

Forbes

FORBESWOMEN

N. Damali Peterman, Esq., The Latest Addition To The JAMS Panel, Advises How To Become A Better Mediator

PAULEANNA REID, SENIOR CONTRIBUTOR

After months of negotiations, it was announced in July that N. Damali Peterman, Esq. would be joining the prestigious JAMS panel as a mediator, arbitrator, and ombudsman. JAMS, the world's largest private alternative dispute resolution (ADR) provider and its esteemed panel of more than 400 neutrals is positioned as the top firm in its category, handling an average of 18,000 cases annually. From small, two-party legal disputes to multi-party, multi-million dollar business arbitrations, Peterman's addition to the panel is a critical breath of fresh air.

With over 20 years of ADR experience, serving as a mediator, conflict resolution trainer, ADR entrepreneur, and corporate transactional lawyer, Peterman wowed the invite-only organization with her innovative and engaging approach to conflict resolution. As one of the youngest panelists to enter the firm's New York Resolution Center, she'll be managing a revolving caseload of disputes, including but not limited to, international, business and commercial, civil rights, education, employment, energy and utilities, entertainment and sports, Title IX, intellectual property, professional liability, real estate, and telecommunications. Aside from her extraordinary credentials, as

one of the few professionals in her industry identifying as a woman of color, it's Peterman's incomparable perspective that is changing the game of ADR.

It was just a couple of years ago when Jay-Z called out a JAMS competitor for lack of diversity. Challenging the binding arbitration provision within the \$200 million settlement contract for the sale of his Rocawear Clothing line to Iconix brands — which includes Mossimo, Candies, Bongo, and Joe Boxer — as discriminatory, the music mogul shed light on an issue that has just begun to be addressed.

Surveying the Large and Complex Cases database of the American Arbitration Association (AAA) and finding only three African-Americans (one who was conflicted out) on the list of more than 200 qualified arbitrators, Jay's team noted that litigants of color would be deprived of a "meaningful opportunity to have their claims heard by a panel of arbitrators reflecting their backgrounds and life experience, and all but excludes the voices of diverse decision makers in the arbitration process."

The case has since been settled, most notably after the AAA offered five additional African-American candidates to be considered, and also agreed to consider a list put forth by Jay's team consisting of an additional eleven African-American

candidates who were eligible for its pool of big-case arbitrators. Expecting the person who would stand in the shoes of judge and jury to reflect the diverse population, in essence, it was Peterman who Jay-Z was looking for as he recognized a mandatory roster nearly devoid of his ethnic group.

Prior to joining JAMS, Peterman was long-recognized as a leader in the conflict resolution and legal industries. A highly sought-after lawyer, mediator, negotiator, educator, and speaker, she is the Founder and CEO of the award-winning companies Damali Law and BreakthroughADR, a global conflict resolution firm that helps organizations resolve conflict in everyday situations.

Differentiating itself by providing its clients with long-term solutions that can be used in the workplace and beyond, through BreakthroughADR, Peterman and her team provide training and coaching services to thousands of individuals, companies, and other institutions, teaching them how to listen, negotiate and resolve conflict in the workplace and beyond. Having studied and taught extensively across several continents, including Europe and Asia, she's become well-known for her extensive knowledge of and ability to teach valuable skills in listening and negotiation. Speaking sev-

eral languages, including fluent Spanish and conversational Japanese, Peterman is more than qualified to oversee the types of global impact cases that JAMS has been known to undertake.

As one of the only neutrals on the JAMS panel (all independent contractors) who will continue to take outside work as an entrepreneur, business owner, or employee, Peterman has become a unicorn of sorts. “It’s a big change for JAMS to have someone like me on,” she revealed in our recent interview. “Usually [what] most people say to me from JAMS is ‘you’re unique and we’re so excited to have you!’” According to Peterman, the majority working on the JAMS panel, only work on the JAMS panel, often having served 30+ years as tenured attorneys and retired judges. Yet Peterman has remained adamant about continuing her entrepreneurial pursuits as she navigates her new role. Peterman is exclusively available as a trainer and conflict consultant through BreakthroughADR and exclusively available as a mediator and arbitrator through JAMS.

“For me, part of what we negotiated was, I wanted to continue to fully operate BreakthroughADR,” explained Peterman. “I didn’t start my company to just jump ship when I got an opportunity to work for the incredible JAMS,” she said. “I started my company because there are problems that exist in this world that we’ve been fixing and even addressing, and I still want to do that.”

First founding Damali Law with BreakthroughADR designated as a specialized program within the firm, its concept came to Peterman as she visited Philadelphia days before the 2016 U.S. election. “The campaign ads were very different from the ads that were happening in New York,” she recalled of the targeted endorsements that helped former President Donald Trump win over the traditionally democratic-leaning state. Having been exposed to drastically different viewpoints back home, Peterman immediately recognized a divisive atmosphere brewing. “I thought that the world was

going to need more conflict resolvers,” she said. “And by the way, looking back five years, I was right about all the things that I thought could happen,” she added.

With the taxing nature of litigation and arbitration services, as well as the growing need for ADR amongst outspoken citizens and government authorities, Peterman knew she was right to give notice to her employer when she returned to the city. Dusting off the conflict resolution skills that she’d long used under the umbrella of law and media at such companies as Weil, Gotshal & Manges LLP and Deloitte LLP, Peterman decided to spend more time empowering people globally to settle their own disputes.

“Oftentimes I ask people to tell me the first thing that comes to their mind when they hear the word ‘conflict,’ and usually it’s a negative word: ‘anger, disagreement, problem, drama, noise, bad vibes.’ The other question I ask people is, ‘how many of you have a conflict right now,’ and you will be shocked that most people don’t raise their hands. And I’m like, ‘really?’ Even I have conflict. Everybody has conflict,” exclaimed the international negotiator.

“Most people aren’t trained on how to manage conflict,” she continued. “And some people who are trained, like police officers, don’t always have the right tools in their tool kit to navigate different types of conflict. That’s part of the issue that people are now seeing arise on a regular basis.” Having devoted much of her life and career to multi-leveled mediation, Peterman has built a positive attitude toward the subject, and eagerly shared her best advice for becoming a better mediator.

Have A Greater Vision

In Swahili, Damali means ‘beautiful vision,’ a definition Peterman has taken quite seriously. “My parents always told me, especially my mother, that I could be anyone I wanted to become, I could do anything that I wanted to do,” she recalled of her childhood. Repeatedly encouraged to “reach for the stars and

aim higher,” her groomed ambitions translated into a broader perspective of her own skills and abilities, as well as a more refined way of looking at life. “If there are a hundred people in the room, hyper focused on the problem, I always see the solution,” she said. Seeing solutions instead of problems and knowing your ideal vision for the outcome of the conflict are the first steps toward better mediation.

Utilize An Informed Viewpoint

A graduate of Spelman College (BA), Middlebury Institute of International Studies (MA), and Howard University School of Law (JD), Peterman has made it her business to gain a deep understanding of the varying situations and viewpoints she may encounter in her line of work. Growing up the oldest of seven siblings, helping to naturally hone her mediation skills, she learned early on the importance of knowing all sides of the story. “Before I can give advice, I need to have a good understanding of what’s going on because otherwise, I may be suggesting a Band-Aid as opposed to an actual fix to the problem.”

Slow Down

One of the greatest things Peterman believes can help to decrease conflict is simply taking the time to think about what’s happening. “One thing that I always like to tell people to do, if they don’t learn anything else for me is to slow things down,” she announced. “If you think about the last time you had an issue with someone else, or if you see in the news— some of the skirmishes or killings that occur, and if there were ways in that 30 seconds, 40 seconds, 8 minutes and 46 seconds that things could have been done differently.” Citing our weakened ability to make calm decisions in the midst of heated discord, she urged giving our brains the chance to re-engage when they’ve been thrown out of whack by confrontation.