrators and parties contributed to a higher overall percentage of appointments of women which was 34% in 2023 (compared with 28% in 2022), however it remains a low percentage, demonstrating that still more can be done, especially by parties." (emphasis added). The figures provided by the LCIA concerning the appointment of sole arbitrators underscored this call to action: the LCIA observed that "[o]f the sole arbitrator appointments, 38% were women, of which the vast majority (86%) were direct appointments by the LCIA Court" (ibid).

8 – Conclusion

The Survey was conducted to make the first steps in answering the following research question: “How big is the diversity gap in ADR?”. In doing so, the Survey has revealed the complexities posed by the international nature of ADR, whose participants may have hailed from a wide variety of jurisdictions, each with differing attitudes towards and levels of diversity, as well as degrees of social mobility.

In the authors' view, the Survey has identified some areas where there are likely diversity gaps in the ADR practitioner population, including when it comes to age, gender, disabilities, and the type of school attended. Further large-scale empirical research, however, will need to be conducted to fully ascertain diversity gaps in relation to all diversity characteristics and their size. The Survey did not, however, suggest that the ADR world was entirely lacking in diversity. Where the Survey data identified potential diversity gaps, this Report has identified positive steps that can be taken by stakeholders to ensure that ADR is representative of the society which it serves. Appendix I – Survey Questions



Appendix I – Survey Questions

Q1) What types of ADR do you practice? (Select all that apply)

- | | | |
|------------------------|----------------|-----------|
| Adjudication | Conciliation | Mediation |
| Arbitration | Expert witness | |
| Other (Please specify) | | |

Q2) What sector(s) of ADR do you specialise in? (Select all that apply)

- | | | |
|------------------------|-------------------------|---------------------------|
| Agriculture | Education | Maritime & Shipping |
| Aviation | Employment | Media |
| Clinical Negligence | Energy (Oil & Gas) | Property |
| Commodities | Financial Services | State to State |
| Community Disputes | International Relations | Taxation |
| Competition Law | IT | Telecoms |
| Construction | IP | Transport |
| Defamation | Insurance | Trusts, Wills and Probate |
| Discrimination | International Trade | |
| Other (Please specify) | | |

Q3) How do you normally receive an ADR appointment?

- I normally receive them by an institutional appointment.
- I normally receive them by a roster.
- I normally receive them by a party.
- I normally receive them following my appointment as chairperson by co- arbitrators.
- Other (please specify)

Q4) In which area of ADR you normally receive an appointment (select the most common for you):

- | | | |
|------------------------|----------------|-----------|
| Adjudication | Conciliation | Mediation |
| Arbitration | Expert witness | |
| Other (Please specify) | | |

Q5) How often are you appointed?

- | | | |
|---|----------------|----------------------|
| Once per year | Twice per year | Three times per year |
| Up to four time per year or more than four times per year | | |
| Other (please specify) | | |

Q6) How old are you?

18-30	41-50	61+
31-40	51-60	

Q7) What gender do you identify as? (Select all that apply)

Female
Male
Non-binary
Prefer not to say
Other (Please specify)

Q8) What is your sexual orientation? (Select all that apply)

Asexual	Heterosexual	Prefer not to say
Bisexual	Homosexual	
Other (Please specify)		

Q9) What is your ethnic group?

Asian	Black (Caribbean)	White
Black (African)	Mixed /multiple ethnic group	
Other (please specify)		

Q10) Is English your first language?

Yes No

Q11) What languages can you conduct your work in?

Q12) Have parties ever appointed you because you can speak the same language as them?

Yes No I do not know

Q13) Do you have any disabilities? (Optional)

Yes No Prefer not to say

If yes, please specify what disability you have (Optional)

Q14) What type of school did you attend?

Non-fee paying/ State funded

Part fee-paying

Fee-paying

Fee-paying but funded by scholarship

Q15) Did you attend school in the UK?

Yes No

If no, where did you attend school?

Q16) Did you study at university?

Yes No

If no, please skip to Question 19.

Q17) Did you attend university in the UK?

Yes

If yes, which university did you attend?

No

If no, where did you attend university and which university did you attend?

Q18) Were you the first generation in your family to attend university?

Yes No I do not know

Q19) What is the highest level of degree you have received from university?

Bachelor's degree

Master's degree

PhD

Other (Please specify)

Q20) How long have you worked in ADR?

0-1 year

5-10 years

10 + years

2-5 years

Q21) Did you have a previous career before you practised ADR?

Yes No

If yes, what career did you previously have?

