

**HB 2807 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Stark

**House Committee On Judiciary**

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**Action Date:** 04/14/17

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 10-0-1-0

**Yeas:** 10 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Stark, Vial, Williamson

**Exc:** 1 - Sprenger

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Michael Lantz, LPRO Analyst

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**WHAT THE MEASURE DOES:**

Requires most affidavits submitted in support of certain personal injury settlements remain confidential.

**ISSUES DISCUSSED:**

- Privacy concerns
- Need to keep trial strategy material confidential
- Effect of -2 amendment

**EFFECT OF AMENDMENT:**

Replaces measure.

**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.