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Testimony of Arthur Towers

OTLA Political Director

Senate Bill 307

Before the Senate Committee on Judiciary

January 18, 2023

Chair Prozanski, Vice-Chair Thatcher, members of the committee. Thank you for the opportunity to submit testimony on SB 307.

We support the direction of SB 307 and appreciate the proponents for bring this bill forward. However, we believe that to protect individual Oregonians, the deleted language in Section 1(6) on page 2, lines 40-41 should be restored.

In some cases that go to arbitration, the arbitrator, after listening to both sides, determines that the losing side should pay the winning side's attorney fees and costs. That ruling can be appealed to a judge. Current law says that the judge has 20 days to rule on that motion. If no action is taken, the arbitrator's decision stands. The deletion of the language would remove the deadline.

The reason for that language is to prevent arbitrator's decisions from hanging in limbo for an indeterminate amount of time. As you know, it can take a long time for an injured person's case to work its way through the legal process, and they may have been waiting months or years for the resolution. Given the workload of judges, the deletion of the language could add additional months of delay for the resolution of a case the arbitrator has ruled on. Covid has created a huge backlog of cases which has stretched out the legal process for thousands of Oregonians, and the deletion of the language would make matters worse.

We would be fully supportive of the bill if the deleted language was restored.