

Testimony in Support of SB 1545
Before the Senate Committee on General Government and Accountability

February 6, 2018

The Oregon State Bar continues to strongly support the Oregon eCourt program and fully supports covering a portion of the cost of the system through an assessment of state users. We agree with the OJD that to the extent possible Oregon eCourt should be a system that generates enough revenue from a variety of sources to offset a significant portion of the operating costs.

The Oregon eCourt has been one of the most successful I.T. projects in Oregon, but as was noted by the Oregon Judicial Department presentation to the Ways and Means Public Safety Subcommittee last year, about 60% of eCourt users are not currently paying to support the system. This includes law enforcement, local governments, the Department of Human Services, and other state agencies.

The lack of direct support from state agencies means that these costs disproportionately fall on consumers, raising the cost of accessing the courts to address legal issues and creating a real access to justice problem for Oregonians.

The Oregon State Bar has consistently relied on principles by which costs to access the courts and court information should be judged. These principles, set forth below, are as applicable to this assessment as they are to court filing fees.

- Access to justice. Costs should be distributed in such a way that everyone has access to the court system.
- Strong courts build strong communities.
- Courts are a core function of government.
- Constitutional and statutory mandates require the courts to resolve all disputes brought to them, some within certain time constraints.
- Revenue generation is an appropriate factor to consider in setting fees and assessments, but revenue generated from these sources alone will never fund the court system adequately.
- Balance. A healthy fee structure balances generation of revenue and access to justice.
- Fee structure should be transparent, simple and understandable:
 - Fees should not impede reasonable access to justice.
 - Fees should be uniform across the state.
 - Fees should be cost-effective and transaction costs minimized.
- Fee waivers and deferrals should be granted in appropriate cases.

- Revenue neutrality. Court fees should not become more of a revenue source for courts than they already are.

The bar participated for nearly ten years on the Oregon State Bar/Oregon Judicial Department eCourt Implementation Task Force to advise and assist the Chief Justice and the Judicial Department with the practicing bar's eCourt experience. This task force has considered issues related to fees and assessments to fund the system numerous times over the years and consistently advocated for as balanced an approach to Oregon eCourt funding as possible.

The bar looks forward to continuing to work on this issue during sessions to come.