

RESTORE JUSTICE

for Survivors



From the Desk of

Senator Deulin

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.

What Does Senate Bill 737 Do?

- Restores authority for juries to make decisions about injuries based on a case-by-case basis
- Restores ability to hold private corporations and institutions accountable when they are negligent or cause harm.
- Restores the will of the voters
- Restores justice for survivors

www.RestoreJusticeForSurvivors.org

For more information, contact: Caleb Hayes, 360-485-9344 caleb@strategicdirectionsnw.com 4/14/17