

2009 LEGISLATION ALERTS

JUDICIAL ADMINISTRATION

**OREGON NATIONAL GUARD
ORS 398.012, 398.420, 399.238
2009 OR LAWS CH 345 (HB 2163)**

Among other provisions, HB 2163 amends ORS 399.238 to add additional procedural protections on behalf of active duty members of the Oregon National Guard. The measure extends from six months to one year the period after a guard member leaves active service to seek relief from any obligation or liability incurred by the member before the period of service began. The measure adds a new section providing that the period of a service member's active service may not be included in computing any period limited by law, rule, or order for bringing any action or proceeding before a court or administrative body for or against the service member or his or her heirs, administrators, or assigns.

Effective date: January 1, 2010

The amendments apply to applications to a court or administrative body brought on or after January 1, 2010.

**COURT FEE CHANGES/INCREASES
ORS 1.202, 18.999, 21.010,
21.110, 36.170, 135.265,
137.540, 153.125
2007 OR LAWS CH 860
2009 OR LAWS CH 659 (HB 2287)**

HB 2287 is a compilation of provisions setting new fees and surcharges for various court filings and procedures. It extends the

current filing fee surcharges enacted by the 2007 legislature from June 30, 2009, to September 30, 2009, and adds dozens of new surcharges to commence October 1, 2009. These surcharges sunset on June 30, 2011.

Effective date: June 30, 2009

Practice tip: Check with the county what the fees are for your specific case.

**OJIN ACCESS FEES; LUBA APPEALS
FEES**

**ORS 1.002, 21.010, 21.110,
197.830, 284.612, 291.242,
291.252, 311.701, 327.535,
401.806, 759.425, 802.110;
HB 2244, HB 2287, HB 5027
2009 OR LAWS CH 885 (HB 3199)**

HB 3199 authorizes the Chief Justice to establish fees for the use of Oregon Judicial Information Network (OJIN) and to establish exemptions from certain fees when necessary to ensure equity in the imposition of such fees.

Additionally, the bill increases filing fees for appeals filed on or after June 25, 2009, with the Land Use Board of Appeals (LUBA).

Effective date: August 4, 2009

The operative dates for various fees vary; please check with the court to determine correct filing fee.

DISCLAIMER

IN BRIEF includes claim prevention information that helps you to minimize the likelihood of being sued for legal malpractice. The material presented does not establish, report, or create the standard of care for attorneys. The articles do not represent a complete analysis of the topics presented, and readers should conduct their own appropriate research.

APPELLATE PROCEDURE
ORS 2.570, 19.360, 19.415, 183.650,
419A.200, 421.628, 545.579
2009 OR LAWS CH 231 (SB 262)

SB 262 amends statutes regarding appellate procedure. ORS 2.570 is amended to allow for panels of two judges instead of three with provisions for adjustments in cases of a tie vote within the panel. ORS 19.415 is amended to limit the scope of review of the Court of Appeals in equitable actions. De novo review remains for all termination of parental rights appeals, but de novo review of all other equitable actions is now discretionary with the court.

Effective date: June 4, 2009

The amendments apply to appeals for which a notice of appeal is filed on or after June 4, 2009.

COURT PROCEDURAL STATUTES
ORS 1.002, 1.171, 1.202, 10.030, 18.775,
21.125, 21.682, 135.705, 135.707,
416.440, 419A.200
2009 OR LAWS CH 484 (SB 270)

SB 270 fixes and modifies various court procedural statutes. It amends ORS 1.202, which allows for adding a collection fee to judgments that the court is charged with collecting, typically fines. The provision gives the Chief Justice the power to authorize courts to waive these fees. It amends ORS 21.125 to clarify that the a court clerk may file civil motions subject to the listed filing fees only if the fees are paid at the time of filing. It allows a judge to waive the sheriff's service fee under ORS 21.410(1)(a) if

the judge finds the party is unable to pay the fee. It clarifies provisions of ORS Chapter 18 regarding supplemental judgments and ORS 135.705 regarding "civil compromise" judgments in criminal cases. It modifies ORS 419.200 to provide that the Court of Appeals may hold the record in a juvenile delinquency or dependency case confidential, as is allowed in the circuit court, with the further provision that the court's *decision* is not confidential or exempt from disclosure.

Effective date: June 24, 2009

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