

**ADVISORY COUNCIL MEETING 4-8-2021  
VIA WEB EX DUE TO COVID 19**

**MEETING DATE:** THURSDAY, APRIL 8, 2021

**TIME:** 9:00 A.M.

**LOCATION:** VIA WEB EX TELECONFERNCING DUE TO COVID

---

Advisory Council Members Present: Nicholas Anastasopoulos, Chair, Jay Selgel, Jodi Ross, Michele Heffernan, Bryan McMahon, Denise Casey, Kate Shea, Sheryl Pace Webb.

Ex Officio Members: Philip T. Roberts, Director, Marjorie Wittner, Chair.

Other participants: Susan Atwater, Hearing Officer Supervisor, Jillian Bertrand, Chief Counsel, Kimberly Eustace, Administrative Assistant.

Advisory Council Members Absent: John Mann

**9:03 a.m. the meeting begins with a quorum.**

Director Roberts asked the Council to accept the minutes from last meeting January 2021. Discussion followed concerning the fact that during much of the January meeting a quorum was not present; Jay Seigel attended briefly, creating a quorum, during which time the minutes from the previous meeting were approved. Jodi Ross raised the concern that meeting without a quorum may violate the public meeting law. Director Roberts said that he would review the minutes and have Chief Counsel Bertrand research the question.

Director Roberts raised the subject of changes in the regulations. A draft of proposed changes was circulated prior to the meeting. Briefly, the proposed changes concern:

1. Allowing electronic showing of interest, perhaps an email and electronic signatures.
2. Housekeeping matters, such as correcting typos in the regs, and changes to make sure parties notify the DLR to arbitrations that they have cancelled.
3. Exploring the conversion of written majority cases and dealing with them as "R" cases. I will be working on this and looking at case law. No need to pursue this right now, but its something we have thought about.

Chief Counsel Bertrand noted that the next step in the process is for the proposed regs to be sent to government advisory committee, and we need to provide public notices prior to change. Jay Siegel asked about the DLR not being notified about arbitrations being cancelled. Director Roberts explained that the there was a case where the DLR was a mediator and the case settled. The parties thought the DLR was going to let the Arbitrator know, the DLR thought the parties where going to tell the Arbitrator, and in the end, the DLR decided to pay the Arbitrator's cancellation fee. The DLR wants to avoid this in the future.

Director Roberts announced that the DLR was moving out of the Hurley Building, possibly by June 1, 2021. The Hurley Building is closing but we are not sure if it's being torn down or restored. DLR will be moving into space with the DIA in downtown Boston. The reason for this is the DIA has space for us and has plenty of hearing rooms. The new address is Lafayette City Center, 2 Avenue de Lafayette, Boston, MA 02108.

Director Roberts showed the Advisory Council the office plans and layout and pictures of the hearing rooms. There will be hybrid equipment for persons not willing to participate in person. We have equipment to see them remotely for testimony. The plan is when we return to in person proceedings parties will still have an option of hybrid proceedings. We will have Plexiglas, masks, sanitizers and DIA has clear masks so you can see the witness. After June 1<sup>st</sup> and once we are moved in and all the technical issues are ironed out we will begin in-person proceedings.

Michele Heffernan noted that when her staff are doing proceedings at DIA there was no protection between the two attorneys. Director Roberts said that we purchased a Plexiglas shield on wheels that will be positioned between the two attorneys. He asked that if anyone else has some stories of experiences, please let us know so we can incorporate these into our hearing rooms. Nick Anastasopoulos noted that the picture indicates that there are no windows and suggested the DLR use air purifiers. Kate Shea said that OSHA is stressing ventilations and asked if the building had been evaluated. Director Roberts said that he would look into that. Jay Siegel asked to what extent can we ask participant if they have been vaccinated? Director Roberts said he did not know the answer to that. Michele Heffernan said that witnesses and other participants need to be separated we should not have too many people in one room at a time.

Director Roberts raised the subject of new Advisory Council Members and said that there are some names being circulated and hopefully we will have new membership for our meetings soon. He also noted that the Advisory Council Chair position is supposed to rotate every 2 years. DLR statute says the governor shall designate new chair. He said he will be in communication with the office of Boards and Commissions and they will eventually notify regarding new members.

Next meeting: Thursday, July 22, 2021 at 9:00 am.

The meeting was adjourned at 10:00 a.m.