

# **OREGON TRIAL LAWYERS ASSOCIATION**

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Testimony of Arthur Towers  
In Support of HB 4133  
Before the  
House Committee on Health Care  
February 9, 2018

Thank you so much for the opportunity to testify before your committee today on the important issue of maternal morbidity.

Our members fight for the rights of the grieving families who have lost a loved one during child birth and for the rights of victims of medical negligence.

We applaud the sponsors and the workgroup for their time and energy on this legislation. We strongly agree that a panel of experts to study each one of these tragedies is crucial to the decrease in maternal morbidity. This is especially important because of the disparities in the incidence of maternal death.

Having worked closely with the families, our members recognize that prevention of maternal deaths should be of the utmost priority in order to avoid the tragic lifelong impact on family members.

We also appreciated the opportunity to work with other stakeholders to craft amendments that safeguard the rights of families of the victim. Medical facilities and practitioners who have established faulty procedures or who have failed to follow their own protocols for the delivery of babies should be held accountable.

Many maternal deaths are not caused by medical negligence. Some are caused when a physician has to make a split second decision that has tragic results. That is not medical negligence.

But in the handful of cases involving negligence and in the gray area cases, the right of the families to have their day in court is a cornerstone of our democracy. The opportunity to tell their loved one's story to 12 ordinary Oregonians who can hear both sides and make a decision should be sacrosanct.

I have not seen the very final version of the amendments that are coming forth. Based on the integrity of the people involved, I have a high degree of confidence that the amended version of HB 4133 will balance the need for confidential reviews of systems and process with the rights of the aggrieved to have access to the information they need. They need the information in order to understand what happened to the expectant mother. Armed with that information, they can make the best decision possible about how to reach closure after a tragedy.