

**TESTIMONY ON HOUSE BILL 2461
BEFORE THE SENATE COMMITTEE ON JUDICIARY
APRIL 14, 2025**

**PRESENTED BY: KIMBERLY MCCULLOUGH, SENIOR COUNSEL FOR
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OREGON JUDICIAL DEPARTMENT**

Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

The Oregon Judicial Department (OJD) is pleased to submit this testimony in support of HB 2461, which provides courts with more flexibility to allow parties and witnesses to provide remote testimony in civil cases.

Remote testimony in civil cases, which may occur by telephone or video conference, has several advantages. Remote testimony is generally more efficient for litigants, saving time and resources. Parties and witnesses also save costs associated with travel, time off from work, childcare, and attorney fees.

The ability to appear remotely often makes courts more accessible for parties and witnesses, particularly for individuals with disabilities or health or safety concerns. Remote testimony also allows for greater access to expert witnesses because a party may not be able to afford to pay the expenses of a witness who must travel a long distance to the courthouse.

Remote testimony can also increase safety for victims and have benefits from a trauma-informed perspective. For example, an individual seeking a restraining order may feel more willing to testify or provide full and accurate testimony if they do not have to appear in the same location as the alleged abuser. Remote testimony also can eliminate the possibility of a victim being followed in or from a courthouse. It also protects against a victim being recognized by a friend or family member of their abuser at the courthouse, which could tip off the abuser to the fact that a victim is seeking an ex parte protective order.

Remote location testimony also aligns with OJD's Justice Campaign, particularly our commitments to improve access for people who are underserved, vulnerable, and marginalized, and to eliminate barriers to access to justice, along with our specific initiative to "provide court proceedings that are accessible and conducted in a mode and manner that best serve the need for justice in our communities."¹

Under current law, a party to a civil case must file a motion requesting remote testimony and provide notice to the other parties to the case at least 30 days before the trial or hearing where the testimony will occur. The court may allow remote testimony if it

¹ Oregon Judicial Department Justice Campaign 2024-27,
<https://www.courts.oregon.gov/about/Documents/JusticeCampaign2024.pdf>

determines – by examining a list of factors set out in statute – that there is good cause to allow remote testimony that is not outweighed by prejudice to the nonmoving party.

HB 2461 will replace the 30-day standard with a more flexible framework. More specifically, the court may allow remote testimony if notice has been given “sufficiently in advance” of the hearing to allow the nonmoving party to object and argue that the factors set out in statute weigh against allowing remote testimony. It also adds the following to the list of factors:

“Whether reliable facilities and technology * * * would permit the taking of remote location testimony are readily available to the court, counsel, parties and the witness.”

We appreciate that HB 2461 and the additional factor above will allow different courts the discretion to work within the bounds of what is feasible for them, counsel, parties, and witnesses. The more flexible framework will also allow courts to adjust how much time is “sufficiently in advance,” as technology develops and becomes more accessible. We also appreciate that HB 2461’s effective date of January 1, 2026, will give courts and parties time to prepare for the change.

We would like to thank the Oregon State Bar for bringing this bill forward and for proactively engaging with us about the bill.

Thank you for your time and the opportunity to provide this testimony.