

[DRAFT] MINUTES
SFLAC MEETING
MULTNOMAH COUNTY JUVENILE JUSTICE CENTER
PORTLAND, OREGON

DECEMBER 2, 2005

Judge Brownhill called the meeting to order at 12:33 p.m.

Members Present: Stephen Adams, Hon. Paula Brownhill, Cynthia Chinnock, Ramona Foley, William Howe, Hon. Maureen McKnight, Ernest Mazorol, Linda Scher, Hon. Robert Selander and Dr. Edward Vien

Members Absent: Jim Adams, David Hakanson, Hon. Terry Leggert, Robin Selig, Lauren MacNeill

Guest: Hon. Dale Koch

Staff: BeaLisa Sydlik, Maria Hinton and Joy Brewer

CONSENT CALENDAR

Minutes for September 9, 2005: Stephen Adams moved to adopt the minutes as written. The motion was seconded by Judge McKnight and carried unanimously. Stephen also expressed his appreciation for the thoroughness of the minutes.

POLICY CONCERNS AND DEVELOPMENTS

SFLAC Charter: BeaLisa Sydlik discussed State Court Administrator Kingsley Click's request that SFLAC reexamine the charter with proposed revisions. Ms. Sydlik explained that Chief Justice Carson will not sign the charter but will defer to the incoming chief justice. Ramona Foley asked if there has been a history of SFLAC recommending actions that were inconsistent with the goals and role of the OJD. BeaLisa said no.

Ernie Mazorol observed that the language appeared limiting and perhaps should be. He suggested we take our charge to a higher level, for the good of Oregon. Linda Scher, however, suggested the new language was more empowering than the prior draft and actually expanded SFLAC powers and responsibilities. Stephen Adams suggested deletion of one line.

Bill Howe stated that a large part of SFLAC's effectiveness was due to the relationship and trust the committee held with the Chief Justice. Mr. Howe is meeting with Justice De Muniz and will apprise him of SFLAC's mission and discuss the charter with him. Ernie Mazorol suggested the committee table action on the charter, pending Mr. Howe's meeting with Justice De Muniz.

It was decided that Ms. Sydlik will prepare a draft with editing marks for Mr. Howe to discuss with Ms. Click. He will meet with Justice De Muniz on December 14, 2005.

Judge McKnight requested the following revision to item one:

“The SFLAC shall serve as the principal entity to review or identify for the State Court Administrator those family law issues in Oregon that need to be addressed [in the future] and recommend action that is consistent with the goals and role of the Oregon Judicial Department.”

Cynthia Chinnock recommended revision of item two:

*“The SFLAC [shall be], together with the “Juvenile and Family Law Committee” of the Oregon Judicial Conference, shall make recommendations when [possible] **appropriate** for the major family law policy and legislative issues and initiatives [of the State of Oregon, the principal entity to be consulted in all family law issues] as they arise for the Office of State Court Administrator and the Oregon Judicial Department.”*

The proposed revisions were approved by consensus.

Elder Law: There was discussion about whether elder law would or would not remain a SFLAC focus. The SFLAC will invite a member of the Elder Law Section to attend a SFLAC meeting or send a SFLAC member to an OSB Elder Law Section meeting and establish a dialogue. Stephen Adams suggested the June SFLAC meeting would be an appropriate time to host an Elder Law Section representative. Ms. Sydlik will identify the chair of the Elder Law Committee, and Judge Brownhill will issue an invitation for the June 2006 meeting.

Performance Measures: Judge Brownhill reported that during the 2005 Legislative Assembly, the Oregon Judicial Department committed to update Performance Measure Ten, which deals with quality self-represented services in the state courts. She stated the update would move beyond counting the number of programs and begin measuring quality of services. Alice Phalen spoke to Ingo Keilitz, who recommended a customer satisfaction survey. Judge Brownhill read aloud Jim Adams’ email regarding Performance Measure 10 and noted that Jackson County would be willing to draft and/or pilot a survey. In a follow-up exchange on December 1, 2005, Mr. Adams stated he was not committed to the survey concept if SFLAC had alternative suggestions.

The discussion that followed raised many questions, including:

- Judge McKnight: What is it that we are trying measure? Satisfaction or adequacy or existence? What is the first link in the chain? Can we have a meaningful discussion before we know specifically what OJD wants? There must be planning before evaluating a program’s effectiveness. What is the purpose of this process—to plan effectiveness or produce something for the legislature? We have to plan and develop a model before we can measure quality.
- Ernie Mazorol: How well are we doing? Do we have enough staff available to provide a quality service? We should gather data first – look at the number of staff resources available and time involved for each service. Once we’ve done the analysis to determine what is adequate, we

can measure how well we're doing. Let's convene a group of facilitators and determine the minimum time needed for the services. Then we can measure quality.

- Ramona Foley: DHS has conducted surveys and she has learned that we must be strategic about the questions asked. Is it possible to gather information as to what the customers wanted and what they received? There is value in learning if customers felt they had a respectful conversation, timing of appointment convenient to work schedule, how long they waited before talking with a staff person, etc. Is the motivation behind self-represented services because it is the right thing to do or because it will save money elsewhere? (Judge Selander responded there is a need for facilitation services because 70% of domestic relations filings are self-represented and not entitled to court-appointed attorneys.)
- Judge Selander: How do we get feedback from people who were not able to access the facilitation services? If a satisfaction survey is completed at this time, would respondents evaluate friendliness of staff compared to receiving adequate services? When he denies a stalking or FAPA order because a person doesn't qualify, would the person give him a bad grade on a survey? He noted the original goal was to place one facilitator in each county; based on that goal, both Multnomah and Malheur Counties would meet the target.
- Linda Scher: She would like to focus on quality. She noted that facilitation services are only part of the picture – self-help information and forms are available on-line. Did the customer access resources on the website or in the office? Did they try to access services on-line? Was it helpful? On the court-side: did the process work effectively? Feedback is valuable even if the customer was frustrated; that information would be helpful to hear.
- Stephen Adams: He would like to know if the purpose of the performance measures is to make OJD look good or to truly measure the quality of self-represented services. Program evaluation needs to be done. Other states place more emphasis on program evaluation than Oregon so there are resources out there to help us. We can choose to undertake this task or tell OJD it is not ready for a quality performance measure.
- BeaLisa Sydlik: She believes that an evaluation should be done but not necessarily to measure customer satisfaction. Examples of acceptable survey questions: Did you receive an appropriate attorney referral because you had a complex issue? Would it have been helpful to complete the forms on-line?

Mr. Mazorol recommended SFLAC analyze current practices and identify what "adequate" is. He suggested the first step would be to determine what should be provided on a uniform and consistent basis. Mr. Mazorol stated this could be achieved by assembling facilitators from around the state.

Judge Brownhill stated the Performance Measures Advisory Committee would like performance measures used to improve court services, so performance measure development should be meaningful. Judge McKnight stated that LFLAC has identified self-representation as a primary focus and she supported allowing initial planning time to develop the PM.

Ms. Sydlik stated that a statewide survey would require six months to complete, and the measure would need to be developed by September 2006.

Judge Brownhill inquired about the committee's interest in forming a group to work on this performance measure in greater depth. It was decided that Judge McKnight, Ernie Mazorol, Stephen Adams and Linda Scher would participate in a work group with Jim Adams. The group will meet by telephone or email. They will put together a time-frame for development of the measure.

SFLAC Focus Regarding Subcommittees: BeaLisa Sydlík discussed the Court Programs and Services reorganization and her additional responsibilities as staff counsel for family law. She stated that she receives several requests a week from trial courts. She also has a greater role between legislative sessions to participate on legislative task forces and workgroups. She stated that we need realistic workload expectations for SFLAC members and staff. She stated that some subcommittees are struggling. She suggested that SFLAC determine whether subcommittee work is the best method, and if so, then identify to what extent they should be used. She recommended that SFLAC determine what the subcommittees should look like, be committed to do, and who should be on them.

Bill Howe stated there are some subcommittees, such as PPOW, that require very little staff support. He pointed out that all members have attended the Futures subcommittee meetings. He asked if some subcommittees are not working well because people are over-extended or some tasks did not lend themselves to the subcommittee structure. He suggested the problem might be structural; if some subcommittees are not working, then there is a need to determine why.

Judge McKnight clarified that she was not suggesting SFLAC abandon its subcommittee structure but we should try to realistically determine what SFLAC can do with staff limitations. She stated SFLAC needs to assess what less of staff's time means to our work. She also suggested that we send the message to OJD that family law is not getting the attention it needs.

Judge Koch suggested the subcommittees prioritize their work and focus on the most important projects. Judge McKnight stated that would be useful and would help focus on a work plan for the upcoming year. She confirmed that the fundamental issue was what percentage of time does SFLAC have staff's services to the extent that it affects subcommittee functioning.

Ms. Sydlík stated that a workable subcommittee requires members who are committed and have time to invest. Perhaps subcommittee members could redistribute some of the work that BeaLisa has been doing, such as taking minutes and working on projects.

Linda Scher asked if adequate support was a given or should the SFLAC call attention to the fact that its work would be impacted without adequate staffing. She noted that it was unnecessary for staff to be involved in every telephone conference and suggested that others could take meeting minutes.

Ernie Mazorol stated that the individual workloads of SFLAC members and staff were enormous. He pointed out that much of SFLAC's work benefits all of Oregon's counties. He suggested that SFLAC work with OSCA to create dedicated funding through an increase in filing fees or conciliation fees to support SFLAC staffing. He said we should communicate that we cannot operate with less staff.

Ramona Foley stated that OJD needs to decide whether SFLAC is or is not a priority. If it is not a priority, then the members need to address that. Judge Koch responded there has been a great

deal of work produced by SFLAC that is used statewide. SFLAC accomplishes a lot of work at the subcommittee level, and that requires at least some staffing. Judge McKnight extended that comment by noting SFLAC is doing, in a meaningful way, the work that an institutionalized department for the courts should be doing. She stated that SFLAC was more than advisory because of the production of forms, reports, etc., and it is picking up and subsidizing work that needs to be done.

Bill Howe will discuss this issue with Justice De Muniz. He cautioned that members bear in mind that SFLAC would never get adequate staffing. Mr. Howe also encouraged staff to be clear regarding what they are able to do. He agreed that assigning a vice chair to each subcommittee was a great idea and stated that SFLAC needs to be careful in creating new subcommittees and work groups. Mr. Howe requested Ms. Sydlik provide an outline of SFLAC accomplishments to share with Justice De Muniz and Ms. Click.

Stephen Adams stated that he views this as global problem and proposed forming a task force, which would be time-limited and well-constituted, to meet intensively two or three times to restructure how SFLAC deals with its subcommittees. The task force would consider staffing, identification of vice chairs as well as chairs; exploring more telephone conferences; and possibly developing a process for creating a new subcommittee (i.e. only if another is terminated first). The task force also would look at current subcommittees. It was decided that Mr. Adams would chair the task force, and its members would include Judge Brownhill and Mr. Howe.

SUBCOMMITTEE REPORTS

Annual Family Law Conference: A conference summary and agenda were distributed. Judge Selander discussed self-represented issues. He described the current situation as a “sleeping volcano” and expressed his hope that the conference generates discussion and the participants develop solutions.

Ms. Sydlik stated that most of the workshop organization was completed. She acknowledged Maria Hinton’s assistance in helping pull the conference together. The brochure needs to be finalized, and Ms. Sydlik requested that members review it and provide timely feedback. Ms. Sydlik requested final approval today from SFLAC on the proposed conference plans and noted that follow-up action was needed on some proposals.

On behalf of Deschutes LFLAC, Mr. Mazorol invited the members to lunch on April 7, 2006. The invitation was warmly accepted.

- **Conference Title:** Mr. Mazorol stated that attorneys on Deschute’s LFLAC suggested not using “self represented” because that title might not appeal to attorneys. Suggestions for alternate names included: Access to the Courts, Future Trends, Hot Issues in Family Court, Burning Issues in Family Court. The decision was referred to the subcommittee for final decision.
- **Opening and Welcome:** Mr. Mazorol confirmed that Judge Sullivan would be pleased to make a few remarks. Mr. Howe will invite Justice De Muniz to open the conference and make welcoming remarks and he will notify Ms. Sydlik of the outcome.

- **Keynote Speaker, Richard Zorza, Esq.:** Ms. Sydlik reported that the Oregon State Bar's Board of Governors contributed \$1,500 to co-sponsor Richard Zorza's participation. Judge Koch will introduce Mr. Zorza. Ms. Sydlik will provide Judge Koch with Mr. Zorza's contact information and vitae.
- **Dinner and No-Host Bar:** Judge Selander and Judge Brownhill will organize a panel of five judges to discuss the most interesting and important family law cases.
- **Plenary—Dr. Kathryn Kuehnle:** Ms. Sydlik reported that Dr. Kuehnle is well known in the area of evaluating claims of child sexual abuse. She feels this is her mission and has accepted only a small honorarium. Dr. Vien will introduce her.
- **Morning Workshops:** Ms. Scher confirmed that she and Lauren MacNeill will pull together the Parenting Plan workshop.
- **Luncheon and Presentation by Deschutes LFLAC:** The April meeting will be 10 a.m. to 2:15 p.m., with lunch at courthouse on Friday, hosted by the local FLAC.
- **Afternoon Workshops:** The members confirmed retaining the Parental Abduction workshop for this time period and noted that it balanced the program well. Judge McKnight requested that she be removed from this panel. Dr. Vien will provide the introduction. Ms. Sydlik stated that another phone conference has been set to finalize the presentation. Liss Hart-Haviv, director of Take Root, will participate. This national organization helps reconnect recovered children with their families. Additional panelists will be attorneys Marshal Spector and Katharine Root, who has handled a number of international abductions and is now chair of the International Law Committee of the ABA's Family Law Section. Ms. Sydlik noted that a district attorney was needed to complete the panel. Mr. Mazorol stated he would attempt to recruit a Deschutes County/central Oregon prosecutor.
- **Open Forum with Richard Zorza:** The members supported Ms. Sydlik's suggestion to schedule this segment. Judge Brownhill suggested the members prepare questions in advance. It also was suggested that in closing Mr. Zorza note the issues that he will discuss at the Circuit Court Judges' Association meeting.

Futures Subcommittee on OJD Family Law Strategic Plan: Mr. Howe stated this subcommittee has worked well, and he expressed admiration for the members' efforts. Mr. Adams stated that he appreciated SFLAC's participation, particularly Ms. Chinnock's. Ms. Foley reported that she thought the group did a good job of vetting issues. Mr. Mazorol echoed the others' sentiments and stated he was looking forward to the pieces on pages six and seven and other alternatives. Ms. Sydlik stated OSCA had provided good feedback as well.

A 10-page draft of the 2005-2009 Family Law Strategic Plan was distributed. Mr. Howe requested the members independently review it. Ms. Chinnock stated that the plan was prepared with an idea of measuring success, therefore, data collection plays a significant role in the plan.

Judge McKnight provided a correction to Item IV, Child Abuse and Neglect and Delinquency Cases strategies:

“Assist in the identification of family law issues that arise in the context of juvenile dependency and delinquency proceedings; e.g., paternity establishment, location of missing parents, facilitation of concurrent dissolution proceeding, in cooperation with local courts.”

Ms. Scher stated that she would like to carefully review the plan before moving to adopt it. Mr. Howe stated the members could provide comments to Ms. Hinton by December 20, 2005 and then an adoption vote would be conducted by email.

Legislative Planning: Due to Judge Leggett’s absence, there was no report.

Domestic Violence: Ms. Scher reported on behalf of Robin Selig. Three meetings had been conducted since the last SFLAC meeting, and another is set for January 4, 2006. Three new members have joined the subcommittee. They are Ari Halpern, a staff attorney with Legal Aid in Bend; Christine Parker Heyen, Crime Victim Program analyst with Department of Justice; and Camilla Thurmond, Staff Attorney for the Oregon Coalition Against Domestic and Sexual Violence.

The committee currently is working on several important issues, including: FAPA form revisions (Ms. Selig, Chris Walls, Tony Lopez of the Washington County Restraining Order Project, Ms. Sydlik, and Ms. Thurmond) and revising the confidentiality packet to include changes in law from the 2005 Legislative session.

Judge Brownhill thanked Judge McKnight for sharing Multnomah County’s FAPA forms.

Parenting Plan Outreach Workgroup: Ms. Scher stated the subcommittee was trying to develop more audiences for its PowerPoint presentation. The subcommittee needs a laptop computer and projector. Ms. Scher noted this was a big obstacle for the subcommittee in presenting the information. Ms. Sydlik explained that OJD was prohibited from soliciting contributions to purchase the equipment, and it was not possible to loan a computer to the project unless accompanied by an OSCA staff member due to the sensitivity of the computer’s database. Mr. Mazorol stated the Deschutes Circuit Court possibly could offer a laptop to the project. Judge Brownhill stated that Clatsop recently had to replace a projector, and she would discuss the committee’s equipment needs with her TCA to determine if Clatsop could assist.

Court/Child Support Agency Child Support Coordination: Ms. Chinnock reported that the subcommittee meets regularly. As a customer service consideration, the group was working to get more forms on-line, specifically the Request for Modification.

Regarding the Federal Parent Locate Information, Ms. Chinnock stated the federal government has published new information that would authorize judges to serve as requesters, however, they would not be allowed to release any information. She stated a joint letter with comments was underway regarding the proposed regulations.

In budget reconciliation, the U. S. House of Representatives has proposed significant cuts to the child support program as well as food stamps and Medicaid. The cuts would reduce the federal match rate from 66 to 50 percent and cease the ability to match the incentive funding. This would represent a loss of \$66 million to Oregon and potential \$400 million in child support to families. Ms. Chinnock stated the Senate bill included no cuts, and the conference committee

has not been appointed at this time. On December 16, 2005, the Public Broadcasting System will air a national program about this matter, with a focus on Oregon, since it would result in a 16% reduction in child support collections over four years.

Ms. Chinnock is participating in a national program, which will release some good documents covering these subjects:

- Running the court like a problem-solving court, especially in matters pertaining to child-related issues
- A curriculum in child support presented by the national center
- Resources for helping to educate the courts in working with child support cases

Ms. Chinnock stated the Oregon Child Support Program has a new strategic plan. She circulated a few copies for the members' information and stated that additional copies could be ordered from the program (CSP Forms Team at 503-373-7455 ext. 22237 or by email at Forms.Questions@doj.state.or.us). She stated that each program employee has a copy of the booklet.

Ms. Chinnock reported that the Guidelines Advisory Committee would start work in March 2006.

Judge McKnight reported on three items:

- *Digital imaging.* The Child Support Program is beginning to scan documents due to data storage issues. An additional benefit will be a reduction in records requests.
- *OLC Uniform Parentage Act Workgroup.* The federal program has been effective in establishing paternity, and now consideration is being given to whether and how to disestablish paternity.
- *Guideline revision process.* Ms. Sydlik has an email group list that can be used to get judicial and court input on the guidelines revision process. Members of the Family and Juvenile Law Committee of the Judicial Conference have asked to participate in the discussion on the Parenting Time credit.

Self-Represented Legal Services Subcommittee: Judge McKnight reported this subcommittee meets monthly through teleconference calls and semiannually in person. Currently, the group is working on a workshop for the Family Law Conference that would hypothetically follow a case from entry through all of the agency and court processes involved.

Judge McKnight announced that she intends to resign as chair of this subcommittee at the end of the April conference. She inquired what the members' thoughts were about the subcommittee, and Mr. Mazorol discussed planning with regard to adequacy considerations. It was decided to revisit the subcommittee's charge when a new chair is appointed.

Ms. Sydlik will distribute the self-represented trial brochure to the members by email and needs their comments within two weeks. She would like to have the brochure available at the conference.

Ms. Sydlik discussed feedback from the recent JA (Judicial Assistants) workshop. Needs identified were more tools to deal with self-represented litigants such as an information videos,

additional brochures, and attorneys for complex cases. Klamath Circuit Court gives a class for self-represented parties, which may serve as a model for other courts.

Conference Workshop on Parental and Family Abductions: Ms. Sydlik reported this process is on track. Membership was discussed briefly. Mr. Adams expressed concern about inviting only one side, defense or prosecution, to participate and not the other.

Ms. Sydlik confirmed that she had received the video sent by Judge Brownhill, although she had not yet had an opportunity to view it. Judge Brownhill explained that it was given to her by a person whose brother had been abducted.

Meeting Locations in 2006: Ms. Sydlik stated the Multnomah County Juvenile Justice Center was unavailable on the scheduled meeting dates in June and September 2006. After inquiring about the second or third Fridays in those months, it was decided that Ms. Sydlik would send an email to the members to determine their availability. Mr. Howe, Ms. Chinnock and Judge McKnight suggested alternative meeting sites. It was decided that Ms. Sydlik would follow up on a lead regarding the 1515 Building in Portland.

NEW BUSINESS

Honoring Chief Justice Carson: Judge Brownhill and Judge Koch, as current and former SFLAC chairs, will recognize retiring Chief Justice Carson on behalf of SFLAC at the conference. They requested feedback from the members on the form the recognition should take. It was suggested that SFLAC create an annual recognition, the Chief Justice Wallace Carson Outstanding Contribution Award, and present it to a person who has made an outstanding contribution to family law in Oregon. The first recipient would be Chief Justice Carson. Judge Brownhill requested the members send their ideas for recognizing Chief Justice Carson to Judge Koch or her.

Mr. Mazorol will formally invite Chief Justice Carson and Ms. Click to attend the April 7, 2006 SFLAC meeting and join the members for lunch. Judge Brownhill will invite Chief Justice DeMuniz to attend the conference. If Chief Justice Carson is unable to attend the conference, the public ceremony recognizing his work on behalf of family law would still occur.

Resignation of Cynthia Chinnock: Ms. Chinnock announced that she will retire at the end of this month; therefore, this was her last SFLAC meeting. The members expressed their high regard for the work she has done on behalf of family law in Oregon.

Schedule Next Meeting and Adjourn: The next meeting of the SFLAC will be on Friday, April 7, 2006 from 10 a.m. to 2:15 p.m. in Bend to be held in conjunction with the Family Law Conference.

The meeting adjourned at 4:15 p.m.

Minutes Prepared by the Hon. Paula Brownhill, Joy Brewer, and BeaLisa Sydlik