



Mandekor Law Firm, PC
St. Clair House
909 SW St. Clair Avenue
Portland, OR 97205
Tel: (971) 414-2664
Fax: (888) 909-3564

Gretchen L. Mandekor, Attorney at Law
gmandekor@mandekorlaw.com

Angel Krois, Paralegal/Office Manager
akrois@mandekorlaw.com

February 19, 2025

Chair Nguyen, Vice Chairs Diehl and Isadore, and Members of the Committee:

I am Gretchen Mandekor, a Portland lawyer who has been trying cases in Oregon courts for 25 years. I spent the first 20 years of my career defending insurance companies and businesses, so I have direct insight into how they operate and when they can and cannot be held responsible for their actions. Five years ago, I switched sides and began representing injured victims to ensure they have an advocate on their side fighting to hold negligent wrongdoers accountable when they have caused injuries or death.

I have read 48 of the written submissions from the proponents of HB 3140, and most of them are based on a fundamental misunderstanding of the law. I will address the two most significant errors so that you as Legislators can make an informed, responsible decision on HB 3140.

1. PERSONAL RESPONSIBILITY

The proponents argue that HB 3140 will establish a balance between “personal responsibility and business accountability” in Oregon. However, Oregon law already accounts for personal responsibility. A person who files a lawsuit cannot recover money if they are the majority at fault for their own injuries. Nor can a person who files a lawsuit recover if no one is at fault for causing their injuries. The injuries must be caused by negligence on the part of the defendant. Negligence is a failure to use reasonable care to avoid harming others. From a young age we are all taught to be careful, to watch out for others, to exercise reasonable care; this is the standard we are all held to in all our activities. Put simply, negligence is unsafe behavior that puts others at risk of injury or death. HB 3140 would allow facilities a FREE PASS from any responsibility when they fail to use reasonable care and to run unsafe operations, putting the public at risk of injury or death.

You have heard from survivors and family members of people who did not survive. These were folks who were following the rules. Who knew their skill levels and were enjoying the outdoors, simply watching a rodeo, or trying to be a better tennis player,

☎ (971) 414-2664
✉ info@mandekorlaw.com
📍 St. Clair House
909 SW St. Clair Ave
Portland, OR 97205



or skiing a run they had skied dozens of times before. What happened to them caused by the negligence of others. They should not give a FREE PASS.

2. INHERENT RISK

The proponents argue that HB 3140 is necessary to hold those who engage in activities involving inherent risk responsible for their actions. They imply that victims are currently not required to accept the risks of a sport in the absence of a waiver. This is wrong. Under Oregon law, recreational facilities are already immune from liability for inherent risks. In other words, participants need to take personal responsibility: skiers need to assess their skills and ski in areas appropriate for their level, mountain bikers need to slow down when taking sharp corners, rafters need to keep themselves in the raft and not showboat. Injured people can only recover when a business is negligent. Businesses only face liability for risks created by their own negligence, i.e. their failure to operate their facilities safely.

I repeat, recreational facilities are already immune when it comes to inherent risk. Facilities do not face liability for risks inherent in the sporting activity. They only face liability for risks created by their own negligence (e.g.) their failure to operate their facilities safely.

But for Allison who was a spectator at the Sisters Rodeo when a 1400 lb bull jumped the fence and landed on her, for Christina who just wanted to improve her tennis skills and was groomed and sexually assaulted by her tennis coach at an elite fitness club in Portland, or for Myles who was an expert snowboarder who hit a jump that wasn't designed properly and became a paraplegic at 18----their injuries were all preventable had the facility taken reasonable care.

In sum, if recreational facilities operate reasonably safely, they cannot be held liable under Oregon law. If they are allowed to use waivers to insulate themselves from responsibility for ordinary negligence, the standard of care we are all held to in our daily lives, they will be able to cut corners and put profits before public safety.

HB 3140 would allow businesses to shirk responsibility for operating unsafely and putting the public at risk of injury or death. Now, more than ever, we must protect the rights of Oregonians rather than strip them away by forcing them to sign their rights away. The dismantling of consumer, health and safety organizations at the federal level is going to leave Oregonians vulnerable and the Legislature needs do everything in its power to protect Oregon consumers.

Vote NO on HB 3140.