

RESTORE JUSTICE

for Survivors

The issue: A May 2016 ruling by the Oregon Supreme Court reversed the will of the voters and severely restricted the rights of people who have been harmed due to the negligent actions of others. Now there is an arbitrary, one-size-fits-all cap on what a jury can decide is fair when holding wrongdoers accountable.

What it means: Oregonians' right to a fair jury trial is at risk and cases will no longer be decided based on the facts, on a case-by-case basis.

Who is affected: Any Oregonian who seeks justice. The severely injured, paralyzed, disfigured, or traumatized will face the harshest effects. Survivors of sexual abuse, elder abuse or other life-changing events causing long-term trauma will be impacted. The cap also impacts those who have suffered from discrimination or fraud.

What to know:

- ✓ The cap is arbitrary and in place no matter the facts of the case, even in cases of serious harm or abuse. No matter how great the injury or disability or how egregious the negligence, the cap stands. The cap also affects people who have been victims of fraud and discrimination.
- ✓ The cap is in place no matter what a jury decides – and jurors only learn of the cap after they have issued their ruling.
- ✓ The cap reduces incentives for corporations and other wrongdoers to behave responsibly.
- ✓ The new cap is counter to the will of the voters. Oregon voters twice rejected compensation caps – Measure 81 in 2000 and Measure 35 in 2004. Measure 81 was rejected by a 2-1 margin.
- ✓ The new cap changes the rules on a system that has worked well. In 1999, the Oregon Supreme Court, in a unanimous decision, banned compensation caps in cases involving injury, abuse, or fraud.
- ✓ The new cap moves Oregon from a state leading in protecting its citizens' fundamental, constitutional right to a jury trial to one of the five most restrictive in the country.

Senate Bill 487 & House Bill 2129:

- Restore authority for juries to make decisions about injuries based on a case-by-case basis
- Restore ability to hold private corporations and institutions accountable when they are negligent or cause harm.
- Restore the will of the voters
- Restore justice for survivors
- Increase compensation for grieving families who have lost a loved one due to someone else's negligence. The cap on compensation for non-economic damages in wrongful death cases – which has been capped at \$500,000 since 1987 -- will be adjusted for 30 years of inflation.

www.RestoreJusticeForSurvivors.org

RESTORE JUSTICE for Survivors

American Civil Liberties Union of Oregon (ACLU)

Survivors Network of Those Abused by Priests (SNAP)

Oregon Coalition Against Domestic and Sexual Violence

Clackamas Women's Services

Brain Injury Alliance of Oregon (BIAO)

Godly Response to Abuse in the Christian Environment (GRACE)

Disability Rights Oregon (DRO)

Oregon Building Trades Council

Common Cause Oregon

Street Trust (formerly Bicycle Transportation Alliance)

Oregon Consumer League (OCL)

National Center for Victims of Crime

International Brotherhood of Electrical Workers Local 48 (IBEW)

Oregon Trial Lawyers Association (OTLA)

Crime Victims United

Oregon Abuse Advocates and Survivors in Service (OAASIS)

Service Employees International Union Oregon State Council (SEIU)

Oregon and Southwest Washington Families for Safe Streets

The Bus Project

Oregon Commission on Disabilities

Fight Against Sex Trafficking (FAST)

In Our Backyard

Good Deeds

