

HB 2461 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/4

WHAT THE MEASURE DOES:

The measure modifies the minimum notice requirement for requesting remote testimony, from thirty days in advance of the testimony date, to any time that is sufficiently in advance of the testimony date to allow the opposing party to challenge the good cause factors supporting the request and to establish any factors of prejudice. The measure also adds specificity to the prejudice factor regarding whether facilities are readily available that would permit the taking of remote testimony, to include whether reliable facilities or technology are readily available for the court, counsel, parties, and witness.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In civil cases, ORS 45.400 allows the court to consider a number of factors to decide whether there is good cause to allow remote testimony at a trial or hearing and whether it outweighs any factors of prejudice to the party opposing the motion. A request for remote testimony at a civil trial must also demonstrate a compelling need for the testimony to be remote.