

OREGON TRIAL LAWYERS ASSOCIATION

812 SW Washington St, Suite 900

Portland, OR 97205

www.oregontriallawyers.org

503-799-1017

Testimony of Arthur Towers
In Support of HB 2014
Senate Committee on Judiciary
May 6, 2019

Thank you for the opportunity to testify today in support of Oregonians' Constitutional Rights.

The 7th Amendment to the U.S. Constitution states:

...the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

HB 2014 Protects the 7th Amendment Rights of Oregonians.

HB 2014 restores the integrity of the legal system as envisioned by the framers of the Constitution. Our system of justice is at its best when it is close to the people, isolated from political whims, and devoted to ensuring that all Oregonians, be they individuals, small business, or big companies, can have their day in court. The Founding Fathers realized that our system of government needed checks and balances. **The right to a trial by jury is a cornerstone of our democracy enshrined in our federal and state Constitutions. That right should be revered and protected.**

HB 2014 Protects the Will of Oregon Voters.

Oregon voters defeated compensation caps twice: Measure 81 in 2000, and Measure 35 in 2004. Measure 81 was defeated by a 2-1 margin. Measure 81 was defeated in all 36 Oregon counties.

HB 2014 Sets a Community Standard of Justice and Restores Local Control

Local citizens who serve on a jury can listen to both sides of a case and determine a just outcome. This is preferable to a one-size-fits-all-approach. **The local control provided by the jury system allows for a community standard of justice instead of outcomes dictated by the legislature regardless of the facts of a case.**

HB 2014 simply re-establishes the protections and rights that victims had in Oregon from 1999 to 2016. No more, no less.

HB 2014 empowers juries to listen to both sides of the story and determine proper compensation for Oregonians who were injured or abused by the negligence of others. **The 7th Amendment right to a trial by jury is embedded in our Constitution, and allows local juries to establish a community standard of justice.**

HB 2014 protects the rights of those who suffer from the lifelong trauma of child abuse, elder abuse or sex abuse; loss of a limb; lifelong paralysis; loss of ability to have children; or disfigurement.

This can happen in a wide variety of settings from a home with a defective product, to a worksite that tolerates and ignores discrimination, to a church that knowingly exposes children to predators, to an operating room in which blatant failure to follow protocols (not poor outcomes from split-second decisions) result in lifelong injury.

HB 2014 improves community safety.

When 9-year-old Amber Newcomb was helping her mom do the wash in their Jackson County home, she reached in to add towels to the load. The rotor did not stop, catching her arm in the towels and tearing her arm off at the elbow. Despite a life-flight to Doernbecher's, the arm was lost. The Newcomb family, as part of their settlement, got Electro-Lux to spend the extra dollar per washer to put a kill switch on the lid so when a washer is opened, the rotor stops.

Compensation caps for victims have not negatively impacted the number of doctors, specialists, and rural clinicians.

The medical industry thrived in Oregon in during the 17 years that the cap was in place. As my 2017 testimony (linked below) indicates, the number of rural providers grew during that time. Challenges that rural Oregon is facing in finding specialists are common to rural communities in states with and without caps.

<https://olis.leg.state.or.us/liz/2017R1/Downloads/CommitteeMeetingDocument/101643>

HB 2014 gives underdogs who have been harmed a fighting chance against powerful interests through the power of a jury. **We urge you to stand up for victims and for the Constitution and vote YES on HB 2014.**