



Welcome to the new interview of "Digital Coffee Break in Arbitration" by Svenja Wachtel. I am an attorney and arbitrator in the field of international arbitration and the founder of Digital Coffee Break in Arbitration, an initiative creating a debate around digital transformation in international arbitration. In this series, I discuss the latest trends in the field, covering topics such as the use of technology, digital transformation, and digitalization. Digital Coffee Break in Arbitration invites you to grab a drink, sit back and enjoy first-hand insights from General Counsel, arbitrators, legal scholars and other practitioners from all over the world of international arbitration.

Today will be a special edition for the [International Women's Day](#) 2022. And who would be better equipped but the fantastic [Dana MacGrath](#), an independent arbitrator at [MacGrath Arbitration](#) based in New York City. Prior to starting her own practice, Dana served as Legal Counsel and Investment Manager at Omni Bridgeway and was a partner in the international arbitration group at Sidley Austin LLP. She also served as an international arbitration practitioner and arbitrator at Allen & Overy LLP and O'Melveny & Myers LLP and started her legal career in the litigation department at Sullivan & Cromwell.



Dana has been recognized as a leader in international arbitration in various directories and she is active within the international arbitration field across arbitral institutions and organisations. Dana is a committed leader in the diversity and inclusion space and holds several positions. Among them is her position as President of the Board of Directors of [ArbitralWomen](#) since 2018, after having joined the Board in 2016. Today, we will talk about ArbitralWomen in the digital age.

#BREAKTHEBIAS INTERNATIONAL WOMEN'S DAY 2022

Thanks so much for joining me, Dana! When knowing that I would interview you, it was difficult to decide where to put the focus because there is so much I want to talk about. Looking at the calendar, March 8 is around the corner, which means it is International Women's Day again, so today we will concentrate on your role as president of ArbitralWomen. Before going into the details, let us start at the very beginning: Can you briefly describe the purpose of and goals behind ArbitralWomen?

Svenja, it is a pleasure to join you today. I first want to congratulate you for taking the initiative to launch Digital Coffee Break in Arbitration. It is a fabulous platform that brings the arbitration community closer together. I am so impressed by the many interviews you have conducted. It is inspiring to see you investing so much energy in helping others in the arbitration field.

ArbitralWomen is similarly focused on helping others in the arbitration community. ArbitralWomen seeks to empower and promote the advancement of women in arbitration

and other forms of alternative dispute resolution (ADR). The goals of ArbitralWomen include promoting the role and visibility of women in arbitration and empowering women to advance in arbitration through mentoring, training, publishing, and networking opportunities. ArbitralWomen seeks to bring women in arbitration and ADR together to support each other professionally and participate in our various programmes.

What does your role as President of ArbitralWomen involve?

As President of ArbitralWomen, I am the official spokesperson for ArbitralWomen, oversee all our various programmes and initiatives together with the Vice President, and additionally perform certain roles that any member of the Board might perform – for me it is leading the ArbitralWomen News Committee and serving on the Editorial Board of the Newsletters (for which I also write the President's Column) and serving as a North America Regional Events Director. So, as President, I am responsible for leadership of the organisation in addition to some "usual" Director roles that any Director on the Board performs. It is very

rewarding to lead an organisation dedicated to promoting women and diversity in arbitration and ADR.

You are the President of ArbitralWomen since 2018 and have guided ArbitralWomen through the pandemic. What were the biggest challenges you faced during this time?

It is interesting that you ask about the challenges I faced as President guiding ArbitralWomen through the pandemic, as I have never been asked that before by anyone – in retrospect, it is interesting to reflect upon the challenges associated with leading ArbitralWomen through such a drastic time in world history.

One of the first challenges I faced was whether and when to terminate all ArbitralWomen in-person events. I took this decision quickly at the start of April 2020. In fact, ArbitralWomen was one of the first organisations to formally shut down in-person events globally. Since we hold events all over the globe, and health and safety conditions were changing rapidly in different places, we opted for a universal approach to terminate all in-person events until the scope and impact of the pandemic on professional activities could be better understood. Shortly thereafter, the entire world moved to virtual or remote events.

When terminating all in-person events, how did you ensure that the members could still make the most of the various programmes offered by ArbitralWomen?

In response to the need to shut down in-person events, we directed our energy to offering our programmes virtually. We adapted our mentorship and parental mentorship programmes to succeed on a virtual platform. We increased our social media and electronically transmitted news, such as our News Alert emails, our News Page on which we post articles by Directors and members about diversity and substantive arbitration topics, and our Newsletters.

So, in the first half of 2020 (which was the end of the 2018 ArbitralWomen Board term), we focused less on organising events and redirected our efforts to offering our substantive programmes (such as our various mentoring programmes) virtually, the launch of ArbitralWomen Connect, and reporting on virtual arbitration and ADR events organised by other organisations.

"BY THE END OF 2020, WE SAW SIGNIFICANT IMPROVEMENT IN THE DIVERSITY OF SPEAKERS AT VIRTUAL EVENTS"

We also launched a virtual campaign in the first half of 2020 "[Diversity is Equally Important for Virtual Events](#)" at the suggestion of one of our members. We invited other arbitration organisations to join the campaign by adding their logo to our News Page article on the campaign, or to reiterate the message in their own way, to encourage the arbitration community to collectively remediate the egregious under-representation of women in virtual events in the beginning of the pandemic. By the end of 2020, we saw significant improvement in the diversity of speakers at virtual events.

Finally, in the second half of 2020 after the election of the 2020 Board, we started organising virtual ArbitralWomen events in addition to supporting virtual events organised by others and continuing our many

other programmes.

There must have been situations, in which the Board Members were – for whatever reason – not in the position to dedicate the energy and time needed for the role as a Director of ArbitralWomen. How did you address this challenge during the pandemic?

A challenge that was accentuated during the pandemic was managing interrupted workflow when one or more of our Board Members became temporarily unavailable due to sickness or bereavement leave. I instituted a policy for the pandemic that any Director could privately tell me or a member of the Executive Committee that she needed a short leave (and provide a time estimate) due to a private matter (such as sickness or a death in the family), and we would simply inform the Board that the Director was taking a short personal leave without sharing the reasons to respect her privacy. That left an awkward challenge of filling the Director's role(s) during the absence. However, a handful of amazing 2020 Board members raised their hand to take on additional roles to cover the work of those who were absent. I have tried to recognise and honour the extra effort made by those Board members who selflessly took on the role of others. Ironically, several of those Board members who went the extra mile are mothers or caregivers of young children with no childcare and working under extremely difficult circumstances. The expression "the more you have to do, the more you get done" was never truer than in 2020 and 2021 for ArbitralWomen!

The reallocation of work during the pandemic led to a reorganisation of the roles on the Board to modernise the Organisation. Now the Director of Marketing and Sponsorship does much of what was previously handled by the Events team. Now one Global Events Director takes the lead with the global arbitration weeks and events; the other Global Events Director focuses on organising events in emerging markets to expand ArbitralWomen's presence globally (since ArbitralWomen already has Regional Events Directors around the world in the places where arbitration events are held regularly). In sum, our responses to the challenges posed by the pandemic have improved our governance and operating policies. This is buttressed with our more regular, now monthly (virtual) Board meetings. I believe ArbitralWomen will emerge stronger from the pandemic, having met these challenges with responses that include organisational and governance changes that will endure beyond the pandemic.

Did you see a rise of interest in ArbitralWomen during the pandemic and if so, why do you think this is the case?

Yes, there definitely was a surge of increased interest in joining ArbitralWomen and members seeking to get more involved or maximise the ArbitralWomen platform for their individual career advancement. Ambitious members of ArbitralWomen were focused on trying to not lose ground professionally during the pandemic and took every opportunity to speak at virtual events, write articles and participate in new initiatives. This actually inspired the title of our September 2020 Newsletter – "[ArbitralWomen Members are Thriving in a Virtual World!](#)"

Also, during the pandemic, ArbitralWomen members asked us to promote their (virtual) speaking engagements more than ever before. This is partly why we needed to reorganise the workstreams and develop more robustly the role of the Director of Marketing and Sponsorship. Members asked ArbitralWomen to promote their promotions, achievements, and professional moves much more during pandemic than previously. This required coordination among the ArbitralWomen Marketing team, News team and Social Media team. The unity of the Board has been instrumental to ArbitralWomen's success during the pandemic. All of this has contributed to the rise of interest in ArbitralWomen by members and ally organisations.

"I BELIEVE PROFESSIONAL DIGITAL COMMUNITIES ARE HERE TO STAY"

What are your thoughts on the need for a digital community such as ArbitralWomen as we continue through the COVID-19 pandemic era and how will this change when we are "back-to-normal"?

I believe that digital communities and platforms are going to continue to have substantial relevance to all professionals after the pandemic era is behind us.

Even before the pandemic, many women realised that to advance internally at a firm or company, it was important for women to develop their external professional profile and network. With family responsibilities, women had no choice but to figure out how to maximise digital platforms. When the pandemic hit, men appeared to take more interest in digital communities and platforms. Now, both men and women are active on social media and will continue to be after the pandemic. I believe professional digital communities are here to stay.

ArbitralWomen has a variety of goals. One of ArbitralWomen's purposes is to "promote and publicise the activities of ArbitralWomen and its Members through social media, digital communication and publications". How has this field evolved over the years?

ArbitralWomen started promoting the activities of the organisation and its members through its Newsletter and website. As the use of digital communications increased, we started sharing promotional information through our News Alerts, our [News Page](#), our [Members' News Page](#) and on social media through our LinkedIn and Twitter handles.

Our social media team republishes most of our promotional material about ArbitralWomen activities and its members that is first shared through News Alerts and on our website. Our social media team also promotes our members' speaking engagements and events that ArbitralWomen sponsors or serves as a supporting organisation. This is part of the attraction of ArbitralWomen membership – that we publish about our members on multiple platforms for maximum visibility.

It seems like many new (digital) initiatives were started during the pandemic by ArbitralWomen members. Why do you think that so many women come up with new ideas so – as it seems – effortlessly?

It is striking how many new digital and other initiatives were launched or co-launched by ArbitralWomen members during the pandemic – such as Mute Off Thursdays, Digital Coffee Break in Arbitration, ArbitralWomen Connect, Careers in Arbitration, Tag Time, Racial Equality for Arbitration Lawyers, Campaign for Greener Arbitration, ARBinBRIEF – and we were excited to promote those activities.

I think the trend that such initiatives were launched primarily by women was a natural extension of women having already been more digitally connected pre-pandemic to be able to be active and professionally visible during child-rearing years when it may be harder as a woman to attend in-person conferences and travel long distances for non-client work.

From the outside, the launch of a digital or other initiative may appear effortless, but I am sure that those women who launched programmes during pandemic invested 100s of hours to do so, probably late at night and on weekends after their full-time job responsibilities of the day or week were completed. Leadership roles with existing organisations require similar significant time commitment. Some of the ArbitralWomen Board members devote many 100s of hours a year to their Board work.

What kind of digital initiatives by ArbitralWomen members stood out to you and how do these initiatives foster the advancement of women?

There were so many impressive digital initiatives launched by ArbitralWomen members, some of which are mentioned above, it is hard to single out those that stood out. That said, the new trend of weekly or regular short digital programming is very effective, such as [Mute Off Thursdays](#), a digital model that is limited to 30 minutes and meets weekly.

The first "season" of [Mute Off Thursdays](#) really broke new ground. I personally found it very intriguing and inspiring. During the pandemic, four women joined together to organise a weekly 30-minute gathering and substantive arbitration programme. Each programme was delivered by women for women. The co-founders took turns serving as host of the weekly programme, demonstrating teamwork, the importance of sharing work equally, and the absence of hierarchy. It was quintessentially female. Attendees looked forward to

Thursdays and were excited to attend sessions and see their colleagues from whom they had been distanced due to the pandemic. The "chat" function was filled with best wishes to colleagues across the globe. Each Thursday became a 30-minute session of female networking, knowledge-sharing, and being part of a supportive community.

I don't mean to confuse anyone by discussing Mute Off Thursdays in the past tense – Mute Off Thursdays is very much alive and well, and has spawned a successful "[Young Mute Off Thursdays](#)" programme as well. Again, the lack of hierarchy among the co-founders and hosts is emblematic of an organisation launched and run by women.

In general, how important is digital transformation to achieve equality and diversity in international arbitration and to what extent can digital transformation support equality?

Digital platforms are very important to achieving equality and diversity in international arbitration. This is most recently

demonstrated by the launch of [Racial Equality for Arbitration Lawyers](#) (R.E.A.L.) in the midst of the pandemic. It has operated exclusively on digital platforms.

ArbitralWomen was the first to publish about the [launch of R.E.A.L.](#), which formally launched on 18 January 2021 – Martin Luther King Jr. Day in the USA – with a virtual programme at both 9:00 am ET and 5:00 pm ET in order to reach virtual audiences in all time zones. The R.E.A.L. launch events were inspiring and widely reported, including by [Kluwer Arbitration Blog](#), the Dispute Resolution Section of the [American Bar Association](#), and [The Impact Lawyers](#).

In its first year, R.E.A.L. facilitated approximately 70 scholarships to empower attendance at arbitration events by diverse young talented lawyers who otherwise would have been unable to attend due to financial constraints. R.E.A.L. already has appointed a number of [committee chairs and vice-chairs and ambassadors](#) to organise R.E.A.L. programming and share information about R.E.A.L. broadly. I believe R.E.A.L. is a "real" example of the extent to which digitalisation can support equality.

Do you see the reduced travel opportunities as a chance or rather as an obstacle for women to become a speaker when it is not required to physically join a conference?

The increase of digital programmes will provide more opportunities for women to be speakers than if they were required to physically attend, for both practical reasons (family responsibilities) and cost issues (more women are independent practitioners or with smaller firms due to the pipeline leak at large firms).

You are regularly asked to speak at conferences and seminars. How do you feel personally when talking in front of a camera instead of in a room filled with people?

I prefer to speak to a live audience, but I feel very comfortable delivering remarks virtually and participating virtually in hybrid events. I enjoy trying to make the most of the virtual platform, adding useful reference links in the chat contemporaneously when speaking about a topic.

Additionally, the virtual platform makes it possible to "be" in multiple parts of the world on the same day, which is particularly helpful for me as President of ArbitralWomen during Women's History Month to speak at several events on that day, or to speak at overlapping arbitration weeks in different cities.

That said, I love to travel (as we all do in the arbitration field) and to speak to a room filled with people, so hope to be able to do that again soon!

If someone wants to support the involvement of women in arbitration – find female speakers for a programme, or learn about well-qualified female arbitrators – what resources can someone find on the ArbitralWomen website?

Many aspects of the ArbitralWomen website can assist someone looking for female speakers or female arbitrators. Our members directory can be searched using the drop-down search criteria to find women with certain language skills, training, or business experience.

Our webpage dedicated to News about Members is also a valuable way to see a virtual collage of talented women from all different parts of the world. We limit the description of the women to approximately 100 words so its easily digestible and a great way to learn about women

who have experience you might not have thought was relevant to your programme or arbitration but now may be an asset to consider.

So, when people say, "there are no female arbitrators" or ask, "where can I find female arbitrators," or "where can I find lead female counsel," or "where can I find more female speakers for a programme," please encourage them to visit the ArbitralWomen website!

Finally, we have networking events, which are great opportunities to meet our members and develop professional contacts. During the pandemic, we often have a substantive virtual programme followed by virtual networking breakout sessions. With in-person programmes, we make a point of having a networking reception or meal associated with the event.

Finally, anyone can reach out to ArbitralWomen to ask for assistance in finding qualified women for a specific role in arbitration and ADR, whether as counsel, arbitrator, mediator, expert, ombudsman, webinar speaker or another role.

We are always happy to help!

Thank you for the opportunity to discuss these topics today. I enjoy reflecting on my four years as President of ArbitralWomen during one of the most turbulent times in modern history due to the pandemic during which, amazingly, we achieved substantial progress toward gender parity and diversity in arbitration. Additionally, during the pandemic, we successfully modernised the governance of ArbitralWomen and adopted new By-Laws in early 2022 to reinforce and support the modern approach of the organisation going forward. I feel that perhaps this is my most important legacy for ArbitralWomen as we approach our 30th anniversary - having implemented governance structures and policies to help ensure modern and efficient operations for ArbitralWomen for the years to come after I step down as President on 30 June 2022.

Thanks so much for your time Dana! It was an absolute pleasure talking to you and getting first-hand insights.

"THE VIRTUAL PLATFORM MAKES IT POSSIBLE TO "BE" IN MULTIPLE PARTS OF THE WORLD ON THE SAME DAY"