

Resolution regarding proposed revised WSBA Advisory Opinion 2223

Whereas, the ADR Section of the WSBA has previously recommended that Washington adopt the position that attorney-mediators be allowed to draft agreements and orders for unrepresented parties, (see June 17, 2016 letter to the WSBA Committee on professional ethics¹); and

Whereas, such drafting by qualified mediators should be accepted as an essential and necessary part of the divorce mediation process for unrepresented parties who have common interests;

And whereas, a majority of jurisdictions allow such mediator-drafted documents, and this approach is supported by many in the legal community of Washington, (see, for example, Memorandum from Professor Alan Kirtley, Katie Kock and Wiley Cason ²);

Now therefore, the Executive Committee of the WSBA ADR Section urges the WSBA Committee on Professional Ethics to redraft Advisory Opinion 2223 and the proposed amendment thereof, to allow attorney-mediators to draft agreements and orders for unrepresented parties with appropriate informed consent of the parties.



Joanna Roth, Section Chair



Letter to WSBA
1 Committee on Prof E



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