

**Testimony before the House Judiciary Committee
in support of House Bill 2461
On behalf of the Oregon State Bar
February 4, 2025**

Chair Kropf, Vice Chairs Wallan and Chotzen, and Members of the Committee:

For the record my name is Mark Peterson. I am the Executive Director of the Oregon Council on Court Procedures. The Council is a statutorily created committee that is responsible for updating and maintaining the Oregon Rules of Civil Procedure.

The Oregon State Bar (OSB) is a public corporation and an instrumentality of the court with over 15,000 active members. The OSB serves the public interest by: regulating the legal profession and improving the quality of legal services; supporting the judiciary and improving the administration of justice; and advancing a fair, inclusive and accessible justice system. This bill is put forth as part of the bar's Law Improvement Program.

HB 2461

HB 2461 changes the requirements that apply when a party in a civil case wants to provide what is called "remote location testimony". Remote location testimony includes any form of witness testimony when the witness is not physically present in the courtroom. This includes both telephonic testimony that we have used in Oregon for many years, as well as video testimony through Zoom or Teams or other internet applications. Over the last 5 years, we have seen a significant increase in the use of remote location testimony in Oregon, and courts have become more comfortable and familiar with using it. As written the bill applies only to witness testimony.

Currently ORS 45.400 requires that parties make a motion to the court, and give notice of the motion to other parties, at least 30 days in advance of the proceeding where the remote testimony would be given. While in some cases it may be appropriate to require noticing this far in advance, in many cases it is not necessary or feasible to make the motion this early. This can result in either delays or additional hearings if parties are unable to meet this requirement.

HB 2461 would replace this 30 days rule with a requirement that the notice be given sufficiently in advance of the hearing to allow the nonmoving party to object to the motion through the process that's already laid out in statute. This change will make it easier for courts to determine how much notice is reasonable based both on the individual situation in that case, and on the local court's capacity to handle remote location testimony.

16037 SW Upper Boones Ferry Road, PO Box 231935, Tigard, Oregon 97281-1935

(503) 620-0222 toll-free in Oregon (800) 452-8260 fax (503) 684-1366

www.osbar.org

HB 2461 does not require a party to use remote location testimony but is intended to make the process easier when they decide that it is appropriate. Judicial discretion remains intact regarding the allowance of remote testimony.

Thank you for your consideration of HB 2461. I am happy to answer any questions.