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March 18, 2025

Senator Floyd Prozanski  
Chair, Senate Judiciary

Re: Senate Bill 233

Chair Prozanski and Members of the Committee,

I am Don Corson, an attorney who fights for Oregonians who have been seriously injured by the wrongful conduct of others.

I practice with my wife, Lara, in Eugene, and both of us are Past Presidents of the Oregon Trial Lawyers Association. I am here today to testify in support of injured patients like Jim who, due to no fault of their own, are barred from seeking justice for the negligent care they received, because of an arbitrary five year limit.

Most Oregonians likely have never heard of a Statute of Ultimate Repose ("SOUR"). As you know, such statutes cut off a citizen's rights a limited amount of time after the original negligence. Most states do not have a statute of ultimate repose for medical negligence. In most other states, a person simply brings a claim within a specified time after they knew or should have known about it. In Oregon, if a person learns about their medical claim more than five years after their treatment, they have run out of options; they cannot pursue a claim against the responsible party that caused the harm.

Oregon's five year SOUR for medical negligence is unusually short even for the minority of states that have any such statute of repose. Oregon has a ten year statute of

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repose for negligence generally. (See ORS 12.115). That is also true for damages to real property (ORS 12.135(1)(b)), and most product liability claims (ORS 30.905(2)(a)). That ten years also includes negligence claims against most professionals, such as architects, engineers, and attorneys - all professionals whose negligence may be unknown to their clients for well more than five years, which of course is also sometimes the case with medical negligence.

We have to turn away people who have contacted us promptly after they learn of their medical negligence case, but the underlying act or omission was more than five years ago.

Oregon's medical SOUR is particularly harsh for children, who can lose their legal rights at a very young age. In many areas, Oregon has extended time periods for children who suffer personal injuries from other causes, but not the medical SOUR. This is an access to justice issue, especially for Oregon's children, who should not lose their legal rights before they even know they have rights.

SB 233 is an welcome step in the right direction, allowing Oregonians with legitimate claims against any professional who has wrongfully harmed them to bring a claim within ten years of the negligent act or omission. I respectfully encourage a vote to pass this bill out of the Committee.

Thank you,

A handwritten signature in blue ink, appearing to read 'Don Corson', with a long horizontal flourish extending to the right.

Don Corson