

## Oregon State Bar support for HB 4066

### Chief Justice authority to set fees for Oregon eCourt

Ways and Means Subcommittee on Public Safety, February 24, 2014

Co-Chair Winters, Co-Chair Williamson, members of the committee, my name is Travis Prestwich. I'm an attorney with Swanson Lathen Alexander here in Salem. I am also a member of the Oregon State Bar's Board of Governors, and chair of the BOG's Public Affairs Committee. The Oregon State Bar would like to express its support for HB 4066.

HB 4066 would give the Chief Justice authority to set reasonable fees for the use of the Oregon eCourt system. In 2013 the legislature adopted HB 2562, which increased some filing fees for the purpose of funding the ongoing eCourt implementation. HB 4066 would maintain this revenue source for implementation, as well as provide the Chief Justice with permanent authority to establish reasonable fees for the new Oregon Judicial Case Information Network after an appropriate notice and comment period. As an organization comprised of all lawyers in the state, the Oregon State Bar is keenly interested in a fair, balanced and transparent filing fee system.

#### Principles

The bar participated in legislative consideration of filing fee re-structuring during the 2009-'11 and 2011-'13 interims, forming an Oregon State Bar Court Fees Task Force in 2010. This task force developed principles by which filing fees should be judged, which are as applicable to proposed Oregon eCourt fees as they are to filing fee issues in general.

- Access to justice. Filing fees should be set at a level that everyone has access to the court system. Filing fee income dedicated to legal services ensures some access to courts for low income Oregonians.
- Strong courts build strong communities.
- Courts are a core function of government.
- Constitutional and statutory mandates require the courts to resolve all disputes brought to them, some within certain time constraints.
- Revenue generation is an appropriate factor to consider in setting filing fees, but revenue generated from such fees alone will never adequately fund the court system.
- Balance. A healthy fee structure balances generation of revenue and access to justice.
- Fee structure should be transparent, simple and understandable:
  - Fees should not impede reasonable access to justice.
  - Fees should be uniform across the state.
  - Fees should be cost-effective and transaction costs minimized.
- Fee waivers and deferrals should be granted in appropriate cases.
- Revenue neutrality. Court fees should not raise more revenue for courts than is currently the case.

OSB members have a strong interest in the development of an eCourt funding system that is consistent with the principles articulated above, and believe that eFiling, eService and remote document access can provide benefits to the Bar. To that end, the Oregon Judicial Department and the Bar have continued to work together to refine the OJD's eFees concept. As Oregon counties continue to go online with eCourt we will begin to develop additional data on system usage that will inform decisions going forward. The OSB is confident that the Chief Justice's discretion regarding eCourt fees and ongoing adjustments to the system as more comprehensive data regarding its usage develops can be exercised in a manner that provides benefits to the courts, the public, and the Bar while providing adequate revenue, generating significant efficiencies and ensuring reasonable access to justice.

