

**State Agency Mediation Confidentiality - Rulemaking Advisory Committee**  
**2:00 PM, Thursday, April 21, 2016**  
**Agenda V2**

On October 27th, 2015 the Department of Justice adopted temporary rules mediation confidentiality model rules in order to comply with SB 189 (2015.) A link to SB 189 and related rules can be found at <http://www.doj.state.or.us/adr/pages/rules.aspx> . The purpose of this second and final Advisory Committee meeting is to discuss issues related to state agency mediation confidentiality that were raised during the earlier rulemaking. These discussions may, or may not, result in changes to the mediation confidentiality rules that apply to all state agencies per ORS 36.224. The public is also invited to this meeting and will have an opportunity, during the public comment portion of the agenda, to offer comments.

**Location:** 4<sup>th</sup> floor conference room of the DOJ Robertson Building at 1215 State Street NE Salem, Oregon 97381.

**Meeting agenda** *(Start times are approximate)*

Start Time	Minutes	Agenda item
2:00	10	Summary from Meeting #1 on March 14 <sup>th</sup> .
2:10	90	This meeting is a continuation of the discussion of ORS 36.224 related mediation confidentiality rules and in particular the confidentiality of the pre-mediation assessment process.  A concern was raised by some stakeholders regarding the lack of confidentiality of communications that are shared with/among parties during the assessment phase of mediation before the point at which an agreement to mediate is executed (Current rules allow the mediator to keep these communications confidential, but not the parties, unless an agreement to mediate is subsequently executed.) Part of the discussion at the last meeting focused on whether additional confidentiality was needed, how confidentiality could be achieved if it is desirable, and ways to distinguish this stage in the process/event from other routine governmental activities where confidentiality is not desirable.
3:40	15	Public Comments
3:55	5	Conclusion and next Steps

**Invited Advisory Committee Members** (as of 11-23-15)

Organization or interest	Contact	Title/Company
ADR Section of the State Bar	Thom Brown	Cosgrave Vergeer Kester LLP
Mediator Organizations	Kevin Grant	President Oregon Mediation Association
State Agencies	Bill Ryan	Assistant Director, Aquatic Resource Management Oregon Department of State Lands
ADR Programs	Turner Odell	Oregon Consensus and Oregon Solutions, National Policy Consensus Center Portland State University
Private Mediators	Sam Imperati	President, ICMResolutions, Inc.

**DOJ Participants**

Contact	Title/Company
Mike Niemeyer	ADR Coordinator
Amy Alpaugh	Assistant Attorney in Charge/ Opinions Coordinator
Steve Wolf	General Counsel Division, Chief Counsel