

Oregon State Bar
Testimony in Support of
HB 4212
Sections 6-8 Judicial Proceeding Extensions and Electronic Appearances
Sections 19-32 Notarial Acts

June 25, 2020

The mission of the Oregon State Bar is to serve the public interest by regulating the legal profession, improving the quality of legal services, and advancing a fair, inclusive, and accessible justice system. As an instrumentality of Oregon's courts with a commitment to protecting the public, the bar supports the courts' efforts to balance access to justice and essential court services, while protecting the health and safety of all court users and judiciary personnel.

Over the last few months, the Oregon State Bar and its members have supported the Oregon Judicial Department's efforts to respond to the COVID-19 crisis. Bar members have shared suggestions, participated in OJD work groups, and volunteered their time and expertise. The bar appreciates the opportunity to provide feedback to the judicial branch and now to the legislative branch on the critical nature of our judicial system.

Included in the proposals before you today are several provisions that will ensure that Oregon's court system will continue to be accessible to Oregonians. Many of these proposed statutory changes are consensus proposals crafted to allow Oregon's courts to continue to protect legal rights and enforce responsibilities while providing the courts with the ability to respond appropriately to health and safety needs. The Oregon State Bar is supportive of proposals to:

1. Allow the Chief Justice of the Oregon Supreme Court to postpone or modify both civil and criminal deadlines and filing requirements during this declaration of emergency.
2. Toll the statutes of limitations as necessary during the state of emergency to address court closures and difficulties filing.
3. Allow for the use of Remote Online Notarization to facilitate both health care decision-making and business transactions that will be important as Oregon moves closer to reopening.

The Oregon State Bar believes the courts, lawyers, as officers of the court, and the Oregon State Bar, as an instrumentality of the court, are critical to ensuring access to the court system for Oregonians. These legislative proposals will change the nature of Oregon's court system during this emergency. However, members of the public, both individuals and businesses, will

continue to need legal representation and advice as they navigate a swiftly-changing landscape. The proposed legislation, coupled with Chief Justice Orders released over the last few months, provide the Oregon Judicial Department with the flexibility to respond appropriately while ensuring access to justice for all Oregonians. The Oregon State Bar is committed to continuing to work with the Oregon Judicial Department and the legislature on these important issues.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Foster". The signature is written in a cursive style with a horizontal line above the letters.

Eric Foster
Chair, Oregon State Bar Board of Governors Public Affairs Committee