

CHRISTOPHER L. CAUBLE
MAX C. WHITTINGTON

CAUBLE & WHITTINGTON, LLP

SOUTHERN OREGON OFFICES
TELEPHONE (541) 476-8825

ATTORNEYS AT LAW

PORTLAND METRO OFFICES
TELEPHONE (503) 343-6645

KELLIE A. FURR
CHASE A.S. BEGUIN

SOUTHERN OREGON OFFICE
111 SE SIXTH STREET
PO BOX 398
GRANTS PASS, OR 97528

FACSIMILE (541) 471-1704

KSEN P. MURRY
(Of Counsel)

PORTLAND OFFICE
1205 NW 25th AVENUE
PORTLAND, OR 97210

E-mail ccauble@thecaublefirm.com
www.thecaublefirm.com

AMANDA C. THORPE
(Of Counsel)

CLACKAMAS COUNTY OFFICE
2647 SE LAKE ROAD
MILWAUKIE, OR 97222

LOUIS F. SCHULTZ, JR.
(1923-2004)
RAYMOND J. SALISBURY
(1925-2009)

WALTER L. CAUBLE
(Retired)

January 24, 2023

Oregon State Senate Judiciary Committee
(via email only)

Re; SB 528

Dear Committee Members

This letter concerns SB 528 which being heard in the Senate Judiciary Committee this week.

I have been practicing law since 1996 as a litigator but my firm and I also handle protective proceedings which this bill will impact substantially. There is a great deal of concern among estate/protective proceeding attorneys that this bill really does not accomplish much and does not really provide any additional protections, but will make these more expensive for Oregonians who are involved in these kinds of cases and will also burden courts with more procedures. Legal costs in Oregon are going higher and higher every year and the last thing Oregonians need are things that cost more and don't accomplish much.

Here are the concerns in general.

Concerns

1. the impact this will have on the costs of guardianships and conservatorships (but especially guardianships where often none of the parties have the resources to support these costs)
2. the impact this will have on the willingness of parties to serve as guardians and the related harms that will come to persons in need of guardians for whom no one is willing to serve
3. the reduction in the willingness and availability of professional fiduciaries to serve as guardians.
4. the likelihood of this trapping more people in hospitals who can't be discharged without a guardian.
5. the lack of any legal structure to implement "supported decision making"

6. the requirement that notices talk about an underfunded and failing program to appoint attorneys for respondents that is currently only operational in a handful of counties
7. the strain created on the already over-taxed pool of court visitors
8. the logistical issues and burden added to the courts in counties that currently have parties secure the services of a court visitor from the court-approved list
9. the shifting of so much burden and cost onto individuals and their families when systems, like DRO, that are meant to help them are throwing their hands up due to funding issues
10. the over-limitation and burdening of guardians
11. the creation of additional burdens to end of life care decisions that don't even exist for individuals not adjudicated to be incapacitated
12. the logistical issues, costs, and psychological impacts on all parties associated with requiring the guardian's report to be reviewed by the protected person, especially with the added language about adding restrictions on the guardian's authority

Also, I have heard other lawyers concerned about the burden on the court system since the "clear and convincing" standard would seem to force judges to hold hearings rather than rely on visitor reports in cases with ANY grey at all. The court system is already underfunded and overburdened.

In any event, anyone on the committee who wishes to discuss these issues with me further can do so.

Very truly yours,

CAUBLE & WHITTINGTON, LLP

s/Christopher L. Cauble

Christopher L. Cauble
CLC/sp