

HB 2463 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/4, 2/11

WHAT THE MEASURE DOES:

The measure clarifies that the total amount of a claim can include identified prejudgment and preaward interest, fees and costs, when determining if the claim total exceeds \$750.

FISCAL: Has minimal fiscal impact.

REVENUE: No revenue impact.

ISSUES DISCUSSED:

- Pro se parties' confusion about how to tally amount of claim.
- Filing fees, process server fees and public records request charges can be included.
- Incentives to resolve disputes.
- Oregon State Bar Law Improvement Program process for recommending changes to law.

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Small claims provide less formal hearings and trials than regular circuit court proceedings, with the object of providing prompt and economical conclusion of disputes. An attorney is not allowed participate in small claims court for a client absent the judge's consent. Judgments from small claims proceedings are not appealable and have the full force and effect as regular circuit court judgments. When the value claimed is over \$750, the Oregon Constitution provides a right to a jury trial. Or. Const. Art VII, Sec. 3. Claims for values under \$750 that do not have statutory attorney fees must be filed in small claims court. ORS 46.405(2); ORS 55.011(2). Persons may opt to file in small claims court anytime the claimed value is \$10,000 or less, but the defendant may request a jury trial and have the case transferred to the regular circuit court if the amount is over \$750.