LC 72 Work Group member feedback

- Regarding Section 2 of the draft bill, which proposes to amend ORS 55.305(2) to add a new subsection (b), Jessica suggests adding "for costs" at page 3, line 4. I'm not sure it is necessary, because paragraph (a) identifies the subject of the subsection as "an undertaking for costs,", but including the phrase does no harm.
- Also, in Section 2, at renumbered subsection (6), paragraph (a), on page 4, line 3, the word "anticipated" appears referring the fair market value of the property during the period of the appeal. I question whether that word is necessary and whether it creates an ambiguity: anticipated by whom: The landlord? The tenant? What if the landlord claims s/he anticipates raising the rent by $1000 per month during the appeal period, but never told anyone, including the tenant? Or an apartment building sustains storm damage and the tenant claims to anticipate that the damage will reduce the fair market value of the premises. I would prefer deleting the word "anticipated."

- In the undertakings provisions, in Section 2(3)(a), it would be a bit clearer if the language specified that the supersedeas undertaking is filed with the justice court. As written now, it doesn't say where it is filed, and that may be confusing to litigants.

- Also in the undertaking provisions, Section 4 has OJD developing a model form for use by the justice courts. We discussed this internally and are willing to do the work to create a model form, with a couple caveats:

    - First, to follow our forms development process, we'll need to pull together an ad hoc committee to develop the first draft of the form, before it is then passed along to our statewide forms group, which reviews forms and then provides them to the State Court Administrator for approval. We don't have a standing committee with the expertise to develop this form, which is why we'll need to pull together an ad hoc one. It would be helpful to have some help from the justice courts in developing this form.

    - Our forms team has a bit of a backlog of forms that we need to create, which is always added to each legislative session. Many forms are required to be developed by January 1, so the forms team will be swamped between the end of legislative session and when this bill becomes operative (January 1, 2028). In order to ensure that we have enough time and resources to develop the form, we request that Section 4 can become operative on July 1, 2028.