

HB 4097 A STAFF MEASURE SUMMARY**Carrier:** Sen. Dembrow**Senate Committee On Judiciary****Action Date:** 02/27/18**Action:** Do pass the A-Eng bill.**Vote:** 5-2-0-0**Yeas:** 5 - Dembrow, Gelser, Prozanski, Thatcher, Wagner**Nays:** 2 - Bentz, Linthicum**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Channa Newell, Counsel**WHAT THE MEASURE DOES:**

Allows presiding judge for a judicial district to develop 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. Requires presiding judge to jointly plan program 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. Allows county with population of over 700,000 to enter into governmental agreements with Judicial Department to provide law library services or to contract with associations for services, and allows law library services to include family law facilitation or court facilitation programs.

ISSUES DISCUSSED:

- Need for services for self-represented litigants
- Process for building new courthouse in Multnomah County
- Use of law libraries by attorneys and public
- Facilitation staff do not have confidentiality or privilege with persons served

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

According to the Oregon State Bar's Future Task Force, Oregon Judicial Department data shows that in 2016, nearly 80 percent of family law cases had at least one self-represented litigant. 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-A allows courts to establish a court facilitation program under the supervision of the presiding judge of the court. The presiding judge must jointly plan the program with the county law library, the State Court Administrator, the local bar association, and the local recipients of the Legal Services Program. The forms provided by the facilitation program must be approved by both the presiding judge and the State Court Administrator. The measure prohibits fees for the services of the facilitation program, except for a reasonable fee for forms.