

## **Mass UMA Working Group**

**May 23, 2007**

**FMCS Offices at 99 Summer St. Boston**

### **Meeting Notes**

#### **Agenda:**

- Review of agenda and goals
- Committee reports, discussion and decision-making:
  - Process – collaboration guidelines; revised process map, organization forms
  - Confidentiality/Privilege– issues and recommendations (interim report)
  - Legislative – letter to Legislature
  - Mediator Definition – decision-making re recommendations
  - Public Sector - update
- Next steps for Working Group

#### **Attendees:**

Josh Flax (facilitator), Vicky Bennet, Melissa Brodrick, Stephanie Craig, Ros Cresswell, Carolyn DePasquale, Robin DiGiammarino, Susan Jeghelian, Arlene Kardasis, Harry Manasewich, Susan Ostberg, Brownie Swartwood, Doug Sweet

#### **Discussion:**

##### **Process Committee**

The group reviewed, edited and adopted the draft *Collaboration Guidelines* created by the Process Committee. This document sets forth guidelines on goals, representation, member responsibilities, decision making, committees, facilitation, and meeting summaries. The revised guidelines adopted by the group will be emailed by the Process Committee to Working Group members on the distribution list.

The group also discussed guidelines for what would be posted on the Working Group website and decided that only meeting summaries of the full Working Group would be posted on the website as a matter of course, and not summaries of Committee meetings. The posting of any other documents would happen only after affirmative decision of the Working Group. The group agreed that all other communication and sharing of documents outside of meetings among members and committees would happen via email. The rationale for this decision was Working Group Committees space to explore issues and develop options off line, while preserving transparency of meeting discussions and decisions on Committee reports and recommendations.

Next the group reviewed the *Revised Process Map* prepared by the Process Committee. The map is divided into three stages: 1) Drafting of Initial UMA Recommendations (present – July 2007); 2) Stakeholder/Public Feedback for Recommendations (August – September 2007) and 3) Second Drafting of Recommendations with Public Feedback (October-January); with presentation of recommendations at a Legislative Hearing in February 2008. The group decided to add the word “Stakeholder” with Public Feedback and talked briefly about the

difference between conducting outreach to collect feedback on recommendations and sign-off on the recommendations. The Process Committee agreed to make a presentation at the June Working Group meeting to help the group to clarify the goals and scope of the outreach to be undertaken.

The Process Committee distributed a *Participant (Organization) Status Report Form* for organizational representatives to fill out indicating whether or not the timeline of August-September would work for their internal review process. A question was raised as to whether the Working Group process needs to be harnessed by the organizational constraints of other members. IT was observed that the group needs to determine whether or not there are any key organizations without whose endorsements the recommendations would not be well received, or whether the Working Group can proceed with the endorsement of any organizations that chose to do so.

An update from on efforts to secure organizational representatives and support from the MBA and BBA was presented as follows. Kurt Dettman met with MBA ADR Committee on May 22nd and gave a status report and outline of the process map. The MBA will react when the UMA Group formulates its recommendation. The September to November timeframe appears okay for ADR Committee to establish position and report to MBA House of Delegates for action. The MBA does not oppose asking that hearing date on UMA be postponed until February 2008. Overall, positive response at least to the process proposed. Warren and Brownie will continue to be observers at the UMA Working Group meetings, but MBA does not consider itself as part of the Working Group as such. Kurt will be meeting with Bette Roth on May 29 to open dialogue with BBA ADR Committee.

#### Confidentiality/Privilege Committee

The C/P Committee distributed an *Interim Report* outlining the sections of the UMA they are reviewing and the issues that they are discussing. The report indicated that the C/P Committee has reached consensus on recommendations for some issues but not for others. The outline described the types of issues, concerns and ramifications that were being grappled with by the group and indicating the complexity of the issues involved. There were questions about the difference between how protective c.233, s. 23C is versus the UMA and a request that the C/P Committee make this distinction in their final presentation of recommendations. The Interim Report of the C/P Committee will be emailed by the Process Committee to Working Group members on the distribution list.

Regarding the timeline set forth in the Process Map, the C/P Committee representatives were not sure as to when they felt they could be ready to present their recommendations to the full Working Group, and were not sure that they could be ready by the July meeting. This led to a discussion about what would happen if the group could not finish its work in the time set forth in the Process Map. It was agreed that we should work hard to meet that deadline and if necessary we could report at the February Legislative Hearing that we are almost there and just needs some more time to conclude our process. If the Legislative committee sees how far we have come, they may be more willing to give us the time we need to finish. The Legislative Committee representatives shared that the Joint Committee on Labor and Workforce Development needs to report out activity on the UMB bill in March and that is why we are requesting a February hearing date, which is the latest possible time in this legislative session.

The group expressed concerns that given the level of complexity of the issues, it would be helpful for the C/P Committee to start presenting some of their work to the full Working Group for discussion and consideration since the full group is going to have to become familiar with and reach agreement on any recommendations on these issues. This request did not feel comfortable to the C/P Committee members present who felt they needed to present the issues together as a whole for the full group's consideration otherwise it would be too time consuming given the complexity of the issues. The group asked the C/P Committee to go back and talk with their other Committee members to figure out how to address these concerns of the Working Group, and how it would respond should the Process Committee set a date for their presentation to the full group.

### Legislative Committee

The Legislative Committee representatives distributed a Letter to the Chairs of the Joint Committee on Labor and Workforce Development which the group reviewed and edited. The letter describes the Mass UMA Working Group and makes two requests: that the correct version of the UMA be substituted for the current bill pending which is actually a version of the Uniform Trade Secrets Act; and that the June 2007 hearing on the UMA bill be postponed until February 2008. The revised letter adopted by the group will be emailed by the Process Committee to Working Group members on the distribution list, and also the group decided to have this posted on the website, but only after it had been received by the Legislature.

The group agreed to have the return address on the letter be 99 Summer Street without listing the Federal Mediation and Conciliation Service, as this could be misconstrued by legislators. The group also agreed that all Legislative Committee members would be listed as signatories of the letter, and that they could choose among themselves as to who would make the presentation at the June hearing. The Legislative Committee agreed to be sure to let members know of the June hearing date in case others wish to attend.

The group ran out of time and did not reach the Reports of the Mediation Definition and Public Sector Committees.

### Next Steps

#### Future Meeting Schedule:

**Monday, June 18, 2:00 pm – 5:00 pm**

Boston Law Collaborative, 99 Summer St. 16<sup>th</sup> Floor, Boston (*confirmed*)

**Tuesday, July 17, 2007, 2:00 pm – 5:00 pm**

Federal Mediation & Conciliation Service, 99 Summer St. 5<sup>th</sup> Floor, Boston

**Wednesday, August 15, 2007, 2:00 pm – 5:00 pm**

Federal Mediation & Conciliation Service, 99 Summer St. 5<sup>th</sup> Floor, Boston

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

Federal Mediation & Conciliation Service, 99 Summer St. 5<sup>th</sup> Floor, Boston