

Submitter: Terri Myzak  
On Behalf Of:  
Committee: Joint Committee On Ways and Means Subcommittee  
On Public Safety  
Measure, Appointment or Topic: HB5012

February 28, 2025

The Honorable Representative Paul Evans, Co-Chair  
The Honorable Senator Anthony Broadman, Co-Chair  
Joint Committee on Ways & Means Subcommittee on Public Safety  
900 Court St NE  
Salem, Oregon 97301

RE: House Bill 5012 (Relating to Oregon Judicial Department Financial Administration)

Dear Co-Chair Evans, Co-Chair Broadman, and Members of the Committee,

As a member of the Oregon State Bar with experience in dispute resolution as an administrative law judge and mediator (including about 1,000 landlord-tenant cases), I write in support of the Chief Justice's proposed budget overall and in support of some provisions in particular.

I underscore the oral and written testimony of others that judicial salaries must be raised, more judges are needed, support staff levels must be increased and funded at levels adequate to meet an increasing caseload, and courthouses must be made safer both in security and in the structure itself.

There is a crisis growing exponentially in Oregon of inability to obtain legal representation and/or afford legal representation. In addition to reducing the number of trials that must be heard and decided by a judge, mediations provide a much faster and more user-friendly means for final case resolution than proceeding to trial. The rules of court procedure and of evidence make a trial less accommodating for self-represented litigants than a mediation does. High emotion conflicts are more suited for mediation than litigation. Mediations not only front load the effort to resolve the conflict, mediations help address the gap in accessing justice for the self-represented party.

The Chief Justice's budget encompasses two of the greatest areas of need for mediation, Domestic Relations (or Family Law) Mediation Funding identified as Policy Option Package (POP) 129 and Eviction (or Landlord-Tenant) cases identified as POP 104.

POP 129. In family law cases with disputes over matters involving a child, our courts are statutorily required to provide mediation. The current less-than-market-rate pay for family law mediators has made recruitment and retention difficult and has created a deficit of qualified mediators. While family law cases overall have increased by six percent since 2021, in 86% of family law cases, one or both parents have no legal representation. Those numbers support more funding for family law mediations.

POP 104. Post-eviction moratorium, from fiscal year 2022 to 2024, eviction cases have increased by 48%. For every two eviction cases filed in 2022, three cases were filed in 2024. This giant leap in eviction filings is in the context of tenants representing themselves in 92% of the cases, with landlords unrepresented in 56% of the same cases. The legislature has changed eviction law frequently in recent years. Even with the recent changes in the statutory timelines, eviction cases are still a "Rocket Docket." The speed at which eviction cases by statute must go to trial, the complexity of the changing law, the high anxiety and stress of facing homelessness, and the high majority of self-represented parties on both sides are all substantial reasons to fund the Chief Justice's request to expand court staff facilitation services to eviction cases and to implement eviction mediation. House Bill 3111, as introduced, separately provides for good faith mediation in eviction cases.

Finally, POP 123 seeks funding for statutorily-required interpreters. Based on experience, an honest, ethical, competent interpreter is an absolute necessity to develop and preserve a record. In any communication at any stage of a proceeding, if there are language barriers, there is no fairness, no equity, no justice. Interpretation is a mandated expense and is well worth funding in full.

Thank you for your consideration. Again, I urge your "yes" vote on HB 5012.

Respectfully submitted,

Terri Myzak