

**MINUTES
SFLAC MEETING
MULTNOMAH COUNTY JUVENILE JUSTICE CENTER
PORTLAND, OREGON
DECEMBER 3, 2004
(1:30 – 4:30 p.m.)**

Judge Brownhill called the meeting to order at 1:45 p.m. In addition to introductions, a sign-up roster was circulated.

Members Present: Hon. Paula Brownhill, Hon Robert Selander, Hon. Terry Leggert, Sharon James, Bill Howe, Ernest Mazorol, Stephen Adams, Linda Scher, and Ed Vien

Members Absent: Hon. Maureen McKnight, Cynthia Chinnock, Ramona Foley, Sybil Hebb, James Adams, Dave Hakanson

Guests present for all or part of the meeting: Alison Taylor, Lauren MacNeill, Hugh McIsaac, and Katy Yetter

Staff Support: BeaLisa Sydlik and Joy Brewer

CONSENT CALENDAR

Minutes for September 10, 2004: The minutes were corrected at page 2 for the Pro Se Legal Services Subcommittee Report, second paragraph, changing “Self-Represented Litigants Subcommittee” to “Self-Represented Legal Services Subcommittee.

SUBCOMMITTEE REPORTS

Annual Family Law Conference. Bill Howe reported that the October 26, 2004 family law conference in Jackson County, “Practical Approaches to Children’s Mental Health”, had a very strong program with high quality speakers. Judge Rebecca Orf was instrumental in implementing this conference. There was an estimated attendance of 250 people. The event drew multi-disciplinary interest, with individuals from social and welfare professions attending. This was a very different experience from the conferences in Eastern Oregon and Astoria, with each offering special qualities. Mr. Howe noted the facility was extremely well suited to the function. Judge Brownhill thanked Mr. Howe for representing the SFLAC at the event.

BeaLisa Sydlik stated that the SFLAC’s co-sponsorship totaled \$2,894 for the Smullin Center, including room and food.

A suggestion was made that the SFLAC consider holding the annual SFLAC conference in southern Oregon.

Statewide Family Law Conference. Ms. Sydlik stated the governor’s recommended budget provides a clearer understanding of funding for the state family law conference. At this time it appears there will be substantial cuts in general fund allocations to the courts. Thus, there may

not be sufficient general funds allocations to SFLAC for the conference in addition to travel expenses to attend quarterly meetings. However, Ms. Sydlik stated that the \$7,688 in the Family Law Account would roll over into the new biennium and could be used to fund an annual SFLAC conference. In addition, she believes there may be a \$5,000 contribution from the Juvenile Court Improvement Project as there has been for the prior three conferences. Registration fees can also be charged (these were \$100 at the last conference). Ms. Sydlik noted that the SFLAC has been able to implement past conferences without general fund resources. However, the SFLAC would not have funding to co-sponsor regional conferences in addition to a statewide conference. She encouraged the committee to move forward with planning an annual conference, albeit with the understanding there would not be general funds available.

Mr. Mazorol suggested that this biennium's funds may be able to be used for registration for a conference in the next biennium. He encouraged the setting and publication of a firm date as soon as possible, so that people could register before July 1, 2005. BeaLisa Sydlik will check with the Financial and Administrative Services Division of the Office of State Court Administrator to determine the parameters of early registrations.

The group agreed to have a statewide Family Law conference in the spring 2006. This item will appear on the March agenda to identify a location and firm date. Judges Leggert and Selander agreed that holding the conference in the spring of 2006 would work well since there were many competing events in the fall, including the annual Judicial Conference and the Oregon State Bar's Family Law Section Annual Conference. Ms. Sydlik noted that the Association of Family and Conciliation Courts will be holding its annual conference in Seattle on May 18-21, 2005.

NEW BUSINESS (Taken Out of Order)

SFLAC Retreat Planning. A discussion regarding use of the SFLAC's allocated general funds for a long-term planning retreat ensued. It was determined that of the approximately \$8,947 available and after deducting for travel and subcommittee expenses (Self-Represented Legal Services = \$2,500; Parenting Plan Outreach Workgroup = \$1,000), there was approximately \$5,000 available for a facilitator and retreat costs. Discussion included having a facilitated retreat for two nights and one day sometime during the next six months. SFLAC members will meet with the facilitator in advance of the retreat to establish goals and process. Bill Howe spoke highly of a facilitator from Hofstra University. He will provide information to Judge Brownhill.

The discussion also included whether or not the funds should be used to co-sponsor another regional family law conference, or to sponsor a "hot topic" symposium or training; e.g., on batterers intervention treatment or the effect of violence and drugs on brain development.

By consensus, a retreat was selected, and it was decided that Judge Leggert, Ernie Mazorol and Judge Brownhill would work on selecting a date. The SFLAC discussed holding the retreat on the regularly-scheduled March 4, 2005 date, but it was determined that some members were not available on that day. Judge Leggert will email the members to inquire about date availability. She requested that Ms. Sydlik send her a list of the email addresses. The date will be determined before retaining a facilitator.

Suggested locations included the coast, Portland, and Salishan.

Ms. Sydlik will submit the SFLAC's request to use \$5,000 of their general funds allocation for this biennium to the Office of State Court Administrator for approval.

SUBCOMMITTEE REPORTS (Continued)

Legislative Planning. Judge Leggert distributed and reviewed the document "Legislative Proposals Affecting Courts," highlighting a few topics of particular interest. She recommended that the SFLAC consider having a guest from the Governor's Task Force on Elder Abuse attend a SFLAC meeting to present on elder abuse issues.

Judges Selander and Brownhill reported on the budget for the Oregon Judicial Department for the 2005-2007 biennium which would be cut nine percent (9%) based on the Governor's Recommended Budget. Judges confirmed that the courts' expanding caseloads would be handled with reduced budgets. Mr. Mazorol stated that, with the experience of the last four years, the courts have gained expertise in dealing with reductions. The Chief Justice's Budget Reduction Advisory Committee is reconvening and will be pulling together a plan for budget reductions. The Governor has stated that he would not support new taxes or borrowing; government departments and agencies will be asked to live within specific allocations.

Linda Scher indicated a problem with last session's legislation regarding open adoptions, in particular the requirement that open adoption agreements must be approved by a judge. A judge in Multnomah county has interpreted this to mean "substantive review", which poses problems in that some adoptions may not meet the judge's criteria. Linda Scher remarked that this is a huge problem, and one that the SFLAC may want to watch for in the upcoming session.

Domestic Violence. Former SFLAC member and chair of this subcommittee Sybil Hebb has submitted a letter of resignation. She recommended Robin Selig to the SFLAC as a potential member. Emails were received from Judge Koch and Jim Adams in support of the nomination. Sharon James, Linda Scher and Judge Brownhill spoke in favor of Robin's nomination. Judge Brownhill will forward Ms. Selig's name to Chief Justice as a SFLAC member.

With respect to chairmanship of the subcommittee, the SFLAC recommended that an existing member co-chair with Ms. Selig temporarily before Ms. Selig takes over full chairmanship. Ms. Sydlik will check with the subcommittee and determine their preferences for temporary co-chair together with Robin Selig. The final decision on appointment of the subcommittee chair was left to Judge Brownhill.

Linda Scher discussed the subcommittee's pending topics, also mentioning that she had joined the subcommittee as a member recently. The subcommittee is looking at a proposal to revise the existing mediation guidelines in the context of domestic violence, to include a section on mediating cases where a restraining order exists.

Parenting Plan Outreach Workgroup. Linda Scher reported that all parenting plan information is currently on the OJD's website, available for downloading and printing, including the new flyer. The review function of the subcommittee had been placed on hold, with a focus on outreach, during 2004. As there has not been significant feedback or suggestions for change during the past year, she suggests the subcommittee continue to wait until the end of 2005 for the

next content review of the parenting plan guides and focus on outreach instead. The SFLAC approved this approach.

With respect to the Spanish language version of the Parenting Plans, Ms. Scher noted that only English forms can be filed with the court. Since the Spanish and English versions are perfectly parallel with regard to paragraph numbers and blanks, she suggested putting instructions on the website explaining that responses that will be submitted to the court must be written in English, so people must translate to English before they file. The Spanish version of the forms is still helpful as a source of information and worksheet for developing a Spanish language parenting plan. It was also suggested that the Spanish language version of the form be attached as “Exhibit A” to the English version of the submitted forms.

With respect to outreach, Ms. Scher reported that the parenting plan information was in all legal aid offices in Oregon. Ms. Scher has also made presentations on the materials at the following events/locations:

- Eastern Oregon Family Law Conference
- Statewide Facilitator Training
- Association of Family Court Services
- Oregon State Bar Family Law Section Conference
- Oregon Mediation Association, Family Mediation Section
- Clackamas County family law group lunches
- Lewis and Clark Family Law School class

Ms. James and Ms. Scher have also done a workshop proposal for the Association of Family Conciliation Courts Annual Conference in Seattle in May 2005.

The subcommittee has two new members: Lauren MacNeill and Alison Taylor, in addition to existing members, Dave Hakanson, Ed Vien, Linda Scher, Donna Austin, and BeaLisa Sydlik.

Mr. Howe spoke highly of Ms. Scher’s devotion and effort on behalf of this subcommittee, and the SFLAC members responded with applause.

Court/Child Support Agency Child Support Coordination – Hon. Maureen McKnight

No report.

Self-Represented Legal Services Subcommittee – Hon. Maureen McKnight

No report.

OLD BUSINESS

Meeting Locations in 2005: BeaLisa Sydlik reported that the Multnomah County Juvenile Justice Center conference room would be available for the March, June and December meetings of the SFLAC from 12:30 to 4. It was requested that BeaLisa look into whether the meeting times for these dates could be extended to 4:30 p.m. Judge Selander noted that Willamette Falls Community Health Education Center in Oregon City might be open at no cost if it can be shown that the meetings are medically related. By consensus, the members agreed to remain at the Justice Center for the March, June and December meeting dates, and consider the Airport Radisson for the meeting in September. Judge Selander agreed to check on the availability of the Health Education Center for September.

OJD Performance Measures: BeaLisa Sydlik reported on the suggestions for changes in the pro se services measure submitted to the Performance Measures Advisory Committee (PMAC) in November 2004. She advised the SFLAC that the PMAC chose the “Quality Pro-Se Services” option (“percent of circuit courts with adequate facilitator staffing per number of pro se domestic relations filings”). The discussion pointed out that this measure really does not get to “quality” of services provided, although it does get to the “adequacy” of such services. The group thought it might be useful to break “adequate” out from “quality” in the measure, but that “quality” should definitely be added; e.g., the number of forms filed correctly, the number of forms rejected, and ratings based on judicial feedback surveys. Washington and California have had facilitation performance measures for six years; we could check theirs.

NEW BUSINESS

Proposed UTCR Changes regarding Mediator Qualifications. Sharon James and Lauren MacNeill reported that the Dispute Resolution Commission had been dissolved by the legislature last session and the OJD had been given responsibility for developing rules regarding court-connected mediator qualifications and oversight. The Chief Justice had determined that these rules would be promulgated as a part of the Uniform Trial Court Rules (UTCR). A group had been convened to provide input to the Office of State Court Administrator regarding proposed changes to the existing mediator rules. An initial proposal had been presented to the UTCR Committee, which expressed concern about the rule’s size and complexity.

The group convened by the State Court Administrator is in the “input phase” of its work, and Sharon and Lauren indicated they were seeking feedback from SFLAC members. The UTCR Committee is meeting again in March 2005. Sharon and Lauren indicated that the most controversial requirement is the “education” requirement, with the controversy ranging from criticism that the proposed rule is far too broad versus not being broad enough; i.e., there should be no parameters for qualification. Ms. MacNeill stated that the group had tried to balance the interests expressed by the rural communities about substitutions and waivers.

Sharon and Lauren indicated that SFLAC members should provide their feedback on the feedback form distributed at the meeting and previously by e-mail. One suggestion was that the training requirements should include domestic violence training.

A discussion ensued about whether or not the rules should be housed in the UTCRs. It was suggested that promulgating the rules by “chief justice order” would perhaps be more convenient

and easier to change. Concerns were expressed about the rigidity of the UTCR format. It was also discussed whether the SB 167 Subcommittee may appropriately be the vehicle for reviewing and implementing the standards as opposed to the UTCR Committee. Many SFLAC members agreed that the SFLAC would have more familiarity with the relevant issues and should be the responsible body for administering the rules and their implementation.

Judge Leggert moved to transfer responsibility for court-connected mediator rules to the SFLAC, and Stephen Adams moved to re-activate the SB 167 Subcommittee to house, maintain and update these rules. It was further moved that a recommendation be made to the State Court Administrator and Chief Justice that the standards be housed in a chief justice order and not a UTCR.

All motions were subsequently withdrawn by their nominators. A consensus was reached that Judge Brownhill and Ernie Mazorol would set up a teleconference call with the SCA to inform her of the SFLAC's concerns about the rules being housed in the UTCR's, and to suggest that the SFLAC oversee the rules. Ernie Mazorol volunteered to set up the conference call.

Project Passport—Uniform DV Restraining Order Cover Pages. Judge Brownhill reported on a conference she and Ms. Yetter had attended in October 2004. The conference focused on a national movement to have every state and territory adopt an easily-identified first page on protective orders. The movement started in Kentucky and has been adopted in most neighboring states. In Western regions, all states endorsed it and are working on action plans. Judge Brownhill will send out the sample page to SFLAC members. It was agreed that the SFLAC Domestic Violence Subcommittee is the appropriate venue for reviewing the materials and proposing a recommendation to be made to the State Court Administrator.

The meeting adjourned at 4:02 p.m.

Prepared by:

Joy Brewer
Judicial Assistant

Reviewed by:

BeaLisa Sydlik, Family Law Senior Policy Analyst
SFLAC Administrative Support

FUTURE MEETINGS:

Friday, June 3, 2005	Noon - 4:30 p.m.	Multno Co Juvenile Justice Center
Friday, September 9, 2005	Noon - 4:30 p.m.	<i>Radisson - Portland Airport</i>
Friday, December 2, 2005	Noon - 4:30 p.m.	Multno Co Juvenile Justice Center