

## **LFLAC Minutes June 19, 2008**

Present were Judges Kurshner, Stuart, Tennyson, McKnight, Waller, Svetkey, Souther-Wyatt, Ryan, Koch; as well as Tonya Alexander, Janice Ashe, Helen Dillon, Becky Dougan, Paul Edison-Lahm, Carolyn Graf, Rose Hubbard, Lissa Kaufman, Mark Kramer, Kathy Matthys, Christine Pederson, and Kathy Root.

Minutes of the previous LFLAC were approved.

Sub-committee proposals, if approved at today's meeting, will be sent to Multnomah Bar Association, and then on to Salem for approval to be effective Feb. 1, 2009.

### **Parenting Time Guidelines – SLR 8.075**

The Parenting Time Guidelines Subcommittee reported on its work on SLR Rule 8.075. The committee recommends withdrawing (rather than revoking) this particular SLR. In brief, this change will withdraw the standard parenting time guidelines and replace them with aspirational standards. Language will be included which addresses safety focused parenting plans in cases of domestic violence and child abuse, encouraging mediation, referring to state parenting plan resources on the internet, and directing self-represented litigants to additional resources.

The subcommittee will continue to meet to work on the materials for self-represented litigants. Interested persons should attend the next meeting, Thursday June 26 at noon, in Courtroom 330.

Rose Hubbard and Mark Kramer are recruiting volunteer attorneys for pilot parenting time clinic. The clinic attorneys will provide an overview of parenting plans and act as coaches for self-represented litigants. Interested attorneys should email Mark or Rose.

The motion to approve the above changes to the parenting guideline SLR passed unanimously.

The SLR Subcommittee reported on its progress in revising SLR's relating to docketing, ex parte hearings, in camera review, motions to set aside, and parenting coordinators.

### **Docketing – SLR 8.012**

The two dockets that this rule affects are the "rotation" docket – where hearings are 30 minutes or less – and the "call" or "long" docket – where the hearings are more than 30 minutes.

After discussion, it was decided by the committee that ex parte requests to reset a FAPA hearing by placing it on the call docket will need to be 3 days in advance of the hearing; but that parties may go to ex parte if less than 3 days or may go to the rotation judge at the time of the FAPA hearing. Clarification was made that this means 3 court days. When a hearing is moved to the call docket, it is for the same day unless parties agree otherwise.

The rule is that when resetting a matter on call, it may be reset twice if the parties agree.

However, an ex parte request for reset off the long docket requires notice to other party. This is important because of the potential for greater confusion for self-represented petitioners concerning dockets.

The committee agreed that Sections 2B and 3 of the rule should have common names for call in.

Drafting will make explicit that there is the same expectation of notice to the other side.

The change to the rule does not create any new dockets. Suggestions were taken for names for the rotation docket; e.g. "short docket," or "barrel". The rule will include a definition of the rotation docket.

The rule will contain a provision that the request of a party to move a hearing from the rotation docket to the call docket goes to ex parte.

### **In Camera review – Rule 8.013**

The Rule for in camera review will require that a motion be filed and describe requirements for the motion. The motion will go on the call docket. Records will go to Room 131. Receipt of records will be logged in to OJIN and will include the height of the stack of records in inches.

The subcommittee did not address the issue of creating a uniform release for records, because this would be an appropriate project for the private bar.

Assignment of the in camera review judge was discussed. If there is no judge of the case, the in camera review will go to the call docket. It was agreed to remove the word "legal" from "legal authority" in this rule.

The reference to the call process in Rule 8.015 will indicate that the rule will apply until otherwise announced on the family law website. This is to allow flexibility in piloting a new call system in the Fall.

The rule will indicate that a case designated a "complex case" *must* (not may) be specially set. A complex case requires a special set. This has meant one day or longer OR complex designation.

The term "judicial day" is clarified to mean 9:00 am. to 12:00 pm. , and 2:00 pm. to 5:00 pm.; i.e., six hours.

### **Parenting Coordinators - SLR 8.137**

Proposed rule 107.425(3).

Qualifications for parenting coordinators were compiled by subcommittee after reviewing national guidelines as well as Judge Koch's memo from 2007 [state FLAC]. Note that 1(a), Section 2 creates a new process for the approval of domestic relations mediators, whereby attorneys can qualify; attorneys who qualify as mediators will be able to qualify to be parenting coordinators also. Information about this can be obtained through Judge LaMarr's office.

The subcommittee described the development of the rule and Judge Koch added historical information re. the impetus for the development.

There was a request for a provision that allows parties to make motions to show cause for exceptions – this was not supported by the larger group.

There was discussion of whether or not parties should provide a certification that the PC meets the qualifications along with a motion for the appointment of a PC – this was ultimately supported by the group.

### **Ex Parte Motions -- SLR 8.041**

There was discussion of (3) and general support expressed for the requirement that parties provide written certification of the date, time and manner the other party was given notice.

There was a request that the language clarify the term “position” in “...the opposing party’s position...” to mean a *brief* position statement, i.e. concur, object, etc.

There was discussion of (4) specifically around whether or not parties should have to serve the other party with a motion only or a motion and the proposed order – there was general agreement to serving both the motion *and* the proposed order.

There was clarification that the motion and proposed order must be submitted as separate documents at the same time and that the proposed order be clearly marked “proposed order.”

It was suggested and accepted that the language of (4) (B) re. the requirement to file a response should explicate *where* the response is to be filed, i.e. with the Court.

### **Motions to Set Aside. SLR 8.044**

The proposed edits were accepted.

### **Other Matters**

All present accepted the proposed revisions to the SLRs with noted edits for recommendation to the next steps in the adoption process.

The proposed revisions will also be discussed in tomorrow’s (6/20/08) judges’ meeting.

There was a suggestion to place certain forms on the [Family Law page of the Court’s public website](#). [MCFL Website]:

- Request for a special set hearing form – can be done now
- Certification to compliance with ex parte notification form – does not exist, but can be drafted and placed on the website
- Expedited hearing form – can be done now

There will be another meeting of the Call Docket Subcommittee *prior to* implementation of the pilot project to change the Call process - this meeting will likely occur in the Fall.

**The next LFLAC Meeting Date is set for September 25, 2008.**