



List of Current Work/Study Groups & Timelines

Prepared by Commission Staff

Adoption

This Work Group was formed in 2011 and is chaired by John DiLorenzo. The Work Group passed bills in the 2013 and 2015 Legislative Sessions. Their work helped make Oregon a national model on open adoptions and has been featured by the media. See [Amy Wang, *New Oregon Law Makes Adoption Records Easier to Access Than Ever*, OREGONIAN ONLINE, Dec. 12, 2015](#). The Work Group's last meeting was November 16, 2015. One specific issue remaining outstanding from prior discussions is statutes relating to Indian Child Welfare Act (ICWA). Craig Dorsay, an attorney who works with the tribes, gave a presentation at the last Work Group meeting on adoptions under ICWA. Other issues that could still be addressed include: consent, putative fathers, secondary placement, modern family structure inclusivity, advertising, and solicitation. These, however, are more controversial issues and it appears it could be difficult for the Work Group to come to consensus. The Program Committee expressed that it was appropriate to table this particular Work Group for now because: 1) It has already had a lot of success; 2) Other projects that have been in our queue for a long time.

Collaborative Law (Uniform Collaborative Law Act)

The Oregon Collaborative Law Professionals, more specifically Jason Janzen and Angela Laidlaw, submitted a project proposal at the September 30, 2015, Program Committee meeting. The Program Committee approved the formation of a Collaborative Law Study Group to investigate the practice in Oregon and how it may become more formalized. Jason Janzen, Angela Laidlaw, Ryan Carty, Mark Johnson Roberts, Susan Grabe, Justice Martha Walters and Deputy Director Laura Handzel comprised the Study Group. The Study Group met on March 30, 2016. At that meeting they discussed the Uniform Collaborative Law Act, Washington's collaborative law statutes, the Oregon Rules of Professional Conduct, and other important issues like access to justice. There was additional follow up within the Bar, including the Family Law Section, occurred after March 30th. The Study Group reported its findings to the Program Committee at the August 11, 2016, meeting. At that time, testimony was received by representatives of the Bar, the Family Law Section, and the Oregon Collaborative Law Professionals. The Program Committee unanimously voted to approve a Work Group, and the matter is now before the full Commission for consideration.

Collateral Consequences (Uniform Collateral Consequences of Conviction Act)

The Uniform Collateral Consequences of Conviction Act Work Group was approved at the December 2011 Commission meeting. Commissioner Julie McFarlane was appointed Chair of the Work Group. The Work Group did not meet until September 9, 2014. The Work Group proposed HB 2367 to the 2015 Legislative Assembly.

This bill remained in the Ways and Means Committee at *sine die*. In the fall of 2015, Laura Handzel spoke with Ken Rocco from the Legislative Fiscal Office, who reported that the bill was not pushed strongly. HB 2367 never had a full fiscal impact statement prepared. A fiscal lite statement was prepared for the sole purpose of moving the bill out of Committee and to Ways and Means. At the October 29, 2015, full Commission meeting it was agreed that Laura would do further investigation and, if appropriate, the Commission would potentially resubmit HB 2367 during the 2017 Legislative Session. Laura has had conversations with various legislators as well as individuals at the Criminal Justice Commission and Department of Corrections regarding the possibility of working on a smaller concept than that contained in HB 2367. Commissioner Julie McFarlane retired recently, so Laura met with Lisa Kay, one of Julie's colleagues at Youth, Rights & Justice. Lisa expressed interest in pursuing a narrow concept. Additionally, Laura remains in contact with Brian Lewis at the Uniform Law Commission.

Direct Criminal Appeals

This project was approved at the October 29, 2015, full Commission meeting. Originally, Appellate Commissioner Jim Nass proposed the project at the May 2015 Program Committee meeting. This Work Group has been meeting bi-monthly since April 29, 2016. They plan to submit legislation in 2017 to amend the direct criminal appeals statutes - mostly how ORS Chapter 138 and related statutes deal with "appealability" and "reviewability." Commissioner Judge Stephen Bushong serves as the Work Group Chair. Jim Nass serves as the Work Group Reporter. As of now, the Work Group is reviewing their fourth draft of proposed legislation. It is noteworthy that the Work Group generally produces several research memos in preparation for each meeting.

Election Law

The Program Committee reviewed a project proposal by Gina Zejlik, on behalf of the Secretary of State's Office, at the April 30, 2014, meeting. The creation of an Election Law Work Group was approved at the May 28, 2014, full Commission meeting. Commissioner John DiLorenzo and Commissioner Rep. Jennifer Williamson were appointed as Co-Chairs. In October 2014, Wendy Johnson, former Deputy Director and General Counsel, worked along with the Co-Chairs to appoint members and interested persons. Former Law Clerk Brett Smith did preliminary research on the current Oregon Election Code. This project proposal came to the Commission while Kate Brown was still Secretary of State. Prof. Jeff Dobbins and former Interim Deputy Director Phil Schradle met with Secretary of State Jeanne Atkins and Deputy Secretary of State Robert Taylor to discuss the project. It seems that the first step will be to repeal obsolete and outdated provisions. If the Work Group starts on this project, going forward they must be cognizant to check both statutory provisions relating to election law and the elections manual. This project is expected to take a lot of time and effort by many. The budget and the Commission's limited bandwidth are the reasons why this project remains on hold.

Juvenile Court Records

This Work Group successfully completed its efforts during the 2016 Legislative Session via HB 4074.

Juvenile Delinquency Judgments

Staff Attorney Josh Nasbe of the Office of the State Court Administrator presented a proposal for a Juvenile Delinquency Judgments Work Group to the July 17, 2014, Program Committee meeting. The project proposal was reviewed and approved at the September 19, 2014, full Commission meeting. There have been some potential Work Group members contacted, but a full list of interested persons and members is still to be determined and finalized. Commissioner Mark Comstock was named Chair of this

Work Group, but the addition of new Commissioner Nancy Cozine presents a great opportunity to draw on her experience in both criminal and juvenile law and free up Commissioner Comstock to focus on Receivership. Nancy has graciously agreed to Chair this Work Group, and her and Laura have had an initial planning meeting.

Probate Modernization

The Probate Modernization Work Group has accomplished great work since December 2012, when it was officially formed. Commission Chair Lane Shetterly is Chair of the Work Group. The Work Group successfully passed legislation during the 2015 and 2016 Legislative Sessions. They are currently working on revisions to ORS Chapters 113-116 and plan to submit a bill during the 2017 Legislative Session. The Work Group will soon be reviewing its first draft.

Receivership

This Work Group was approved at the October 2015 full Commission meeting. The proposal originated from Commissioner Mark Comstock. The Work Group is using the Uniform Commercial Real Estate Receivership Act along with the relevant Washington RCWs as models to craft a clear statutory framework for receivership in Oregon. This may replace certain ORCPs currently addressing receivership. The intent is to branch out beyond the Uniform Act to cover receiverships more generally. The Work Group plans to introduce legislation in 2017. Commissioner Mark Comstock is the Work Group Chair. The Work Group is currently in the process of reviewing its first draft.

CURRENTLY APPROVED COMMISSION PROJECTS

	Proposal Author	Date of Proposal	Program Committee Meeting	Commission Meeting	Chair	Reporter	Legislation	First Meeting	Last Meeting
Adoption	Chad Krepps , OLC Law Clerk	8/19/11	8/25/11	12/12/11	John Diloranzo	Robin Pope	HB 2365 (2015) HB 2366 (2015) SB 623 (2013)	10/29/12	11/16/2015 (Inactive)
Collaborative Law (Study Group)	Angela Laidlaw & Jason Janzen, Collaborate Law Practitioners	8/6/15	9/30/16 (Study Group) 8/11/16 (Work Group approved.)	N/A	Justice Martha Walters (Study Group)	Laura Handzel	TBD	3/30/16	3/30/16 (TBD)
Collateral Consequence	John D. Adams, OLC Law Clerk	11/8/11	11/9/2011	12/12/11	Julie McFarlane (retired)	OLC Staff	HB 2367 (2015) Expected 2017	9/9/14	2/9/15 (Inactive)
Direct Criminal Appeals	Jim Nass, Appellate Commissioner	2/17/15	5/13/15	10/29/15	Judge Stephen Bushong	Jim Nass	Expected 2017	4/29/216	7/15/16 (Active)
Election Law	Gina Zedjlik on Behalf of Sec. of State Kate Brown	4/30/14	4/30/14	5/28/14	Rep. Jennifer Williamson & John DiLorenzo	TBD	TBD	Inactive	N/A
Juvenile Delinquency Judgments	Josh Nasbe, Staff Attorney, Office of the State Court Administrator	5/23/14	7/17/14	9/19/14	Mark Comstock	Josh Nasbe	TBD	In formation	N/A
Probate	Oregon Estate Planning & Administration Section (OSB)	10/02/12	11/20/12	12/12/12	Lane Shetterly	Prof. Susan Gary	HB 4102(2016) SB 379(2015) Expected 2017	10/26/13	7/18/16 (Active)
Receivership	Commissioner Mark Comstock	9/30/15	9/30/15	10/29/15	Mark Comstock	Prof. Andrea Coles-Bjerre	Expected 2017	3/8/16	8/2/16 (Active)