

MINUTES

EXECUTIVE COMMITTEE OF THE OREGON STATE BAR FAMILY LAW SECTION

Date: October 15, 2016

Location: Great Hall Conference Center – Fireside Room, Sunriver, Oregon

Present: Chair: Kimberly Quach
Chair Elect: Jennifer Currin
Treasurer: Absent
Secretary: Jennifer Brown
Past Chair: Debra Dority

Members at large: Andrew Ivers, Gwen Moore, Murray Pettitt, Lauren Saucy,
Annelisa Smith, Melinda Thomas, Stephanie Wilson,

Absent: Susan Grabe, Zachary Fruchtengarten,

Also Participating: William Boaz, Shannon Snow, Amanda Thorpe

Call to Order. The Chair began the meeting at 7:10 a.m. A quorum was present.

Approval of Minutes (June 2016) The Committee unanimously approved the June 16, 2016 meeting minutes.

Treasurer's Report. Zachary was absent and he did not forward a report. Kimberly will follow up so that FLEC has an interim report prior to the November meeting. FLEC likely will not have the final numbers reflecting the conference performance until the end of the year.

Continuing Business:

1. **Annual Conference Observations.** Overall positive feedback. Final count was approximately 411 attendees, including several walk-in registrants.
 - a. **Content** – Very positive feedback regarding the speakers and program content. Some reported as “the best yet”. Some reported feedback about too much focus on QDROs and very technical language. Good written materials.
 - b. **Food/Beverages** – Need more coffee and water. Small issue with not enough vegetarian meals. Overall, good feedback on meals and snacks.
 - c. **Facilities.** Need more power strips in the conference room. Some reported issues with wi-fi connections. Will recommend next year that attendees download materials before conference starts. Also recommended to have a microphone for attendees to ask questions to presenters. Attendees liked the lunch room and the

reception room. There were some comments about not having video overflow rooms, but overall, it has been good to have everyone in the same room.

2. **2017 Annual Conference.** The 2017 Annual Conference Committee: Jennifer Brown (chair), Jennifer Currin, Annelisa Smith, Shannon Snow, Amanda Thorpe, Stephanie Wilson, and Already have some leads on speakers for next year. Annelisa volunteered to be the chair in 2018.
3. **Welcome to New Members.** Shannon Snow (Salem) and Amanda Thorpe (Grants Pass) were introduced to the committee. Keri Smith was unable to attend.
4. **Presentation of Plaque to Kimberly.** Jennifer Currin presented a plaque to Kimberly for her service as Committee Chair 2016.
5. **Website Subcommittee Update.** Andy Ivers reports that he will post the minutes to the website. There was a discussion regarding posting the historical conference materials. Jennifer Currin is waiting on a few speakers to sign releases for 2016 materials. All speakers signed the Bar-approved releases for 2015. Andy will create a Historical Materials page, linked to the Annual Conference page. The 2015 materials will be posted soon. Andy will wait to post the 2016 materials until after all speaker releases have been provided.
6. **Legislative Subcommittee Update.** William Boaz is a member of the legislative subcommittee and proxy for Ryan Carty. William reported that the Senate Judiciary Committee is considering a major change to the custody statutes to remove the term “custody” in favor of an “allocation of parental responsibilities”. Oregon has already made the change from “visitation” to “parenting time”. SJC is seeking informal feedback on how to divide up parental responsibilities (healthcare, education, religion), but question becomes of what to do if the parties are unable to agree.
 - a. Committee expressed some hesitation regarding defining the types of questions that legal custody governs and whether or not that would create more conflict or competitive parenting. There is also a perception that, in addition to removing the word custody, one of the motives underlying the legislation is to create joint custody.
 - b. Washington has presumption of joint decision-making (which is the equivalent of legal custody in Oregon. This presumption can be rebutted by demonstrating there is a need for restrictions, and the basis for restrictions is statutorily defined. However, if the parties are unable to agree in Washington, they are able to get a decision with the help of the court within 2-4 weeks. Moreover, in Washington, there is a screening hearing (called an “adequate cause hearing”) to determine whether a modification action should be allowed to proceed, and there are two types of modification actions (a minor and a major modification action). Litigants seeking a major modification are required to meet higher standards of proof compared to litigants seeking minor modifications. Some discussion was had

regarding whether there is a need to change Oregon's statutes regarding modification procedures.

- c. There is a feeling amongst family law practitioners and parties that there is a winner and a loser in custody cases. Discussion ensued regarding whether changing the nomenclature would change this phenomenon.
 - d. The legislature has declined to define custody in the past to give deference to judges. If the elements of legal custody were defined, it is possible that issues would be missed.
 - e. There is a question as to the origin of the proposed changes. Members of the work group have raised concern about the scope of representations made during testimony regarding the issue. Great concern was expressed about the impact of mandated joint custody on cases involving domestic violence.
 - f. The lunch speaker discussed the change in Illinois, and noted it took six years to implement. Some discussion was had to see the impact of these changes in Illinois. There is also question whether there is adequate funding for a work group for a several-year-long process.
 - g. Gwen reports that in Wisconsin, the courts appoint a guardian ad litem immediately after a modification case has been filed to interview the parties, teachers, doctors, and other witnesses to make a recommendation to the court to decide the modification. Wisconsin has a strong presumption of joint custody.
- 7. Professionalism Subcommittee Update.** Debra Dority reports overall good feedback on the Professionalism Award and this year's recipient, Michael Yates. It will be an ongoing award. Since Melinda is leaving FLEC next year, Stephanie Wilson will be joining Debra on the Professionalism Subcommittee.
- 8. Hardship Policy Subcommittee Update.** Murray Petitt and Kimberly Quach reported that they will review the financials to see if more hardship waivers will be awarded. Jennifer Currin received one last-minute request and she fielded the inquiry.
- 9. Membership Subcommittee.** FLEC was pleased with expanding geographic diversity with the new members. Because Lauren will be leaving FLEC next year, Kimberly Quach and Murray Petitt will join Debra Dority on the Membership Subcommittee.

10. OSB CLE Sponsorship. The Section likely does not qualify for the co-sponsorships with the Bar. We will proceed with current course. This issue will be addressed further at the November meeting.

The meeting adjourned at approximately 8:04 a.m.

These minutes were prepared by Jennifer J. Brown, 2016 Secretary to the Oregon State Bar Family Law Section Executive Committee.

/s/

Jennifer J. Brown

*****Next meeting: Thursday, November 17, 2016 @ 3:00 p.m. via telephone conference. There will be another Starbucks card drawing at the November meeting.**