



Alternative Dispute Resolution Section

Washington State Bar Association

1325 Fourth Ave., Ste. 600
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2021-2022 Executive Committee

Mel Simburg, Chair
(open), Vice Chair
Joanna Roth, Past Chair
Courtland Shafer, Treasurer
Mary Juetten, Secretary

Kyle Berti, Young Lawyer Liaison

Alan Alhadeff
Craig Beles
Carol Betts
Melissa Fuller
Dee Knapp
Sasha S. Philip
Lish Whitson

EXECUTIVE COMMITTEE MINUTES

March 18, 2022

12:00pm – 1:30pm PST

Present: Mel Simburg, Melissa Fuller, Courtland Shafer, Craig Beles, Carol Betts, Alan Alhadeff, Lish Whitson, Joanna Roth

Guests: Bob Oberstein, Kevin Plachy

WSBA: Carolyn MacGregor

Reflective Check-In - Done

Opening: Confirm quorum (majority: 8 of 12 current voting members attended the meeting)

- a. No additions to agenda and no changes to meeting minutes.
- b. February Meeting Minutes (version 2.0) Approved

ExCom Membership: Mel led discussion to solicit nominees for Treasurer and three At-Large positions. The question whether a WSBA non-member could take a position on the Executive Committee was answered in the negative. One reason for the “no” is the requirement that only WSBA members can vote. Referred to Bylaw group.

Northwest Collaborative Futures Conference: Mary emailed in advance that WSBA ADR Section received \$3,631.80 representing the section’s 25% share of conference revenues, after expenses. CLE BC, Mediate BC and CORE also received their respective 25% share. The revenue from the conference, after expenses, was \$14,527.19. Mel noted that the section’s “advance” to the conference may be better characterized as a “sponsorship.” Will the section express interest in participating in the next Collaborative Futures Conference? Will we revisit efforts for a NWDR Conference? We will address at the next meeting in April.

Treasurer’s Report: Courtland advised that January numbers are in and show a loss of \$8,562.17 for the year. There is \$35k in reserve fund.

WSBA News:

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- a. Staff report: Kevin Plachy offered a detailed report on the possible bifurcation of the State Bar. The Board of Governors and WA Supreme Court are currently reviewing the integrated bar structure, and whether the Bar remains as it is or if sections should be bifurcated from the licensing and regulation functions. Kevin mentioned the 5th Circuit case, *Macdonald v. Longley*, and the court's holding that Texas lawyers can't be compelled to join the bar when it is engaging in activities that are not "germane" to regulating the legal profession (i.e., lobbying for changes to substantive state law that does not pertain to legal services or the legal profession). Oregon and California, are also reviewing and changing. Kevin reported that SCOTUS may step in at some point but has not yet granted cert to review. WA Supreme Court asks WSBA BOG's to make a recommendation and to address three questions: 1. Does current federal legislation require BOG make a change? (The current answer is "No.") 2. If BOG does not have to change, what is the plan if SCOTUS rules that an integrated bar is unconstitutional? 3. Present litigation aside, what is the ideal structure for BOGs to pursue? The BOG meetings are recorded and can be viewed. The next BOG meeting is Sat., April 23, and members can attend virtually or in person. The meeting will be entirely dedicated to these issues. Sections can/should send a representative to attend. Also, BOG Looking for feedback on the value added to members of an integrated bar. Carol/Courtland offered to look to the greater ADR section membership to solicit a volunteer. Kevin will email details of the liaison role for the BOG meetings

BOG report: [BOG positions open: 2,9,10, at large.] No change on this.

Section Documents Changes:

- a. **Bylaws:** Mary currently working on edits to the Bylaws (revised three years ago) to allow senior/inactive WSBA Members to vote. Mel is looking for volunteers to support Mary. (Note from Mary – unaware that she was on this task and to be discussed in April).
- b. **Mission Statement:** Craig was provided a separate attachment with Mary's comments. Lish will review too. Mel offered to forward to anyone else for review and comment, if requested. It was proposed that we move away from the word "Alternative" or "Alternate" to just "Dispute Resolution" to be more inclusive and to be current. Will that change require a change of WSBA ADR section's name? If there's a change, is there a need to discuss what is included in dispute resolution and what is not? A suggestion that we not detail too much, but instead reference more general terms. We can discuss the nuances internally. Craig asks all of us to "take out your red pens," and submit your feedback.
- c. **Website:** The purpose is to improve communications and marketing. Carol reports there are no significant updates to report. The website is hosted on the NING platform. The file.IO platform allows for file storage and greater search functionality. The site is maintained separately from the WSBA page. Carol envisions an email for admin to members.

Possible CLEs (Consider collaboration with other Sections):

- a. IPS Possible CLE (Alan, Carol, and sub-committee with Dee, Lish, Sarah Sandford.) Alan reports the subcommittee is working on three different topics and will provide additional follow up.
- b. In-person Arbitration (and Mediation?) During a Pandemic. Bob and Melissa will continue to work on programming for a CLE focused on an arbitrator's "first aid kit" for administering and hosting arbitrations during a pandemic and beyond. Bob and Melissa will be working to secure a date and format for the presentation, with an eye on a date in May. (Bob, [Melissa](#))
- c. Mediation in the Context of Family Law, Carol and Joanna had a successful "walk and talk" and will continue to report back with additional details next time. (Carol, Joanna)
- d. Collaborative Law for Business Disputes (Mary) (planned for fall with out of state speakers from GCLC)
- e. Mediation Dilemmas (Brown Bag)- Melissa, Sasha and Lish will coordinate with each other before the next ExComm meeting with the intention of reporting something more substantive (Melissa, Lish, Sasha)
- f. New Lawyers (Kyle, Mel) (basic primer, mock mediation; to be followed by g) Kyle did not attend, so we will pick up gain in April.

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- g. How to Prepare for Mediation (Cutler handout) Melissa will be emailing this group to get the ball rolling. Further status will come at the April meeting. [Mel, Carol, Melissa, Dee, Sasha]
- h. Arbitration Cases at the U.S. Supreme Court – Craig will follow up. He, Bob and Sasha are presenting on the topic of arbitrations at Seattle U on April 1. (Craig will facilitate Brian Esler) (1-hr case law update)

Outreach Efforts:

- a. Presentation to Muslim Community Network Association (Mel & Joanna) This has been pushed out, per Mel.
- b. Once a month post to listserv or social media (Everyone?) All are encouraged to keep posting to the Listserv.
- c. Listserv Lexology offer. All agree that Mel and Carolyn MacGregor should request WSBA's approval to pushed out the Lexology "opt-in" offering.
- d. Happy Hour. Bob and Sasha will coordinate to revive the monthly Happy Hour Northwest sessions.
- e. Section Book Club (Carol, Dee, Mary) (Note: several interested persons from Listserv) Carol is continuing to review the interest and work towards starting a Book Club

Retreat Follow-up:

- a. Restorative justice/ ADR-in-schools topic- Joanna is hitting walls, but continuing to push forward.
- b. Check-ins, metrics, mini-retreats. (Any suggestions for 2022?) Mel again solicits topics for focus and for mini-retreats. Lish would like an in-person retreat/mini-retreat. Send in your ideas via email.

Committee Reports:

- a. **Events:** [April Cherry Blossom walk?] A suggestion was made to reach out to past committee members and past chairs for a reunion and opportunity to meet together and review paths forward for the section.
- b. **Media & Communications** (Adrienne, Carol,) (Ending Ning Website; obtaining record of List Serve entries; onboarding packet/email; use of groups.io; marketing the Section (changes to WSBA website, including WSB request). Section Spotlight for Bar News?)
- c. **NWDRC** (Adrienne, Lish, Craig, Melissa Fuller & planning committee) (Redirecting conference website; future direction of conference?) (See above)
- d. Legislation & Public Policy (Paul & Joanna) Nothing new to report. There is no UFLAA.
- e. **Professional Development & Membership** (Alan & [Kyle?]) Need another co-chair. Anyone interested? Still looking.
- f. **CLE development** (Alan, Paul, Carol, Mary, and Lish) (See above.)
- g. **Academic Partnerships** (Craig, Dee) (Q- plans for each law school?) (Combined law school event?)

Breakout Rooms. No time and no request that smaller discussions are needed for this meeting

Adjourn at 1:30 p.m.