

PERColator-Profile-with-Otto-Klein

Tue, Nov 26, 2024 11:37AM 50:35

SUMMARY KEYWORDS

public sector labor relations, Otto Klein, Summit Law Group, PERC, collective bargaining, interest arbitrations, problem solver, negotiation tips, relationship building, creative solutions, respectful approach, mentorship, career advice, labor practitioner, mediation

SPEAKERS

Matt Greer, Otto Klein, Jamie Siegel



Matt Greer 00:10

Welcome to the PERColator Podcast. I'm Matt Greer, one of the co-hosts, and today, I'm very happy to welcome Otto Klein as the next featured guest in our series of PERColator Profiles, where we get to know and learn from an experienced labor relations professional. I don't think it's an exaggeration to say that Otto is one of the giants in the field of public sector labor relations, particularly in his role as an employer-side attorney and as a partner and founder of Summit Law Group. He has been practicing in this area for as long as the law setting up the collective bargaining process in Washington has been in existence. As a special bonus on this episode, we are joined by guest co-host Jamie Siegel, a mediator and hearing examiner at PERC. Jamie and Otto have worked together quite a bit over the years, and I very much thank them both for joining us on this episode. I think you'll agree they have valuable insights, tips, and stories to share. Enjoy the episode! Welcome, welcome, welcome! Welcome to the next episode of the PERColator Podcast. I'm one of the co-hosts, Matt Greer, and today I'm really excited to announce that we have the next in our series of episodes of PERColator Profile episodes where we get to learn from an experienced labor relations professional in our field. And today, I'm truly honored to announce that we have Otto Klein, somebody who probably doesn't need a whole lot of introduction for most of the folks in the public sector labor relations world. I'm really happy to have you here, Otto. Welcome to the podcast.



Otto Klein 01:44

Thanks, Matt. I'm really, really looking forward to this. I appreciate being asked to come and join you.



Matt Greer 01:50

Very much appreciate you taking the time to join us here. In addition, we have a special bonus for this episode, is that we have an honorary co-host of the podcast. So Jamie Siegel, who was one of my PERC colleagues, and I'll say friend, hopefully Jamie says I'm a friend too, but

primarily PERC colleague for this perspective, joining us as a co-host as part of the conversation. So welcome, Jamie. I'm really happy to have you as part of the podcast today as well.

J Jamie Siegel 02:13

Thank you so much for the invitation. I really appreciate it.

M Matt Greer 02:17

So I thought when you're having the two of you, I know that both of you might have worked together quite a bit. Jamie's been- how long have you been at PERC, Jamie?

J Jamie Siegel 02:26

17 years.

M Matt Greer 02:28

17 years. Yeah, one of our long standing PERC mediators and hearing examiners. So I know you worked with Otto quite a bit. So I'm really excited to hear the conversation from those perspectives as well. Thanks again for you both for joining us. I really appreciate you being here and looking forward to learning from you. You know, the format of these episodes is we generally have some kinds of preset questions to get the conversation going, but I'm really hopeful that we'll kind of let that flow and hear all about your experiences, Otto, as a labor relations professional and what you're doing. So, I guess we'll start off with the first question. We'll kind of let it go from there, but why don't you tell us a little bit about your labor relations career, and what are you doing these days, Otto?

O Otto Klein 03:11

Well, I'll start with the last one, which is much quicker and easier. I am working, still part-time, but also spending lots of time traveling. And we have four kids and seven grandsons, so I get to spend lots of quality time hanging out with them, which is always a treat.

M Matt Greer 03:29

Yeah, nice.

O Otto Klein 03:30

But back to the career part. Well, that story, I guess I'll just start going way back in time, which is I grew up here in Seattle, really had no idea what I wanted to do. My parents weren't lawyers,

didn't know any lawyers, and so I didn't know much about what being a lawyer was like. Went out to the University of Washington, and had a couple of professors who really encouraged me to think about law school. Went to law school, came out of law school, back to Seattle. Had no clue what I wanted to do. Went to Perkins Coie, a large law firm here in the city, and they said, "You have to decide on some area of law and spend a year doing that, and then you can rotate into something else." And I really liked the people who were doing labor and employment, and I said, "Well, I'll go do that for a year and see what it's like, and look around the firm and figure out what I really want to do with my life." And now 7,221 years later, I'm still doing it.

M Matt Greer 04:30

Isn't it funny how sometimes we just kind of- little decisions along the way kind of guide us in ways that we don't expect, right?

O Otto Klein 04:36

That is so true. Yeah, when I started at Perkins, and I was there for, I think, five or six years, and it was at a wonderful time because the firm did a lot of teacher work. At the time, the law for cities and counties and others, 4156, was still in its early development. And I know you've chatted with Marv about that for a moment or two or three on the podcast series. And at Perkins, there were quite a few labor lawyers. They did mostly private sector stuff, a lot of work for Boeing. And so when this new law came along, it's like, "Okay, where's that young kid? Oh, Klein, Klein, you can go do these things for a little bit. Would you do that, please?" And so it was, for me, a great opportunity to sort of get involved in something in the relatively early stages. And so that's sort of, that's really how I got in, or sort of fell into it is because I was the junior kid on the block.

M Matt Greer 05:35

I don't want to get too personal, but if you don't mind, how long ago was that, when 4156 the law that kind of...

O Otto Klein 05:41

I started in 1976.

M Matt Greer 05:44

1976? Okay, yeah.

O Otto Klein 05:46

So it was relatively early.

M

Matt Greer 05:49

At the same time as Marv Schurke kind of came on board at PERC, right?

O

Otto Klein 05:52

Yes it is very much the same time. Yeah, it was. One of my very earliest public sector experiences was I was sitting in my office, and an attorney who was much more senior than I walked in and said, "Well, there's an there's a hearing that's going to go on up in Everett before the full PERC. You know what that is, don't you?" And I go, "Yeah." He goes, "Well, the hearing is this afternoon, and there's an issue to try and get an injunct- have the PERC go file an injunction on a matter involving a teacher in our school district, and so I can't go. Would you please be able to go?" Sort of spend two hours trying to figure out what the heck I'm going to say and what the heck this is all about, and what I'm going to do. Head up to Everett, walk into the hearing. Judith Lonquist was representing the association. She is a really good lawyer, and had a wonderful reputation as being someone who was very knowledgeable. And so I'm in there going "Blah blah blah dab duh" in the best way I can. And as Jimmy knows, I'm pretty good at dab duh dab duh dab dah. So, make the argument as best I could. Just sitting there nervous as can possibly be about how I just messed everything up. And the commissioners file out, and Mike Beck was one of the commissioners, and Mike turns and looks at me and goes, "So you're the Otto Klein I've heard so much about." And then keeps on walking. And they go out, they take their time, and then come back in and issue a decision. And Mike comes over and goes, "You're probably wondering what it was that I met?" And I'm going, "Uh, yeah, uh yeah." And he goes, "Well, you know, I live over- where I live, your grandfather lives really close to me, and he takes a walk almost every day. And whenever he sees me outside, he always stops, and somehow, in some way, he comes back to you. So I really do know a lot about you." And that was sort of my first introduction to the PERC, to the agency. And I've always sort of thought what a small world this is in Seattle.

M

Matt Greer 07:57


Yeah, and you had no idea that they had that connection at all?

O


Otto Klein 08:02

None, yeah. I'm sure my grandfather had no idea what Mike did because he was too busy just chatting. Another case that I still think of periodically, just because it was such an interesting case, and probably one that that really piqued my interest in wanting to continue to do a lot of public sector law. It involved the city of Yakima and whether or not the number of police officers on a shift is a mandatory subject of bargaining or not. And Alan Krebs was a relatively new hearing examiner at the agency, and so we sat in this huge theater. I can't think of the name- the Capitol Theatre in Yakima. And it was sort of an intimidating hearing just being in the great big place, and it was the first time I'd ever done a ULP hearing. But it was such an interesting issue and so much fun that I sort of thought this really is an interesting area, and it's just an opportunity to try and help employers think about what matters, what doesn't matter,


and then where they have things that really make a difference to help them try and figure out a resolution. And so, I think that when I look back my at my career, that case really made a difference.

 Matt Greer 09:16


Yeah. And it was in a theater? Like the hearing was in an actual like theater, theater part of the...?

 Otto Klein 09:22


Yeah. it's actually a big- they held concerts there now and stuff. I'm pretty sure it's still open. It's still used...

 Matt Greer 09:28


Yeah.

 Otto Klein 09:29

...On the stage in front, and sort of looked out at this big, empty hall.

 Matt Greer 09:36


Okay, I was gonna ask if there's a big audience in there because it was really, it was really interesting hearing that the community was really interested in going to.

 Otto Klein 09:44

Yes, yeah. I'm sure if they publicized it, they could have found somebody who would have come, but, but-

 Matt Greer 09:50

Charge, charged tickets, you know, for that...

 Otto Klein 09:53

And sold the popcorn.



M

Matt Greer 09:54

Right? Yeah, fascinating. Yeah, it is. It is a small world. And yeah, again, it's really interesting how those kind of little things along the way pique your interest and kind of give you some guidance as you move forward in careers. So it's really interesting.

O

Otto Klein 10:07

That's really true. And I, in early 80s, went to a couple friends who were starting a law firm. I had driven back from the Husky Rose Bowl in I think it was January first of 82, and driven all night after the game and come back to Seattle, and was just getting to sleep when I got a call from a friend and goes, "You really want to come, you want to leave Perkins and come to this little law firm we're starting?" And I said, "Well, you know, can we talk about it later?" "No, we have to do something, we're going to talk about it right now." And so we talked about it. And the guy who's a really good friend, who I had known for quite a while, says, "You will always wonder what it would have been like if you had come with us, rather than staying in a large law firm." And I thought about that for a little while, and he was right, and he knew how to get the fish on. And so off I went to this little law firm. And one of the things that I really wanted to do was continue the public sector practice. And was fortunate enough, there was another attorney in the name of Bruce Schroeder, who had been at the National Labor Relations Board. I had gotten to know him when he had a hearing that he was the examiner for. He had the good sense to rule against me, and later came and chatted with us, and I just was fortunate enough to get to be involved in hiring him, and he worked with us for a very long time, and did a ton of public sector labor law.

J

Jamie Siegel 11:36

I had no idea that that's how you and Bruce connected.

O

Otto Klein 11:41

Once again, small world, isn't it? Yeah, no, he was at the board for quite a few years, and we would periodically, when we are at our little law firm, wander down to a place and have lunch and perhaps a beer with some of the board members still who were still his buddies.

J

Jamie Siegel 11:58

I really miss Bruce.

O

Otto Klein 12:01

Yeah, no, he still sort of wanders around between Tucson and comes up to his place in Bend, and haven't talked to him in a year or so, but he was doing really, just doing great. Just such a good person as well.

M Matt Greer 12:15

Yeah, Bruce Schroeder is a name I'm sure many of our listeners probably remember from not too long ago when he was a very active practitioner at your firm. So, yeah, good to hear his name.

O Otto Klein 12:24

So after- so I was at Summit, and then, excuse me, at the little firm, then we merged into a large San Francisco firm and were part of an office in Seattle, continued to do labor negotiations and labor stuff. And I think that's the period, Jamie, when you and I first hooked up, and then ultimately, several of us decided to start Summit Law, and that firm is where I'm still working with and pretending I can still be a lawyer.

M Matt Greer 12:58

I've heard that you're still doing a pretty good job of it, so.

O Otto Klein 13:01

You need to recheck your sources (laughter).

M Matt Greer 13:05

Great, thanks. So, yeah, Summit Law. One of the questions, let me ask you, I think you answered it though, so you've always represented the management side of the equation in terms of...

O Otto Klein 13:13

I have.

M Matt Greer 13:14

Career? Yeah.

O Otto Klein 13:14

Yeah, now that's since I was doing that back. That's where, where Perkins was, and so the potential clients I had and got involved with were all on the employer side, and have just continued to do that. I did something, I had listened to one of your earlier podcasts, and Eric

Nordlof had talked about, had gone back and had checked into the number of cases he had been involved in at PERC.

M Matt Greer 13:47
Uh-huh.

O Otto Klein 13:47
Like 6,521 or I didn't go back to double check that number, but it was a lot of cases. But it sort of got me thinking. One of the things that I have spent a lot of time over the years is interest arbitrations. And sort of recognized I'd done a fair number, but having, when I heard that, I go, well, that'd be sort of an interesting thing to go see. And I did go do that the other day in preparation for this, and saw that I have done- been involved in 46 interest arbitrations over the years.

M Matt Greer 14:16
Wow.

O Otto Klein 14:18
Several of them are where I've been on the panel. But most of them, and a few of them, were ones I did at Perkins, where I was second chairing with Dave Andrews, who was my mentor at Perkins. I was surprised there had been that many of them.

M Matt Greer 14:32
Yeah, that's quite a few. And you know, for our audience who aren't familiar with this processes, I mean, interest arbitrations that go to a full award are fairly rare. So if 46 of those, that must be one of the top practitioners, I'm guessing, in the interest arbitration world, in Washington.

O Otto Klein 14:47
Well, if we divide top, just by number, perhaps (laughter).

M Matt Greer 14:50
Okay, at least by number.



O Otto Klein 14:53

There we go. Okay, we're doing better now.

J Jamie Siegel 14:57

Otto is so modest. And his reputation in the state of Washington is just amazingly positive. He's known as a superior attorney with incredible skills and generosity, and it's been an honor to be able to work with him and learn from him. So don't mistake the modesty.

O Otto Klein 15:27

Thank you, Jenny. I appreciate that a lot.

J Jamie Siegel 15:30

And you mentioned a mentor that you had at Perkins. And so this next question more generally asks you to share some information about an early mentor in your career, and something that you learned from that mentor that really sticks with you all these years later?

O Otto Klein 15:52

Yeah, that would be Dave Andrews. Dave was the head of the labor employment group at Perkins Coie. Took me under his wing, and I just really learned a lot from him. He's the one who got me involved in some of the different public sector things. I did a few interest arbitrations, and they were all with him. One of the things he said to me, and it's something that I still remember where we were when he said it was he had a group of attorneys, and he would go hang out with after work, and not all the time, but they'd go out once every week or two. All labor practitioners, some management, some union side, but they all just collaborated and got along and did stuff, and I always admired that, and I talked to him about it once, and he goes, "You know, Otto, you're gonna have lots of opportunities over the years to take advantage of someone who you're practicing with. And somebody will make a mistake, or somebody will do something, or somebody will- you'll have the better of something. And you really need to think about this. Labor relations is a long road, and you are going to see people over and over and over again, and as you're interacting with people and doing things with people, you really need to keep that in mind. If you do that, you will find you do way better in the practice." And he was so right. That just- those sort of relationships that you build really, really do make a difference. I suspect you'll remember some of our days in Spokane where Chris Vic was representing the police guild and I was representing the city, and we would have sessions where we were sort of arm twisting to try and get stuff done and figure stuff out. But on most evenings, we would end up at the Davenport Hotel, sitting and having a drink and talking about the next day, talking about sort of what we had done and how, you know, what interests were, etc. And that really made a difference, I think, and ultimately, being able to get stuff done, and I think about sort of things I'm really happy that I was able to do, and had the opportunity to do. A lot of it circles around being able to develop relationships with people that allowed- build- sort of creating some trust, that allowed us to get to a resolution where, otherwise we probably wouldn't have, or it would have taken a lot more of your time to get us there anyway.

J Jamie Siegel 18:18

As I was reflecting in preparation for today, that is one of the hallmarks. When I think of Otto Klein, I think about not only you as a as an amazing problem solver, but you build relationships and it matters. It matters for an improved outcome for your client and for the other side. It allows you to really focus and do that really meaningful problem solving that does not happen if there is not that trust and that relationship.

O Otto Klein 18:59

Yeah, no, it definitely helps a lot. There's a an attorney who did a ton of work for firefighters over the years, Jim Webster, and another attorney told me "Oh, you can't, you know, can't trust him, and he's going to yada yada yada yada, yada yada." And I sort of listened to that for a while and stuff. And then as I got to know him, I've said, Well, you know, he's not such a bad guy. And we really developed, I think, a really good working relationship over the years, which was really helpful. And indeed, I was honored when he retired. And went to his retirement, and he came over and he said, "You know what, you're the only management attorney who's here. Thank you for coming." And that meant a lot.

M Matt Greer 19:43

Yeah, that's really sage advice from a mentor and really key part of building a career as a young attorney, and especially in this field. I think you're right. Relationships are probably the number one most important thing when you look at our work, right?

O Otto Klein 19:57

Yeah, that really makes a difference.

M Matt Greer 19:59

So maybe building on that, I mean, maybe there's some other advice here too, but we're curious. Is there any negotiations or labor relations tip that you learned along the way that you'd like to pass on to others who are in an earlier stage of their career?

O Otto Klein 20:12

Yeah, I probably got a few things for you, Matt. First is, I guess I would encourage anybody who's in negotiations to be a good listener. And there's a tendency when we're negotiating to what if- we feel like we have to talk a lot and have to be in charge, and have to sort of show our whatever. And so much of negotiations really is listening carefully to what's being said on the other side, and related to that is to be a good observer. Can learn a lot when the spokesperson is saying something and saying it with emphasis. And you look at the team members and

they're smirking, you sort of have an idea: this one is probably not the most important issue that's out there in these negotiations, and I think that can be really helpful. Another thing I think is really important to try, and it's not always easy, but is to be respectful, to understand that the folks on the union side may have a very, very different perspective than you do. Doesn't mean they're right, doesn't mean they're wrong, but it just means, it's just, again, sort of goes back to listening, but it's also trying to have conversations where you're digging deeper to get an understanding. What's the real interest? What? Why? Why has this popped to the top, if you will, in terms of something that the union feels we need to be addressing at bargaining? And that's, again, I think, is really helpful, and it's also helpful for our team, because, again, bargaining is not just the spokesperson, but as a team. So really helpful for the team to hear that information and to hear people who are not just a spokesperson, talk about stuff, something. And I think if you're respectful in your approach, people are much more willing to speak up and say things than they might if they feel like they're going to get their head chopped off if they say anything. Thoughts on that? Any disagreement with any of that?

J Jamie Siegel 22:17

I think you exemplify so effectively what it means to really try to resolve an issue by understanding what's at the heart of it. And I've, over the years, seen you do it over and over and over again. I remember many a time bringing a proposal into your caucus. And instead of just presuming that the other side was making a bad faith proposal, rather than presuming they were making a proposal that made no practical sense, you instead thought, "I must be missing something. Help me understand how this achieves X, Y or Z." You were so good at asking really excellent questions that gave the other side credit for being reasonable people who are making a proposal that you need help understanding. I think you absolutely exemplify that really important bargaining skill of demonstrating curiosity and just those question asking skills to get at the heart of the matter.

O Otto Klein 23:39

Yeah, finding out what the interest is, is just really important, and you are great at that as well as when you're as a mediator, I'll just, we'll just come back at you, because you're- you will hear what we say initially, which is sort of the top line or the big thing, and then, but then you will say, "Well, what about this? And can you tell me more about this, and why are we still talking about this in mediation? Can you help me understand that? "And that's those are all wonderful questions in terms of sort of getting, whether it be the employer side of the union side, to have to really explain in some detail why it is we're here in mediation and still wanting to have this issue out there, rather than just here it is, and now, what do we do about it? And I guess the last thing I have on, and I think about it actually, I can probably go on for a while, but it's don't be a jerk. Life's too short, and it's just work. We are all in this room together to try and figure out what's the resolution, and how we're going to get to a resolution, and to the extent when somebody in the room is being a jerk, that makes it really, really, really hard for that process to happen. I guess those would be the things I think of, Matt, in terms of I was passing stuff along. Again, it's a lot of those things you you sort of pick up over time.

M Matt Greer 25:01

Maybe I'll ask a quick follow up on that, because I'm curious. I mean, it sounds like you've made

the decision not to be a jerk in your practice, but when you go against somebody who might be kind of a jerk, or somebody- kind of interacting with somebody like that, do you have a tip for how to handle those types of situations from your experience?

O Otto Klein 25:19

Well, I'll tell you a story that is not the answer- does not answer your question, how I did it the very first time, but this is- my very first negotiation was with the Teamsters local down in the Grays Harbor area. When I was still at Perkins, I was doing a bunch of work for the company that was our product engineer and construction manager at the building of the nuclear plant down in Elma. And so my first negotiation ended up with the Teamsters rep and a group of testers for a company. He looked at me, and this is our very first session. Said, "Hi, I'm Otto and yada yada." We introduced around the table, and he just took off on this blankety blank, blank, blank, blank, blank, and the effing blank employer, yada yada yada yada yada yada yada. And I'm sitting there myself and saying, "This is what labor negotiations is all about. What do I do? What do I say? What?" And took a short caucus. Explained to the person, the owner of the company as it turned out, what I wanted to do, and then, because I wanted to make sure that he was okay with it. He came back in. So I just went off on a blankety, blank, blank, blank, blank tirade as well for about two minutes, and I stopped, and I said, "I know I'm just a kid. No, I haven't done a lot of negotiation, not nearly as much as you, but I could do that too. My guess is you and I will get a lot further along if we just talked and we try and figure out a way to have a conversation, and you can- I'll let you sort of decide which of those directions we're going to go, but I'll bet we can get a deal a lot faster if we do the latter." And, for whatever reason, that resonated and he, sometime later, talked about how he appreciated- in retrospect, he appreciated that approach, but he sure as heck didn't appreciate it at the time.

M Matt Greer 27:13

Yeah, that's a great (laughter). That's a great story. I mean, that approach, of like, kind of fighting the fire with fire, but also putting that olive branch out there, that's a really interesting approach.

O Otto Klein 27:21

Yeah, it's, I mean, it's hard to when you have someone who, and that's certainly the worst I've ever, ever run into in my years. But it's hard when you're feeling like your personality and their personality aren't jiving, or they're just really a different approach to it. And I that's when I'll usually try and find a way to go have a conversation with the person. And so, because I know some of what happens at the bargaining table, and that's true on all sides, for all of us, is putting on a show for your side and the people on your side of the table. It's not just trying to persuade. It's showing "Here's what I can say, and here's what we can do, and here's why, yada yada yada." And so I find that if I can find a way to go talk to the person where there's no audience, that's really helpful in getting past the show, if you will.

M Matt Greer 28:14

Yeah, right, the negotiating piece sometimes is where it can kind of come off as being a little bit

Yeah, right, the posturing piece sometimes is where it can kind of come off as being a jerk, but it's the more of a performance sounds like.

O Otto Klein 28:21

Posturing piece is a great way to put it. That's I think all of us have that in us, and all of us, at times, one time or another, will do that, especially if you're working with someone for the first time, or someone you don't know, and you want to establish that you can do this too. If you can find a way to get past that sooner rather than later. It's really productive, or much more productive, anyway.

J Jamie Siegel 28:41

Well, that was a really helpful story to share and we want to hear more stories. So this next question, we ask that you tell us a story, and you have two options, but you can also do both. You can answer both questions. The first, you can share with us a story about a spectacularly good bargaining experience where you really shined, and you can share with us what you did to make it so good. And you can also share a story with us about a spectacularly terrible bargaining experience and what you wish you would have done differently in hindsight.

O Otto Klein 29:23

Wow, okay. Well, let's start with- first, I'm not going to talk about something: bargain isn't successful because of the spokesperson. Bargaining takes way more than the spokesperson to be successful. So I'm going to sort of twist your question a little bit, if I might, and you can go back to it if you want me to try and answer it, but let me start with this.

J Jamie Siegel 29:44

Yes.

O Otto Klein 29:45

I think it was 2001 or 2002 where the TAs and RAs at the University of Washington organized and they had us and didn't get anywhere with the U. There wasn't a statute at the time recognizing their ability to organize. It turned into chaos. Ultimately, resulted in a strike and students not getting their papers graded at the end of the spring quarter. And so they tried again the next year, had some negotiations that were done by someone, and it didn't work very well. There was a member of the- it was United Auto Workers, whereas that time did the union, which had organized a lot, or beginning to organize a lot of the graduate student groups around the country. And so I had done some other stuff for the U, and they had put together a statute that allowed bargaining, so there was a framework for bargaining to happen, and then they said, so would you just lead the negotiations? And so worked a lot with the team at the U, and there was an incredibly dedicated group of professors and graduate administrators who they really, really wanted to find a way to get to resolution. It was not about us versus them. It was

about TAs and RAs. We, as a university and universities all over, have sort of forced them to do a lot more work and do a lot of things, than we should have. We need to find a resolution. And so we spent months working with the auto workers, or working with this gentleman who came out from Detroit and the TAs and RAs on the team, and had, as we got close to the end of the quarter and threats of a strike, had an all nighter, where we started early in morning and worked all day and all night and got to resolution. And the reason we got to resolution, I'm totally convinced, is because of the input from this group of professors and the couple of administrators who were so committed to trying to find solutions to stuff, and it was just people brainstorming and just really, really, really smart people brainstorming. And it was just a really, really fun and enjoyable experience, and something that worked out, fortunately, really well. I had a sort of similar experience probably 10-15 years later, when the residents at the U organized- may not have been that many years, in any event, doesn't matter. And again, residents or students are going on to become doctors and will go work at hospitals and will oftentimes have incredibly long hours for which they got very little compensation, and it was sort of a way for hospitals to get a lot of stuff done. And that's why there was organizing that occurred. And again, university, there was a couple of residents who were very, very articulate and had made the case of, you know where we should be getting this in compensation. And as I recall, it was a 49% first year when we sat down to do bargaining. Again, though a team, in this case, of doctors from various hospitals and medical facilities at the U who really, really wanted to find a resolution, and were really, really good about listening, really good about saying, you know, here's our concerns, how, what are we going to do? And a group, and probably the smartest group, not to delete anybody else, of course, but the smartest group I've ever had in one room and on the other side of the table this, these are all just really smart students who had, once they saw we were engaged, got engaged. And just the whole experience of having teams talking in sort of a collaborative way like that but over really, really difficult issues was just a really great experience, and one I- when I think about the things that have been successful in collective bargaining that I've been involved in, that's also on the list. The last one I have for you was, do you remember what you were doing on June? I think it was the 15th of 2014 or no, it was.. Might have been 2015.

J Jamie Siegel 34:17
I cannot say I...

O Otto Klein 34:19
What is wrong with you? (laughter) You were in these at the SPOG Headquarters.

J Jamie Siegel 34:27
Ah!

O Otto Klein 34:29
In the- this was early in the accountability bargaining with the City of Seattle. Didn't- had not yet drafted the accountability ordinance, but there was a lot of changes that the city needed and recognized it needed to make. The SPOG had a relatively new leadership team that was

and recognized it needed to make. The SPOC had a relatively new leadership team that was still working on bargaining, but was having a hard time. We were having a hard time getting to any sort of resolutions, because they obviously had wanted to be sure that officers were protected. And so they brought Will Aitchison, and Will was there for- he came in right near the end, and we had a stay, and went well into late into the evening, talking about accountability, talking about, how do you balance stuff, how do we find resolution? It was just one of those. It was a really, really good session resulted in a TA, and then that TA fell apart as a result of some other things that happened. And two years later, we finally got to a deal.

J Jamie Siegel 35:30

I do remember that. It took me a while.

O Otto Klein 35:34

But in 30 minutes you'd remember.

J Jamie Siegel 35:36

(Laughter).

M Matt Greer 35:37

Well say, Jamie's such a good mediator that she's there in presence, even when she's not there physically. That's the hallmark of a really good mediator (laughter).

O Otto Klein 35:46

But it was just one of those experiences where it was sort of like everybody sort of came together and was thinking, oh, how can we be creative? And I think the fact that I have immense respect for Will, just a really, really good practitioner and a smart, smart lawyer and sort of, he understands and is very going to be very, very protective of officers. But at the same time, was trying to say, "Okay, is there a path forward here? And how could we be creative?" And it was just one of those sessions that went on for a very, very long time, but left its mark on my, on my small little brain.

J Jamie Siegel 36:23

Having the opportunity to work with both you, Otto, and Will Aitchison in the same mediation, really? I mean, what a great opportunity that was for me.

O Otto Klein 36:35

Yeah, he's really, he's- I have nothing but the highest regard for, well, just a really, really

really, he's really, he's I have nothing but the highest regard for, well, just a really, really, smart, good, really good negotiator and really good lawyer.

J Jamie Siegel 36:44

Yes.

O Otto Klein 36:46

So I think the second part of your question was the worst experience that imploded, or a terrible experience? I'm not sure I have a really good answer for that one. I think I will say the most difficult times I have negotiating is when our client has a position, or a few positions, that we have talked about, they say "We have to have this. This is really important." And I know there is not a snowball's chance in heck we can get it, and I don't really understand why we're trying to get it. And it's those, I find those are the most awkward and difficult negotiations because I'm obligated to do my very best to try and get to that resolution. I've got someone who's sitting across the table looking at me going, "Why on earth are you saying this to us? How stupid do you think we are, Otto?" I need to be careful with team members, that I'm not saying what I really think because I know that they get back to the ultimate decision makers, and that creates issues. And it can be a very awkward discussion or awkward negotiations, and I find that certainly the most challenging thing to occur when I'm bargaining. Not, of course, in my 75 years of practice, has only happened once, but-

J Jamie Siegel 38:13

And what would you suggest to someone, maybe newer in their career, who is confronting that very challenge of trying to help their team understand that what they think they really want isn't achievable realistically, and maybe isn't even something that would be good for them, even if they were to achieve it?

O Otto Klein 38:40

I just think, in a nice way, you need to try and explain what you think. And I think I've got an obligation if I'm working with the client, whether I've worked with them a long time or a short time, if I think either that there are some ramifications they're really not going to like if we put this on the table and push for it, or I think there's not any chance, or very, very little chance, we're going to get it in an interest arbitration, assuming it's a bargaining that ultimately goes to interest arb, I just think I've got an obligation to say that in as nice and as diplomatically feasible way for me that I can put it to explain that and so. But ultimately, sometimes there are forces that can come from lots of different places and it is what it is. And we just need to go try and do the best we can, sort of recognizing that probably not a place we're going to get a resolution. Any suggestions, any other ways you would handle that?

J Jamie Siegel 39:39

I think what you describe is an approach that makes the most sense, and really knowing your

audience, and thinking about how can they best hear this advice. And you talked about doing it sometimes gently and kindly and sometimes, you know, I think we always want to be gentle and kind. Sometimes another approach might be heard better. And just like the story you told about that long ago, it was a Grays Harbor area encounter you had with a rep who, you know needed to hear you maybe speak a little more colorfully. You know, sometimes a different approach is helpful. But I mean, you obviously want to do that very carefully and sparingly.

O Otto Klein 40:37
Matt, any ideas on that?

M Matt Greer 40:39
I can't think of anything to add to all that is very wise. Very wise. I was going to say you can always call in the mediator. Call in Jamie, maybe she can, you know, be another set of voice of reason or practicality, or kind of get through some of that stuff too, so.

J Jamie Siegel 40:54
I would call Matt.

O Otto Klein 40:58
Definitely that's one of the great things about the mediation process is it allows for someone else to say what perhaps the team spokesperson has been saying, but for whatever reason, hasn't gotten through. Because it does carry some weight for us to be able to say to our constituency, or in my case, the employers, whomever it is that's making the decisions, who's not at the table, be able to say, well, you know, we talked about this in depth with the mediator, and here's what they said, and here's what sort of their thoughts and response was. And we just- I wanted you to hear that so it's not, you know, I know we've had discussions before, but they're sort of in the same place.

M Matt Greer 41:46
That's, at least as a mediator, I think that's one of the values we bring. So glad to hear that you- at least in some cases, that does, that does play out that way.

O Otto Klein 41:54
Yeah, no, it's really helpful, actually.

M Matt Greer 41:57

Well, we have, like, the last question in our formal setup here. I thought, you know, we kind of go back and kind of envision, or, you know, maybe an Otto Klein who was about, you know, early mid 20s, starting out his career. Looking back, what's some advice that you would give yourself given the perspectives that you have now? Do you have anything that you might, you know, advice or tips you would give yourself?

O Otto Klein 42:19

Well, I mean, we talked about some of this already in earlier questions. I think be patient. Deals come- sometimes they can come quickly. At times, they come very, very slowly. And you sort of just have to try and get a feel for that, and you have to recognize that it's not like buying a car where you just go "Neener-neener-nanner-nanner," and then you figure out what it is, and it just often will take time, and you need to be patient. You need to, as we talked about before, be respectful, listen, hear what the interests are, but also be sure you're expressing our interests, and here's why we're doing this, and here are the things, or here's our concerns. Also, be willing to say, sort of, given our interests, and given the interests that the union has, is there something else we might do? Is there a different kind of approach, or a different way we can get at it that will solve our concerns, but also meet the union's interest, the union's concerns? And I think that there are times where brainstorming can be really helpful in a negotiation session. There's a rep I dealt with a decent amount over the last seven or eight or 10 years, wants what he calls pencils down sessions, and that's what he says, "Okay, pencils down. Let's just talk, and the idea is we're not going to take notes. This is not going to be anything that's going to be on the record. This now doesn't get used against us. Well, let's just talk. What's really here, and is there a way we might get out something?" And I've really- I think that's a really good approach at times, and has been really helpful in terms of trying to get to a resolution. And I guess, sort of related to that, the last would be to be creative. Though, there's not one way to get from here to there, and it's just always really good if you're finding you have something that you're trying to do, or you're trying to get and you're not making any progress, to sit back and think, okay, was there a different way we could get at this? Here's our interest, here's our concern, here's here's what we're trying to do. What we've come up with is a dog which isn't hunting. So is there a different way we might get at this? Is there a different way that we could do something? And sort of don't get stuck in, sort of just the position that you started with, and be flexible, then try and find something else and see if it gets what you need, but also is acceptable to those on the other side of the table. So if you're gonna- can I ask you both a question? If you're gonna give a young labor practitioner or a new labor practitioner one piece of advice, what would it be?

M Matt Greer 45:14

Jamie's gesturing to me and all the people in the audience can't see that, but I'm trying to think of something that would be different than what you just said. I 100% agree with all of that. And I, you know, I think that as a mediator, I always look for those opportunities where there's some baseline level of trust and respect between the parties, maybe the spokespeople, maybe the parties themselves, where you can use that to get an agreement. Where that creativity can come out and get to a solution that does work. And finding those opportunities can be really challenging in a really hard situation. As mediators, we always see the worst of the worst, so it's even harder for us sometimes. And I think maybe hopefully, in some of your cases, Otto, where you could work through issues before that stage happens. But being able to find that

creativity and having that trust, where people can share ideas that, you know, are different than their positions, look for those opportunities and capitalize that on them when you can. So the first thing that comes to mind, I can't think of really anything to add on to what you said. It's really, really wise. So, but now I'll turn to Jamie. She had time to think.

J Jamie Siegel 46:20

I did. I did have a quick minute to think a bit and really echoing what you both said. When I heard Otto talking about creativity, I was thinking about the many times I saw Otto bring a great deal of creativity to the table to solve some really intractable challenges. But before you can really be creative, I think you have to go in to the situation. You have to go into the bargain, really, with an open mind. Unfortunately, there are times where people go in to bargaining with a very closed mindset where they really feel that they have to achieve X, Y or Z, and they don't think about the world of other options. And what Otto, I think, models for people is that ability to, again, looking at those underlying interests that both sides have surrounding an issue, and figuring out other ways of helping people achieve those needs in a way that will work for everyone. And so going in with that open mind, so that you can be creative, so that you can really hear what everyone is saying and how they're describing their needs, staying really present with the conversations, so that you can come up with some, you know, sort of out of the box thinking.


O Otto Klein 47:57

Exactly, a lot of those lines are following what you've just said, Jamie. One way that you might phrase- we might phrase it is to be a problem solver rather than a problem finder. That phrase came from a buddy of mine who was selling some property and had two people who were interested, and came and talked with them. My friend said, "So, what do you do?" "Oh, well, we're labor lawyers." And "Oh well, I know a labor lawyer," he's figuring if he sort of can relate to them, maybe they'll be more interested in his property, I guess. And he could just see the looks between them of, oh my goodness. How are we going to respond to all this? When you tell us who it is, or what it's about. And so he almost ditched it out. But then one of them said, so who do you know? And so they had said it was me. And they go, "Well, fortunately, when we think of Otto, we think and others who are, who we have more success and getting resolutions with we think of a problem solver. Unfortunately, there's a lot of lawyers who are problem finders, and it just makes our lives so difficult." And that's where I got the problem solver problem finder piece was from hearing that story. But I think there's a lot to that, and I think it's easy as a lawyer and our profession to be looking for what the issues and what the concerns and what the problems are, and we need to do that a lot of what we do. But when it comes to negotiations, it's also really important to try and figure out, how do we solve the problem.

M Matt Greer 49:34

I like that. I can't think of a better note to kind of close out our conversation here as we're close to the end of our time here. Otto, I really want to thank you for sharing your wisdom and thoughts with us and experiences. It really was fun to hear your stories, and I've learned a lot, and I'm sure folks who may know of you or have worked with you before, hopefully they learned something new as well as part of this conversation, and those who've heard your name

but have not had a chance to work with you, who have benefited from hearing your thoughts, so. And also, Jamie, thanks to you as well for joining us. It was really fun to see the two of you who've worked together in the kind of mediator, negotiator, kind of space I have a conversation in this environment. Really appreciate that.

 Otto Klein 50:12

Thank you very much for the opportunity, Matt. I appreciated it very much. And it was great to see you again. Jamie as well.

 Jamie Siegel 50:19

Thank you, it's great to see you.