

HOUSE JUDICIARY
SUBCOMMITTEE ON CIVIL AND JUDICIAL ADMINISTRATION

Hearing Room
Tapes - 37

MEMBERS PRESENT:

Rep. Del Parks, Chair
Rep. Bryan Johnston, Vice-Chair
Rep. Kate Brown
Rep. Chuck Carpenter
Rep. Lisa Naito
Rep. Eileen Qutub
Rep. Bob Tiernan

STAFF PRESENT:

Milt Jones, Committee Counsel
Janet Ellingsworth, Committee Assistant

MEASURES HEARD:

Public hearing on HB 2572
Public hearing on HB 2574
Public hearing on HB 2625
Public hearing on HB 2803

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

004 CHAIR PARKS: Convenes meeting at 8:35 A.M. At a previous hearing we passed some bills that were intended to streamline the courts in minor ways.

OPENS the PUBLIC HEARING on HB 2574

006 REP. TIERNAN: Could we get a summary of what bills were here last time?

010 CHAIR PARKS: Everyone of the bills here today were here last time. Explains the bills that are before the committee.

110 REP. TIERNAN: Discusses HB 2803.

135 PETER RICHTER, OREGON STATE BAR, JUDICIAL ADMINISTRATION COMMITTEE and OREGON ASSOCIATION of DEFENSE COUNSEL: Testimony on HB 2572. [EXHIBITS A and B]

196 CHAIR PARKS: Refers to [EXHIBIT B].

200 RICHTER: From the collective experience of the members of the Oregon State Bar Judicial Administration Committee, and the Oregon State Council on Court Procedures, I believe they have taken the stand that there should be no change in the twelve person jury system.

212 REP. BROWN: We are dealing with a tort reform issue. Do you see any change if we reduce the number of jurors?

220 RICHTER: The odds are greater that we will have "wild and crazy verdicts" with six person

juries.

269 REP. BROWN: The report from the Supreme Court regarding racial and ethnic justice issues and my recollection of the report, is that one of the concerns from the report is that we're not drawing from a wide enough jury pool.

282 RICHTER: Given our population mix in this state, where we have a small percentage of people of color, I think your right.

286 REP. TIERNAN: If your argument is that twelve jurors means more opinions, more diversity, why not go to 18 jurors?

295 RICHTER: There is not room in the courtroom for that many jurors.

305 CHAIR PARKS: Representative Tarno said in the paper that one of the reasons we have financial problems is that we have to many people serving on jury. Mrs. Click, do you agree with the \$100,000 figure?

318 KINGLSEY CLICK, STATE COURT ADMINISTRATOR: Testimony on HB 2574. The fiscal estimate for that biennium was \$350,000. The updated fiscal for this session is about \$500,000.

340 REP. JOHNSTON: Jury fees are charged to counsel in civil cases, what percentage of the costs do they cover?

344 CLICK: They were based to cover the \$10 fee per day, maybe around two thirds maybe a little less.

352 REP. JOHNSTON: If our goal is saving money wouldn't another option be to simply raise the fees?

355 CLICK: It would as far as revenue to the general fund, that would come back to the judicial department to pay the jurors.

362 REP. TIERNAN: I understand that on a twelve person jury there is three strikes permitted for jurors. If we go down to six would we maintain the same three strikes?

378 CHAIR PARKS: How many challenges do you have in district court?

387 RICHTER: In criminal cases each side has three.

398 REP. QUTUB: Discusses fees and costs.

408 CLICK: The estimate was \$511,000 for 1995-97 assuming an October 1, 1995 date.

442 CHAIR PARKS: Just give us a ball park figure.

450 CLICK: The cost when you compare it to the twelve is like the recovery comparison.

459 CHAIR PARKS: Do you want to raise the fee?

469 REP. JOHNSTON: I don't like the bill. I think we could make a six person jury an option in circuit court.

470 CHAIR PARKS: Well, it is an option now and it's used a lot.

472 REP. BROWN: I think we could raise the fees.

TAPE 37, A

030 REP. QUTUB: Will it be harmful to any reform we are trying to do?

040 REP. JOHNSTON: I think no.

043 REP. NAITO: I'm willing to look at strategies to reduce litigation, if we want to look at the whole fee structure for trials.

CLOSES the PUBLIC HEARING on HB 2574
OPENS the PUBLIC HEARING on HB 2625

064 JOHN GERVAIS, OREGON JUSTICE of the PEACE ASSOCIATION: Testimony on HB 2625. Submits [EXHIBITS G and H].

075 CHAIR PARKS: We are in the process of rewriting the bill. It's not our intention to limit any court with the bill.

100 JUDGE STEPHEN TIKTIN, CIRCUIT JUDGE, CIRCUIT JUDGES ASSOCIATION: Testimony on HB 2625. [EXHIBIT C]

170 JUDGE TIKTIN: There are some factors that reduce the urgency for full implementation immediately of court consolidation.

220 CHAIR PARKS: You want a judge to be selected between now and the time that the bill actually becomes effective in two or three years, as having to do only circuit court work?

222 JUDGE TIKTIN: Or district court.

231 CHAIR PARKS: Why are we doing that for people who are elected now?

236 JUDGE TIKTIN: You might not have to.

240 KINGSLEY CLICK, STATE COURT ADMINISTRATOR: Testimony on HB 2625. Submits [EXHIBIT D]

264 CHAIR PARKS: Discusses election issues. We are going to run this bill back by you, because there are eight or ten of them.

278 CLICK: We made a list of technical policy considerations that arise when you consolidate district and circuit judges. [EXHIBIT D]

297 REP. JOHNSTON: Have you looked at the constitution requirement that judges be voted on in the district they're going to serve?

308 JUDGE TIKTIN: I have not looked at that, but that is an excellent point.

320 ROBIN JONES, SECRETARY, JUDICIAL ADMINISTRATION COMMITTEE for the OREGON STATE BAR: Testimony in support of HB 2625. [EXHIBIT E]

341 CHAIR PARKS: We have three bills that deal with your concerns.

348 JONES: HB 3072 is one that does that and the judicial administration committee asked me to present their view.

361 CHAIR PARKS: If we did the presiding judge bill, the presiding judge is still not going to have the ability to direct the judges of the other courts.

372 JONES: That is a short coming of the system, however, from our discussions with the judges in the counties where this is a problem, they feel that a lot of the problem comes from judges thinking they can simply refuse to do particular cases.

CLOSES the PUBLIC HEARING on HB 2625
OPENS the PUBLIC HEARING on HB 2572

399 SUSAN BISCHOFF, ATTORNEY, JUDICIAL ADMINISTRATION COMMITTEE of the OREGON STATE BAR: Testimony in support of HB 2572.

437 CHAIR PARKS: You need to give us some reason to believe there may be
some significant
costs.

453 BISCHOFF: It was raised as an issue by Doug Bray who is from the trial
court administrators
office in Portland as a potential issue area.

TAPE 36, B

030 JOHN GERVIAS, OREGON JUSTICE of the PEACE ASSOCIATION: Testimony in
support of HB 2572.

040 CHAIR PARKS: This bill will help with discipline and give the Supreme
court a way to constructively contribute to education. (Inaudible)

045 GERVAIS: My comments in regard to fiscal impact were in regard to the
previous witnesses concern about money.

049 PAUL SNIDER, ASSOCIATION of OREGON COUNTIES: Testimony on HB 2572.

053 REP. JOHNSTON: I don't see the power of supervision, what do we
anticipate it to be?

056 CHAIR PARKS: It's a small start of having the justice system come into
the system of courts.
(Inaudible)

068 REP. JOHNSTON: In 4, a piece of the bill were not changing, the
presiding judge can tell
someone to do something and I'm not sure if they really have the authority.

It's influencing
without authority.

071 CHAIR PARKS: (Inaudible)

073 REP. JOHNSTON: It's an incremental step because it suggests there is
some philosophical power somewhere but there isn't really any power.

OPENS the WORK SESSION on HB 2572

083 CLICK: Submits [EXHIBIT F].

113 MOTION: REP BROWN: Moves the conceptual amendment
[EXHIBIT F].

117 CHAIR PARKS: Hearing no objections the motion CARRIES.

120 MOTION: REP BROWN: Moves HB 2572 to the Floor as amended
with a do pass recommendation.

124 VOTE: In a roll call vote all members present vote AYE.

124 CHAIR PARKS: The motion CARRIES.

131 CHAIR PARKS: With nothing further the meeting is adjourned.

Submitted by, Reviewed by,

Janet Ellingsworth
Committee Assistant

Debra Johnson
Committee Coordinator

EXHIBIT SUMMARY:

- A - Memorandum to HB 2574 - Richter - 4 pages
- B - Testimony to HB 2574 - Lagesen - 13 pages
- C - Report to HB 2625 - Tiktin - 4 pages
- D - Letter with attached list to HB 2625 - Click - 3 pages
- E - Testimony to HB 2625 - Jones - 1 page
- F - Conceptual amendments to HB 2572 - Click - 2 pages
- G - Letter to HB 2625 - Gervais - 2 pages
- H - Letter to HB 2625 - Gervais - 3 pages