



WRITTEN TESTIMONY OF LEAH K. CORRIGAN IN SUPPORT OF HOUSE BILL 3140

Dear Chairman Kropf and Distinguished Members of the House Judiciary Committee:

I write in support of House Bill 3140. My name is Leah Corrigan, and I am the managing attorney at Recreation Law Group. Over the last decade, I have become intimately familiar with the laws in the Western United States governing the relationships and legal standards between outdoor recreation providers and the recreating public. I have had an active litigation practice for my sixteen year career, including representing injured individuals and families in wrongful death and personal injury cases. The lens through which I view this matter is therefore informed by a relatively balanced view, having been on both sides of lawsuits involving injured people.

It is from this vantage point that I have watched with surprise the development of caselaw in Oregon surrounding liability waivers. The state of Oregon law regarding the relationship between the public and recreation providers has become entirely lopsided, and has strayed far outside of the norms in the Western United States. I am licensed to practice law in Colorado, Idaho, Arizona, Montana, and Wyoming. Additionally, I take an academic interest in the law governing the outdoor recreation industry nationwide, as I am a frequent speaker and writer on these topics. I can say without reservation that Oregon law regarding liability waivers is without comparison, and that it reflects an unbalanced approach to the relationship between recreation providers and the recreating public.

I have been a lifelong lover of the outdoors, and like many United States citizens, have enjoyed the unique access to wild, quiet, and accessible public lands in the West, including in Oregon. Many of these forays have been guided or facilitated, and without the businesses willing and capable of providing those experiences, my young children would not have had them. When I think about the business climate surrounding outdoor recreation, particularly as it relates to the price and availability of liability insurance, I am very concerned about the continuing availability of those experiences.

This is not just a business concern – it has far broader implications. There are many citizens in this country that do not have the experience to safely and comfortably access outdoor recreation experiences. This is particularly true of historically marginalized populations, individuals with disabilities, and families without sufficient means to make the investments in gear, training, and individual transportation to have meaningful access to outdoor recreation

experiences. Recreation providers, including many non-profit organizations serving historically marginalized populations, have filled these needs. Without the ability to ask participants to execute a liability waiver, there can be no doubt that these businesses and organizations are in jeopardy. I have well-informed and significant doubts that liability insurance will continue to be available to these organizations in Oregon, as underwriting those risks becomes increasingly untenable for insurers.

House Bill 3140 represents a return to a balanced approach to the relationship between recreation providers and the recreating public. It would put Oregon businesses and organizations who provide recreation experiences on par with other similarly situated providers in the West, and it would allow members of the recreating public the freedom to make an informed choice to determine how much risk they are comfortable with when engaging in a recreational activity. I make those choices on behalf of myself and my children on a relatively constant basis in all sorts of ways, and we should all have the opportunity to do so.

Thank you for your consideration of my testimony.



Leah K. Corrigan
Managing Attorney
Recreation Law Group