

D. HB 2331 (ch 860) Increases Court Fees

HB 2331 provides for increases in court fees, authorizes the chief justice to impose filing fees on motions and responses to motions, and establishes interim committees on facilities and technology. The fee provisions of this bill will have significant impact on the cost of bringing or defending a civil action.

Sections 1 through 9 increase circuit filing and appearance fees for filings on or after September 1, 2007.

Sections 10 through 12 increase fees for writs of garnishments and writs of execution issued on or after September 1, 2007.

Sections 13 and 14 decrease the percentage assessment against the filing fee a county may impose for purposes of operating the law library from 33% to 28%, effective for court filings on or after September 1, 2007.

Section 15 imposes a filing surcharge on most filing and appearance fees for the period from September 1, 2007 through June 30, 2009.

Section 16 and 17 increase the prevailing party fees when the recovery of money or damages is sought in a small claims department, county court, or justice court and the judgment is given without trial. This change is effective for judgments on or after September 1, 2007.

Sections 18 through 20 establish and fund (\$600,000) the Interim Committee on Court Facilities. The committee is charged to evaluate the status of state court facilities and to report to the 2009 Legislature on standards for reasonable and sufficient court facilities and the cost of meeting those standards. The committee must also make "a proposal for ensuring that needed improvements to court facilities are made." HB 2331, §18(2).

Sections 21 through 23 establish and fund (\$150,000) the Interim Committee on Court Technology. The purpose of the committee is to evaluate the Oregon Judicial Department's technology transition plan (the chief justice's "E-Court" initiative) and to make recommendations on the plan and its implementation.

Sections 24 and 25 increase legal aid fees effective July 1, 2009.

Sections 26 and 27 decrease the dispute resolution surcharge amounts, effective July 1, 2009.

Sections 28 through 30 provide the chief justice with discretion to require a \$50 fee at the time of the filing of a motion identified by the chief justice as being subject to

the fee, and a \$35 fee upon filing the response. A reply to a response may be filed without a fee. Certain motions, including a motion for default judgment, are not subject to the fee, nor is motion practice before an arbitrator or mediator in arbitration or mediation programs required or offered by the court. HB 2331 applies to motions identified by the chief justice as being subject to the fee, and responses to those motions, filed on or after September 1, 2007. Motion fees required under this authority may be recovered as an element of a cost bill under ORS 18.999. HB 2331, §31.

Section 32 increases the collection fees assessed for unpaid monetary obligations imposed by courts to a minimum of \$50 and a maximum of \$100. Most of these monetary obligations are owed by persons convicted of criminal actions, but the fees also apply to unpaid deferred filing fees.

It is forecast that the fee increases in HB 2331 will generate \$11 million in revenue from September 1, 2007, through June 30, 2009.


HB 2331 took effect on July 31, 2007.

In the Matter of Adopting Statutory Fees for) CHIEF JUSTICE ORDER
Certain Civil Motions in Oregon Circuit) No. 07-055
Courts and Appellate Courts)
) ORDER TO ADOPT STATUTORY FEES
) FOR CERTAIN CIVIL MOTIONS
) EFFECTIVE FEBRUARY 1, 2008

I HEREBY ORDER, pursuant to Oregon Laws 2007, chapter 860, section 29, (ORS 21.125) that:

1. Circuit Courts: The following motions, filed in any civil action, suit, or proceeding subject to a fee under ORS 21.110, shall be subject to the statutory fees identified in this order:
 - a. ORCP 21 motions to dismiss, make more definite and certain, strike, and/or quash (such ORCP 21 motions filed jointly, in any combination, in one document are subject to one fee)
 - b. ORCP 46 motions to compel discovery
 - c. ORCP 47 motions for summary judgment
 - d. ORCP 63 motions for judgment notwithstanding the verdict (JNOV) or reconsideration
 - e. ORCP 64 motions for new trial or reconsideration
 - f. Motions to reconsider rulings on the motions identified in this order
2. Court of Appeals and Supreme Court: The following motions, filed in any civil appeal or petition subject to a fee under ORS 21.010, shall be subject to the statutory fees identified in this order:
 - a. Motions to dismiss
 - b. Motions to determine jurisdiction
3. A party shall pay the statutory fee of \$50 at the time the party files a motion identified in this order.
4. A party shall pay the statutory fee of \$35 at the time the party files a response to a motion identified in this order.
5. The statutory fees for the motions identified in this order may not be collected from the state, a county, a city, or a school district.
6. The statutory fees for the motions identified in this order may not be collected for motions made to an arbitrator or mediator in an arbitration or mediation required or offered by a court, or to any motion relating to an arbitration or mediation required or offered by a court.
7. This order takes effect on February 1, 2008.

DATED this 18th day of December, 2007.


Paul J. De Muniz
Chief Justice