

**Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session**  
**STAFF MEASURE SUMMARY**  
**Senate Committee On Judiciary**

**MEASURE: HB 2328**  
**CARRIER: Sen. Prozanski**

**Fiscal:** No Fiscal Impact  
**Revenue:** No Revenue Impact

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**Action Date:** 02/25/15  
**Action:** Do Pass.  
**Meeting Dates:** 02/25  
**Vote:**  
Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher  
**Prepared By:** Laura Handzel, Administrator

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**WHAT THE MEASURE DOES:**

Clarifies which parties must appear in court proceedings by attorney and which parties are permitted to appear absent of counsel.  
Declares emergency, effective upon passage.

**ISSUES DISCUSSED:**

- House Bill 2328 clarifies current law and maintains status quo
- Broad court interpretations of term “corporation” contained in current statute
- Applicability to state agencies
- Other examples of applicability

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

Current Oregon law states that any action, suit or proceeding may be prosecuted or defended by a party in person, or by attorney, except that the state or a “corporation” must appear by attorney in all cases (ORS 9.320). “Corporation” is left undefined within this statute as well as in several other sections, or where a definition is included, is ambiguous. Consequently, some individuals, non-lawyers in particular, apply a narrow definition to the term and interpret the statute as only requiring the state or a formal corporation to appear by attorney. Several state court opinions, however, find a much broader meaning of “corporation,” ruling that the requirement also applies to limited liability companies, partnerships, trusts, unincorporated associations, and other entities.

House Bill 2328 clarifies the statute and its meaning by deleting the word “corporation” and inserting “party that is not a natural person” both in ORS 9.320 and other relevant ORS sections.