

## Oregon State Bar

During the 2023 Regular Session, the Legislative Assembly made several changes to laws that affect the Oregon State Bar (OSB).

In Oregon, more than 75 percent of family law and landlord/tenant cases have at least one party who does not have an attorney. Because of this, in July 2022, the Oregon Supreme Court (Court) approved a proposal to license paralegals to provide some legal services that only lawyers could legally provide. Under the new rules, licensed paralegals could offer limited legal services in family law and landlord/tenant cases. The Court also approved professional conduct rules and minimum education requirements for licensed paralegals. The rules governing nonlawyers could only go into effect if allowed by statute. The OSB requested [Senate Bill 306](#) to modify Oregon law to allow for this limited-practice paralegal program. The bill permits the OSB to license and regulate paralegals pursuant to the rules approved by the Court.

Separately, [House Bill 2325](#) permits the OSB Board of Governors to elect a non-attorney board member as president or president-elect of the Board.

## Courthouses, Judges, and Court Processes

The Legislative Assembly considered changes regarding courthouses, judges, and court processes in the 2023 Regular Session.

Maintenance of court buildings is the responsibility of the counties; however, many counties have experienced reduced revenues over the last several decades. The Legislative

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See the 2023 **Legislative Summary Report for Courts** which highlights policy measures that received a public hearing during Oregon's 2023 Regular Legislative Session.

Assembly heard requests to upgrade court infrastructure via an assessment of rural courthouses ([House Bill 2497](#), *not enacted*) and through the expansion of XI-Q bonds ([House Bill 3581](#), *not enacted*). There have been several studies on Oregon courthouses, including the [Report on Oregon Court Facilities](#), by the Court Facilities Task Force (2006); [2008 State of the Oregon Courts](#), by the Oregon Judicial Department (OJD) (2008); the [Report of the Interim Committees on Court Facilities](#), drafted by Committee Services (now LPRO) (2009); and [Lane County, Oregon Court Facility Needs Assessment](#), by the National Center for State Courts (2016).

Concern was brought to the Legislative Assembly regarding some instances of "blanket disqualifications," where district attorneys or public defenders file a motion to disqualify a judge every time that judge is assigned to one of their cases. If the motion filer is assigned to most (or all) of the criminal or juvenile delinquency cases in that district, it may have the effect of disqualifying a judge from all criminal or juvenile delinquency cases. In a

judicial district with few judges, these disqualifications have required bringing in a judge from another judicial district to cover the affected criminal docket. A workgroup was created to discuss solutions to the use of the blanket disqualification. [Senate Bill 807](#) is the result of that workgroup. The bill modifies [ORS 14.260](#) (2021) and allows a judge to challenge a motion or series of motions to disqualify the judge when it effectively denies the judge's assignment to a criminal or juvenile delinquency docket. The judge may request a hearing before a disinterested judge to determine whether there is a reasonable good faith belief that the assigned judge lacks fairness or impartiality, with the burden of proof on the motion filer.

[House Bill 2225](#) was the Oregon Judicial Department (OJD) omnibus bill, covering various topics related to the Judicial Department, including transcriber fees, the process for senior judge assignments and duties, and clarification of certain provisions relating to contempt of court and electronic records policies.

At times, Oregon's state courts and the Oregon State Bar (OSB) are required or requested to provide or use statistical information about the people they serve or interact with, including demographic data. Programs to increase equity and fairness rely on accurate information about individuals. Courts' information about participants' demographics in criminal proceedings is currently often sourced from law enforcement observations. The [Oregon Supreme Court Council on Inclusion and Fairness](#) recommended that OJD develop and implement a policy to collect, retain, and use demographic data. [Senate Bill 234](#) is a result of those recommendations, and permits the Chief Justice and OSB to make rules regarding the collection, use, and confidentiality of demographic information they may obtain.

Other changes to court processes were considered but not passed, include additional circuit court judicial positions in specific counties

([Senate Bill 235](#), *not enacted*), an increase for juror fees and mileage reimbursement ([House Bill 2224 A](#), *not enacted*), and an increase in mileage reimbursement for witness duties ([House Bill 2427](#), *not enacted*). [House Bill 2473](#) (*not enacted*) would have permitted court clerks to certify records from any county. Although HB 2473 did not pass, OJD implemented the change through the administrative process.



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