

CASE NOTE:

The Oregon Court of Appeals Disallows Recovery of Computerized Legal Research Expenses as Costs on Appeal

By: Dan Hasson, Shareholder

In *Chou v. Farmers Ins. Exch.*, __ Or App __, __ P3d __ (January 23, 2014), the Oregon Court of Appeals considered the issue of whether computerized research expenses were recoverable as costs by a prevailing party on appeal. In *Chou*, the plaintiffs prevailed on the defendant's appeal of a judgment awarding plaintiffs damages. The plaintiffs then filed a request for attorneys fees and costs on appeal. In their claim for costs, the plaintiffs sought recovery of computerized research expenses of \$3,737.50, including fees for the use of Westlaw and "Open Online." In considering whether such expenses were recoverable, the Oregon Court of Appeals explained that recovery of costs is purely statutory, and that absent a statute that authorizes their award, costs are not recoverable. The *Chou* Court then held that the plaintiffs' computerized research expenses were not recoverable as costs, reasoning that ORS 20.310 – the statute that lists the categories of costs allowed to the prevailing party on any appeal to the Court of Appeals or review by the Supreme Court – did not authorize an award of computerized research expenses.