

Mass UMA Working Group (the Group)

July 17, 2007

Boston Law Collaborative, 99 Summer St. Boston

Meeting Notes

Agenda:

- Introduction and agenda
- Committee reports, discussion and decision-making:
 - Process – revised timeline, establishment of additional feedback loops to Committees and the Group, and proposed Facilitator role
 - Public Sector – decision-making re interim recommendation
 - Mediator Definition – progress update
 - Confidentiality/Privilege– progress update
 - Legislative – progress update
- Proposed Outreach Plan
- Process Map (timeline adjustments)
- Next steps/meetings for Working Group

Attendees:

Josh Flax (Facilitator), Susan Jeghelian, Melissa Brodrick, Kurt Dettman, Susan Ostberg, Doug Sweet, Lynda Robbins

Discussion:

Public Sector Committee

The Public Sector Committee presented its interim recommendation of Option 1 from the Committee Report circulated 7/19/07. In essence, Option 1 seeks to preserve the current state of the law, which has both the Open Meeting and Public Records Law and Chapter 233, § 23C on the books, without cross reference to each other. The UMA, as currently presented, explicitly refers to the Open Meeting and Public Record Laws as potential exceptions to mediator privilege/confidentiality. In order to preserve and protect the ability to conduct public sector mediations, the Public Sector Committee feels that the current legal framework should remain in place. The Committee proposes to do this by preserving the § 23C protections and deleting the references in the UMA to the Open Meeting and Public Records Laws to preserve the current legal framework.

The Group then discussed the other options presented in the Committee's Report. The Committee emphasized that it needed to consult with the Governor's Chief Legal Counsel and the Attorney General's Office given the important public policy considerations on this issue. The Group agreed that this was an appropriate approach, but that the Secretary of State's Office also should be consulted at some point in the process. The Group agreed to post the Public Sector Committee's report on the web site and circulate it for comment to the Group, with the goal of having the Committee report back to the Group at the September meeting.

Legislative Committee

The Legislative Committee representative (Vicky Bennet) reported by e-mail prior to the meeting that there was nothing new to report since the last meeting.

Process Committee

The Process Committee proposed a number of actions in light of concerns expressed at the last meeting. First, it will adjust the timelines on the Process Map in light of the delay in the legislative process. The Process Committee will send out the Process Map for comment and then will discuss revised dates at the September meeting. Second, the Committee reports/recommendations will be posted on the web site and sent out to the Group for comment--there will be a designated point of contact for telephone and email feedback. Third, the Process Committee proposed that Josh Flax be designated as the Group's Facilitator. Josh accepted this role and the Group will be asked to re-affirm this at the September meeting. The Process Committee will circulate to the Group revised Collaboration Guidelines reflecting that the Process Committee's former role under Section VI will now be performed by Josh as the Facilitator, with the Process Committee in a support mode.

Mediator Definition Committee

Melissa reported that the Mediator Definition Committee was working on its revised report and survey and hoped to be able to get it circulated within the next couple of weeks. The goal is to get feedback on it so that the Committee can report its recommendations at the September meeting.

Confidentiality Committee

The Group did not receive information on the status of this Committee. Josh is going to get in touch with David Hoffman to get an update. The Group discussed the need for the Committee to designate a Convener and to report whatever progress it could to the Group so that the Group can begin to consider options in this area.

Other Issues

The Group discussed how to continue the feedback loop on open issues between now and the September meeting. The Group agreed that Linda will post on the web site and circulate to the Group the following: Public Sector Committee Report; the Process Map (revised timelines to be determined); the Collaboration Guidelines (revised Process Committee/Facilitator roles); and (when available) the Mediator Definition Committee Report and Survey. The Group will be requested to provide comments/feedback prior to the September meeting and be prepared to discuss the issues at that meeting.

The Group also discussed using "Meeting Wizard" software to schedule future meetings to accommodate scheduling concerns expressed by some members of the Group. The Process Committee will look into this and report back to the Group.

Next Steps

Future Meeting Schedule:

No August Meeting

Thursday, September 20, 2007, 2:00 pm – 5:00 pm

Federal Mediation & Conciliation Service, 99 Summer St. 5th Floor, Boston

October Meeting

Date to be set at the September meeting, but will look at weeks of 10/22 and 10/29.