

**TESTIMONY ON SB 813
BEFORE THE SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110
IMPLEMENTATION
APRIL 12, 2021**

**PRESENTED BY: ERIN PETTIGREW, ACCESS TO JUSTICE COUNSEL FOR
LEGISLATIVE AFFAIRS
OREGON JUDICIAL DEPARTMENT**

Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

My name is name is Erin M. Pettigrew, Access to Justice Counsel at the Oregon Judicial Department (OJD). OJD is neutral with respect to SB 813 and the -1 amendment. I submit the following testimony to provide the Committee with information about what lead to the enactment of HB 4212, Section 7 (First Special Session, 2020), which is the subject of this concept.

The changes proposed by this legislation are consistent with goals to address an access to justice problem that attorneys identified at the outset of the COVID-19 pandemic. Attorneys from both the plaintiff and defense bars approached the Oregon Judicial Department with sincere concerns about filing deadlines, including but not limited to statutes of limitations to file suit. It was unclear whether individuals and plaintiffs' attorneys would be unable to file complaints initiating lawsuits safely and on time and whether defense counsel would be able to promptly file answers.

Hearing those concerns and other then-emergent issues presenting problems for litigants in getting their matters heard, Chief Justice Martha Walters submitted a letter to legislative leadership on March 21, 2020. In that letter, Chief Justice Walters identified that numerous statutory deadlines could pose problems for parties when they will "have a hard time finding lawyers, lawyers will have a hard time working without staff, and our courts have been reduced to skeleton crews." This started a multi-stakeholder process leading to the drafting and enactment of HB 4212, Sections 6 and 7, to address statutory timelines and modes of appearance, as applied to courts and court processes during the Governor-declared COVID-19 state of emergency.

Then, as now, OJD remained neutral as to whether the Oregon Legislature should make changes to statutes of limitations, statutes of repose, or other laws governing the start of a case in the circuit courts. That was, and is, a policy question better left to the legislative branch. Nevertheless, SB 813 and the -1 amendment is consistent with the proponents' goals that lead to the enactment of HB 4212, Section 7, as OJD understood them at the time.

Please do not hesitate to reach out if you have any questions. Thank you for the opportunity to provide this information to the Committee.