

CHRISTOPHER L. CAUBLE  
MAX C. WHITTINGTON

## CAUBLE & WHITTINGTON, LLP

SOUTHERN OREGON OFFICES  
TELEPHONE (541) 476-8825

ATTORNEYS AT LAW

KELLIE A. FURR  
CHASE A.S. BEGUIN

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

PORTLAND METRO OFFICES  
TELEPHONE (503) 343-6645

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)

LOUIS F. SCHULTZ, JR.  
(1923-2004)

WALTER L. CAUBLE  
(Retired)

CLACKAMAS COUNTY OFFICE  
2647 SE LAKE ROAD  
MILWAUKIE, OR 97222

RAYMOND J. SALISBURY  
(1925-2009)

March 14, 2023

Oregon State House Judiciary Committee

### Re: HB 2950

Dear Committee Members:

I would like to submit this testimony in support of the proposed framework of a new probate procedure as outlined in HB 2950. I do believe that more work may be necessary in the legislation in order to eliminate unforeseen unintended consequences. Also note that while I am a member of the Oregon State Bar Board of Governors, this letter is not being sent in my role as a member. These are my own opinions.

As far as my experience and qualifications to speak as to this issue, I believe that my opinion carries weight. I have practiced law in Oregon for almost 27 years. In addition to being a trial lawyer, I also have practiced in probate law during my entire career. I would estimate that I have completed close to 1,000 probate matters in my career. One of the things that I support is creating more processes to include making probate easier, fairer and more affordable. The goals of this legislation would accomplish that. Some of the more attractive things that this law would provide is as follows.

1. It expands the kinds of assets that can be used in this simpler and cheaper process.
2. It protects the rights of creditors. But only those who present their claims and debts within a reasonable time . It puts the onus on creditors.
3. It shortens the time by which the probate can be completed and eliminates procedures that are rarely applicable or really necessary in the modern age.
4. Administration costs are far, far less. Even an easy probate can cost \$5,000-\$6,000 and most of them cost more than that. The filing fees are significant. It can be a real burden on family members to come up with the money to hire a lawyer when there are no liquid assets in the estate and the family wants to keep the property in the family.
5. There is another state that has adopted this and we can review and follow how this bill has impacted the probate process in Kansas or any other state with similar legislation.

March 14, 2023

Page 2

I do understand that this process may impact a lot of probate attorneys bottom lines. However, I do not believe that this will be the case. As a lawyer, my view is that if there can be a simpler process, how much lawyers are impacted should not be a factor. We need to look out for our citizens and always try to find efficiencies in the process. Also, the vast majority of probate work would not be impacted under this statute.

I am available to answer any questions but I would leave the committee with this. A lot of work is necessary to amend aspects of the probate code to make it easier to avoid a complex probate if it can be avoided. A lot of probate attorneys, like the main advocate for this bill, Mr. Fournier, recognize the need for reform. I would be willing to serve and assist in any committee that is appointed by the legislature or within the Oregon State Bar to look at these ideas and suggest any additional legislation or improvements to this bill.

Thank you for your consideration of this bill in your work. We all appreciate any efforts to make access to justice easier for Oregonians.

Very truly yours,

*s/Christopher L. Cauble*

Christopher L. Cauble  
CLC/sp