

Measure 35

Proposed by initiative petition to be voted on at the General Election, Nov. 2, 2004.

Ballot Title:

AMENDS CONSTITUTION: LIMITS NONECONOMIC DAMAGES (DEFINED) RECOVERABLE FOR PATIENT INJURIES CAUSED BY HEALTHCARE PROVIDER'S NEGLIGENCE OR RECKLESSNESS

RESULT OF "YES" VOTE: "Yes" vote limits recovery of noneconomic damages (defined) for negligent or reckless injury to patient by healthcare provider to \$500,000 (adjusted annually for inflation).

RESULT OF "NO" VOTE: "No" vote retains current law, which places no limit on jury award of noneconomic damages (defined) for injury caused by negligence, recklessness of healthcare provider.

Argument in Opposition to Ballot Measure 35

Dear Oregon Voter,

My name is Pete Sorenson, an elected Lane County Commissioner. I grew up in Coos County, graduated from the University of Oregon, ran a private law firm, and served as an elected Oregon State Senator and member of the Senate Judiciary Committee. I've been a licensed Oregon attorney for 22 years. I have represented both injured workers and professionals such as veterinarians and doctors. **It is as a former practicing attorney that I am speaking to you on this issue and why I oppose Constitutional Amendment 35. This measure aims to prevent victims of malpractice from seeking fair awards.**

This measure aims to reduce the amount of compensation that an Oregon jury can award for injuries and pain suffered as the result of doctor negligence. It doesn't prevent "frivolous lawsuits." This measure doesn't lower the cost of health care. Passing this measure will not lower insurance premiums. In fact studies show that states without caps on jury awards have lower premiums. To lower insurance premiums requires reform of the insurance industry, an industry where in the first nine months of 2003 profits increased by 437% for health and life insurance companies.

In 2000, Oregonians voted three to one against a Constitutional Amendment to limit a jury's ability to decide damages. This measure is just another attempt to go against the will of the people of Oregon.

The solution is not to deny people their day in court and a fair award made by a jury of their peers, but to lower insurance premiums. Please join me in voting NO on Constitutional Amendment 35.

Pete Sorenson

(This information furnished by Peter Sorenson.)