



CAPITOL INSIDER

HAPPY HOLIDAY EDITION

OSB Public Affairs Newsletter for Bar Leaders

December 21, 1998

Are You Ready For '99?

The House and Senate committee chairs for the 1999 session were announced on December 15, 1998. Speaker-elect Lynn Snodgrass decided to split the House Judiciary Committee for the upcoming session into two panels: criminal and civil. Rep. Lane Shetterly, R-Dallas, will chair the civil law committee and Rep. Kevin Mannix, R-Salem, will chair the criminal law committee. The Business and Consumer Affairs Committee will be chaired by Rep. Roger Beyer, R-Mollala. On the Senate side, Sen. Neil Bryant, R-Bend, will head the Judiciary Committee.

Governor Kitzhaber, a Democrat, will need to work out differences with a predominantly Republican legislature in an austere budget climate with ever-declining revenue forecasts. After the elections, the Oregon House is made up of 34 Republicans, 25 Democrats and one independent. This is a slight increase from the 31-29 majority Republicans had in 1997.

Three new members are lawyers who will join Rep. Lane Shetterly in the House Republican caucus: Kevin Mannix from Salem, Rob Patridge from Medford and Max Williams from Tigard. Kevin Mannix has already served four terms in the House and has extensive legislative experience as does Max Williams, who served as Judiciary Committee counsel during the 1995 session.

The addition of these members will be a great asset to the legislative process.

Part of what could create an interesting change in the '99 session will be the potential shift in emphasis from Democrat versus Republican to moderate versus conservative. The incoming republican caucus has moved the caucus toward a more conservative philosophy. This move means a resurgence of a more conservative agenda that includes politicizing the judicial election process and raising, once again, tort reform issues. Some business lobbyists are already preparing to rework parts of the existing tort system on behalf of clients upset by what they perceive to be frivolous litigation.

Lawyer Legislators in 1999

HOUSE

*Max Williams (R) Tigard, #9
*Kathy Lowe (D) Milwaukie, #26
*Kevin Mannix (R) Salem, #32
Lane Shetterly (R) Incumbent, Dallas, #34
Floyd Prozanski (D) Incumbent, Eugene #40
Mike Lehman (D) Incumbent, Coos Bay #47
*Rob Patridge (R) Medford, #50
Judy Uherbelau (D) Incumbent, Ashland, #52

SENATE

Kate Brown (D) Portland, #7
Randy Miller (R) Incumbent, Lake Oswego, #13
Peter Courtney (D) Salem, #17
Neil Bryant (R) Bend, #27
* new members

Courthouse Facilitator Program Makes Headway

The Oregon Family Law Legal Services Commission has finalized its report and recommendations for the 1999 Oregon Legislative Assembly. Chaired by the Hon. Kristena LaMar, the commission was created by the 1997 legislature to continue the work begun by the Family Law Task Force to address the unmet need for legal services in the family law arena. The commission was directed to focus specifically on the approaches of courthouse facilitation and unbundled representation.

As a result of hundreds of hours of work during the interim, the commission will introduce legislation to create a courthouse facilitation program to provide assistance to family law litigants, which will require a limited exemption to the unauthorized practice of law (UPL) statutes. The commission has worked closely with the bar's UPL Committee on the language of the proposed legislation to minimize the potential for abuse.

The proposed legislation will institutionalize the development and dissemination of family law pro se forms. In addition, it will require that the child support program notify the clients that it serves of the resources available for assistance in family law matters, including services provided through the courts, the bar, legal aid offices and law schools.

The goal is to further promote efforts to provide unbundled legal services. One step in that direction is to amend Oregon's disciplinary rules to allow attorney mediators to prepare stipulated orders. That proposed change has already passed the OSB House of Delegates, and the Supreme Court recently signed an order authorizing the change. For more information about the commission contact the chair, Judge Kristena LaMar, (503) 248-3204, or staff Maureen McKnight or Jessica Mindlin at (503) 224-4094.

CLE on Juvenile Justice

On Tuesday and Wednesday, January 12-13, the Judiciary Committee will be hosting a CLE sponsored by the National Conference of State Legislatures with assistance from the Office of Juvenile Justice and Delinquency Prevention and National Institute of Justice.

The CLE will focus on developing trends in juvenile justice. An application for MCLE credit will be submitted. For more information, contact Senior Judiciary Counsel Bill Taylor at (503) 986-1694.

Oregon Law Commission Meets

The Oregon Law Commission met in mid December in preparation for the 1999 session. This newly created entity will probably work closely with the legislature's judiciary committees and will assume responsibility for a few major public policy projects such as comprehensive code revisions. The commission reviewed its biennial report to the 1999 legislative assembly and status of ongoing projects.

Chaired by Rep. Lane Shetterly, with Sen. Kate Brown as Vice Chair, the commission has developed four drafts of legislation for introduction in the 1999 session and has identified other project areas for ongoing work. The most significant proposal is a comprehensive revision of the statutes relating to violations and infractions.

The commission voted to accept the proposal for an executive director housed at Willamette University. A number of commission workgroups have ongoing statutory revision projects underway, including workgroups addressing spousal elective share, retroactivity, time limitations, conflict of laws, and family law consolidation.

The commission, created in 1997, is charged with identifying obsolete and defective statutory laws, recommending needed reforms and submitting reports with proposed legislation to remedy these problems.

to the legislature. This session will be its first reporting period.

Requests for New Judgeships

The Gleaves or Bench-Bar Committee on New Judgeships has issued its report recommending 18 (equivalent FTEs) of 23.4 requested new judgeships for the next biennium. In this era of ever-declining revenue forecasts, funding new judgeships in the face of other worthy causes will be an uphill battle.

One element of the request for new judges is the debate aired recently before the OSB Judicial Administration Committee regarding the need for new judge positions versus converting current referee positions which would require creating a structure for referees that already exist within the system.

An additional concern raised by the counties Courthouse Facilitates Committee is how do the counties, in the face of increased financial responsibilities and burdens placed on them, continue to maintain existing courthouse facilities. The OSB Judicial Administration Committee will be grappling with these and other weighty questions as the session begins. Comments or concerns may be addressed to Chair Candace Weatherby at (503) 221-1011.

Are You Ready!

The Oregon Legislature is scheduled to begin another exciting session on January 11, 1999. Accordingly, the OSB Public Affairs Department takes this opportunity to remind everyone of the Board of Governors policy on law improvement and government relations activities.

OSB sections and committees must receive approval from the Public Affairs Committee of the Board of Governors (PAC) before any section or committee may take a public position on a proposed bill. The process for approval requires sections and committees to state, in writing, the section's or committee's position on a particular proposed bill and how that position correlates to the Government

Relations Guidelines established by the Board of Governors. See BOG Policies, Section 11.800.

Only legislation designated by the PAC as an OSB priority is actively lobbied by the Public Affairs Department staff. Typical OSB priorities include major public policy and political issues in light of Keller v. State Bar of California. If you have questions or comments about this newsletter or legislative issues, feel free to contact Public Affairs Committee chair David Hittle at (503) 581-2421

And don't forget, the OSB Public Affairs Department is available to assist anyone who has questions or needs information on proposed legislation. Contact Public Affairs staff at the bar office at (503) 620-0222 or toll-free in Oregon at (800) 452-8260. You can reach:

Bob Oleson at ext. 317 or by e-mail at boleson@osbar.org;

Susan Grabe* at ext. 380 or by e-mail at sgrabe@osbar.org;

Anastasia Meisner at ext. 358 or by e-mail at ameisner@osbar.org or

Judy Coons at ext. 376 or by e-mail at jcoons@osbar.org.

*Please note Susan Grabe will be on maternity leave at the beginning of the 1999 session. Please contact Anastasia Meisner during her absence.

Website

And don't miss the most current legislative news and links to the Oregon Legislative sites on the bar's webpage. The Public Affairs Department's legislative information page should be available beginning in January 1999. You can find us at osbar.org or you can access bills, bill history and other information directly at www.leg.state.or.us.