

March 16, 2025

Joel Korin

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Eugene, Oregon 97404

Dear Senator Prozanski,

Please consider this letter as testimony in favor of Senate Bill 233.

Before moving to Oregon in 2011, I practiced law in New Jersey for forty years, predominantly representing physicians, nurses and hospitals in medical malpractice cases.

New Jersey, like most states, has a Statute of Ultimate Repose (SOUR) for construction cases. See attached chart.

In medical malpractice cases many states do not have a SOUR and rely solely on the statute of limitations, determined from the date a claimant knew or should have known that he or she had a claim. These states realize the unfairness of eliminating claims with a SOUR before a person even knows they have a claim. Six other states have a 10-year SOUR. See attached chart. Oregon should change the law to 10 years, if they keep the SOUR at all.

Another element of unfairness is the disparity in the SOUR time limits for various types of actions. Negligence, construction, and product liability claims in Oregon are 10 years, yet medical malpractice—with some of the most injured claimants and the most likely to be hidden claims—have only a 5-year SOUR. This discrepancy seems unjustified, punishing only those injured by medical negligence. What Oregon policy requires this different treatment?

Mr. Evangelista sought care, only to be told by his PCP that his pain was an “understandable consequence” of the surgery. He went back to the surgeon at the suggestion of an ER doctor. The surgeon tried various treatments over time. . Finally, when the surgeon reread the operative report, she immediately saw she used the wrong type of suture and admitted her mistake. At that time the 5 years had expired along with Mr. Evangelista’s chance for justice.

Passing SB 233 will treat all classes of injured Oregonians equally. If you have any questions I can be reached at 856-465-1015

Sincerely,

Joel Korin

Chart: <https://www.mwl-law.com/wp-content/uploads/2018/02/SOL-CHART-2.pdf>