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Testimony of Arthur Towers
OTLA Political Director
In support of Senate Bill 235
Before the Senate Committee on Judiciary
January 30, 2023

Chair Prozanski, Vice-Chair Thatcher, members of the committee: thank you for the opportunity to submit testimony in support of SB 235.

Justice delayed is justice denied. Our members who are fighting for Oregon underdogs on a variety of fronts report that trials for civil lawsuits are being scheduled for 18-36 months out.

Pandemic-related safety measures made the backlog worse, but we foresee the delays continuing as the public defender crisis gets sorted out and the *Ramos* cases get scheduled for hearings. Without more judges on the bench to hear cases, the rights of Oregonians will continue to be impaired.

To provide just one example of many:

In late 2018, a Washington County woman was seriously injured when a hand railing she was holding onto at a facility gave way because it was improperly secured. The insurance company denied responsibility and forced the case into litigation in early 2020. The trial was rescheduled multiple times due, in part, to a lack of courtrooms during COVID. As a result, the insurance company didn't even make an initial settlement offer until late-2021. The lowball offer remained on the table through 2022. **A week before the January 2023 date of trial**, the insurance company finally agreed to pay 95% of what the woman had offered to settle for.

Without a pending and timely trial date, insurance companies have little incentive to meaningfully engage in good-faith settlement negotiations. Many people cannot wait years and years for their day in court, and wind up accepting much less than their cases are worth.

We urge you to support SB 235 to help deliver justice for Oregonians.

{When the insurance company makes a lowball offer that forces the injured person to pursue litigation, they are in violation of the Oregon Unfair Settlements Act (746.230 (f) and (g)). The enforcement mechanism for that statute is weak, so the practice remains commonplace in Oregon.}