

**TESTIMONY ON HB 2562
BEFORE THE HOUSE JUDICIARY COMMITTEE
February 6, 2013**

PRESENTED BY: BRUCE C. MILLER, OFFICE OF THE STATE COURT ADMINISTRATOR

As the Oregon Judicial Department moves toward implementation of the Oregon eCourt Program, we have tried to identify statutes that should be amended to make them work as suitably in the electronic environment as they do in a paper-based environment. This bill is meant to help the state court system efficiently manage its records in the electronic realm.

The bill does the following:

- §1 amends ORS 1.002(2), to state that the Chief Justice's rules governing the use of electronic applications cover all types of state court records (not just documents filed in an action) such as jury management documents under ORS chapter 10; documents filed before an action or proceeding is commenced (e.g., search warrants); and administrative documents subpoenaed or requested as public records.
- §2 removes an anachronistic requirement that state courts maintain a separate probate index. State court case management systems maintain this probate case information in the electronic case register, the same as for any other case type filed in state court. A circuit court can query the register for a list of probate cases and there is no need to keep a separate probate index.
- §3 amends ORS 7.124 regarding the State Court Administrator's records retention and document destruction authority for electronic records to make the process for scanning paper documents into electronic format more efficient (such as scanning documents from a file in a batch), and to include the documents of all the state courts (appellate and tax), not just circuit courts. We are seeking an amendment to designate the electronic copy as the "official" court record.
- §§4-8 modify laws that govern filing transcripts of trial court proceedings for purposes of appeal. The current statutes do not fit well with the electronic environment contemplated by the Oregon eCourt program. Oregon's appellate courts already accept transcripts on electronic disk and the amendments in this part of the bill establish clear and consistent procedures for parties, lawyers, and transcriptionists to follow when filing a transcript electronically.
- §9 addresses the use of captions in the bill.
- §10 states that the bill takes effect upon passage.