

**Testimony in Support of HB 2561  
Before the Public Safety Subcommittee of the  
Joint Committee on Ways and Means**

May 7, 2013

My name is Mark B. Comstock. I have been a member of the Oregon State Bar since 1981, and I practice in Salem in the firm of Garrett Hemann Robertson P.C.. I am a former member of the OSB Board of Governors. I currently chair the OSB/OJD eCourt Implementation Task Force. I am appearing on behalf of the Oregon State Bar in support of HB 2561.

Under current law, the Chief Justice has authority to establish fees for the use of the Oregon Judicial Information Network (OJIN). These fees help to support the OJIN infrastructure. OJIN is being replaced with a new electronic system, Oregon eCourt, which should be operational statewide in 2016.

The bar supports the Chief Justice's continuing authority to establish fees for the use of judicial branch electronic applications and systems, including Oregon eCourt. To the extent possible Oregon eCourt should be a system that generates income sufficient to support itself. The legislature will retain the authority to limit expenditures of this income each biennium.

The bar also supports the use of the generic term "state court electronic applications and systems", to avoid having to return to the legislature in the future if the next generation of electronic applications is called something other than "Oregon eCourt". The qualifier that the fees must be "reasonable" encourages the chief justice to keep fees for these services in line with what has been charged in the past for OJIN data, but gives the chief justice some latitude to adjust fees if costs increase.

Bar members are sensitive to court fees as impediments to access to justice. The bar has created an Oregon State Bar/Oregon Judicial Department eCourt Implementation Task Force to advise and assist the Chief Justice, the Oregon State Bar and the Judicial Department with the practicing Bar's eCourt experience. This task force would be the most appropriate group to provide input on Oregon eCourt fees. The bar suggests that any Oregon eCourt fees charged and collected be dedicated to the development, enhancement and maintenance of the Oregon eCourt system and not simply rolled into the general fund.

The bar supports the chief justice's discretion to establish fees for the use of judicial branch electronic applications, and supports HB 2561.