

HOUSE JUDICIARY
SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL ADMINISTRATION

Hearing Room 357
10:00 am Tapes

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
Sarah May, Committee Assistant

MEASURES HEARD:

HJR 12 - Public Hearing and Possible Work Session
HJR 47 - Public Hearing and Possible Work Session
HB 3073 - Public Hearing and Possible Work Session

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 , SIDE A

003 CHAIR PARKS: Calls the meeting to order at 10:12 AM.

PUBLIC HEARING ON HJR 47

008 CHAIR PARKS: Explains the bills. HJR 12 proposes constitutional amendments to Oregon Constitution to increase from \$200 to \$500 amount over

which dispute entitles person to jury trial. HB 3073 increases exclusive jurisdiction of small claims departments of district courts from \$200 to \$500.

019 REP. JOHNSTON: Why was \$500 picked?

020 CHAIR PARKS: There was no reason, it is an arbitrary figure. I would not object if someone had another figure in mind.

024 REP. JOHNSTON: Do we have any information from the Judicial Department as to the number of claims under certain dollar amounts?

027 KINGSLEY CLICK, STATE COURT ADMINISTRATORS OFFICE: We do not have any information as to how many cases this would effect.

032 CHAIR PARKS: Part of this is academic, explains that it would minimize it's impact. If a higher amount would be appropriate, that is fine.

040 REP. JOHNSTON: I would be more comfortable with \$1000, but I don't want to be known as one who has deprived Oregonians of jury trial.

043 CHAIR PARKS: Explains again what HJR 47 and HB 3073 would do. The issue is whether \$1000 would be a more appropriate level than \$500.

063 REP. CARPENTER: I don't have a problem with that.

065 CHAIR PARKS: Is \$1000 better than \$500? If a person has a claim less than \$200, they have to take it to small claims court. We are now going to raise that to \$500 or \$1000. It is way to low now and needs to be raised, but it is a constitutional amendment so that the people would have to vote on it. Explains why the \$1000 mark would be good.

081 REP. QUTUB: I thought there was another bill that had a \$2500 small claims mark on it? This would only have to do with small claims and not a jury?

087 CHAIR PARKS: Right, a person doesn't get a lawyer in small claims. This bill suggests raising the limit up to \$500.

091 REP. CARPENTER: I am comfortable with \$1000.

095 REP. BROWN: I feel more comfortable with \$750.

WORK SESSION ON HJR 47

100 MOTION: REP. BROWN: Moves to DELETE "\$500" AND INSERT "\$750".

VOTE: Hearing no objections the motion is ADOPTED.

105 MOTION: REP. BROWN: Moves HJR 47 AS AMENDED TO THE FULL COMMITTEE with a DO PASS recommendation.

VOTE: 7-0 MOTION PASSES
AYE: Brown, Carpenter, Johnston, Naito, Qutub, Tiernan, Parks
NO: None

WORK SESSION ON HB 3073

119 CHAIR PARKS: Cites typographical error on page 2, line 17.

127 MILT JONES, COMMITTEE COUNSEL: Cites language in bill that would be changed by amendment.

128 MOTION: REP. BROWN: Moves to AMEND "\$500" ON PAGE 1, LINE TO "\$750" ON PAGE 2, LINE 17 AMENDING "\$200" TO "4750".

AND

VOTE: Hearing no objections the amendments are ADOPTED.

136 MOTION: REP. BROWN: Moves HB 3073 AS AMENDED TO THE FULL a DO PASS recommendation.

COMMITTEE with

139 REP. TIERNAN: Why are we doing this?

140 CHAIR PARKS: So that more people can resolve small claims in small claims court rather than to exercise their right to have their matter transferred at the sum of \$200 to the regular court for a jury trial.

143 REP. TIERNAN: Was there any testimony on this bill? What is the justification for this bill?

148 CHAIR PARKS: Gives a small claims court situation example and what happens. Explains what the amendments would do.

162 REP. QUTUB: Asks about \$750 dollar , in section 1 lines 9-10.

169 CHAIR PARKS: In a different bill we are going to change the jurisdictional amount of the small claims court to \$4000 or \$5000. We can do that change statutes, so we are not doing that in this bill. If this passed, those claims between \$750 and \$5000 would be permissible to try in small claims but not mandatorily have to be tried in small claims, explains.

180 REP. QUTUB: Does that mean that claims less than \$750 don't go anywhere?

182 CHAIR PARKS: No, claims less than \$750 must go to small claims court.

185 REP. QUTUB: To me, this bill provides for the claims between \$750 and \$5000. What happens below \$750 in this bill?

188 CHAIR PARKS: There are two limits you have to appreciate. Explains dollar amount cases and what the courts have to do with cases depending on the dollar amount.

205 VOTE: 7-0 MOTION PASSES
AYE: Brown, Carpenter, Johnston, Naito, Qutub, Tiernan, Parks
NO: None

PUBLIC HEARING ON HJR 12

216 MILT JONES, COMMITTEE COUNSEL: HJR 12 proposes constitutional amendment to delete requirement that judges retire at 75 years of age.

Witnesses: Rep. Avel Gordly, District 19
Kingsley Click, State Court Administrator

232 REP. AVEL GORDLY, DISTRICT 19: Testifies and submits written testimony in support of HJR 12. (EXHIBITS A, B)

292 REP. TIERNAN: Are there other judges that have come to this age that this bill gives rise to?

295 KINGSLEY CLICK, STATE COURT ADMINISTRATOR: There has been at least three judges in the last five years that have had to retire. Testifies in

support of HJR 12. Discusses companion bill HB 2415.

323 CHAIR PARKS: Does the chief justice support this bill or not?

325 CLICK: Yes he does.

326 REP. TIERNAN: How old is he?

327 CLICK: He is in his early sixties.

329 REP. TIERNAN: Why eliminate this statute rather than raise the age to 80 or 85? Isn't there a rationale that was behind this?

335 CLICK: You could change the age, it was a public policy issue in the 1960s. There was a public policy issue that may now be unnecessary.

352 REP. TIERNAN: The point is, that we want judges to be 100 percent of their capacities. Although they may be able to perform the basic duties of a judge, they may not be completely there. Judges perform such a unique function that they need to be at 100 percent all of the time. There is a point in time, where a judge cannot give 100 percent.

372 REP. GORDLY: I ask that the members of the committee focus on the testimony of Judge Deiz., EXHIBIT B. Discusses EXHIBIT B.

399 CHAIR PARKS: Adjourns the hearing at 10:38 am.

Submitted by, Reviewed by,

Sarah May Debra Johnson
Committee Assistant Committee Coordinat

EXHIBIT SUMMARY:

- A. Testimony on HJR 12 - Rep. Avel Gordly - 1 page
- B. Testimony on HJR 12 - Mercedes Deiz - 3 pages