

**Multnomah Family Law Advisory Committee**  
**MINUTES**  
**April 29, 2009**  
**Multnomah County Courthouse, Room #406**

In attendance: Janice Ashe, William Ball, Helga Barnes, Doug Bray, Helen Dillon, Paul Edison-Lahm, Sally Englert, Pam Haan, Mark Kramer, Shelly Matthys, Judge Maureen McKnight, Annie Neal, Judge Thomas Ryan, Scott Sorensen-Jolink, Julie Stevens, Judge Diana Stuart, Chief Family Law Judge Nan Waller, Eric Woodard, Judge Merri Souther Wyatt.

**1. Review of Last Meetings Minutes**

Judge Stuart distributed the minutes and opened the meeting. All minutes are now posted on the Multnomah County family law website.

*Discussion of Family Law Websites*

A general family law website is currently in use as a mechanism for communication by the family law bench with the community (<http://www.ojd.state.or.us/mul/FamilyCourt/index.htm>). Judge McKnight is currently in the process of improving the design of that site and has developed a suggested template for pages on the website. The pages will have links to forms and information concerning restraining orders, child support, state parenting time materials, etc. Judge McKnight asked for volunteers to work on these website issues. Judge Waller suggested that family law/probate judgment checklists and summaries of the supplementary local rules could be put on the website too. The Parenting Time Subcommittee agreed to be responsible for the parenting time portion of the site. Other volunteers should contact Judge McKnight.

Pages for individual family law judges detailing preferred procedures in their courtrooms will be up soon. Mark Kramer suggested that the protocols for the receipt of faxes by judges also be included on these pages.

**2. Report of Parenting Time Subcommittee – Chair Judge Diana Stuart**

At the last meeting of this subcommittee, Cindy Bidnick reported that the elimination of the standard parenting time guidelines has not resulted in problems that the family law department are seeing. However, Judge Stuart notes that we may not yet be seeing problems since the new rules are only a few months old.

The next Parenting Time Subcommittee is scheduled for noon on June 9, 2009 at the Multnomah County Courthouse, Room 330. This subcommittee will also meet again after the budget cuts have been announced – perhaps in September. Janice Ashe suggested working closely with the Supplementary Local Rules subcommittee chaired by Judge McKnight.

**3. Report of Call/Settlement Conference Subcommittee – Chair Chief Family Law Judge Nan Waller**

Judge Waller reports that the current budget crisis has accelerated changes to the call system due to upcoming staff losses. The change to in-person call will happen on the first Monday of July (July 6, 2009) at 9:00 a.m. The new system will require that parties appear in court for call for family law

cases going to hearing or trial the next day. This docket is anticipated to be short, with usually fewer than 6 to 10 cases. Also, call will now be at 9:00 a.m. rather than at 8:30. Judge and time will be assigned on the spot. If only one side shows, the case will be sent out for the next day for a 15 minute prima facie hearing.

This new system should be much easier for parties because there will only be one date to remember, rather than two. Attorneys and self-represented litigants must appear. If both parties stipulate, then only one attorney may appear; however that attorney must have the other side's calendar. No appearances by telephone will be permitted and staff may not appear for attorneys. Motions for change of judge must occur at call and filed according to local rule.

If neither side shows, then the hearing will be dismissed. Requests for setover where both sides agree will continue to be governed by supplementary local rule. Judge Ryan proposed referring to call as "trial assignment," rather than "call" which can be confusing for some self-represented litigants.

#### *Cases requiring more than one day*

Requests for assignment to individual judges for cases requiring more than one day should be handled as soon as parties know of the need for more time – not at call. The preferred procedure for assignment of a complex case is to come to Presiding (Judge Waller) if she is available. Any motions for change of judge for these early assignments must be done at the time of assignment or for attorneys not present according to local rule.

#### *Settlements*

Settlements should also be reported at call. Attorneys must either produce the judgment or have the matter set for fifteen minutes the next day to appear with litigants to put the settlement on the record or present a signed judgment. It was suggested that this might go into an SLR.

#### *Settlement conferences*

The Settlement Conference subcommittee is waiting to address the issue of settlement conferences pending further information about the budget situation. Volunteers are requested for a committee chaired by Judges McKnight and Svetkey to address the possible of ways in which attorneys can assist the court to continue to function well despite the budget shortfalls. A meeting date will be set soon.

#### **4. Report on Fiscal Condition of OJD and impact on the Court**

Judge Waller delivered the bad news concerning the budget. The issue is how deep the cuts will be and how they will be proscribed. More information about next budget shortfall will be available on May 15<sup>th</sup>. If the budget is cut by 10%, referees are projected to be eliminated; however there will be some local autonomy about where cuts will be made. Juvenile cases and family law cases involving children and families with children will have priority in Multnomah County; cases not involving children will have lower priority.

Doug Bray reports that following the May 15th forecast, the legislature will make further decisions and the Chief Justice will make further recommendations, so that OJD will know what the cuts are by Fall.

*Other budgetary and legislative news*

The OJD revenue bill (HB2287) would increase OJD collections. Fees would be added for most appearances in the courthouse, including settlement conferences, motions for continuances and ex parte appearances – including an ex parte fee for submission of judgments. Among other increases, recording fees and name changes would be increased.

The Court of Appeals efficiencies bill (SB 262) will, if passed, end de novo review of family law cases by giving the appellate courts the discretion to adopt rules to limit de novo review.

The mandatory joint custody bill appears dead. A workgroup on this had been proposed, but it is unclear whether this group will form. Other ideas include looking at this issue more broadly.

**5. Other Suggestions for Court Efficiencies**

The issue of obtaining temporary relief by affidavit was raised and tabled.

**6. Status of eCourt & wireless**

The courthouse now has wireless access.

Doug Bray reports that plans for eCourt have been scaled way back. OJD is still asking for additional bonding. Ecourt is now limited to e-filing, scanning, and the web portal for filing and review of documents. Multnomah is one of the pilot courts and will start in July/August with civil court, followed by criminal court and finally domestic relations. The level of funding and legislative support remains uncertain.

Eric Woodard asked about e-filing for those who are not computer literate or do not have a computer. Judge Waller indicated that the courts will still take paper on demand. Paper documents can still be presented to the court and court staff will scan documents. Backup is already occurring with downtown filings being backed up offsite in hard drives located at juvenile court.

Judge Waller reports that all social files for juvenile court have now been scanned, as well as restraining order applications and orders, and that court staff and judges are increasingly having quick access to these documents.

Eventually the public will have access to these scanned documents. A registration process similar to that of the federal court system will determine levels of access for attorneys or parties. Doug Bray reports that the issue of whether attorneys will be treated differently from self-represented litigants remains to be resolved.

**7. Schedule of upcoming LFLAC meetings and special budget meetings**

The next LFLAC is tentatively scheduled for September 17, 2009. Another meeting may be scheduled in mid-August to discuss the impact of the budget cuts. Judge Stuart will circulate possible dates.

Meeting was adjourned.

Submitted by: Paul Edison-Lahm