

**TESTIMONY ON HB 2547
BEFORE CIVIL LAW SUBCOMMITTEE OF THE HOUSE JUDICIARY COMMITTEE
2/8/2021**

**PRESENTED BY: MAUREEN MCKNIGHT, SENIOR JUDGE
OREGON JUDICIAL DEPARTMENT**

Chair Power, Vice Chair Wallen, and Members of the Committee:

My name is Maureen McKnight and I am a retired family law judge. I served for 18 years in Multnomah County, where I was the Chief Family Court Judge. Prior to taking the bench, I practiced for 22 years exclusively as a family law attorney with Oregon's Legal Aid programs. I now serve as a judge when and where assigned by the Chief Justice.

I am speaking here today both for myself and the Oregon Judicial Department.

We support HB 2547.

The "One Judge – One Family" model is a core operating principle in Multnomah County and has been adopted in part in some other counties. The concept is based on the belief, and the evidence, that children and families are best served by one judge handling all the claims and hearings of family members, rather than assigning the case to whichever judge is available or up next in the rotation. By "all the claims," I mean that the same Judge who handles the restraining order hearing also handles the later divorce or child custody case, as well as any child dependency matter that might arise, or the adjudication and probation of youth in juvenile delinquency cases, and in some courts, even the adult criminal matters – though sometimes just the probation supervision -- of the parents.

The model funnels the legal matter to the Judge already familiar with the family, with the **advantages** being:

- Shorter, more efficient hearings because the Judge is already familiar with both the case history, other controlling court orders, and the family dynamics
- Consistency in judicial approach and expectations for the parties and attorneys
- More informed decision-making due to the deep background the Judge has

The caveat in the discussion is that **strict adherence to this model is impossible for practical reasons**. Many factors can interfere with the same Judge handling all hearings:

- The Judge may not be available
- A litigant is allowed to disqualify a particular judge for a new legal case even if factually related to an existing one
- It is much harder to implement this model in our small counties, without a specialized family law department due to a smaller bench.
- Finally, the point can come for a particular family at which the parties and Judge both believe the family will be best served by fresh eyes. The model needs to address how those situations are handled.

So the “to the extent possible” qualification in my original description is significant. While One Judge is best for a family in domestic relations, courts also need the flexibility to best design their dockets to serve the needs of the public and the legal community who serves the public. The study HB 2547 anticipates would allow OJD to examine the barriers to the model and ways to best accommodate them.

In addition to barriers, I would recommend that the study include best practices regarding the ethical issues implicated by the model as well. A primary issue is whether and, if so, how a Judge may consider rulings from other cases in the court’s case management system or facts produced at in a different case involving the same family. The One Judge / One Family model frequently presents this issue and judges very much welcome guidelines and practical suggestions for handling the various scenarios.

Finally, we would like an amendment to change the report timeline and will work with the sponsor on that.

Thank you for considering my comments.

Respectfully submitted,

MAUREEN McKNIGHT, Senior Judge