

**Testimony of Oregon State Bar in Support of HB 2241
Before the House Judiciary Committee**

March 19, 2019

Chair Williamson, members of the Committee:

The Oregon State Bar continues to strongly support the Oregon eCourt program and fully supports covering a portion of the cost of the system through an assessment on state users. We agree with the Oregon Judicial Department that, to the extent possible, Oregon eCourt should be a system that generates sufficient revenue from a variety of sources to offset a significant portion of the operating costs.

Oregon eCourt has been one of the most successful I.T. projects in Oregon. However, as was noted by the OJD presentation to the Ways and Means Public Safety Subcommittee in 2017, about 60% of eCourt users are not currently paying to support the system. This includes law enforcement, local governments, the Department of Human Services, and other state agencies. The lack of direct support from state agencies and counties means that these costs disproportionately fall on individual Oregonians using the civil court system. This raises the cost of accessing the courts to address legal issues and creates real access to justice problems for Oregonians.

By passing HB 2241, Oregon's court system would have greater flexibility to impose reasonable fees on public bodies to ensure a stable and adequate funding stream for Oregon eCourt. Coupled with the existing filing fee structure, funding for this important program would be shared among all users of Oregon eCourt, rather than falling disproportionately on Oregonians trying to get their day in court.

The Oregon State Bar has consistently relied on principles by which costs to access the courts and court information should be judged. These principles, set forth below, are as applicable to an assessment as they are to court filing fees.

- Access to justice. Costs should be distributed in such a way that everyone has access to the court system.
- Strong courts build strong communities.
- Courts are a core function of government.
- Constitutional and statutory mandates require the courts to resolve all disputes brought to them, some within certain time constraints.

- Revenue generation is an appropriate factor to consider in setting fees and assessments, but revenue generated from these sources alone will never fund the court system adequately.
- Balance. A healthy fee structure balances generation of revenue and access to justice.
- Fee structure should be transparent, simple and understandable:
 - Fees should not impede reasonable access to justice.
 - Fees should be uniform across the state.
 - Fees should be cost-effective and transaction costs minimized.
- Fee waivers and deferrals should be granted in appropriate cases.
- Revenue neutrality. Court fees should not become more of a revenue source for courts than they already are.

For nearly ten years the bar participated in the Oregon State Bar/Oregon Judicial Department eCourt Implementation Task Force to advise and assist the Chief Justice and the Judicial Department on the practicing bar's eCourt experience. This task force considered issues related to fees and assessments to fund the system numerous times over the years and has consistently advocated for as balanced an approach to Oregon eCourt funding as possible.

The bar looks forward to continuing to work on this issue during sessions to come.

Respectfully submitted,

Oregon State Bar