

**Testimony in Support of HB 4008  
Before the Senate Committee On Judiciary**

February 23, 2018

Chair Prozanski and members of the committee:

The Oregon State Bar has long advocated for a court system that promotes access to justice for all Oregonians. Access to justice means not simply ensuring that everyone has a path to the courthouse door, but also ensuring that all litigants are treated fairly and with respect once they get their day in court.

House Bill 4008 helps Oregon reach our larger procedural justice goals by ensuring that an estimate of a defendant's future earning potential is based on that individual's circumstances and not on generalizations made on account of their race or ethnicity.

The kind of a limitation on evidence contained in HB 4008 is not unique. Rules of evidence frequently prohibit certain types of information from being provided to a jury if the evidence would tend to prejudice, mislead or confuse a juror. For that reason, it is entirely appropriate for our state to adopt a policy that protects litigants from having an award determined based on stereotypes rather than facts.

We urge this committee to pass HB 4008, and look forward to continuing to work with the Legislature on issues that make our courts fair and accessible to all Oregonians.