



Alternative Dispute Resolution Section

Washington State Bar Association

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

2015-2016 Executive Committee

Craig Beles, Chair
Courtney Kaylor, Chair-Elect
Alan Alhadeff, Past Chair
Courtland Shafer, Treasurer
Helen Ling, Secretary

Hon. Paris K. Kallas
Paul McVicker
Adrienne Keith Wills
Joanna Roth
Lish Whitson
Sasha Philip
Mel Simburg

EXECUTIVE COMMITTEE MEETING MINUTES

November 11, 2015

12:00 – 1:30pm

1. **Roll Call** – Meeting called to order at 12:00 p.m.

- a. In-Person: Courtney Kaylor, Adrienne Keith Wills, Craig Beles, Mel Simburg, Alan Alhadeff, Helen Ling, Julianne Unite
- b. Via Phone: Joanna Roth, Courtland Shafer, Paul McVicker

2. **WSBA Correspondence:**

- a. Julianne updates the committee on the Section Policy Work Group of the Board of Governors. They are in an education phase. Any recommendations from this work group would go through the BOG. Section feedback is welcome and the group will continue to contact section leaders. Anthony Gipe is chairing the group and it consists of half of the BOG. Yesterday, the group had an hour meeting to discuss goals. The next meeting is December 8th at WSBA offices. A remote option will be available. There is not a lot of discussion on CLE issues, but rather a high level of view of how CLEs fit into the greater discussion.
 - i. Courtney asks what are the top issues of the work group. Julianne answers that since the 1970s, the inception and creation of sections in the bar, no one has looked at how they are run. The relationship between sections and the bar is inconsistent – for example, election cycles, bylaws, and general governance is different for each section. It has been very difficult for the staff and sections to administer.

3. **Meeting Minutes:**

- a. October meeting minutes are approved unanimously. No additions or corrections.

4. **Financial Report (Treasurer – Courtland Shafer):**

- a. We still don't have the September financials yet. The Treasurer's report will be with the October financials which won't come out until January. By September 30, we anticipate to have a fund balance of \$34,700. For our retreat, we spent around \$5,000.

5. **Chair Updates (Alan Alhadeff, Craig Beles, Courtney Kaylor):**

- a. A question arose whether or not we want to have a December meeting. Courtney moves to suspend our December meeting and conduct business via email. Alan seconds. Motion passes. Paul abstains.

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- b. Craig encourages everyone to look at action steps on the spreadsheet from our retreat. We won't have time to discuss them at today's meeting.
- c. Helen, Courtney, and Craig will meet on January 20th to discuss succession planning. They will discuss creating a manual or memo for future chairs.

6. Committee Reports:

a. Legislative Committee (Paul McVicker):

- i. The legislative committee meeting is cancelled this week due to the holidays.
- ii. The King County Bench Bar committee met yesterday and is moving along at a good pace. Paul discusses the pilot project that Judge Paris Kallas was involved in several years ago. The project involved moving deadlines in civil cases up for non-family law cases. No report was written because they couldn't adequately track how much a difference it made. Statistically, it didn't make a difference. A point of interest is that most judges rotate out of family law at the end of January.
- iii. John Shafer is taking over the lead to put something together to submit to the advisory panel to address AO2223.
- iv. On December 2nd, Representative Jake Fey will meet with interested parties and stakeholders for preliminary feedback on reintroducing Bill 1353 on mandating early mediation in parenting cases. Two years it was introduced, but did not make it. He is looking at how it might be tweaked to gather the widest support possible. The meeting is not a forum, so we cannot invite the membership. People of interest include Rick Bartholomew, Dennis Cronin, and Leslie Savina.
- v. There was a legislative meeting put on by WSBA which is standard for each bar year. Paul met the new lobbyist.
- vi. In August we will find someone to work on a white paper on early ADR in family law. Right now, we have a former law student who is now graduated who is working on the draft. Her payment was approved for by our budget and Executive Committee, but it was not approved by WSBA. In the past, we would give funds to the universities to then pay their students, but she has already graduated, so that option is not available. Craig asks how much are we paying her? Paul answers less than \$1,200, but he's not sure. In the past, it was less than \$800. There are questions around contracts, employment, and procedure of the bar. Julianne will work on setting up a meeting with Joy to discuss WSBA's policy on disbursing funds.

b. Media & Communications Committee (Adrienne Keith Wills):

- i. Adrienne emailed login information to the new site. Craig says that it's a vast improvement – simpler and more user friendly, however, he'd like to see more pop with colors or pictures. Courtney submitted her comments already including adding blue and red to make it pop more. Mel says there is a balance between graphics and ease of loading. We should use pictures that are not data intensive. Mel asks if the new site will be mobile compatible. It should be. Craig would like to see pictures and profiles of the Executive Committee.
- ii. We also discuss how old school and new school lawyers use social media differently. Mel says we could get volunteers from the membership to be our twitter or facebook people. Paul says we

should consider reaching out to the universities to pay a nominal sum to keep things updated. Adrienne has also inquired about doing an internship or externship through the bar.

- iii. The committee is in favor of Adrienne moving forward on maintaining the social channels.
- c. Land Use and Environmental Mediation Committee(Courtney Kaylor):
 - i. No updates.
- d. Membership Committee (Helen Ling):
 - i. No update.
- e. Education Committee (Hon. Paris Kallas):
 - i. No update.
- f. Law School Partnership and ECCL Taskforce (Alan Alhadeff):
 - i. No update.
- g. Northwest Dispute Resolution Conference Planning Committee (Sasha Philip):
 - i. New York Times Arbitration RFP was approved. Presenters include Mel, Terry Carroll, Paris Kallas, and Phil Cutler.
 - ii. Mel, Sasha, and Adrienne also have an RFP in about mediation and MAR for new lawyers.
 - iii. Sasha gave the following update by email:
 - 1. There was discussion of creating a track for new/young lawyers, if we are willing to come up with programming for that track. Mel, Adrienne and I will be submitting our proposal on MAR and mediation basics today - this would leave either three (Thursday only - four sessions) or five (Thursday and Friday - six total sessions) additional slots that we could potentially fill with programming specific to young lawyers. It may make sense to market this to new lawyers as a one-day option, as they can save some money by signing up for only the Thursday full-day option, as opposed to the entire conference. The Planning Committee would be willing to reserve space on the schedule for this track, and have us fill it with programming in the next month or so. Thoughts?
 - 2. The planning committee would be thrilled to have WSBA ADR sponsor the Thursday evening reception. The total cost of the reception, which includes rental of the Burke Museum and catering, was just under \$6,000 in 2014. Co-sponsorship would therefore entail a commitment of \$3,000. Another option may be to hold the reception at the law school, as classes will not be in session - if we decided to share in the catering expenses only, this would amount to \$2,200. However, the Burke Museum is likely a preferable venue. In any event, we are welcome to hang our banner, and for Craig to make introductory remarks at the reception. (I have not yet broached the idea of introductory remarks at the conference, but suspect that this would not be a problem, especially if we are a significant monetary sponsor.)
 - 3. There appeared to be interest in a new/young lawyer reception, though we did not have time to discuss this in detail, so I am not certain of how the logistics would work. Given that this is a Thursday/Friday conference, the separate reception would have to be a)

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during Thursday's lunch hour, when attendees may want to watch video replays of morning sessions; b) parallel to the Thursday evening reception; or c) a lunch reception on Friday at the close of the conference. I would love to hear opinions on timing as well as venue.

4. At our ExComm retreat, we had discussed a potential lunch with speakers. I would recommend tabling this conversation until we have a better idea of who the invited speakers will be. The Conference Planning Committee is meeting next Thursday to review all proposals and decide which to accept.
- iv. Sasha made the following motion by email: "Because the only current funding commitment for the conference consists of WSBA ADR's \$4,500, the Conference Planning Committee is currently facing a challenge in deciding whether to book the Burke Museum for the reception, as it is unknown how much money that would leave for reimbursing invited speakers' travel expenses. Per Kathy Kline, this decision needs to be made asap. As such, I would like to request an e-mail vote by next Wednesday on whether to co-sponsor the reception. In the event that we have room in our budget to do so, **I would move to approve a \$3,000 commitment for this purposes.**" Courtland seconds. Motion passes by e-vote.
 - v. Julianne asks question about sponsorship. Courtland responds that we do not pay upfront usually, and receive a net amount after the conference. It isn't clear if this year we will need to contribute upfront. Sasha will need to confirm. It is also unknown if there is any written agreement regarding any of our funding.
- h. **Retreat Debrief:**
- i. Adrienne really liked it. It was important to get away from the city and not have distractions. Something that was different this year was the absence of a staff person. In some ways, it kept us thinking about bigger picture ideas rather than implementation. Maybe in the future we create a "parking lot" for items to ask bar staff.
 - ii. Sleeping lady was a great venue, but the forms were complex. We spent a fair amount of money, but it went really well.
 - iii. Alan liked Sally Fox. Courtland liked how she kept on point. Craig was impressed with her preparation. She met with Craig four times before the retreat. Mel thought she was terrific. She struck a balance between free form and agenda focused. She pointed us in a lot of positive directions and her exercises were useful. Maybe we should consider having her again.
 - iv. Courtland asks if we want to have the retreat closer to the fiscal change over. This year, the retreat was very late. We will need to figure out the timing of the retreat.
 - v. Courtney says that every retreat, we reinvent the wheel. The underlying tone is the assumption we will continue the work, but there is a disconnect.
 1. Adrienne says that maybe because we have changed facilitators each year. Courtland agrees. It would be interesting to see if Sally came back, would we move forward a little bit more than in the past.
 2. Alan says this is a major weakness in our process. We often don't have enough time to get into each item we bring up. We don't bring follow up items to our monthly meetings. We need to create a space for this work.

3. Mel says that our monthly meetings are used to carry out tasks. There isn't time to discuss policy and action. Maybe we need to set aside a special meeting to discuss our focus. Craig agrees that we can't accomplish our goals in just 1.5 hours.
 - vi. Adrienne suggests we contribute year-in-review committee reports and include these reports in our retreat materials. Courtland agrees. We could include the chair report as a part of each retreat so we know what our section is accomplishing year-to-year.
 - vii. We also need to examine our committee structure. Should we use different committees, ad hoc committees, or taskforces to accomplish tasks?
 - viii. Adrienne says that as homework for January, we can prioritize the projects we would like to accomplish and see how they might fit into our current committee structure. Mel also agrees and adds we should look at how our existing projects fit into this template. Paul suggests we do written committee reports before each monthly meeting. It provides structure and gives some ease of administration. If a member is unable to attend, at least he/she can send in a written report.
- i. **Adjourn** – 1:45 p.m.