

Testimony of the Oregon State Bar in Support of SB 783
Before the Senate Judiciary Committee
March 11, 2019

Chair Prozanski and members of the committee:

The Oregon State Bar is an instrumentality of the judicial department governed by its Board of Governors. The Oregon State Bar supports and ensures public protection, access to justice for all, as well as the administration of justice and a fair and impartial judiciary.

The Oregon State Bar supports Senate Bill (SB) 783, which updates and clarifies a notice provision affecting vulnerable persons.

Under ORS 124.100(6) as currently written, a person who commences an action on behalf of a vulnerable person must serve a copy of the complaint on the Attorney General. In a recent Oregon Court of Appeals case (*Bishop v. Waters*, 280 Or App 537, 380 P.3d 1114 (Or App, 2016)), this requirement was interpreted to mean that a complaint must be dismissed if the plaintiff failed to provide timely notice to the Attorney General. This reading of the statutory language has been used by defendants to dismiss or delay otherwise actionable suits.

Updating the statutory language will continue to allow the Attorney General to be informed of cases raised by vulnerable persons while removing a possible statutory roadblock to protecting Oregonians.

Thank you for your time and your consideration.



Christine R. Costantino
Oregon State Bar President, 2019