

**Testimony before the House Judiciary Committee
In Regards to House Bill 4093
On behalf of the Oregon State Bar**

January 29, 2016

Chair Barker, members of the committee:

Thank you for the opportunity to testify in regards to House Bill (HB) 4093 which would allow counties to impose a surcharge on civil filing fees. The bar's overarching legislative priority is maintaining open and accessible courts to ensure access to justice. Over the years, the Oregon State Bar has prioritized funding for courthouse facilities and we appreciate the legislature's, and Multnomah County's, continued focus. The bar is also aware of the additional funding needs for Oregon eCourt and has worked closely with stakeholders to ensure a balanced approach to funding this important project. After reviewing HB 4093, we encourage the legislature to create an interim task force to develop a comprehensive plan to address the funding needs of both the courthouse projects and Oregon eCourt.

A change to Oregon's filing fee system is a complicated endeavor. The Oregon State Bar has been closely involved with two substantial changes over the last decade. First, the passage of HB 2710 and HB 2712 which streamlined Oregon's civil and criminal filing fees occurred during the 2011 legislative session. Secondly, the creation of the State Court Technology Fund to fund Oregon eCourt implementation occurred during the 2013 and 2014 legislative sessions. In both situations, stakeholders met extensively to ensure balanced and comprehensive legislation.

Court Filing Fees - Seven years ago, the Joint Interim Committee on State Justice System Revenues was created to study the Oregon Judicial Branch's fee collection and revenue distribution structure. It was tasked with identifying best practices and making recommendations to simplify the filing fee system. After two years of almost monthly meetings, the Interim Committee introduced two bills (HB 2710 and HB 2712) during the 2011 legislative session to streamline and simplify Oregon's filing fee system. The committee identified the following as its guiding principles:

- Preserving court access for Oregonians,
- Improving efficiency, and
- Creating a stable, predictable and transparent flow of money that could be accounted for and understood by the public.

Prior to 2011, various amounts were added on top of a base filing fee to support a number of programs related to the justice system. The entities receiving the revenues bore the loss if fee revenues fell short and enjoyed the benefits if revenues were above projections. Court and/or county specific filing fees not only complicated the filing fee collection process, it also created access to justice barriers for Oregonians. The passage of HB 2710 and HB 2712 during the 2011 legislative session created consistent filing fees throughout the state. The add-on fees which had been found on top of civil court filing fees

were incorporated into the statutory filing fee in HB 2710 and the violation fine system was streamlined in HB 2712. After the passage of these bills, the collection of funds was centralized and a more comprehensive, efficient, and equitable approach was created.

Since the streamlining of the court's filing fee process, new challenges have arisen. The Oregon Judicial Department has almost completed its successful implementation of Oregon eCourt. In addition, the Court, the Counties and the Legislature have joined forces to rebuild Oregon's aging courthouses. The Oregon State Bar has identified both of these endeavors as legislative priorities.

Oregon eCourt – During the 2013 session, the legislature passed HB 2562, after complex negotiations with all stakeholders, made a number of changes to both the amounts and the distribution of some court fees. This included an approximately 5% increase in court filing fees throughout the state which were directed towards the State Court Technology Fund. During the 2014 legislative session, the legislature made this increase permanent and clarified that the Chief Justice had specific statutory authority to establish reasonable temporary and permanent fees for the use of the Oregon Judicial Case Information Network (which includes OJIN, the appellate case management system, and Oregon eCourt). With the expected completion of Oregon eCourt implementation in the coming year, the court will be exploring opportunities for funding Oregon eCourt.

County Courthouse Construction and Repair – During the 2013 and 2014 legislative sessions, the legislature and the counties crafted a cost sharing solution for funding the repair and replacement of county courthouses. During the 2013 session, the Legislature passed SB 5506 which allowed the State Treasurer to issue bonding to fund the Oregon Courthouse Capitol Construction and Improvement Fund. However, the bill also required a county to transfer not less than 50% of the total estimated costs to the Fund as well, making the state and a county partners in building or remodeling any courthouse. In 2014, the legislature passed SB 5703 which clarified that a county's responsibility for 50% of the total estimated costs of a project could be met, in part, by a credit based on either the value or price of land purchased by the county for a courthouse.

This session, as in previous sessions, the Oregon State Bar has identified support for the Oregon Judicial Branch and specifically Oregon eCourt and court facilities as legislative priorities. The bar recognizes the need for additional funding to ensure Oregon's courts remain open and accessible to the public and to ensure access to justice. Over the last several years it has been actively involved in discussions regarding both the implementation and funding of Oregon eCourt as well as funding for the preservation and construction of court facilities.

The Oregon State Bar continues to be a partner of the courts. We understand that the state is responsible for financially supporting basic needs such as the health, safety and education of its citizens. The changes made during the 2011 legislative system to the court filing fee system reflected years of discussion, compromise, and balancing of the needs of the counties, the state, the court, and Oregon's citizens. We would encourage the legislature to create an interim committee to review and discuss a comprehensive approach that ensures access to justice for all Oregonians.