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Testimony of Arthur Towers
In Support of SB 783
Before the
Senate Committee on Judiciary
March 12, 2019

Thank you for the opportunity to testify in support of SB 783. Members of the Oregon Trial Lawyers Association fight for underdogs. In this instance, the underdogs are vulnerable Oregonians who have been subject to abuse. Sadly, our members report that more and more families have a loved one who has experienced abuse. This is particularly true in the case of elder abuse.

This is an important bill that closes a loophole that shields abusers from being held accountable for their actions. We appreciate the efforts of Senator Taylor and Representative Bonham to bring this bill forward.

SB 783 simply clarifies that the failure to meet notice requirements is a procedural defect, not a jurisdictional defect. The impact of SB 783 would be to protect the rights of vulnerable Oregonians in the face of a procedural error.

We feel the current version of SB 783 still leaves a little room for misinterpretation. We would recommend a brief amendment to add certainty that SB 783 will be interpreted as is intended. The proposed amendment would add the words “and may be cured at any time prior to entry of judgment” after the word “defect” on page 2 line 16. This amendment would clearly place in the statute that if the notice requirement has not been met, that it can be corrected right up to the end of the case.

SB 783, with the added clarity, helps vulnerable Oregonians and deserves your support. We urge you to vote yes on SB 783 to help protect the rights of endangered Oregonians.