

Barb Long, Attorney at Law
Written Testimony in Support of HB 3293

Good afternoon Chair Prozanski and members of the committee. My name is Barb Long. I'm an attorney practicing in Portland, Oregon, and a member of the Oregon Trial Lawyers Association. For the past seven years, I have fought for survivors of sexual abuse and assault almost exclusively in my law practice.

But I'm not here today to really speak as an attorney. I want to help give a voice to a client who underscores why we need this bill, but who is unable to speak on behalf of herself today.

My client was a freshman in college when she was sexually assaulted by her ride-share driver. On the night it happened, she had done what we want people out drinking to do: not drive themselves home. After the assault, she minimized what had happened and blamed herself. A couple months later, she found the strength to report the assault to the police.

The criminal investigation of the perpetrator has proceeded very slowly. For months, my client has been told that a grand jury will be convened, but nothing has been scheduled yet. I have told my client that this slow progress is typical, and that it can take months, even over a year for the District Attorney's office to make a charging decision. I have also told her that there is a chance that her perpetrator will not even be charged for his crime.

In the meantime, my client suffers from panic attacks and depression. She has lost thirty pounds that she didn't have to lose. She has dropped out of school. Like many survivors, she tries to avoid thinking about her assault and unravels when she does. She has been reluctant to get counseling because she knows that she will have to think about and talk about what happened.

So where does HB 3293 come into play? Why do we need more than two years to pursue a civil lawsuit in her case?

For one, filing a civil suit would lower the chances that her perpetrator will be charged with a crime or be found guilty of a crime. Criminal defense attorneys love it when we file civil suits because it gives them a talking point that our client is just "in it for the money." The problem is, criminal prosecutions for rape frequently take two or more years to be completed. This presents a conundrum for my client: should she hold off on filing a civil lawsuit in the hopes of getting a criminal conviction, or should she risk not achieving any sort of justice by letting it go? For many of my clients, civil lawsuits are the only path to justice because criminal prosecution is declined.

The second reason we need HB 3293 is because my client is currently in no condition to undertake a civil lawsuit. She needs to focus on healing, managing her trauma symptoms, and getting her life back in order. Being a plaintiff, and all of the stress that it entails, is not a good fit for her life right now.

If the civil statute of limitations is extended to seven years, my client will have the time to see the criminal prosecution through and get her life back on track, before making the decision as to whether she wants to seek civil compensation for her injuries.

My client's situation is not unusual. I currently represent another client who is in a similarly difficult position, and I get several calls a year from people who have been sexually assaulted but have no recourse because the civil statute of limitations has already expired. I have to tell these people that I am sorry, but it doesn't matter that they were struggling with PTSD, it doesn't matter that they were trying hold their life together, it doesn't matter that they were emotionally unable to handle being a plaintiff in a lawsuit until recently. The two-year statute of limitations simply does not consider the reality of being a sexual assault survivor.

Thank you for the opportunity to speak with you today. I am happy to answer any questions that you may have.