

"Mediator/Arbitrator"

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Many of the recent accounts of Betty's life stop in 1986, as though she retired when she left the Oregon Supreme Court. Betty didn't retire, nor was she in any way retiring. For more than two decades after leaving the Court, she continued to serve Oregonians, just in a less public way. Her contributions while no longer in the spotlight parallel in importance her contributions as a public servant. I want to focus on her contributions to the field of alternative dispute resolution and her role in creating organizations to help continue the struggle for gender equality in politics and law.

Many judges become mediators or arbitrators when they leave public life. Betty was one. She served as a mediator at the request of the Chief Justice soon after leaving the Supreme Court. She found the work congenial, perhaps because it made good use of her skills and experience—as a teacher, a legislator, and a judge. She participated in mediation training, then, in 1994, she joined the panel of USA&M. She served until 2009. She mediated more than 750 cases and was an arbitrator in some 20 more. She helped disputing parties resolve their differences without going through the agony of trial and appeal. She helped them find creative solutions outside the box of narrowly legalistic options. Betty worked with hundreds of lawyers during this period. I've been able to visit with a handful these past weeks, my assignment being to report on Betty's work during this portion of her career.

One lawyer commented that Betty was a fine mediator because she was such a quick study, mastering the substantive issues of the diverse cases she mediated as well as the intricacies of trial procedures that often affect settlement strategies. More important, this and other lawyers told me, she was a good mediator because she did not come to mediation as a know-it-all former judge prepared primarily to tell the parties what to do. Instead, she listened, she probed, then she did what good teachers do: helped disputing parties understand that they have the capacity and knowledge to find resolutions that work for

them. Another lawyer commented that Betty was particularly adept at putting people at ease in mediation so they could participate actively in the negotiations rather than react out of fear.

Some lawyers claim that a major factor in mediator selection is finding a neutral with whom they can stand to spend a long, even stressful, day or two. Lawyers who worked with Betty liked spending time with her. One remembers vividly Betty's elation over having shot a hole-in-one on the golf course that week. Another loved to hear Betty talk about her family, her political activities, her writing, and her travel. Everyone I chatted with told me that it was Betty's ability to connect with parties that made her a good mediator and a fine person with whom to spend long days. She genuinely cared about people. She left an indelible mark on an insurance claims adjuster with whom she worked on many insurance cases. "I knew she was a people person," he said, "but I was astonished that Betty Roberts thought I was important enough that she would come to my retirement party." Even after leaving the USA&M panel, Betty stayed in touch with panel members and staff, having lunch together and offering advice.

During the decades after Betty left the Supreme Court, she also provided "immeasurable support and inspiration" for the creation and growth of Oregon Women Lawyers and the OWLS Foundation. She delivered the keynote address in 1988 at a meeting called to consider whether to form the statewide organization. She saw the effort as "very necessary to the future welfare and prosperity of women lawyers in this state." She urged the organizers not to let OWLS be merely a "social organization." She then served on the OWLS board and on the OWLS Foundation, helping assure that both remained true to their ideals. The Betty Roberts Award created in 1992, of which she was the first recipient, remains a reminder of our responsibility to support the advancement of women in the legal profession.

Betty never slowed down in the decades after she left the Supreme Court. She worked tirelessly to advance ADR, taught, spoke at CLE's, wrote her autobiography, and traveled all over the state to talk about it. She was never too busy to meet with lawyers who sought her counsel on how to find balance in their careers or pursuing judicial positions. In late 2002,

I was struggling with whether leaving the Supreme Court to deal with a health issue would be a betrayal to women. I called Betty for advice. She minced no words: "Go get well. Don't ever look back." She probably never knew what a gift those words were.

During her last two decades of work, Betty even achieved royal status: In June 2008, she was knighted as a Dame of Rosaria. In 2009, while receiving one of the many awards honoring her for her achievements, she was asked how she felt about passing the torch to the younger generation. She responded, "I'm not done with my torch yet. Go get your own." That was Betty: Committed, blunt, caring, and expecting the rest of us to do our parts. Betty's torch burned as brightly after her years of public service as it did during those earlier years, as the thousands who felt its warmth know well.