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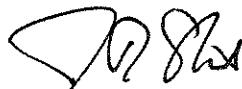
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My name is Jeff Street. I am an attorney in private practice. For many years I have specialized in the representation of health care providers in medical negligence cases. I recently served on the OPSC Stakeholder Advisory Group on EDR Implementation, which provided input on the rulemaking process for SB 483 over several months. I was also one of the defense attorneys who handled the trial in the *Hughes v. PeaceHealth* case which upheld the constitutionality of the \$500,000 limit on non-economic damages in wrongful death cases.

I URGE YOU TO VOTE NO on SB 409 for several reasons:

- The \$500,000 cap on non-economic damages is inherently fair. It limits the recovery of non-economic damages, while providing unlimited recovery for proven economic losses. This construct fits wrongful death cases well because it places primary emphasis on tangible, objective losses of surviving beneficiaries—the type of damages that best reflect the needs of claimants. It places less emphasis on the unlimited and extraordinary monetary claims for emotional loss that are, unfortunately, far too common in personal injury claims. At the same time, the cap provides reasonable limits to the liability exposure of health care providers, who otherwise have virtually no other tort reform protection. Without such limits, the monetary claims made in wrongful death cases will routinely exceed the reasonable and customary insurance limits typically available to health care providers.
- The \$500,000 cap on non-economic damages creates predictability. It allows adverse parties to evaluate cases more objectively and quickly. It promotes efficient settlement of disputes. Abolition of the cap would create barriers to resolution, would prolong litigation and would make outcomes far less predictable.
- In the State of Washington, there is no cap on non-economic damages in wrongful death claims. I can tell you, based on 29 years experience practicing in both Oregon and Washington, that it is far more difficult to settle death cases in Washington. Many jurors in Washington routinely comment that we need caps on such damages. Abolition of the cap in Oregon would be a clear step in the wrong direction.
- Finally, over the past two years, many talented people have spent an extraordinary amount of time developing the framework of SB 483. Let's give the EDR process a chance to develop and work. Passage of SB 409 would undermine these efforts, would be contrary to the purpose and spirit of SB 483 and would encourage more claims with no limit on the damages sought.

In summary, the cap on non-economic damages is fair and it works. There is no compelling reason to eliminate this constitutionally sound and longstanding feature of Oregon law.



Jeffrey R. Street