

The Thorny Issue of Diversity

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For many years, the topic of diversity made me very uncomfortable. I was not raised in an environment in which we talked about diversity, and I did not believe that diversity was something that was or should be relevant to my experience or opportunities. Instead, I held fast to a belief that everyone should be judged only based on their relevant skills and abilities. Nonetheless, I worked hard to be better than everyone I knew, despite the fact that I did not overtly identify myself as different.

As I mentioned when audience participation was invited during a panel on diversity at the ABA's ADR Conference in Seattle in April, my name is "Sasha Philip." In Germany, where I spent the first 16 years of my life, "Sascha" is a boy's name. I am female, not male. (This resulted in much confusion when I entered school, registered for tennis tournaments or piano auditions, and when I received a letter from the German government ordering me to report for military service at age 18, which is mandatory for men).

Both "Sasha" and "Philip" tend to be White or Caucasian names. I was born in India to Indian parents, and am very obviously neither White nor Caucasian in appearance. I always elicit a laugh when I ask new acquaintances whether I look as blond and blue-eyed as they expected me to look based on my name and nationality. Because my name is not particularly "ethnic", and because I grew up speaking English in addition to German, most assume that I am American, with an unusual accent. But while I have lived in the U.S. for more than 20 years and am a permanent resident, I am a German citizen and a first-generation immigrant, having moved to Seattle as a foreign exchange student in high school.

That said, all this confusion has likely served me well. We all know that first impressions matter, and the first impression many have of me – at least on paper – is that of a U.S.-born Caucasian attorney mediator, gender unknown (but likely male). In a historically male-dominated profession, I have received many letters and e-mail messages addressed to "Mr. Philip" from those who assume that I am male, and to "Sasha Philip" from those who do not want to make assumptions about my gender.

So when I decided to leave my position as a litigation attorney and become a full-time dispute resolution professional in solo practice, I struggled with how to describe myself. Quite frankly, I still struggle with this – if you visit my website, you will see a picture of me, but little description of my diversity.

It is axiomatic that, in order to succeed in any profession as saturated as ours, one must distinguish oneself from one's competitors. I am certainly "different" on several levels; but how much of this is appropriate fodder for marketing, and how much is simply cheap pandering to the idea that I must utilize my differences to distinguish myself from others? I want to be known and respected not for my gender, my ethnicity, or my national origin, but instead for my ability, my skills, my experience and my expertise.

This, of course, is where the differences end and the similarities begin. We all want to be known for our ability, our skills, our experience and our expertise. Female attorneys have fought long and hard – and continue to fight – for equal rights, equal pay, and equal recognition in a field traditionally dominated by men. As a former insurance defense litigator, I know how conservative insurance companies and defense attorneys can be. Is being female perceived as a strength or as a weakness? Is my ethnicity perceived as helpful or harmful to my ability to get cases settled? Do I even want to mention my age and national origin, or do those factors impact my credibility?

Ultimately, these are not questions that anyone else can or will answer for me. Dispute resolution is a field that resonates with me. My diversity and the questions I ask of myself and others as a result of my background and experience add to my ability to set aside preconceived notions and remain curious about the stories of those who invite me into their conflicts and ask for my assistance in resolving them.

One of the ways in which to achieve higher levels of diversity is for those of us who identify ourselves as “diverse” to demonstrate our ability and our skills, regardless of who we are or how others perceive us. “The proof is in the pudding”, as my mother used to say. The proof that we – as women, as people of varying races and ethnicities, or as members of any of a multitude of other diverse populations – are effective in our chosen field is in demonstrating that we bring unique perspectives to a mediation that allows us to elicit underlying needs and interests and ultimately “get it done”.

As it turns out, the topic of diversity still makes me uncomfortable, but for different reasons. I now seek out opportunities in which to engage in the conversation, because it is important both to me and to the profession as a whole. But I also believe that it is not the fact of our diversity itself that defines us so much as the empathy and skills that we bring to the table as a result of our differences.

Sasha Philip is a professional mediator and the owner of Philip Mediation, which she founded in early 2014. She is an adjunct faculty member at Seattle University School of Law, is certified as a Rule 39.1 Neutral by the U.S. District Court for the Western District of Washington, and acts as an arbitrator for the King County and Snohomish County Superior Courts in mandatory arbitration matters. She is also active as a mediation coach, trainer and volunteer mediator for the EEOC, the Seattle Federal Executive Board's ADR Consortium, the King County Dispute Resolution Center, and the City of Bellevue Neighborhood Mediation Program. As a successful former litigation attorney who also plays an active role in community mediation, Sasha is especially passionate about early mediation, as well as efforts to bridge the gap between attorney mediators and community/non-attorney mediators.