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Testimony of Arthur Towers  
In Support of HB 2014  
Before the  
House Committee on Judiciary  
March 5, 2019

Thank you for the opportunity to testify today in support of the effort to restore justice for survivors of abuse and serious injury proven to be caused by the negligence of others.

**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 7<sup>th</sup> 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.**

**HB 2014 restores the will of the voters** who twice have voted to allow juries to determine fair compensation levels. Measure 81 in 2000 was defeated by nearly a 2-1 margin and lost in every county in Oregon. Measure 35 in 2004 also was defeated.

Opponents to HB 2014 make statements about the impact of HB 2014 on the medical industry. However, in February 2017, a high ranking official in a major medical malpractice insurance company refuted many of their claims. He testified that medical malpractice insurance premiums were steady during much of the 17 year period in which there were no caps in place. At the time in February 2017, he testified that these premiums had not been lowered since caps had been put in place.

Below is a link to my 2017 testimony on identical legislation. This clarifies the medical industry was not negatively impacted by the 17-year period without compensation caps. It is interesting now that as more and more physicians become hospital employees, their malpractice insurance costs are covered by their employers.

I won't go point-by-point through the opposition material to highlight the factual inaccuracy. Suffice it to say that the medical industry thrived in Oregon in during the 17 years that the cap was in place. As my 2017 testimony indicates, the number of rural providers grew during that time. Challenges that rural Oregon is facing in finding specialists are common to rural communities regardless of the existence of a cap.

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 vote YES on HB 2014.

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