

Testimony of Jane Paulson, Portland OR

April 7, 2015

To: Senate Committee on Judiciary

In Support of SB 409

Repeal One Size Fits All Justice in the Wrongful Death Cap

Chair Prozanski and members of the Committee, as a long-time advocate for injured Oregonians and Past President of the Oregon Trial Lawyers Association, I'm urging you to support Senate Bill 409. The current cap severely undermines case-by-case justice and puts an arbitrary value on a person's life.

In 2010, I represented the family of Ruby Larson, a loving family from Molalla. Ruby was a 74-year-old mother and grandmother with dementia. The family paid for her to be properly cared for at the Pheasant Pointe Retirement and Assisted Living Residence in Molalla. In 2007, after wandering off four times before, Ruby wandered away from that assisted care facility and died.

Three years later a four-year-old boy found Ruby Larson's skeleton in some blackberry bushes while he was searching for his lost cat. Ruby's shoes were placed neatly next to her remains, which were still clothed. Her remains were found just a quarter-mile away from the care facility.

This was a preventable death. Pheasant Pointe failed to provide adequate care for Ruby and stop her from repeatedly wandering off. The facility was being paid to have a preventative plan in place for Ruby's condition. They assured the family they had the staff and the experience to handle people with dementia and all that goes on with that crippling disease. Her family visited often and brought their concerns to the staff, who assured them they'd keep a close eye on her. But clearly no one was paying attention to Ruby on the day she wandered off to her death.

A jury heard the facts of the case and returned with an 11-1 verdict for negligence. The \$821,000 verdict was issued to send a message that Oregonians care about seniors and that they deserve better. Because of the wrongful death cap, the judge had to reduce the jury's verdict to \$500,000.

One size fits all justice does not serve Oregon families who face devastating tragedies like the Larson family. I urge you to vote Yes on Senate Bill 409. Thank you.