

HB 2807 A -A7 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 5/24

WHAT THE MEASURE DOES:

Provides that affidavit of reasonableness, submitted to support settlement of personal injury claim of incapacitated person, minor or decedent, is confidential absent a showing of good cause.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A7 Increases tort cap on noneconomic damages in certain personal injury cases from \$500,000 to \$10,000,000. Directs State Court Administrator to adjust cap annually for inflation. Applies to cases not yet final. Declares emergency, effective on passage.

BACKGROUND:

In Oregon, when a personal injury case is settled on behalf of a minor or incapacitated person, a probate court will review the settlement to determine whether the settlement is reasonable. In doing so, the court will review affidavits submitted by the parties, which often contain trial research and other closely held information. While most courts seal these affidavits after review, some courts have recently declined to do so.

HB 2807-A requires that an affidavit submitted to a court in support of a personal injury settlement for a minor, incapacitated person or decedent remain confidential, unless a court order is entered after a showing of good cause.