

Kluwer Arbitration Blog

Results of the Kluwer Arbitration Blog's first poll

Annalise Nelson (Associate Editor) · Tuesday, February 26th, 2013

A big thank you to everyone who responded to our inaugural poll! We've dusted off our calculators, put on our stats hats and prepared some charts and analysis for you. But first, here's a quick backgrounder:

Our first poll asked participants to rate three different potential reasons for the long-standing under-representation of women in arbitration:

- **Generational issues: today's top female arbitrators and arbitration law firm partners graduated at a time when proportionally fewer women entered legal practice**
- **Party appointment system that enforces the status quo by favoring an elite handful of repeat players**
- **Time demands: the hours and travel can be incompatible with having a family**

We asked participants to evaluate how much each of these three factors contributed to the under-representation of women in arbitration on a scale of 1 (Not at all) to 5 (Very strongly).

Here's what we found:

First, on the demographics, we received 256 complete responses. Of them, a whopping 190 (or 74%) of our participants were women, while 66 were men.

Our age and gender break-down looked like this:

Age range	18-30	31-42	43-54	55+
# of participants	87	110	30	29
Men : women	33 : 54	22 : 88	6 : 24	5 : 24

Our biggest participants were women ages 31-42 (88 total participants), and our most elusive demographics were men ages 43-54 (6 total participants) and 55+ (5 total participants). 77% of our participants were aged 42 or younger.

Of course, this turn-out is hardly surprising for a voluntary poll. While we publicized the poll in gender- and age-neutral terms, the turn-out was highest for the demographic groups most likely to feel impacted by the issues raised in the poll — and the most likely to be on the internet.

Now, to the findings. First, how important did each gender consider each of the three factors? For each age range, we've taken the average response to each factor. For women, this is what we got:



No questions here. Across age ranges, women rated the party-appointment system the highest of all factors. For each age range, women scored Party Appointment a full point higher on average than Time Demands and Generational Issues.

For men, interestingly, the results were not quite as dramatic:



Men also found the party appointment system to be the strongest factor affecting women's under-representation in arbitration, but not by as great a margin over the other two factors.

In both graphs, you can see that men and women 55 and older viewed Time Demands as almost a full point less important (in the case of women 55+) and more than a full point less important (for men 55+) than their youngest colleagues in the 18-30 age range. Men 55 and older also viewed Generational Issues almost a full point less important than their youngest male colleagues.

Now let's take a more atomized view of the data, factor by factor. This next chart looks at all responses for the first factor, Generational Issues. Women are displayed a gender-normative pink, men blue. The Y-axis reflects absolute numbers of participants in each age category, by response:



No particularly compelling pattern here. The general trend in responses is more or less of a bell curve, with few votes on the extremes and most votes clustered somewhere in the middle. In comparison, Party Appointment shows a much clearer trend:



The number of men and women responding with 4 or 5 (Very strongly) very significantly outweigh those giving lower responses, as you'd expect, given the averages we described in the first two graphs.

And finally, Time Demands looks pretty similar to Generational Issues:



Again, note the responses of women aged 55 and older, particularly in contrast to their female colleagues aged 18-30 and 31-42.

What can we conclude? Our regression analysis supports what is pretty clearly visible from the charts above: all else equal (*ceteris paribus*), being in the 55+ age group is associated with a -0.88 reduction in the response to the Time Demands factor. Moreover, the responses to the different questions were largely uncorrelated with each other (although Generational Issues and Party Appointment were slightly positively correlated, while Party Appointment and Time Demands were slightly negatively correlated).

Moving a bit further into the realm of speculation, here are a few of our own observations:

1. What explains the “popularity” of the Party Appointment issue? This was the category that both genders and all age categories ranked the highest. A couple ideas. First, party appointment is an issue that is quite specific to arbitration and that has been widely-discussed within the community, including in journals and academic publications (see [here](#) and [here](#) for recent articles specifically addressing the appointment issue with respect to women). Second, while not intractable, it will remain a tough issue as long as party appointment remains a cornerstone of arbitration. Third, it doesn't *only* affect women. Whole continents of arbitrators remain under-represented, and any aspiring arbitrator trying to break into the business must confront this barrier. And fourth, it's possible the party appointment dilemma garnered more sympathy from our participants because it is viewed as a factor that is beyond the control of the individual. One can argue that the Time Demands dilemma is ultimately a matter of personal choice or lifestyle; it isn't an innate barrier. In contrast, it's a bit harder to construe exclusion from appointment to arbitral panels as the consequence of a “lifestyle choice.”

2. Why the relatively ambivalent response on Generational Issues? Well, we know the world has changed with respect to who is attending law school today as opposed to thirty years ago. Women today represent slightly less than half of all applicants to U.S. law schools, for example. Perhaps our participants tended to view this as a problem that is already sorting itself out simply through the passage of time.

3. And finally, what can we make of the difference in outlook on Time Demands between the Old Guard and the Young Guard? Are kids today getting soft on the notion of good old hard work? Are young attorneys working harder than their partners did at their age? Do senior partners have filtered, rose-colored recollections of the years during which they juggled increasing professional responsibilities with family responsibilities? Do senior partners themselves simply work harder today than they did a few decades ago? Do younger attorneys, raised on a steady diet of “having-it-all,” simply have a different conception of what a balanced or sustainable lifestyle should be? At the risk of digging ourselves into a hole, we won't speculate further.

You, on the other hand, are welcome to add your thoughts and constructive critiques in the comments below. You can also add your suggestions for future poll topics.

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