

To Whom It May Concern,

I am writing to express my support of SB 358 and HB 2734 regarding changes to the small claims mediation process under state law.

In addition to my work as an attorney and private mediator, I volunteer as a mediator of small claims cases once a week at Clackamas County Resolution Services. Several of the cases I have mediated involve issues addressed by SB 358 and HB 2734, and I am thrilled to see that efforts are being made to rectify certain imbalances in the process.

In particular with respect to SB 358, when a collection agency is a party in a small claims mediation, the playing field is not level. I have seen several cases where the collection agent was not able to honestly negotiate or meaningfully participate in the mediation because they were not the actual party in interest. This is dangerous for several reasons, including the fact that the debtor frequently realizes that the other side is not fully engaged or in compliance with the requirements of mediation set by the court and therefore feels that the process is unfair, imbalanced, and predatory. In one matter I mediated, the collection agent had no ability to dismiss a demonstrably false charge because her company did not own the debt. The fact this occurred and came to light during mediation was extremely difficult to explain and to handle, and it is something that should not be able to continue. Had the actual party in interest been at the table, the individual would have had or been able to quickly obtain the authority to dismiss the claim. This must be rectified so that mediation in small claims cases can continue to be a valuable and fair process to the parties involved.

I also support the other aspects covered by both bills regarding the ability of one spouse to appear and mediate an agreement for which both spouses are jointly responsible, and a reduction in the applicable interest rate in small claims cases.

I firmly believe that mediation in small claims cases is a crucial and valuable service provided by state/local agencies, and one that has the ability to encourage individuals to consider or seek out mediation in other aspects of their lives. For this and many other reasons, the mediation playing field must be leveled in order to live up to the promised ideals of the mediation process - that it is a fair, impartial, and mutually beneficial process for all parties involved.

Sincerely,

Genevieve Evarts

Law & Mediation Office of Genevieve E. Evarts, Esq.
3 Monroe Pkwy, Suite P-130
Lake Oswego, OR 97035