

**Testimony of Matt Whitman on SB 193
On behalf of the Estate Planning and Administration Section
Of the Oregon State Bar**

April 7, 2015

Chair Prozanski, and members of the Committee,

My name is Matt Whitman. I'm an estate planning attorney in Portland, and I write to you in my capacity as Chair of the Executive Committee of the Estate Planning and Administration Section of the Oregon State Bar.

End-of-life planning, including medical decision making, is core to what the 1,185 members of the section do in their everyday practices. We are intensely interested in the Advance Directive as a tool and concept. Estate planners have both professional and ethical obligations to serve their clients and to accurately communicate their wishes regarding life-sustaining care, and have those wishes honored.

I write to share the strong concerns of the Estate Planning and Administration section regarding SB 193. It is the section's belief that a bill addressing this issue should be introduced after a careful and deliberative process that engages all stakeholders, including members of the Estate Planning and Administration section, and also including members of the Elder Law and the Health Law sections of the Bar, representing related but distinct constituencies.

I wrote this testimony on April 6, 2015. The members of the Executive Committee saw the formal amendment to SB 193 for the first time today, when I circulated it to them after receiving them over the Easter weekend. The amendment appears to be a total overhaul of the bill as introduced, which simply repealed the Advance Directive law.

The members of the Estate Planning and Administration section have profound concerns about SB 193, but those concerns are exacerbated by the haste with which this amended bill is being pushed to hearing. It is possible that problems with this bill could be cured through more careful deliberation during the interim. It is also possible that the section's opposition to SB 193 will remain once we have the bandwidth to actually consider the substance of it – something we do not have on less than a day's notice.

Members of the Section have utilized the Advance Directive as it is currently constituted and discussed how it might be reformed, and we will gladly partner with other stakeholders in a collaborative process. With respect, Section 7 of SB 193 is not that process. The Estate Planning and Administration section does not believe that SB 193 should pass out of committee. We would encourage the proponents to gather all of the stakeholders, convene informally and inclusively, and to consider appropriate changes to the statute for consideration by a future legislature.

Thank you for your time and consideration.