

HB 4097 -1, -4, -6 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/8, 2/15

WHAT THE MEASURE DOES:

Allows courts to establish a court facilitation program to provide litigants with educational materials, court forms, assistance with court forms, information on court processes, and referrals to other agencies and resources. Specifies that if the presiding judge for a judicial district develops such a program, the presiding judge must consult with the State Court Administrator, the local bar association, the county law library, and local recipients of Legal Services Program funds. Requires the presiding judge to supervise the program and approve all program materials, with forms requiring additional approval from the State Court Administrator. Prohibits a charge for services other than a reasonable fee for forms. Prohibits an employee or person who provided assistance under the program from collecting or charging a fee from people who received assistance through the program, for a period of one year after the employee or person leaves, unless the assisting person is admitted to practice law in Oregon. Standardizes law library services and authority across all counties.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Specifies July 1, 2019 operative date.

-4 Specifies development of court facilitation program applies only to counties with more than 700,000 inhabitants. Reverts law library language to existing law for all other counties.

-6 Reverts county law library statute to current law. Modifies Multnomah County specific law library statute. Allows county to enter into governmental agreements with Judicial Department to provide law library services or to contract with associations for services. Allows family law facilitation programs or court facilitation programs in Multnomah County. Requires court to "jointly plan" with other entities, rather than "consult."

BACKGROUND:

According to the Oregon State Bar's Future Task Force, Oregon Judicial Department data shows that in 2016, only 20 percent of civil litigants were represented by counsel. In landlord-tenant actions, for instance, over 90 percent of parties were self-represented. In light of the high number of self-represented litigants and changing legal needs, courts are seeking options for better assisting self-represented litigants.

House Bill 4097 allows courts to establish a court facilitation program under the supervision of the presiding judge of the court.