

Chair Barker,

My name is Abbey Bowman. I am a certified Small Claims Mediator for Multnomah and Clackamas Counties. I am writing this testimony in my support of Bill HB 2734 for a number of reasons.

First, as a Small Claims mediator I often see cases we call "collection cases" where the plaintiff is a collection agency who is collecting on behalf of a (usually) larger organization. In these cases the collection agency representative often states that they will not negotiate the terms of the perceived amount owed. The options for the defendant are to make payments, pay in full or go to court. The problem with this from a mediator's perspective is that the collection agent is not coming to the table with authority to make negotiations regarding the perceived amount owed. Often times a defendant has legitimate concerns about the bills and there is not the ability to take their perspective into account. Sometimes they have not paid the bill because they feel it is unjust, inaccurate or malpractice. The defendant is then put into a difficult position where they must full accept something that may not be accurate, often at a cost that will affect their financial situation very negatively, or to risk having a judgment against them in court. I would like to point out that the collection agent will often let the parties know that they "always" win in court and this can be very intimidating for a person who is not familiar with the court process.

I take my ethical responsibility as a mediator to provide a neutral, informed and balanced space for parties to discuss possible agreements very seriously. At times after a collection case mediation I feel that I provided the space for a person to get backed into a corner with no options and has been intimidated by a person who has a deeper knowledge of the process. If this bill passes and the true plaintiff for the case is required to be available to genuinely look at options I will feel more comfortable in that I am holding to my ethical duties as a mediator. There will still be the opportunity for the Plaintiff to say they want payment in full AND there will be a higher level of satisfaction and understanding for the defendant. These would be true mediations.

Further on a more personal note, as a private citizen, I was awe-struck when I heard that this bill had been proposed. I was unaware how deeply I held the belief that powerful intuitions (whatever they may be) will always be in control. And that we as citizens are voiceless in the matter. I was inspired, encouraged and surprised that it is possible to make real changes in this regard. I believe firmly that each person involved in the judicial process should be valued equally under the law. Each party in mediation should have accountability to the judge and ownership of this issue placed in front of the Judge if they are to go to court. Having a representative of the plaintiff with no ownership of the issue does not promote this equality under the law. If these bills pass I will have a renewed understanding, optimistic view and most importantly, trust in my states judicial process.

Thank you very much for you time and for listening to why I wholeheartedly support Bill HB 2734.

Kind Regards,

Abbey Bowman