

Senate Bill 546

Sponsored by Senators MORSE, BATES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that trial or arbitration of medical malpractice claim be bifurcated into liability proceeding and damages proceeding.

A BILL FOR AN ACT

1
2 Relating to bifurcation of proceedings.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Unless otherwise stipulated by all the parties to a proceeding, the trial or**
5 **arbitration of a medical malpractice claim shall be bifurcated into a liability proceeding and**
6 **a damages proceeding. The liability proceeding shall be conducted first and shall determine**
7 **all issues relating to liability, including causation. If the defendant is found to be liable in the**
8 **liability proceeding, a damages proceeding shall be conducted in which all parties may pres-**
9 **ent evidence on the amount of damages to be awarded. If the defendant is not found to be**
10 **liable in the liability proceeding, the court shall enter a judgment in favor of the defendant.**

11 **SECTION 2. Section 1 of this 2007 Act applies only to:**

12 **(1) Actions commenced in the manner described in ORS 12.020 on or after the effective**
13 **date of this 2007 Act; and**

14 **(2) Arbitration proceedings initiated in the manner provided in ORS 36.635 on or after the**
15 **effective date of this 2007 Act.**
16 _____

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.