

**Multnomah Family Law Advisory Committee**  
**MINUTES**  
**September 17, 2009**  
**Multnomah County Courthouse, Room #406**

In attendance: Tonya Alexander, Janice Ashe, Helga Barnes, Cindy Bidnick, Katie Boyts, Paul Edison-Lahm, Jennifer Gilmore, Rose Hubbard, Mark Kramer, Scott Leibenguth, Shelly Matthys, Judge Maureen McKnight, Annie Neal, Judge Thomas Ryan, Judge Diana Stuart, Chief Family Law Judge Nan Waller, Lillian Watson, Richard A Weill, Beth Wolfson.

**1. Budget & Fees update**

*New Fees*

The new court fees finalized by the State Legislature will go into effect October 1, 2009. The new legislation provides that ex parte fees will be required for anything that requires a judge's signature, including submissions by mail. Details of the fee implementation are being worked out by the statewide Fee Committee chaired by Presiding Judge Maurer. The committee's goal is to make payment of fees quick without parties having to wait in long lines. Receipts will also be provided. The possibility of pre-payment tickets or use of credit-card machines is being considered. The issue of how waivers and deferrals will be handled is still being worked out – as is whether or not the clerk's office will be returning documents for failure to pay fees.

In the future clerks will be more consistent about insuring that hearings and trial fees are paid. Richard Weill suggested that attorneys be able to show a check to the clerk before hearing or trial to expedite the process. Judge Ryan suggested that clerks be able to accept checks.

Judge Maurer is open to suggestions to take to the committee. When policies are finalized, information about the fees will be disseminated by the MBA, the family law website, and the Multnomah County listserv.

*Attorney assistance to offset budget cuts*

The Governor's line item veto has prevented deeper cuts to OJD, such as cuts to the Referees. However, the issue of attorneys volunteering to assist the court is on hold pending further resolution of budget issues. Judge McKnight and Judge Svetkey will continue to look at this issue.

**COMMITTEE REPORTS**

**2. Call/Settlement Conference Subcommittee**

*New trial assignment process*

Judge Waller reports that the transition to the new trial assignment procedure has been smooth and is saving tremendous amounts of both judicial time and work for the clerk's office. The number of fifteen minute matters being sent out has been reduced to virtually zero.

Mark Kramer asked what happens when parties settle on the eve of trial. The best practice is for the attorney to put the settlement on the record the day of trial assignment. However the attorney can also promise to get the judgment in, facing dismissal if they don't (the clerk's office will send out a 30 day dismissal order).

Judge Stuart asked whether new Settlement Conference opportunities are on hold. Judge Waller reported that Judge Lamar is retiring and may not be replaced with an ADR position. The court is looking for other alternatives, depending on the budget.

### **3. Supervised Parenting Time Subcommittee**

*Office of Violence Against Women grant update.*

Janice Ashe is on vacation, so Annie Neal reported for the committee. Potential grant funding for a supervised parenting program has been delayed because of the volume of applications received by the Office of Violence Against Women, so stay tuned. There are still limited supervised parenting time providers available. Contact Janice for a list.

### **4. Parenting Time Subcommittee**

The next Parenting Time Subcommittee will be September 22, 2009 at noon in Judge Stuart's new courtroom #328. The agenda will include a report from Cindy Bidnick on any ripples the clerk's office is seeing as a result of the elimination of parenting time guidelines. The committee will also be developing materials for the family law website [see below]. Your thoughts are appreciated if you have any other issues about parenting time.

### **5. Report on eCourt**

Judge Waller reports that eCourt is going online Sept. 23, 2009 starting with FEDs and small claims. This will be followed by civil and criminal cases, and eventually, family law cases. Family law practitioners will be able to use online templates for judgments and other pleadings and, ultimately, for electronic filing and signatures.

### **6. Domestic Violence One-Stop**

The new domestic violence "one-stop" will be opening in January 2010 at E. 122<sup>nd</sup> and Burnside. The "Turbo-court" grant will provide resources allowing petitioners to fill out restraining order applications either at the One-stop or online at home. Teleconferencing will also be available for restraining order applications.

### **7. Family Law Website improvements**

Judge McKnight is soliciting help in preparing materials for the family law website. The website will cover ten to twelve topics, or roughly 700 pages of basic information which needs to be compiled. The DV Council is working on the DV piece. The Parenting Time Subcommittee is working on parenting time issues. If you happen to live in Montana, for example., the website will help you figure out how to respond and deal with fees. Web pages on county-specific information and local rules are needed. Judge McKnight will get a list of topics and web page templates to the mailing list.

Anyone with an interest in helping with this website drafting and development should e-mail Judge McKnight.

## **8. Reminders re: Changes to SLRs and UTCRs**

### *Ex parte certificate of compliance*

Local rules have changed regarding the documents needed at ex parte: a certificate of service must be attached, as well as a “written certification of the date, time, and manner in which the opposing party was provided notice of the planned appearance as well as the opposing party’s position on the matter to be presented” (Multnomah County Supplementary Local Rule 8.041). The certificate of compliance may be incorporated into the certificate of service. Forms for both are available in Room 211 for self-represented litigants.

## **9. Report on Confidentiality of Information forms**

Judge McKnight announced that a new statewide workgroup was just begun earlier today to gather and assess the problems occurring under the new rule and to work with practitioners, court staff, the child support program, and the domestic violence community on revisions. An out-of-cycle rule change is anticipated. Robin Selig and Tom Hedberg (of DOJ) are the co-chairs and an announcement on the listserv is forthcoming.

Cindy Bidnick reported that these forms have been a nightmare the clerk’s office and noted that Rule 2.130(7) does not require redaction by clerk’s office. The clerk’s office is only requiring the forms on cases filed after August 1, 2009. A FAQ sheet was circulated to court staff and could be put on local family law website. Cindy provided the following hint: the clerk’s office doesn’t know if the parties want non-disclosure. If the boxes aren’t checked, they will be entered and filed. Non-disclosure is an ex parte issue. Non-disclosure would prevent the other side from seeing the CIF form. The form can be accepted by mail.

## **10. New Business**

Rose Hubbard raised the issue that children’s attorneys are not getting court notices because the children added as impartial on OJIN and impartial don’t get an automatically generated court notice. However, no fixes are planned for OJIN. This is especially a problem when no hearing date is set at the time of appointment – so then the child’s attorney has to call parties or the court to find out about further hearings. However this should not be a problem once a judge is assigned to the case. Appointment orders might give notice to parties of their obligation to notify the child’s attorney. The judges will address this issue further in their meeting and consider designating responsibility for giving the notice.

## **11. Announcements:**

The next LFLAC meeting will be Thursday December 17, 2009, at noon in Courtroom 328 (Judge’s Stuart’s courtroom).

Mark Kramer announced that the next Multnomah County Family Law Group meeting will be noon September 21, 2009, at the US Bank Building conference room. Dr. Charlene Sabin will discuss high-conflict parenting. Contact Zach Fruchtengarten or Mark Kramer for more details.

**Meeting was adjourned.**

Submitted by: Paul Edison-Lahm