

## AGENDA

- 9:00 a.m. Welcome/Purposes/Goals
- 9:15 a.m. History of UMA
- 9:30 a.m. Questions/Discussion
- 10:15 a.m. Review Plan
- 10:30 a.m. Next Meeting
  - Goals
  - Sub-Committees
- 10:50 a.m. Wrap Up
- 11:00 a.m. Conclusion

### Discussion:

#### UMA Confidentiality:

Statute should create a privilege so someone can hold up a shield from disclosure; but the parties can voluntarily disclose if they want to unless they sign an agreement saying they won't disclose

#### Training:

UMA leaves it up to the states

Not starting with assumptions about what is best

ABA 2 page fact sheet to be posted on the [www.massuma.com](http://www.massuma.com) website

Would having the UMA make us better off than we are?

- +confidentiality uniformity for out of state mediation

Question: does the current statute create ambiguity?

- +UMA urges written agreement

Question: do mandatory reporters operate under s.23C?

- +UMA is specific while present law doesn't have exceptions

Question: do you get more confidentiality by statute than by contract?

Training requirement is a big issue

- skills

- supervision

#### Sub-Committees:

- Training

- Confidentiality

- Certification

- Exceptions to confidentiality

- Open meeting/Public agencies – what constitutes “public records?” [A.G.’s office provide input here?]

- Making the UMA work with current laws

Do we need to involve other groups in this process?

- trial attorneys (Mass Assn of Trial Attorneys)
- judges (Judge's Conference)
- insurance lobbies
- others

Complexity in explaining to parties – what effect does this have on mediation overall?

- current statute offers simplicity

Standard: Is the UMA better than what we have now?

- Need: simplicity
- clarity
- exceptions to confidentiality

Question: Should we move forward?

Answer: If so, we should strive to create something better than what we have now

1. Incorporate thinking already done
2. Identify and involve others
3. Address the complexity issue
4. Define mediation – does it start at agreement to participate? When does mediation begin? When does confidentiality begin?
5. (Later) Develop language to explain this in practice
6. (Later) Develop uniform message from the group

Next Steps:

Need continuity of at least one person from each stakeholder organization to move forward and be open to anyone with an interest

Sub-committees – one person from each sub-committee should have continuity of attendance; if acting on behalf of a board that needs to vote, need to get that in time for next meeting if possible

Diane Levin and Ericka Gray creating a space for on-line dialogue and shared documents to facilitate further discussions

Proposed Timeframe:

- 6 months:
1. 9/8 Boston
  2. October Central Mass
  3. November Western Mass
  4. December Southeastern Mass
  5. January Eastern/Boston
- February/March - Finish

Is the timeframe too tight? Will legislature be where we need them to be when we're ready? Election year, budget in January, session doesn't start until January, etc..

How can we move forward? Working group conveners should remain the same group  
Volunteer to help with process overall: Josh Flax [jflax@fmcs.gov](mailto:jflax@fmcs.gov)

Sub-Committees:

1. Process/Outreach:

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2. Confidentiality/Privilege and Exceptions:

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3. Laws and Records – Public/Open Meeting:

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4. Training/Definition of Mediation/Mediator:

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