



# CAPITOL INSIDER

OSB Public Affairs Newsletter for Bar Leaders

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June 21, 2002

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## When Will It End?

The third special session began on Wednesday, June 12, 2002, and promises to be another difficult and contentious session for both chambers of the Oregon legislature. In the early morning hours of Saturday, June 15, after a marathon session, the House passed a budget-balancing package consisting of a mix of budget cuts and tax increases. The Senate now takes up the debate.

As this edition of the *Capitol Insider* goes to print, the Senate narrowly passed a Republican proposal to create an education rainy-day fund Wednesday night, June 19. The Senate approved a reworked version of Measure 13, which failed at the polls in May. The bill likely will move on to a conference committee of House and Senate leaders because the House earlier approved a different version. This was the only significant bill passed by the Senate on Wednesday. The third special session entered its eighth day on Thursday, June 20, with no end in sight.

## Budget Impact on the Courts

The second special session (from February 25, 2002, through March 2, 2002) resulted in an additional \$10,483,391 reduction in funding from the 2001-03 legislatively approved budget for the Oregon Judicial Department. The impact of this reduction is now being felt across the state.

The budget reduction means a 10% loss of courthouse employees statewide (not including judges). This translates into 150+ full-time equivalent (FTE) positions through layoffs and vacancies left unfilled. This also means reduced services that are available—staff assistance will be limited or sometimes unavailable to lawyers and the public. For example, here are just some of the results in a few counties. This list is not all-inclusive and does not necessarily include all reductions in each of the counties identified.

- **Clackamas:** (about 9.3 FTE) Clerk's office is closed to the public from 8:00 a.m. to 10:00 a.m. M-Th and all day on Friday.
- **Lane:** (about 11.7 FTE) Family Court Assistance public hours reduced.
- **Jackson:** (about 9.9 FTE)
- **Washington:** (about 10.7 FTE)
- **Umatilla/Morrow:** (about 3.3 FTE) Clerk's office is closed to the public all day on Friday.
- **Multnomah:** (about 40 FTE)
- **Coos/Curry:** (about 6.4 FTE) Courts closed to the public from 11:00 a.m. through 2:00 p.m. each day.
- **Polk:** (about 3.3 FTE) Reduced public service hours in July 2002.
- **Grant/Harney:** (about .8 FTE) Court closed to the public during the noon hour.
- **Marion:** (about 7.2 FTE)
- **Yamhill:** (about 4.9 FTE) Clerk's office closed to the public one additional hour daily.
- **Malheur:** (about 2.4 FTE) Clerk's office closed for ½ day each week.
- **Union/Wallowa:** (about 3 FTE)

## ABA Day in Washington

This year's mid-May ABA Lobby Day was actually a two-day event in Washington DC. Current and former leaders of Congress, including U.S. Senators Orrin Hatch, Patrick Leahy, Joseph Biden, Jr., and Russell Feingold, provided updates in a series of briefing sessions for those in attendance. Increasing support for legal services was a top priority for most of the 250 participants at this event.

Former OSB President Ed Harnden led the small group of Oregon lawyers that made the rounds on Capitol Hill. Visits with the members of the Oregon delegation were productive. As always, some of the most helpful contacts on the Hill were the key staff members in the congressional offices. ABA leader, the Honorable Ellen Rosenblum, also spent some time with us. The importance of cultivating these DC relationships and the close link between many state and federal policy issues was reinforced during the trip.

The state-by-state groundwork with members of Congress is an important part of the national effort to increase the level of federal funding for legal services. Oregon leads this movement due to the high-profile endorsements of our two U.S. Senators, Gordon Smith and Ron Wyden, and the national leadership demonstrated by Oregon's Campaign for Equal Justice.

Two other ABA priorities were discussed with many members of Congress: continued funding of the State Justice Institute and narrowly crafted legislation to exempt lawyers from the Gramm-Leach-Bliley Privacy Act.

Other issues that ABA leaders discussed with particular members of Congress included judicial salaries, the Immigrant Alien Children Protection Act (S. 121/H.R. 1904), the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), and the Patients' Bill of Rights.

All in all, there were hundreds of worthwhile meetings with members of Congress. Bar officials from around the country learned that presenting the right messages to elected officials is an art rather than a science.

For more information on the status of certain ABA legislative priorities, contact the Public Affairs Department at (503) 620-0222, ext. 376, or in Oregon at (800) 452-8260, ext. 376, and ask for the "ABA Legislative Box Score."

### HOD Meeting Update

The annual HOD meeting will take place on October 5, 2002, at the Valley River Inn, 1000 Valley River Way, Eugene, Oregon, beginning at 10:00 a.m.

The regional HOD meetings originally scheduled for June have been postponed until after the agenda has been finalized to encourage fuller discussion of the issues. The regional meetings will take place in September. Look for an update in the next *Capitol Insider*.

**The deadline to submit resolutions for consideration at the HOD meeting is Wednesday, August 21, 2002, at 5:00 p.m.**

For more information, contact Teresa Bowen at (503) 620-0222, ext. 386, or by e-mail at [tbowen@osbar.org](mailto:tbowen@osbar.org)

### ABA Priorities for 2002

Each year, the ABA Board of Governors establishes "Legislative and Governmental Priorities" for the ABA based on a survey of bar leaders conducted by the Governmental Affairs Office. These priorities are selected on the basis of nine criteria: importance to society, expertise of lawyers on the issue,

timeliness of issue, potential for achievement, public perception of the profession, importance to the practice of law, breadth and strength of ABA interest, opportunity for impact, and importance to the administration of justice.

The ABA Board selected twelve priorities for 2002.

<b>ABA Legislative and Governmental Priorities for 2002</b>
Application of State Ethical Codes to Gov't Attorneys
Gramm-Leach-Bliley Act Privacy Provisions
Health Care Accountability
Immigration
Independence of the Judiciary
Erosion of the Judicial Process
Judicial Compensation
Judicial Vacancies
Legal Remedies to Eliminate Discrimination
Legal Services Corporation
Rule of Law—International
International Organizations
International Treaties (CEDAW)
Student Loan Forgiveness
Tax Simplification

For more information on the ABA's legislative priorities, go to their Legislative and Governmental Advocacy Web site at [www.abanet.org/poladv/priorities](http://www.abanet.org/poladv/priorities).

## Open Court Programs

The Washington County Courthouse is holding an Open Court program on Thursday, July 11. This is the second in a series of courthouse events around the state to encourage continuing dialog about judicial system issues among lawyers, judges, legislators, and the local community. These events are a joint effort between the OSB and local judicial districts.

The purpose of the Open Court program is to invite current and prospective legislators into the court to explore key issues in a county's justice system and to recognize innovative programs. Different presiding judges who participate will customize the program to best meet their local needs. Several court programs, including the One Day/One Trial Jury System and Family Court Facilitator Program, will be featured in Washington County. Presiding Judge Hernandez will kick off the event.

For more information on this event, contact Kimberlee Kim at (503) 846-8767 or by e-mail at [Kimberlee.A.KIM@ojd.state.or.us](mailto:Kimberlee.A.KIM@ojd.state.or.us).

Talk to your local presiding judge if you are interested in participating in a future open court program.

## OSB 2003 Legislative Proposals

The following OSB section and committee legislative proposals were submitted to Legislative Counsel's office in May 2002 for legislative drafting purposes:

<b>2003 Section and Committee Proposals</b>	
<b>LC#</b>	<b>Summary</b>
	<b>OSB BOG</b>
434	Technical bar act changes
	<b>OSB SECTIONS</b>
	<b>Administrative Law</b>
435	Repeals sunset of HOP, prohibits ex parte contact
	<b>Alternative Dispute Resolution</b>
436	Revises the Uniform Arbitration Act
	<b>Business Law</b>
437	Amends Oregon Business Corporations Act
	<b>Civil Rights</b>
438	Convention on Elimination of All Forms of Discrimination Against Women (HJM 3—2001 Session)
	<b>Consumer Law</b>
439	Increases automobile exemption
440	Antideficiency judgment statute
441	UTPA amendments (Section 1 of HB 2362—2001 Session)
	<b>Debtor/Creditor</b>
442	Posting bond on possessory chattel liens (storage fees)
443	Trustee notice before foreclosure sale

444	Modifies personal injury exemption for spouse/co-debtor
	<b>Elder Law</b>
455	Repeals sunset provisions to court visitor pilot project
456	Amend ORS 708A.470 to allow court to consider third-party evidence re: joint ownership on bank accounts
457	Medicaid payment for guardianship fees and costs (HB 2364—2001 Session)
458	“Supplemental needs trust” (HB 2366 – 2001 Session)
459	Impact of real estate licensing laws on durable power of attorney (SB 446—2001 Session)
460	Amends professional fiduciary statute to require court supervision of fees
461	Protective proceedings—professional fiduciaries
462	Restraining orders under Elder Abuse Prevention Act
463	Amends statute to update “average private pay cost of nursing facilities” for Medicaid purposes
	<b>Estate Planning</b>
464	Will/trust harmonization
465	Uniform Principal and Income Act (UPIA)
466	Termination of beneficiary designation on divorce
467	Uniform Durable Power of Attorney Act
	<b>Adoption</b>
468	Modifies UCCJEA jurisdictional provisions re: adoption
	<b>Government</b>
469	Public Meetings Law concept
	<b>Taxation</b>
470	Clarifies independent contractor statute
	<b>Workers’ Compensation</b>
471	Modifies multiple-employer hearing process
	<b>OSB COMMITTEES</b>
	<b>Procedure and Practice</b>
472	Contractual attorney fee awards under void/unenforceable contract
473	Statute of limitations in leap year
474	Use of declarations as alternatives to affidavits
	<b>UPL</b>
475	Codifies UPL definition in <i>Security Escrows, Inc.</i> case
	<b>OSB WORKGROUP</b>
	<b>Computer and Electronic Information</b>
476	Commercial transaction of goods and services via electronic means

If you would like to obtain a copy of the draft text of any of the proposals, please contact the Public Affairs Department at (503) 620-0222, ext. 376, or in Oregon at (800) 452-8260, ext. 376.

## OSB Public Affairs Department

The OSB Public Affairs Committee (“PAC”) oversees legislative activities and makes recommendations on major policy issues. Chaired by Hillsboro attorney John Tyner, other members include: James Brown, Salem; William Carter, Medford; Nena Cook, Portland, David Hytowitz, Portland; and Charles Williamson, Portland. Angel Lopez, OSB President, is also an ex-officio member of the PAC.

The Public Affairs Department works to apply the knowledge and experience of the legal profession to the public good by advising governmental bodies, proposing and responding to legislation for law improvement, and advocating on matters that affect the legal profession.

If you have questions about this newsletter or legislative issues, contact the Public Affairs Committee chair John Tyner at (503) 648-5591 or the Public Affairs staff at (503) 620-0222 or in Oregon at (800) 452-8260. You can reach Bob Oleson, Public Affairs Director, at ext. 317 or by e-mail at [boleson@osbar.org](mailto:boleson@osbar.org); contact Susan Grabe, Public Affairs Manager, at ext. 380 or by e-mail at [sgrabe@osbar.org](mailto:sgrabe@osbar.org); or contact Joyce Patton, Public Affairs Attorney, at ext. 358 or by e-mail at [jpatton@osbar.org](mailto:jpatton@osbar.org).