



**Statement Supporting Replacing the Term “Master” or “Special Master” with “Court-Appointed Neutral,” Broadening Pool of Candidates, and Supporting Skills Development**

Endorsed February 2024

**WHEREAS**, the National Asian Pacific American Bar Association (NAPABA) is the national association that represents the interests of over 60,000 Asian Pacific American (APA) attorneys, judges, law professors, and law students, and about 90 national, state, and local APA bar associations; NAPABA members include solo practitioners, large firm lawyers, corporate counsel, legal service and non-profit attorneys, law students, law professors, and lawyers serving at all levels of the government and military; and NAPABA is committed to addressing civil rights issues confronting Asian American, Native Hawaiian, and Pacific Islander (AANHPI) communities and people of color;

**WHEREAS**, NAPABA is the national voice for the Asian American and Pacific Islander (AAPI) legal profession; promotes justice, equity, and opportunity for AAPI individuals and communities; and fosters professional development, legal scholarship, advocacy, and community involvement;

**WHEREAS**, members of the judiciary use and have used “court-appointed neutrals” in a broad array of roles to increase access to justice, reduce costs, avoid delay, and otherwise assist in the just and timely resolution of disputes pending before the courts at all levels;

**WHEREAS**, broadening the pool of individuals who have the opportunity to serve as court-appointed neutrals also serves NAPABA’s commitment to ensure the qualified pool of individuals with experience to become judges includes individuals who reflect the fabric of the population our courts serve;

**WHEREAS**, the terms most commonly used for these neutrals – “master” or “special master” – have a historically negative connotation and both ill-serves

efforts to broaden the profession of court-appointed neutrals and ill-defines this flexible and creative tool;

**WHEREAS**, at least three states have taken steps to cease using the term “master” or “special master,” when using the services of “court-appointed neutrals” to reflect the appropriate role of these professionals;

**WHEREAS**, in October 2022, the National Association of Women Judges unanimously adopted a resolution that (1) urges rule-makers and legislators to cease using the term “Master” or “Special Master” and substitute a term that more accurately reflects or defines the role, including “Court-Appointed Neutrals;” and (2) supports efforts both to choose neutrals from a broader pool and to promote the consideration of using court-appointed neutrals as a best practice in matters in which these neutrals may help increase access to justice, reduce costs, avoid delay, or otherwise assist in the just and timely resolution of actions; and

**WHEREAS**, in August 2023, the American Bar Association (ABA) adopted Resolutions 516 and 517 that, among other things, call upon rule-makers and legislators to replace the term “master” or “special master” with “court-appointed neutrals” and urge state, local, territorial and tribal courts to adopt an ABA-drafted “Model Rule on Court-Appointed Neutrals” that facilitates courts’ consideration of appointing neutrals in accordance with principles and best practices adopted by the ABA.

**THEREFORE, BE IT RESOLVED, THAT NAPABA:**

1. Urges rule-makers and legislators to replace the term “master” or “special master” with “court-appointed neutral”;
2. Supports efforts to broaden the pool of candidates and to support the development of the skills and training of those in court-appointed neutral roles;
3. Supports efforts to promote the consideration of using “court-appointed neutrals” as a best practice in matters in which these neutrals may help

increase access to justice, reduce costs, avoid delay, or otherwise assist in the just and timely resolution of actions;

4. Supports the principles embodied in the ABA Model Rule on Court-Appointed Neutrals and urges state, local, territorial, and tribal courts to consider adopting the Model Rule to facilitate the consideration of using court-appointed neutrals where they can be of help;
5. Authorizes its president, board, and staff to communicate the content of this resolution to its members, affiliates, other bar associations, members of Congress, the Administration, the press, and others to take steps to implement this resolution, as they deem necessary; and
6. Supports this resolution as a policy position until it is withdrawn or modified by subsequent resolution.