

ADR retreat notes 11/20/20

Present: Mel Simburg, Adrienne Wills, Dee Knapp, Roger Moss, Courtland Shafer, Lisa Brown, Craig C. Beles, Mary Juetten, Sasha S. Philip, Carol Betts, Melissa Fuller, Paul McVicker, Brett Purtzer (BOG liaison, able to join for one hour), Joanna Roth, Lish Whitson, Alan Alhadeff

We started with a minute of remembrance for Gregg Bertram, an Executive Committee member who has recently passed.

We discussed that note-taking would focus on:

- Ideas for the future aka “parking lot”,
- Key subjects discussed,
- Decisions taken,
- Commitments made,
- Action plan(s)

DISCUSSION OF SURVEY:

- Education and CLEs important to survey respondents, including the NW DR conference
- People don't use the website so much
- Folks want regular CLEs and member programming, possibly more so than pre-COVID.

From this, we brainstormed in break-out rooms how to better involve members, especially outside of King/Pierce/Snohomish counties. (In the rooms folks should identify a recorder.)

Ideas from breakout rooms:

1. Robust presence on the internet
2. Articles and chat rooms on the website
3. CLE's large and small
4. Zoom meetings
5. Reach out directly to other local bar associations
6. Do they have ADR sections?
7. Who are the appropriate contact people?
8. Involve more members from Pierce and Snohomish counties
9. Do they want us to give presentations?
10. Think about whether practice areas, judges, etc., are different in different areas and whether we local specialization is required
11. Education events
12. Skill-based programming
13. How attorneys and non-attorneys can work together
14. Annual free ethics CLE
15. Collaborate w/ KCBA
16. Mentor/mentee program
17. Peer relationship support
18. NWDR conference mini-sessions
19. Evening events
20. Use listserv and website to communicate more

Craig reminded us that it's important to be thoughtful in our efforts to reach out to areas outside of Seattle, so that it doesn't seem like we're disrespectful of local practice activity/norms. Sasha commented in the chat that It seems like we may be on the verge of missing an opportunity to

simply create distance/remote networking opportunities that may lay the foundation for future collaboration and programming. ”

Our next portion was to return to break-out rooms to discuss:

1. Who are our collaborators? (Other sections, law schools, other DR orgs) What additional ones?
2. How can we involve them and collaborate better? --Brainstorm --Ask for volunteers

Notes from breakout rooms:

- o Create social/networking events via Zoom NOW
- o Lay the foundation for future collaboration and programming
- o Set a date for a roundtable brown bag event
 - Find relevant topics that are of universal interest
- Concrete action:** Invite one representative from each county to share what is happening in their location regarding a common topic (Covid-related, landlord-tenant) – what has worked/what has not
- o Ask people how they want to contribute to the section/conference
- o DR Conference mini-sessions
- o HOLD January 13, 2021, 5 p.m.
- o “Braver Angels” approach to schism between WSBA ADR/attorney mediators and DRC/volunteer mediators; information at <https://braverangels.org>
- o NWDR Conference | **Information: See Appendix A for information on CLE pricing in for remote-only attendance**
- o Collaborating with mediators who are not attorneys

Breakout Room (notes by Mary Juetten)

1. Create regular CLEs (pick one day a month or every two months) to have a CLE that involves lawyer/non-lawyers & include people from under represented counties - per Sasha’s idea JUST DO IT!
2. Partner with DRCs - collaboration with DRCs - on early mediation for DV 3 cont #3
3. Leverage Roger Moss contacts in SF/Canada - roundtables based on topics - audience is mediators and do not distinguish lawyers/non-lawyers
4. focus beyond DRC - how to serve clients and make money as mediator/arbitrator/settlement counsel (collaborative law)/structured negotiation - all ADR , not just mediator focus.
5. other WSBA sections - a. Corporate Law b. International Law c. Land Use
6. Law schools - within WA and outside (LLM degrees in ADR outside of WA)
7. End users - clients - inhouse GC; corporate lawyers, trade groups (i.e. WA Software), international trade, government
8. Bridge the gap to transactional lawyers - ADR lawyers - preventative clauses/approach.
9. Outside of WA - Other state bars/Canada/UK, collaborative groups and non-lawyer mediations IACP, GCLC, inhouse groups

[LUNCH BREAK]

We started with some comments about what terminology we can use to avoid the alienating quality of describing someone as a “non-attorney” mediator. Lish suggested simply “professional mediators” or “professional arbitrators”.

Sasha shared the following link with Mary: <https://www.linkedin.com/pulse/american-bar-associations-women-dispute-resolution-section-wheeler/?trackingId=hAcv%2FnPKQV2u07cpCEIUKA%3D%3D>

We talked about ways to engage members, including conversation circles.

Dee noted that she'd like to see us reach out more to other sections of the bar, either re: education or recruitment.

We also discussed diversity (or the need to increase diversity) in our section. This includes racial/ethnic background diversity, LGBT+ inclusion, etc.

We also talked about how showing up in spaces outside the usual ones (other sections, British Columbia organizations, the ABA for example) and becoming part of the conversation is a way to see where ADR fits into the bigger picture

We discussed a broad view of “alternative dispute resolution”, consistent with an emphasis on “dispute resolution”. Roger shared that he'd been given the advice not to describe himself as a mediator because it's not a positive term for consumers.

We talked about an old mentality that being a trial lawyer is the only “real” way to practice law. We also talked about the substance abuse challenges that many lawyers face.

The conversation shifted to the NWDR Conference. At the prior day's planning committee meeting, there was a discussion of having some “bridging” activities to maintain engagement of those attendees. For 2021, the committee has considered whether virtual events with all three law schools may be possible.

From Sasha: Here is another opportunity to make an impact on a larger (ABA) stage - I [Sasha] am nominally a member of the host committee.

https://www.americanbar.org/content/dam/aba/events/dispute_resolution/2021-spring-conference/2021-dr-spring-conference-rfp.pdf

[DAY 1 END | DAY 2 START]

We started with a discussion of new types of outreach. Focus points: Is there a need for **ADR where it is not being used**? Increase awareness, find a gap where needed, provide services. Marketing can relate to the above focuses too. Is ADR not being used because of the name(s)? Would mock mediations be a productive marketing tool for the industry/profession?

We talked about whether we wanted to put renewed energy behind an early mediation rule. Alan reminded us of the history of this to date. Carol shared a file w/ a legislative update on early family law mediation from a DRAW (Domestic Relations Attorneys of Washington) CLE - <https://bettslaw->

my.sharepoint.com/:w/g/personal/cdbetts_seattlefamilylawyer_com/Eb3Gc2l6U9tFjGJ-nL4pkVcB_xYdswEwgWudmHyhFcWoiQ?e=kFTIdS

Relevant chat comments:

-I think we discussed chambers of commerce, school boards, and minority bar associations. Others?

-Does everyone think the law school positioning is part of this issue, or stand-alone?

- I think it's part of the bigger issue we are addressing.

-Agreed

-I do. Along with the courts and general WSBA membership. Change their minds about what, how, and when.

We talked about mediation in schools (and restorative circles).

We talked about a career night to include law students or other social events.

We talked about connecting with other organizations (OMA, for example) around NWDR conference planning. Melissa commented on past and future programming ideas for the conference.

We also talked about CLE programming to offer members, including particular topic ideas committee members have.

We talked about outreach/partnering to connect with minority bar associations. Dee messaged "Anyone can attend the race and equity committee meetings of the KCDRC. If interested, please let me know. We'd welcome input on what our blindspots are, especially since the DRC often is the entry point for new mediators and may be the first exposure to ADR."

We later talked about our own cultural blindspots as an Executive Committee. Collectively, we thanked Joanna for her service for two years as Section Chair.

We talked about using the list serv as a way to reach out to members to ask for interest, input, involvement on initiatives. We also had a suggestion to write articles, which can be included on the website. Adrienne specifically said that the participation of Mel and Mary (and any others) would support resuming Communications committee meetings.

Mel asked how we would convert what we discussed into commitments that we can execute. Alan suggested we find a partner to "buddy up" with as we work on our projects.

Sasha wondered whether it would be helpful to create a habit of doing a check in at the beginning of our meetings, so that we are aware of what energy/emotions/challenges we may each be bringing into the conversation.

Parking Lot

1. Obtain updated membership information after Section registration closes (broken down into lawyer/non-lawyer; geography; experience # of years)

Appendix A

From Shanthi 11/20/20:

We aim to set tuition within the same range as what we would've had we been in person.

For example, assuming a 3-4 hour program, standard tuition would be \$159.00, with discounts applicable for section members. I'd recommend offering section members a discount of \$35.00 (ie \$124). You could also have a join the section price, to encourage members to join the section and get a discount on registration.

During the program, attendees would be able to see and hear the presenters, follow along with their PPT (if applicable) and materials, and interact with attendees via group chat or Q/A features within the platform. We'd make the sessions available for on demand viewing, purchase and CLE credit. Revenues would be split with the section in accordance with the fiscal policy. I can create a draft budget if you'd be interested in seeing how the program could fare over a three year period. Just let me know!

If you have any questions, please let me know.