

CBA ADR Section: UMA Committee Request for Comments

At the ADR Section's December 2005 meeting, Section Chair Kent Enwright reported that Colorado's Commissioners to the National Conference of Commissioners on Uniform State Laws (NCCUSL) had expressed interest in presenting the Uniform Mediation Act (UMA) for consideration during the 2006 General Assembly. Several members of the ADR Section, including Anthony van Westrum, John DeBruyn and Russel Murray, volunteered to meet with Michael Valdez, CBA's Director of Legislative Relations, and with interested legislators, including Colorado's Commissioners to NCCUSL, at the Capitol on December 9, 2005, to discuss plans for the UMA. At the meeting, the Colorado Commissioners advised that they wanted to put the UMA on the 2006 agenda, but would consider deferring introduction until the 2007 General Assembly to give CBA an opportunity to review and comment, particularly with regard to integration of the UMA with Colorado's existing Dispute Resolution Act (CDRA).

At the ADR Section's January 2006 meeting, a committee was formed to review the UMA and CDRA and to make recommendations for CBA's consideration regarding whether the UMA should be adopted in Colorado and, if so, what amendments would be appropriate to integrate the two Acts. The initial members of the committee were Cynthia Savage, Matt Dubois, James Carr, James Stone, John DeBruyn, Anthony van Westrum, and Russel Murray, with Cindy Savage and Russel Murray appointed as co-Chairs.¹ The Committee also contacted the former members of a 2002 Task Force that had been formed to examine the UMA shortly after it was approved by NCCUSL,² other CBA Sections, members of the judiciary, the Colorado Trial Lawyers Association, the Colorado Judicial Institute, and other institutions and organizations with interests in mediation to invite their participation on the Committee. Other participants in the Committee's review included Lance Tanaka, Judge Michael Williams, Michael Ruderman, Samuel Gordon, and Daniel Himelspach.

The Committee has not reached consensus concerning the adoption of the UMA in Colorado. Some members believe it is not needed and would negatively impact the practice of mediation and dispute resolution in the State, while others believe that its passage, with the Committee's attached amendments to it and to CDRA, would benefit the practice of mediation and dispute resolution in the State. The Committee is

¹ Due to work constraints, Russel Murray withdrew from the committee shortly before this request for comments was distributed.

² In 2002, a CBA/CJI Task Force was formed to review the UMA and CDRA, consisting of Co-Chairs, Patrick F. Kenney and Jim Tarpey; Founding Members, James Carr, Cynthia Savage, and Peter Willis; and Members, Roger Adams, Hon. Douglas Anderson, Dr. Susan Cook, Dan Dunn, Hon. Sandra Franklin, Professor Jeff Hartje, Irving G. Johnson, Charles J. Kall, Gerald McDermott, Hon. Robert McGahey, Professor Scott Peppett, Mike Ruderman, Marshall Snider, Cristina Valencia, and Anthony Van Westrum. The CBA through its legislative liaison Michael Valdez asked the Task Force to recommend whether the CBA should actively promote adoption of the UMA. The Task Force examined both Acts, met several times, and performed extensive work analyzing the UMA. Four members of the Task Force wrote a series of three articles discussing CDRA and the UMA that were published in *The Colorado Lawyer*. The Task Force was unable to reach consensus as to whether the UMA should be adopted in Colorado. Because the UMA was not presented to the Legislature at that time, nor was any interest expressed by legislators at that time, the Task Force did not prepare a report or recommendations, and it disbanded in December 2003.

unanimous, however, in recommending that, in the event the legislature is committed to adopting the UMA in Colorado, the UMA and CDRA be amended as provided in this Report and in the attachments. The Committee is requesting comments concerning the attached amendments, and requests that comments be submitted in writing to Cindy Savage by email at cynthia.savage@judicial.state.co.us, by fax at (303) 837-2340, or by mail at Office of Dispute Resolution, 1301 Pennsylvania St., Suite 300, Denver, CO 80203, no later than October 1, 2006.