



Hello!

I am sending this email out to all RPEA members in response to a letter from an RPEA member printed in the Anchorage Daily News on Thursday, January 13<sup>th</sup>. <https://www.adn.com/opinions/letters/2022/01/13/letter-speak-up-about-state-retiree-benefits/>

As you know, I indicated to all RPEA members in late December, in an email entitled “RPEA Year-End Report 2021,” that the Executive Board had voted, for all the reasons listed in that letter, to pursue mediation with the State of Alaska over the Medical Diminishment lawsuit. This meant that the trial scheduled to start later this month was continued for purposes of discussing settlement. Mediation is now scheduled for February 11<sup>th</sup>, with retired Judge Andrews as the mediator.

While, as in all matters related to pending litigation, there are limits on what I can publicly say, I do want to clarify the process questions posed in the letter. This member apparently views RPEA as empowered to file the lawsuit it filed against the State of Alaska in 2018 over its claims of the diminishment of retiree medical benefits, but today asserts that this same organization is not empowered to negotiate or mediate the issues contained in the lawsuit. Filing a lawsuit is the riskiest of all business; it means you are placing all your eggs in one basket: you either win or lose.

Mediation and settlement talks are a normal part of any lawsuit, usually undertaken, as is the case here, when the trial date is pending and those matters not resolved through motion practice and previous decisions by the judge during the run-up to the trial remain on the table. It is at this point that parties to lawsuits regularly seek to determine whether there are alternative ways to resolve their disputes instead of going to trial. Win or lose at trial, the parties will be faced with expensive appeals and additional years of delay, all without any known outcome.

The Executive Board determined that there were legitimate reasons to agree to mediation, and on the recommendation of its litigation committee, voted to pursue that option. I am not sure what this one member out of some 4,500 RPEA members, is trying to suggest, but I believe it does a very public disservice to this important organization at a very delicate time in the proceedings of this lawsuit.

Finally, continuing to rehash the difficulties resulting from last summer’s abrupt change in organizational management benefits no one. As the President, who must otherwise proudly defend this organization and the good work of the RPEA Executive Board, I would like to see an end to these harmful attacks on our organization. Thanks!

Randall P. Burns  
RPEA President  
January 14, 2022