



Is the Filing Fee Nightmare Over?

The [OSB Court Fees Task Force](#) has published an [Initial Report](#) with short term recommendations regarding 2009 HB 2287. Having fielded many a call on this subject, I agree with the conclusion of the task force: reform is badly needed. The current fee structure is [complex](#), [confusing](#), and in some cases, unfair. Here is an excerpt:

General Findings

- The courts are a critically important, constitutionally mandated core function of government.
- Courts must be open and accessible to all Oregonians.
- The OSB's highest legislative priority is open and accessible courts.
- Keeping courts open and accessible requires stable and adequate funding.

Specific Findings

- **The current statutory fee structure is confusing and complex, even to experienced practitioners.**
- Any changes to the fee structure must not impede reasonable access to justice, including access by indigent persons, unrepresented litigants, and middle-income Oregonians.
- **The legislature should simplify the current fee structure to make it more predictable and more uniform.**
- Any changes to the fee system must maintain adequate funding for services critical to the justice system, such as Legal Aid services.
- **Some of the fees enacted in 2009 HB 2287 have created unintended and high transaction costs and/or unduly impaired access to justice, and should be modified or allowed to sunset.**
- Court-imposed financial obligations upon conviction of a crime or offense are an important part of the accountability process of the justice system.

- Much of the liquidated and delinquent court-imposed debt cannot be collected and/or is owed to victims of crime, and does not represent a reasonable opportunity to increase revenue to the state or local governments.

Recommendations

- **Consolidate many existing fees that occur in the lifetime of a case** (e.g., ex parte order and judgment fee, and fees for routine motions) into the filing and first response fees.
- **Enact consistent fee amounts for motions and other individual fees**, so they are consistent within and among different types of cases.
- Modify the following specific fees:
 - **Sunset the \$10 ex parte order and judgment fee. This fee imposes excessive administration costs on litigants and the courts.**
 - **Establish a statutory cap on fees in cases involving multiple parties and/or large prayer amounts. The current structure has created excessive fees in some cases.**
 - Sunset the expunction fee in cases where an arrest occurred but no conviction resulted. Imposing a substantial fee in these cases does not reflect court workload and imposes an unfair burden on persons not convicted of a crime.
 - Restore a statutory limit on the amount retained from release security deposits, but at a higher limit than the previous \$200 limit.
 - **Modify the mediation/conciliation fee and law library fee to a fixed amount set by statute, rather than a percentage of the filing fee set by individual counties.**
- The legislature should encourage efficient, effective, and fair collection of court-imposed financial obligations, maintain long-term judgments for accountability, and develop a mechanism to classify and categorize debt that can reasonably be expected to be collected.

(Emphasis supplied.)

The report continues with findings and recommendations specific to probate, family law, civil practice, and criminal practice.

The reforms proposed by the [OSB Court Fees Task Force](#) will be welcomed by everyone – court staff, lawyers, and parties – all of whom have struggled with the fee structure created by HB 2287.

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