



# CAPITOL INSIDER

*OSB Public Affairs Newsletter for Bar Leaders*

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OCTOBER 23, 2002

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## **Governor Signs Budget-Cuts Bill**

Governor Kitzhaber signed a \$310 million budget-cuts bill on Tuesday, October 15, 2002, that will go into effect if voters reject Measure 28 (the temporary income tax increase) in the January 28, 2003, special election. If Measure 28 passes, \$14 million in funding would be restored to the courts according to the Estimate of Financial Impact Statement filed with the Secretary of State's office.

As we indicated in the September issue of the *Capitol Insider*, the Judicial Department would suffer significant additional cuts if Measure 28 does not pass. Prorated reductions in the Judicial Department would include \$7,977,360 in the Operations budget; \$5,108,280 in Indigent Defense; \$532,562 in Mandated Payments; and \$21,996 in operations relating to new judgeships. In addition, the two Emergency Board special-purpose appropriations for new judicial positions and judges' retirement benefits would also take prorated reductions of \$6,682 and \$9,936, respectively.

## **Gubernatorial Vetoes Update**

The Governor is still considering two other vetoes. One bill would establish the ballot title for the January 28, 2003, special election. The Governor wants the voters to understand exactly what program cuts will be made if Measure 28 fails.

The other bill would gradually phase-out the state's inheritance tax. HB 4077 was adopted by the legislative assembly during the fifth special session and would result in a repeal of Oregon's inheritance tax on January 1, 2005. On September 25, 2002, the Governor placed this bill on his list of potential vetoes. He has until October 30, 2002, to decide whether to veto this bill.

## **Proposed OLC Legislation**

The Oregon Law Commission plans to propose several pieces of legislation for the 2003 legislative session. There are eight work groups with 14 bills that will likely be ready for pre-session filing.

- ◆ *Administrative and Judicial Child Support Orders Work Group*: (1) certification process for notifying courts about existence of child support obligations, and (2) rules for dealing with conflicting orders
- ◆ *Civil Rights Work Group*: (1) technical changes to last session's ORS chapter 659 re-organization.
- ◆ *Eminent Domain Work Group*: (1) condemnation issues
- ◆ *Judgments Work Group*: (1) technical changes to last session's garnishments bill, and (2) comprehensive revision of statutes dealing with judgments
- ◆ *Judicial Review of Government Ac-*

*tion Work Group:* (1) continuation of past efforts to develop an acceptable compromise.

- ◆ *Juvenile Code Revision Work Group:* (1) unified word usage in ORS chapter 419, (2) creation of juvenile court guardianships, (3)-(5) HB 2611 continuation – telephone testimony, summonses, cross-referencing and clean-up
- ◆ *Public Body Work Group:* (1) apply definitions adopted last session to statutes dealing with special districts
- ◆ *Savings Statute Work Group:* (1) addressing confusion regarding a timely filed civil action that is dismissed on procedural grounds, not on the merits

For more information, contact Wendy Johnson, OLC Assistant Executive Director at (503) 370-6973.

## Secrets of the Legislature



It's that time again. Dave Barrows Associates and the Oregon State Bar Public Affairs Program are co-sponsoring a one-day workshop designed for lawyers who are "occasional" lobbyists. Speakers will include House and Senate leaders.

The workshop will feature practical information on:

- ◆ Realities of the 2003 legislative session
- ◆ Lobbying ethics—registration, conflicts, case studies
- ◆ Strategies and tactics—who counts and who cares
- ◆ Committee testimony—overcoming the “lawyer” stigma
- ◆ Lobbying legislators—who to talk to, and how
- ◆ Written testimony—why and how much

The workshop will be held on Thursday, November 21, 2002, from 8:30 a.m.–4:30 p.m. at the Doubletree Hotel, Lloyd Center, in Portland. The registration fee is \$150 before November 14, and \$175 after November 14.

For more information, contact Lara Smith, Dave Barrows Associates, at 503-227-5591 or by email at [lsmith@davebarrows.com](mailto:lsmith@davebarrows.com).

There will be a limited number of discounted registrations available for bar volunteers. For more information, contact Beth Richley, OSB Public Affairs Department, (503) 620-0222, ext. 376, or by email at [brichley@osbar.org](mailto:brichley@osbar.org).

## 2002 Candidates Forum

The OSB Administrative Law Section's 2002 Candidates Forum was a success. Eight candidates for office attended the Forum on September 24, 2002, and spoke on issues of concern to our profession – retention of the independent Hearing Officer Panel beyond its 2005 sunset, adequate funding for the Judicial Department, and independence of the judiciary.

The following candidates participated:

- ◆ *Kevin Mannix* – Republican Candidate – Governor
- ◆ *Ken Crowley* – Democratic Candidate – Senate District 13 (Hillsboro, Tigard)
- ◆ *Bill Witt* – Republican Candidate – Senate District 17 (Multnomah and Washington Counties)
- ◆ *Representative Lane Shetterly* – Republican Incumbent – House District 23 (Dallas)
- ◆ *Keith Parker* – Republican Candidate – House District 28 (Beaverton)
- ◆ *Representative Max Williams* – Republican Incumbent – House District 35 (Tigard)
- ◆ *Greg Macpherson* – Democratic Candidate – House District 38 (SW Portland, Lake Oswego)
- ◆ *Jim Zupancic* – Republican Candidate – House District 38 (SW Portland, Lake Oswego)

The Candidates Forum was taped and can be viewed up to election day on several public access channels. For specific information about replay dates and times, <[www.osbar.org](http://www.osbar.org)> and click on the Candidates Forum headline under Bar News Online.

## Open Court Programs

The Jackson County Courthouse Bar Association held a meeting with local legislators, judges, judicial candidates, and lawyers on October 9, 2002. Senator Lenn Hannon and Representatives Rob Patridge and Alan Bates attended, as did OSB President Angel Lopez. OSB BOG member Bill

Carter presided over this meeting that helped strengthen ties to these already friendly legislators. He felt that all three legislators clearly recognized the importance of adequately funding the Judicial Department.

These programs over the past summer provided a great opportunity for the courts to connect with legislators, lawyers, and the local communities. These relationships will be valuable in the months ahead as the legislature struggles with the budget shortfall in the next session.

## USA Patriot Act and Oregon Law

Senator John Minnis and Representative Max Williams, co-chairs of the legislature's Joint Interim Committee on the Judiciary, are heading a work group to analyze the effect of the USA Patriot Act on all relevant Oregon laws. On October 15, 2002, Judiciary Committee Counsel and the Department of Justice, along with other interested participants, met at the State Capitol to continue work on developing legislative proposals for the upcoming session in response to the threat of terrorism. The work group reviewed a copy of a memo dated August 5, 2002, from Attorney General Hardy Myers, for the Governor's Security Council, that outlines those ideas that have been tentatively selected as the Security Council's top priorities for statutory change in light of the terrorist threat.

For more information, contact Patsy Wood at (503) 986-1474.

## Court Closures

The State Court Administrator's office has compiled a helpful list of court hours for the Circuit and Appellate Courts. You can access this information at <[www.ojd.state.or.us](http://www.ojd.state.or.us)>. Just go to the Supreme Court, Circuit Courts or Court of Appeals page and click on "Revised Courts' Public Service Hours by Location."

## Joint Interim Judiciary Committee

The Committee has been active during the interim. Most recently, the Committee met on October 21, 2002, in an all-day session that focused on mental health and addiction services, treatment issues, and trends.

The Committee plans to meet one more time before the end of the year—on December 4, 2002. The pre-session filing of legislation from the OSB and other interest groups will occur at that time. This process will help set the early hearing agenda for bills in the upcoming session. For more information, contact Patsy Wood at (503) 986-1474.

## HOD Meeting Results

The House of Delegates took action on the following nine Board of Governors resolutions and five House of Delegates resolutions at its annual meeting on October 5, 2002.

### BOG Resolutions:

- 1 Increases annual membership fees **(Passed)**
- 2 Directs the BOG to pursue and implement recommendations of the Disciplinary System Task Force **(Passed with revisions)**
- 3 In Memoriam
- 4 Supports indigent defense funding **(Passed)**
- 5 Opposes Ballot Measure 21 regarding new procedure for appointing and electing judges **(Passed)**
- 6 Opposes Ballot Measure 22 requiring election of appellate judges by district **(Passed)**
- 7 Supports adequate funding for legal services for low-income Oregonians **(Passed)**
- 8 Supports adequate funding for the Judicial Department **(Passed)**
- 9 Approves new DR 2-105: Compensation from non-lawyers **(Passed)**

### HOD Resolutions:

- 1 Requests the BOG to seek a legislative amendment making child-abuse reporting a one-time Mandatory Continuing Legal Education (MCLE) requirement for all members **(Failed)**

- 2 Requests the BOG to seek a legislative amendment making child-abuse reporting a one-time Mandatory Continuing Legal Education (MCLE) requirement for out-of-state members **(Withdrawn)**
- 3 Urges the Oregon Supreme Court to allow for electronic filing projects **(Passed)**
- 4 Requests the BOG to ask the Oregon Supreme Court to make “diversity” a one-time Mandatory Continuing Legal Education (MCLE) requirement for all members **(Failed)**
- 5 Requests the BOG to ask the Oregon Supreme Court to make “diversity” a one-time Mandatory Continuing Legal Education (MCLE) requirement for out-of-state members **(Withdrawn)**

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

## Gleaves Committee Update

This biennium Joint Committee on Trial Court Judicial Resources is chaired by Eugene lawyer Vernon D. Gleaves and the vice chair is Tim Willis of Corvallis. It held a hearing on September 27, 2002, for circuit court presiding judges that are requesting new judgeships. Eight judicial districts made their case for additional judicial resources. In addition, the Committee reviewed all the judicial districts based on the Oregon Circuit Court Workload Assessment Model. The Committee is now preparing its recommendations for the legislature.

Even though it is going to be a very tight budget situation going into the 2003 legislative session, it is important to document the need for additional judicial resources, convey that information to the legislature, and be prepared to argue what it takes to maintain a well-functioning court system.

## 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 email at [boleson@osbar.org](mailto:boleson@osbar.org); contact Susan Grabe, Public Affairs Manager, at ext. 380 or by email at [sgrabe@osbar.org](mailto:sgrabe@osbar.org); or contact Joyce Patton, Public Affairs Attorney, at ext. 358 or by email at [jpatton@osbar.org](mailto:jpatton@osbar.org).