

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure

Vote: 4 - 0 - 1

Yeas: Beyer, Prozanski, Walker, Burdick

Nays: 0

Exc.: Kruse

Prepared By: Matt Kalmanson, Counsel

Meeting Dates: 3/7

WHAT THE MEASURE DOES: Permits the Chief Justice of the Supreme Court to adopt rules allowing the use of electronic documents for all documents that are served or filed in any legal action. Establishes that the Chief Justice may promulgate rules for the electronic service of a document other than service of a summons or an initial complaint or petition. Permits the State Court Administrator to establish procedures for the destruction of records and other documents after making an electronic or other copy of the document. Requires trial court administrators to seal and store an original or negative copy of a document, and ensure that any electronic copies of documents are updated into commonly used formats. Substitutes or adds the word "document" into various statutes that use the term "paper" or "process."

ISSUES DISCUSSED:

- The work of the Oregon State Bar (OSB) Electronic Filing Task Force
- Benefits of electronic service and filing
- Inefficiencies in requiring paper copies of documents
- Safeguards to prevent fraud and preserve parties' right to notice
- Need for rules designed to protect reporters' work product
- Practice of federal courts and courts of other states
- Need for broader statutory authority to allow the creation of a comprehensive e-filing system

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: HB 2357 is a product of the OSB's E-Filing Task Force, and is intended to broaden the scope of the Chief Justice's authority to promulgate rules governing the electronic service and filing of documents. The Task Force, which includes a representative of the Office of the State Court Administrator, believes that the current scope of authority is insufficient to create a comprehensive e-filing system.

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This summary has not been adopted or officially endorsed by action of the committee.