



OREGON JUDICIAL DEPARTMENT
LANE COUNTY CIRCUIT COURT

September 21, 2011

MEMORANDUM

TO: Members of the Lane County Bar
FROM: Liz Rambo, Trial Court Administrator
RE: House Bill 2710 – Oregon Laws 2011, Chapter 595 - Civil Filing Fees

During the 2011 session, the Oregon Legislature significantly revised the civil filing fee structure for the Oregon Circuit Courts. The goals for this revision are that fee amounts should:

- Be transparent, easy to access and administer
- Be equitable and fair
- Be uniform across the state
- Be a fixed amount
- Not adversely impact access to justice
- Not adversely affect judicial authority to waive or defer fees or to establish payment plans for litigants.

The fees discussed in this memorandum apply to civil actions filed on or after October 1, 2011.

This memo is an overview of some of the major changes to civil filing fees. For details please see Oregon Laws Chapter 595, 2011. The new fee schedule is available on the court's website at <http://courts.oregon.gov/Lane/>.

Information regarding the revision of criminal/violation fines and assessments will be sent out separately as the implementation date for HB 2712 is January 1, 2012.

HB 2710 REPEALS SOME FEES

HB 2710 repeals a number of fees and local add-ons. In addition, most of the surcharges enacted in HB 2287 (2009) are repealed in this new legislation. Removal of these surcharges will create considerable efficiencies in the court clerk's office and reduce waiting time for lawyers, staff, and the public. Among the repealed are:

- Hearing fees
- Multiple party fees
- Statutory and local add-on fees
- Most motion fees (please see below and fee schedule for details)
- Fees for orders and judgments – **(\$10 ex parte fees repealed)**
- Varying fee amounts among parties

CAPTIONS WHEN COMMENCING AN ACTION

Tort, contract, and probate cases are subject to an escalating fee amount based on the amount in controversy. To assist with determining the appropriate filing fee, Chapter 595 section 5 requires that the amount in controversy be indicated in the case caption. This was identified as a best practice with implementation of HB 2287 (2009) and is now codified in Ch. 595.

In addition, the caption must contain a reference to the statute (temporarily the ch. and section) that establishes the filing fee.

OLD VS NEW FEES

If a plaintiff commences an action prior to October 1, 2011 and the responsive pleading is filed after October 1, 2011, the responsive pleading filing fee is under the "old" fee schedule. All other motion trial and settlement conference fees effective October 1, 2011 will be based the new fee schedule. In this situation, only the responsive pleading will be back-dated to the old schedule.

LIMITED MOTION FEES

Motion fees remain for dispositive motions in civil and domestic relations cases. In each instance, the fees for the movant and respondent are the same.

Civil Motions (\$100 movant and respondent):

- Summary judgment under ORCP47
- Judgment NOV under ORCP 63
- Motion for a new trial under ORCP 64
- Relief from judgment under ORCP 71
- Preliminary injunction under ORCP79
- Remedies for contempt of court

Domestic Relations Motions (fees as listed, same for movant and respondent)

- Supplemental judgment \$150, but not for judgments under ORCP 68, 69 and 71
- Expedited parenting time under ORS 107,434 \$50
- Remedies for contempt of court \$50
- Concurrent motions for supplemental judgment and remedies for contempt of court \$150.

SMALL CLAIMS JURISDICTION LIMIT AND FEES

The jurisdictional amount for small claims cases is increased to \$10,000 from \$7,500. For cases with an amount in controversy of \$2,500 or less the filing fee is \$50, more than \$2,500 it is \$90.

TRIAL FEES

Trial fees for full or partial days are:

- Bench Trial \$125
- Six-person jury \$150
- More than six person jury \$225

For more information, please see the court's fee schedule at <http://courts.oregon.gov/Lane/>, or Oregon Laws 2011 Ch. 595.