



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

(From the desk of Sen. Floyd Prozanski)

Members,

I write in support of HB 2700. I am supportive of Oregon joining the overwhelming majority of states in allowing residual damages in a class action suit -- damages determined by the scope of the harm caused but not claimed by members of the class -- to be distributed to a charitable purpose or to legal aid. It is imperative that members are clear on what the bill does and does not do. Simply stated, HB 2700 changes the law to require those unclaimed damages representing the many deserving class members who simply can't be reached in a class action lawsuit to be distributed to a charitable purpose or legal aid instead of being returned to the wrongdoer.

HB 2700 does not change other aspects of Oregon class action law. Those will remain in control of the court, which is bound to protect the constitutional and procedural rights of all parties. HB 2700 is fully compliant with Federal and Oregon constitutional requirements. HB 2700 does not change the process of class certification, which is and would continue to be executed by a judge under well-established principles of case law and rules of civil procedure. HB 2700 does not increase the size of the class or increase damages. HB 2700 simply brings Oregon into alignment with the majority of states that ensure residual damages in class actions are put to relevant charitable purposes or other critical legal needs, such as access to civil justice for the indigent.

Importantly, HB 2700 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, including by former Representative Chris Garrett, in addition to last year's HB 4143. It is time for Oregon to end the unfortunate practice of returning an award of damages to the very defendant who caused harm to Oregonians.

I urge the passage of HB 2700.

Sincerely,

Ellen Rosenblum

Attorney General