



Alternative Dispute Resolution Section

Washington State Bar Association

1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539

2020-2021 Executive Committee

Mel Simburg, Chair
Roger Moss, Vice Elect
Joanna Roth, Past Chair
Courtland Shafer, Treasurer
Adrienne Keith Wills, Secretary

Mary Juetten, Young Lawyer Liaison

Alan Alhadeff
Craig Beles
Gregg Bertram
Carol Betts
Lisa Brown
Dee Knapp
Sasha S. Philip
Lish Whitson

EXECUTIVE COMMITTEE MINUTES January 15, 2021 | 12:00pm – 1:30pm PST By Zoom

Present:

Mel Simburg
Carol Betts
Roger Moss
Mary Juetten
Courtland Shaffer
Dee Knapp
Lish Whitson
Eleen Trang - WSBA
Joanna Roth
Alan Alhadeff
Sasha Philip

Opening

Minutes approved 12/18/2020

Minutes from retreat approved

Dec and Nov minutes can be posted on website

Updates from the Chair

Dee and Sasha terms expire end of September 2021 - 3 year terms, Greg's open position is a 1 year term expiring September 2022.

The Nominating Committee, pursuant to the Bylaws, will be: Mel, Joanna, Roger, and someone who is not a voting member of ExCom. Mary was selected as the fourth member.

The YLS (now New Lawyer Liaison) is a long application process – selected position, not elected position. Mary is our appointee to fill the current term vacated by our former YLS rep, but she will have to apply for Young Lawyer Liaison to be formally appointed for the remaining term.

WSBA REPORT

January Bulletin had a lot of info

Paula Littlewood passed – There was or will be a Celebration of Life Ceremony

Board of Gvs met for 2 days (1/15/2021 was second day)

BOG needs members – anyone want to run?

Next meeting in March

The ADR Section BOG liaison is Brett Purtzer

(ExCom members and our liaisons are posted on the WSBA-hosted section website)

Discussions

SUPPORTING DIVERSITY (action item from Dec mtg)

Dee and Sasha are an ad hoc Committee to focus on supporting diversity in the Section

They have not yet had an opportunity to coordinate with WSBA diversity specialist

Dee will contact Sasha to set meeting

Contact Eleen to identify WSBA diversity specialist

INVITING PEOPLE TO EXCOM MEETINGS

Specific invites to potential ExCom members and/or invite general membership?

Roger: put link on website, he favors specific and general

Mel: liaison with other groups, invite all members on list serve, bring in people from outside this group.

Resolved:

Encourage specific invites to persons and cooperating organizations/groups

Extend invite to members generally to attend ExCom meetings

Sasha: Should we be intentional about extending invitations to people who meet more than geographical diversity?

Lish pointed out that an African American from Tacoma won't be able to represent interests of a Native person from Tri-Cities. So, either represent all groups or it is challenging to have meaningful diversity.

Mel: we are mixing 3 categories: geographic, ethnic/racial, age. We should reach out to the various populations. Will take effort by each of us to expand network.

Promoting Informed Use and Best Practices of ADR

www.wsba-adr.org

Sub-committees are not restricted to Ex Comm members. That is a good way to introduce and involve new people in our leadership activities.

Sasha and Roger mentioned several people they know who would add diversity.
Joanna has reached out to Darcia Tudor – she is likely too busy.
Dee suggests we do individual internal work and will follow-up with some ideas.

Lish and Mel discussed whether we are revisiting issue of non-lawyers on Ex Com. Answer is no, not revisiting now. We can invite anybody we want to meetings and to participate on [committees](#); it doesn't mean we want them to join ExCom.

Roger: Moves that Eleen publishes the meeting date, time and link.
Motion Withdrawn.

Eleen says: WSBA can do this if we send same link for every month. Date and Time is already listed on Section page.

CROSS-SECTION AND MINORITY BAR ASSOCIATION COORDINATION.

Greg Bertram was on comm with Sasha and Alan.

Alan wants collaborative efforts that both sections get to put their names on. He thinks cross section effort will make us more visible to WSBA.

Mel: we wanted to reach out to minority bar associations too.

Dee – we should reach out to minority bar associations and see what they need that we could help with. CLE coordination is the obvious choice.

CLE DEVELOPMENT (Alan, Paul, Carol & Lisa)

LISA BROWN report

Greenlight Lisa collaborating with the 3 sections she mentioned to create CLEs. Committee encouraged to meet and consider possible CLE presentations by ADR Section, and possible other collaborators.

Mediation and DV (domestic violence) CLE –

Joanna will talk to Paul about potential CLE on this topic

Roger has no update on Mediation and Real Property subjects

Pop up held – looked at mandatory eviction mediation. 83 people participated. Huge legislation has arrived. Round 2 of pop-up was held 1/14/2021. 23-25 people participated.

Alan noticed some issues with the legislation. First hearing on it is 1/19/2021.

31 people have registered for next week's happy hour.

Promoting Informed Use and Best Practices of ADR

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KCBA ADR section yesterday had a presentation on LL/tenant issues and legal developments. Good chart on restitution options for tenant. Statute allows funds for courts to help tenants.

Sasha: Proposal re ethics in mediation. Can we require parties to file a waiver of claims against the mediators? She asked Jason Rosen to lead a conversation on this topic.

Confidentiality and waiver, Jeff Kichaven talks about in his article. Jason could lead a CLE on this.

Uniform Mediation Act does not speak to confidentiality except to say it is whatever parties agree it should be. Not confidential unless you make it so in your agreement.

Go ahead to Sasha to reach out to Jason to lead conversation in February at- Happy hour NW-

Arbitration Ethics – no interest in looking into this as a CLE topic. Maybe Lisa Brown’s work will cover this.

Discussion of possible CLE coordination outside WA.

Legislation report (Paul and Joanna)

WSBA Legislative Liaison has informed us about 3 issues coming up:

Foreclosure Mediation

Family Law Mediation

Pre-Judgment Interest

Media and Communications committee:

Adrienne and Mary will have a meeting about the website and they will contact Carol after they meet.

Alan added information on LL/Tenant Bill at the end of the meeting:

Pending legislation on LL/Tenant. Conflicting interests. Includes mandatory mediation. Alan suggests separating mandatory mediation from the rest of the bill.

All cases are referred to mediation after they get to courts.

Should allow for mediation before court action is filed.

No diversity in the planning group.

Budget Report:

\$40,000 in reserve for 2020. We have available money if somebody wants to do something.

Law schools: SU planning something with WAMS; Thurs Mediation Skills Class from 4 – 5:50. So, to avoid future conflicts we should consider avoiding that time slot.

Follow up:

Onboarding package: Media and Communications committee. Paul sent an email with historical information on onboarding. We need to create a digital packet or website folder.

Mini-retreats? What is the best way to follow-up our retreat and help us execute what we want and commit to do?

Chat Save:

12:27:25 From Roger Moss to Everyone : FYI Sasha emailed that she is delayed and still hopes to join us today.

12:35:14 From Mary Juetten to Everyone : I am so sorry - I think my husband is on our roof (it's one floor house) and it's very unexpected. So turned off my video.

12:43:07 From Joanna Roth to Everyone : I've already approached Darcia and she's interested.

12:43:55 From Eleen Trang to Everyone : Kristina Larry is also an executive committee member on the Solo and Small Practice Section.

13:01:09 From Sasha S. Philip (she/her) - (425) 298-7839 to Everyone : Could someone please post the agenda as a file in chat? I am not finding it in my e-mail.

13:12:36 From Sasha S. Philip (she/her) - (425) 298-7839 to Everyone : Tenant-Landlord & Eviction Prevention

Training Videos for DRC Staff and Mediators:

https://docs.google.com/document/d/1uyZWRCKy7NbBtdR1WSCw8rXI_mgont9hUeQKHbouNZg/edit#heading=h.wlm0ps9toq7i

13:16:03 From Roger Moss to Everyone : Later today I will be publishing the recording from yesterday's eviction legislation forum and related materials.

13:17:05 From Eleen Trang to Everyone : I'm sorry but I need to hop off. Have a good weekend all!

13:17:49 From Sasha S. Philip (she/her) - (425) 298-7839 to Everyone : <https://jeffkichaven.com/wp-content/uploads/2017/10/BewareTheStandardWebsite.pdf>

13:19:29 From Dee Knapp to Everyone : Here's the link to the latest LL/Tenant proposed legislation: <https://legiscan.com/WA/drafts/SB5160/2021>

13:24:22 From Roger Moss to Everyone : So I learned a massively important thing today on the issue of "no confidentiality unless." Very different from California where mediation lives primarily in the evidence code; confidentiality can exist or be asserted without a written agreement