



Alternative Dispute Resolution Section

Washington State Bar Association
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539

2010 Executive Committee

David H. Black, Chair
Jeff Bean, Chair-elect
Debra Synovec, Past Chair
Courtland Shafer, Treasurer
Anamaria Gil, Secretary
Hon. Robert Alsdorf
Mark Baumann

1008 – August 2010 Meeting Minutes

Rina Goodman
Will Herbert
Paul McVicker
Sherman Knight
Joshua Sundt
Lish Whitson
Alan Alhadeff

Roll Call:

- David Black
- Jeff Bean
- Debra Synovec
- Courtland Shafer*
- Anamaria Gil

- Hon. Robert Alsdorf
- Mark Baumann
- Rina Goodman
- Will Herbert
- Paul McVicker

- Sherman Knight
- Joshua Sundt
- Lish Whitson
- Alan Alhadeff

GUESTS:

Sarah Bania-Dobyns

QUORUM

*By phone

1. Introductions

Everyone introduced themselves. Welcome to the new board members Will Herbert, Joshua Sundt and Alan Alhadeff!

2. Review & Adopt prior minute(s)

1006 Move & Approve

3. Modifications to current agenda

Rina Goodman requested that the agenda include a report from the Education Committee.

4. Public Comments/Correspondence

- a. **August 5, 2010: Maggie Wyer – Seattle Collaborative Law Training Group, www.collabtraining.com**

The next local Basic Collaborative Law Training will be held in Seattle on October 7-8, 2010, at the Hotel Deca, Seattle, Washington.

A question was raised as to whether we should develop a protocol for posting announcements to the website or sending e-blasts. In the past, the chair and chair-elect have made that decision. It was suggested that announcements include a disclaimer if the event is not sponsored by the ADR Section. Jeff Bean will draft a proposed protocol for the next ExComm meeting. In the meantime, he will post the Collaborative Law Training announcement on the ADR Section website.

b. August 5, 2010: Tracy Flood – Chair, WSBA Civil Right Section.

Seeking input on Resolution to Oppose AZ SB 1070

ExComm took no action. If anyone would like to offer input or comment, please contact Tracy Flood.

c. July 30, 2010: Julie Mass – WSBA Deputy Dir. Finance & Administration

FY 2011 Section per member charge increased from \$12.00 to \$13.25 (proposed was \$14.50). Changes incorporated into revised budget.

Courtland Shafer reported that changes have already been incorporated into the revised budget and it is ready for review by the Board of Governors. Thanks Courtland!

d. July 16, 2010: Toni Doane, WSBA Section Leaders Liaison, Resigned

Toni was a great assistance to our Section. We will miss her.

e. July 8, 2010: Toni Doane

Request for updated Executive Committee roster.

Anamaria Gil will update the roster.

5. Consent Agenda

None.

6. Financial Report (Treasurer)

Courtland Shafer reported that all is well with the budget and projected expenditures for 2011. The 2010 budget will run a positive balance. We will have reserves going into 2011. The check from the NW Conference has not come in yet. Jeff will contact Kathy Kline about the check. ADR Section financials will be posted to the website.

6.b. Education Committee Report

Rina Goodman reported on activities of the Education Committee. EdComm has prepared a 3-question survey in order to help the committee determine how best to serve the educational needs of the membership. EdComm is considering various options, including a combination of full-day and ½ day CLE's, plus mini-CLE's (brown bag lunches). EdComm is also interested in working with the WSBA and WYLD to develop a mediation and arbitration advocacy program.

There was discussion about how to structure a survey in order to get the highest number of responses. Survey vs. vote request, e-mail blast vs. posting on the website. Rina requested direction from the board on what to do with the survey. The matter was tabled until the Desk Book Committee could report on its survey.

7. Old Business (No July 2010 Meeting)

a. Interim E-Votes:

- 1007-1: To approve Courtland's proposed budget (with Courtland's 7/9/10 refinements) to submit to WSBA – PASSED
- 1007-2: To authorize spending up to \$5000 for the retreat as described (<http://www.wsba-adr.org/group/executivecommittee/forum/topics/plann...>) from the “Leadership/Professional Development/Retreats” account of the section’s approved draft 2011 Budget – PASSED
- 1007-3: To authorize circulation of the survey e-mail form below (as approved and requested by Deskbook Committee) to entire WSBA membership and to fund purchase of one deskbook incentive prize to be given to randomly selected survey participant (WSBA's suggestion) – FAILED
- 1008-1: To approve new budget with WSBA amendments, summarized as follows:
 - ✓ First, the per member charge has been changed to \$13.25 per year, as per the WSBA decision.
 - ✓ Second, the website expenses have been reduced to \$600.00 per year, in keeping with the actual historical numbers.
 - ✓ Third, the seminar expenses have been moved to mini-CLE expenses. This is in keeping with the fact that mini-CLE’s are a separate budget line-item. This leaves no funds for additional seminars, but our reserves look good in case we need money for an opportunity.
 - ✓ Fourth, the estimated FY 2009 deficit has been cut to \$1,000.00. This is in keeping with the higher than anticipated revenues and lower than anticipated costs --– PASSED

b. Matters

- 1) **1002-1 (Desk book):** See New Business 1008-2 (Reintroduction of 1007-3, Discussion & Vote)

Dave Black reported on the Desk Book Committee’s efforts to update the Arbitration and Mediation desk book. In February, the Desk Book Committee had decided to send out a survey with a proposed Table of Contents. Unfortunately, the Desk Book Committee stalled in March and April with Hon. Heather Van Nuys’ resignation. Dave took over as interim chair for the Desk Book Committee. The committee is now ready to send out its survey.

- 2) **1006-1 (Bylaw Amendments):** 1006 Amendments passed, Weldon commented, additional amendments proposed – see New Business 1008-3.

3) 1006-3 (WSBA Fee Dispute Mediation Program): Ana report

Anamaria Gil reported on her investigation into the WSBA Fee Arbitration and Mediation Program which was closed by the WSBA due to budget cuts. The program offered mediation and arbitration services to attorneys and their clients to help resolve fee disputes, and also, to help resolve disputes between lawyers and other lawyers, and lawyers and firms. A WSBA still receives a few calls a week asking for assistance in resolving fee disputes. Callers are referred to the neighborhood dispute resolution centers for mediation, but there is currently no program in place to arbitrate fee disputes.

Ana suggested that the ADR Section look into whether it would be feasible, logistically and financially, for the ADR Section to develop or take part in a program to help members of the bar resolve fee disputes with clients. Anamaria Gil, Alan Alhadeff and Will Herbert will explore this issue further and report to ExComm at the next meeting.

4) 1006-4 (2011 Retreat Planning): Jeff report

Jeff Bean reported on the retreat. The retreat will be held at the Cedarbrook Lodge in Seatac. It will be held on Friday, November 5 and Saturday, November 6, 2010. The retreat will start Friday morning, and continue until Saturday afternoon, probably after lunch.

Jeff encouraged ExComm members to stay at the Cedarbrook Friday night, as committee members have few opportunities for fellowship SO's are also welcome; there will be an additional cost for food and lodging for them; details to follow. Thanks for arranging the retreat Jeff!

8. New Business (Reports, Motions, Motions/\$\$, Questions/Requests)

- a. 1008-2 (M) (Dave) Deskbook Survey):** To authorize circulation of the survey e-mail form below (as approved and requested by Deskbook Committee) to entire WSBA membership and to fund purchase of one deskbook incentive prize to be given to randomly selected survey participant (WSBA's suggestion)

Dave Black amended his motion, #1007-3: To survey the entire WSBA with the Desk Book Committee's survey and EdComm's survey combined into one survey. ExComm will refer back to EdComm for finalization of its survey, to accrete, with the Desk Book Committee's survey.

A friendly amendment was made to vote now to authorize the sending of the survey to the membership once EdComm's survey is finalized and forwarded to Dave and Jeff. MOTION: All in favor -PASSED

- b. 1008-3 (M) (Jeff) (Bylaws, new amendments):** Here's the proposed Bylaws Amendments. As you may recall: we approved some amendments at our June 18 meeting; Toni wanted to get from Bob Weldon, WSBA General Counsel, some more amendments that would comport our bylaws with the WSBA bylaws.

We now have the WSBA-staff amendments from Toni:

Language including the new WSBA bylaws language regarding "inactive attorneys" and specifying that subscriber members may not hold an elective office. Article III. All other changes were formatting changes or pro forma changes. And while we were looking at it, we also found a few other things. They provide a limit on what I've called the "regal" powers of the Chair, and seem to reflect the way we've been doing things anyway. So here's the summary of these proposed amendments:

- Changing the process on how the Chair fills ExecComm vacancies, from being "subject to the approval of the Officers" to being "in consultation with the Executive Committee." Para. 6.1.
- Changing the process on how the Chair appoints to standing committees, from being "subject to the approval of the Executive Committee" to being "in consultation with the Executive Committee." Para. 7.1.
- Changing the process on how the Chair appoints new ad hoc committees, from being "without need for Executive Committee approval" to being "in consultation with the Executive Committee." Para. 7.1.

Jeff Bean reported on the amendments to the by-laws. He and Lish Whitson proposed a number of changes, most of them pro-forma in nature. Other changes were proposed by Toni Doan to make more consistent with other sections. The Board of Governors will need to approve the by-law amendments, after review by Bob Weldon's office.

Motion to approve by Jeff Bean, seconded by Judge Alsdorf. MOTION --PASSED. 1 abstention.

c. 1008-4 (M?) (Rina): Protocol for E-votes?

Rina raised concerns about the use of e-votes by ExComm, and whether e-votes provide sufficient opportunity to engage in valuable discussion about certain issues before a motion is passed. Should ExComm utilize an e-vote only in cases of emergency, where a vote must be made before the next ExComm meeting? Discussion ensued re: balancing two important concerns: an opportunity for discussion vs. efficiency in addressing ExComm business. Rina will propose an amendment to the by-laws regarding the use of e-votes. Josh will work with Rina on the proposed amendment.

d. 1008-5(M?) (Rina): Protocol for Committee Decisions?

Rina sought clarification as to when standing committees must seek ExComm approval before taking certain actions.

MOTION by Dave: standing committees of the Section will take "major actions" back to ExComm for authorization. Major actions are defined as: expenditure of money, incursion of financial liability, or communication with third parties (outside of ADR Section). Motion seconded by Rina. MOTION – Passed, 1 opposition.

e. 1008-6: Rina: Some of the committees should work together. Should deskbook and newsletter committee be subsumed under Education Committee?

Rina questioned whether there should be greater coordination between the standing committees, since their goals and objectives are relate to promoting the informed and best use of ADR in Washington. Should the standing committees be subsumed under the Educational Committee? Jeff indicated that this will be an

excellent topic to discuss at the next retreat. Recruiting Section members for committee activities was also discussed.

f. 1008-7: Steve Crossland. The Section wants to recognize Steve Crossland as the WSBA President-elect. *When is he available? Dave will extend an invitation to Steve for the next meeting. Proposal was made for a lunch meeting, which would be included in the budget.*

9. Adjourn

*Prepared by Anamaria Gil, Reed McClure
9/15/2010 12:31 PM