

**Testimony of the Oregon State Bar in Support of HB 2225  
Before the House Judiciary Committee**

February 8, 2023

Chair Kropf and members of the committee:

My name is John Marandas. I am here today on behalf of the Oregon State Bar Board of Governors in support of HB 2225, which addresses several issues related to the operation of our courts.

The Oregon State Bar (OSB) is a public corporation and an instrumentality of the court with over 15,000 active members. The Oregon State Bar serves the public interest by: regulating the legal profession and improving the quality of legal services; supporting the judiciary and improving the administration of justice; and advancing a fair, inclusive and accessible justice system.

**HB 2225**

HB 2225 addresses a number of issues important to the Oregon Judicial Department, all aimed at increasing court efficiency and making our judicial system open and accessible to more Oregonians.

One issue contained in the bill that is of importance to many lawyers is the change to the electronic records provisions in Section 6. With very limited exceptions, records in the possession of the courts are public records just as they are with any other part of state government. This includes court filings – most of which are now filed electronically.

While most court filings are publicly available in their entirety, in some cases, electronically filed documents may include information that should be exempt from public disclosure. This could include personal or financial information about a party, or sensitive information about a victim that is intended to be confidential.

In the vast majority of cases, material that should be kept confidential will be so noted when filed with the court. However, there are always rare cases in which this does not happen. In these cases, confidential information is at risk of exposure once e-filed, because the filing becomes a public record immediately upon filing.

HB 2225 adds new provision to ORS Chapter 7, providing that e-filed documents are not subject to disclosure until reviewed and accepted by the court. This allows an additional opportunity for mistakes to be corrected, and for confidential information to be appropriately protected, prior to the filing being made publicly available.

This is a good addition to court procedures that appropriately balances the public's right to access court records with individuals' rights to protect personal or sensitive information.

The Oregon State Bar fully supports HB 2225, and I'd be happy to answer any questions you might have.