

MSBA ADR Council Meeting Minutes
November 5, 2009
8:00 a.m. – 9:00 a.m.
MSBA Office – Minneapolis

In attendance: John Schulz, David Lauth, Cynthia Waters, Marilyn McKnight, Linda Mealey-Lohmann (and MSBA liaison Ashley Hacker).

1. Greetings: John is serving as interim Chair during Marge's absence.
2. Treasurer's Report: \$15,108.47 as of September 30, 2009. Balance reflects receipt of most of the dues. Upcoming expenses include marketing for SelectADR.
3. November CLE Program: Oscar Reed and "Boys to Men" Circle and "YODA" Circle on "Restorative Practices and Youth" is set. Ashley will call him Monday. Section will provide pizza.
4. December CLE Program: Sun Yu (Selina), Judge Carmen Molina and Mediator Eduardo Wolle "Mediation Around the World" a presentation about current mediation practices in Beijing China, El Salvador and Panama is set. Ashley will create a Notice and send draft to Linda.
5. Future Monthly CLE Programs – Future Program Ideas: John conveyed Marge's interest in construction / commercial related arbitration issues, is process looking too much like litigation? John mentioned interesting break-out session at the ADR Institute with several potential new speakers on the topic of discovery. Council expressed interest in mediation of church sex abuse cases: John will contact Jeff Anderson and someone from the archdiocese / church staff. Council would like to have a mediator, such as Steve Erickson. Other topics considered: Marketing / Starting a Mediation Practice; Other processes such as early neutral evaluation, case management conference, mediation and arbitration within court system; ADR Review Board discussion group on Rule 114 revisions - Cynthia will contact Linda Close to get update on what needs to be done, possible future CLE topic.
6. Other Business: Grant program: Have received inquiries but not applications. Plan is to review proposals at December Council meeting.

Council noted impact of economic recession as reflected in staff and service cuts in court programs and possible closure of private ADR organizations. Previous grants focused on special projects with potential statewide impact, but guidelines do not exclude requests for general operating funds. Council will get word out to organizations to encourage applications. ADR Institute: over 200 attended, but keynote speaker was stranded in Arizona by weather. Council discussed question of enforceability of agreement to mediate without “magic language” of Mediation Act.

Cynthia C. Waters