

HOUSE JUDICIARY
SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL ADMINISTRATION

Hearing Room 357
8:30 am Tapes - 50

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 Myers, Committee Assistant

MEASURES HEARD:

HB 3070 - Public Hearing

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 8:40 AM.

OPENS PUBLIC HEARING ON HB 3070

Witnesses: Joe Hobson, Attorney, Farm Bureau Association
Steve Walters, President, Oregon Law Foundation
Ann Bartsch, Counsel, Oregon Law Foundation
Celia Nunez-Brewster, Commission on Hispanic Affairs
Thomas Postlewait, Bear Creek Farmer
Marilyn Postlewait, Bear Creek Farmer
Shelley Olson, Oregon Farm Bureau
Robert Crispo, Crispo Farms
Timothy Dahle, Wasco Fruit and Produce League
Ginny Copper, Farm Owner
Larry Rew, Attorney, Farmer in Pendleton
Lew Mertz, Mertz Orchards
Thom Nelson, Hood River Association
Jennifer Wright, Attorney, Oregon Legal Services
Bob Joondeph, Oregon Advocacy Center

Michael Dale, Oregon Legal Services
Tom Schellenberg, Oregon Farm Bureau
Dave Fidanque, ACLU of Oregon

015 JOE HOBSON, ATTORNEY, FARM BUREAU ASSOCIATION: Testifies in support of HB 3070.

093 CHAIR PARKS: Requests some testimony from the Oregon State Bar.

100 STEVEN WALTERS, PRESIDENT OF THE OREGON LAW FOUNDATION: Testifies in opposition to HB 3070. (EXHIBIT A) Describes IOLTA, Interest on Lawyers Trust Accounts. Responds to a question from Chair Parks regarding the amount in revenue made by IOLTA and whether or not the client has the ability to say what kind of account is established by the attorney.

165 CHAIR PARKS: Summarized the objection from Mr. Hobson. Should farmers give some money to their lawyer and then that lawyer places the money in a trust account? That the interest off of the trust account may be used in a law suit against them, is wrong.

170 REP. JOHNSON: Prior to the existence of IOLTA, no interest had been paid on these monies to any one including to the attorneys. Discusses the interest on the accounts was handled with Mr. Walters.

189 REP. QUTUB: What amount of money would collect interest too large an amount to be paid?

196 ANN BARTSCH, STAFF COUNSEL TO THE OREGON LAW FOUNDATION: Clarifies the amount of money necessary to open a trust account; depends on the bank institution.

205 REP. NAITO: How are the decisions made with the IOLTA money, as to who gets the benefit of having that money?

207 WALTERS: We have a yearly funding cycle which makes recommendations to the board for funding. Responds to Rep. Naito's question regarding increasing the representation to special minorities and access to the courts.

238 HOBSON: Summarizes the main point of his constituency; the important missing ingredient is "notice" and the opportunity to be heard on what is really the disposition of their money. Responds to further questions from Chair Parks; alternatives to expenditure in regard to charities.

289 WALTERS: Summarizes written testimony.

337 CELIA NUNEZ-BREWSTER, COMMISSION ON HISPANIC AFFAIRS: Testifies in opposition to HB 3070. (EXHIBIT B)

362 REP. NAITO: Discusses the issue of people going on to private land without the permission of the owner.

390 THOMAS POSTLEWAIT, BEAR CREEK FARMS: Testifies in support of HB 3070.

460 MARILYN POSTLEWAIT, BEAR CREEK FARMS: Explains further circumstances in regard to being sued for "not paying proper wages" to migrant workers who were hired by a contractor to harvest their crop.

TAPE 50, SIDE A

040 M. POSTLEWAIT: Responds to a question from Rep. Naito. Complains of "misuse of funds".

051 T. POSTLEWAIT: As far as attorney trespass, we don't believe that he ever came to our property. We also do not feel that these workers went to him to say that we "wronged" them.

062 REP. BROWN: For the workers who work on your property, what percentage of them speak English? Do your workers know where to go in order to obtain low income legal services should they be in downtown Portland?

082 T. POSTLEWAIT and M. POSTLEWAIT: Responds to questions from Rep. Qutub. Respond to question from Rep. Naito. Respond to question from Rep. Johnston.

107 SHELLEY OLSON, OREGON FARM BUREAU: Testifies in support of HB 3070. Explains personal circumstance. (EXHIBIT C) Cites problems with Oregon Legal Service in terms of soliciting business. Responds to Rep. Brown as to whether she has followed up with the Oregon State Bar because of Oregon Legal Service's. Other questions.

203 ROBERT CRISPO, CRISPO FARMS: Testifies in support of HB 3070.

286 TIMOTHY A. DAHLE, WASCO CO. FRUIT AND PRODUCE LEAGUE: Testifies in support of HB 3070. Feels the work of Legal Services is counterproductive; solicitation of their services is not necessary. Discusses his opinion on the use of IOLTA funds; placing money in a general fund as an alternative.

397 GINNY COPPER, FARM OWNER: Testifies in support of HB 3070. Discusses Legal Services identification of themselves upon entering her property. Discusses the requirement to allow anyone that receives funding from any government body to come on to our property. Responds to Rep. Naito regarding the regulation of allowing people onto a farmers property.

TAPE 49, SIDE B

072 LARRY REW, ATTORNEY AND FARMER FROM PENDLETON: Testifies in opposition to HB 3070. Responds to question from Rep. Naito regarding the ethical and appropriate behavior of Oregon Legal Services. Responds to question from Rep. Johnston in regard to anecdotes presented in today's testimony. Responds to a question from Rep. Qutub regarding unethical behavior of Legal Services employee's. Responds to Rep. Brown in regard to the lack of complaints to the Oregon Legal Services Board.

211 LEW MERZ, JR., MERZ ORCHARDS: Testifies in support of HB 3070.

250 THOM NELSON, MANAGER, HOOD RIVER GROWER/SHIPPER ASSOCIATION: Testifies in support of HB 3070. (EXHIBITS D-L) Continues to testify and reads written testimony from ranch owners. Responds to question from Rep. Brown regarding frivolous law suits; do some or most of the ranchers have insurance which cover the legal costs?

360 MERZ: As long as technical law is mentioned, and can determine that at

least one has been violated then one can never win.

367 NELSON: Refers to blue booklet on Hispanic rights, put out by Oregon Legal Services.

406 JENNIFER WRIGHT, OREGON LEGAL SERVICES ATTORNEY, UNITED SENIORS OF OREGON, OREGON STATE COUNCIL OF SENIOR CITIZENS: Testifies in opposition to HB 3070.

TAPE 50, SIDE B

080 BOB JOONDEPH, OREGON ADVOCACY CENTER: Testifies in opposition to HB 3070 (EXHIBIT M). Outlines the goals of Oregon Advocacy and the services which are provided. Describes their funding and money available to Oregon Advocacy. Responds to questions from Chair Parks.

145 MICHAEL DALE, OREGON LEGAL SERVICES: Testifies in opposition to HB 3070. Describes that the previous testimony in opposition to Oregon Legal Services; there is an overall misunderstanding.

191 CHAIR PARKS: Suggests that Oregon Legal Services and the Oregon Farm Bureau get together and discuss this issue and possibly work it out without having to go through the legislature.

219 REP. BROWN: How many of the seven attorneys have had complaints filed against them, in regard to the legal services they have provided? Are you aware of any allegations prior to today, against the legal services attorney's groups?

251 DALE: Responds to Rep. Brown questions. Rep. Qutub and Rep. Naito question the "blue book" and the desire for Mr. Dale to address questions in his written testimony and who produces the "extremely offensive" cartoons in the "El Noticiero Legal".

289 TOM SCHELLENBERG, OREGON FARM BUREAU: Testifies in support of HB 3070. Describes the purposes of the bill; not allowing access to representation is not the intent of the bill.

317 DAVID FIDANQUE, AMERICAN CIVIL LIBERTIES OF OREGON: Testifies in opposition to HB 3070. Discusses that portions of the bill Section One, violates both the state and federal constitutions. Inray vs. Primus, US Supreme Court Case. Discusses the -1 amendments with Chair Parks, in that it does not delete section one of the bill.

359 CHAIR PARKS: Rep. Qutub will lead the work group (EXHIBIT N).

360 CHAIR PARKS: Adjourns the meeting at 10:05 AM.

Submitted by, Reviewed by,

Sarah Myers Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

- A. Testimony on HB 3070 - Steve Walters - 3 pages
- B. Testimony on HB 3070 - Celia Nunez-Brewster - 1 page
- C. Testimony on HB 3070 - Shelley Olson - 4 pages
- D. Testimony on HB 3070 - Thom Nelson for Bob Merten - 1 page.
- E. Testimony on HB 3070 - Thom Nelson for Dale Hinman - 1 page
- F. Testimony on HB 3070 - Thom Nelson for Lyle McAlexander - 1 page
- G. Testimony on HB 3070 - Thom Nelson for Robert Wimmers - 1 page
- H. Testimony on HB 3070 - Thom Nelson for Larry Packer - 1 page
- I. Testimony on HB 3070 - Thom Nelson - 2 pages
- J. Testimony on HB 3070 - Thom Nelson - 1 page
- K. Testimony on HB 3070 - Thom Nelson - 17 pages
- L. Testimony on HB 3070 - Thom Nelson - 16 pages
- M. Testimony on HB 3070 - Bob Joondeph - 5 pages
- N. Work group list to be led by Rep. Qutub - HB 3070 - Staff - 2 pages