

HB 2461 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Tisha Pascone, LPRO Analyst

Meeting Dates: 2/4, 3/6

WHAT THE MEASURE DOES:

The measure modifies the minimum notice requirement for requesting remote testimony in civil cases, from thirty days in advance of the testimony date, to any time that is sufficiently in advance of the testimony date to allow the opposing party to challenge the good cause factors supporting the request and to establish any factors of prejudice. The measure also adds specificity to the prejudice factor regarding whether facilities are readily available that would permit the taking of remote testimony, to include whether reliable facilities or technology are readily available for the court, counsel, parties, and witness.

FISCAL: Has minimal fiscal impact

REVENUE: No revenue impact

ISSUES DISCUSSED:

- Council of Court Procedures process for recommending changes to law
- Goal of increasing convenience for parties, access to expert witnesses, and victim safety
- Local and case-specific factors impact whether adequate facilities are available
- Balancing flexibility with goals of greater uniformity and predictability of the court system

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In civil cases, ORS 45.400 allows the court to consider a number of factors to decide whether there is good cause to allow remote testimony at a trial or hearing and whether it outweighs any factors of prejudice to the party opposing the motion. The request must be made at least thirty days in advance. A request for remote testimony at a civil trial must also demonstrate a compelling need for the testimony to be remote.