



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

From the Office of Sen. Floyd Prozanski

Members,

I write in support of HB 4143. I am supportive of Oregon's joining the overwhelming majority of states in allowing residual damages in a class action suit -- damages determined by the degree of harm caused but not claimed by members of the class -- to be distributed to a charitable purpose. It is also imperative that members are clear on what the bill does and does not do.

HB 4143 would allow the unpaid damages to be placed in an endowment fund as principal and the interest generated to be distributed to Oregon's legal aid organizations on a quarterly basis. HB 4143 is fully compliant with the Federal and Oregon constitutions. HB 4143 neither creates a taking nor a Due Process violation. Due process protections, including appellate review, remain in place. HB 4143 does not change the process of class certification, which is and always has been executed by a judge under well established principles of case law and rules of civil procedure. HB 4143 does not increase the size of the class or increase damages. HB 4143 does not raise attorneys fees, which are determined, approved by a judge, and paid out long before the question of what to do with residual damages arises.

Importantly, HB 4143 is not a new concept to the Oregon Legislature. A legislative concept very similar to this one was introduced by Attorney General Hardy Myers and subsequently reintroduced on several occasions, most recently by former Representative Chris Garrett. It is time for Oregon to end the practice of returning money to the very defendant who caused harm to Oregonians.

I urge the passage of HB 4143.

Sincerely,

Ellen Rosenblum

Attorney General