

## HOUSE COMMITTEE ON JUDICIARY

March 18, 2003 Hearing Room 357  
1:00 p.m. Tapes 89 - 91

**MEMBERS PRESENT:**        Rep. Max Williams, Chair  
                                 Rep. Gordon Anderson, Vice-Chair  
                                 Rep. Robert Ackerman, Vice-Chair  
                                 Rep. Jeff Barker  
                                 Rep. Bob Jenson  
                                 Rep. Jerry Krummel  
                                 Rep. Greg Macpherson  
                                 Rep. Floyd Prozanski  
                                 Rep. Lane Shetterly

**STAFF PRESENT:**        Bill Joseph, Counsel  
                                 Ann Martin, Committee Assistant

**MEASURE/ISSUES HEARD:**        Tort Reform:  
                                 HB 2492 Public Hearing  
                                 HB 2493 Public Hearing  
                                 HB 2494 Public Hearing  
                                 HB 2495 Public Hearing  
                                 HB 2496 Public Hearing  
                                 HB 2497 Public Hearing  
                                 HB 2498 Public Hearing  
                                 HB 2591 Public Hearing

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 89, A</b>		
004	Chair Williams	Calls the meeting to order at 1:15 p.m. Opens a public hearing on HB 2492, 2493, 2494, 2495, 2496, 2497, 2498 and 2591.
<b><u>HB 2492, 2493, 2494, 2495, 2496, 2497, 2498 and 2591 PUBLIC HEARING</u></b>		
<b>A Doctor's Perspective:</b>		
026	Dr. Debra Johnson	Obstetrician/Gynecologist. Testifies on bills.
070	Dr. Peter Bernardo	General Surgeon. Submits testimony and testifies on bills. Discusses the crisis in Oregon. <b>(EXHIBIT A)</b> .
<b>Oregon State Bar Procedures &amp; Practice Committee:</b>		
200	Mark Morrell	Chairman, Oregon State Bar Procedures and Practice Committee. Submits testimony and testifies on HB 2492, 2493, 2494 and 2495 <b>(EXHIBITS B-F)</b> .
231	Rep. Shetterly	Comments on history of tort reform in 1995.
246	Vice-Chair Anderson	Discusses the costs of malpractice insurance for a physician.
272	Stu Brown	Oregon State Bar Procedures and Practice Committee. Submits testimony and testifies on HB 2492, 2493, 2494, 2495 and 2591 <b>(EXHIBIT G)</b> .
394	Morrell	Continues his testimony.
<b>TAPE 90, A</b>		

004	Morrell	Continues his testimony.
055	Chair Williams	Wonders why they are opposed to a change in the process.
081	Morrell	Answers that it could complicate the process.
108	Chair Williams	Points out that in 48 other states they allow expert witnesses.
143	Rep. Macpherson	Asks Mr. Morrell and Mr. Brown if HB 2492 and 2494 would tend to increase the cost of advocacy or reduce the cost.
151	Brown	Says that expert witness discovery would increase the cost of advocacy.
201	Morrell	Discusses expert disclosure. Continues his testimony on the bills. Thinks that HB 2495 is an access to justice problem. Discusses HB 2496.
338	Rep. Shetterly	Makes observation on collateral benefits.
<b>TAPE 89, B</b>		
002	Brown	Discusses HB 2498 and 2591.
<b>Oregon Trial Lawyers Association:</b>		
088	Mic Alexander	Attorney. Submits testimony and testifies in opposition to HB 2492 and 2497 ( <b>EXHIBIT H</b> ).
286	Richard Lane	Attorney. Submits testimony and testifies in opposition to HB 2492 and 2497 and ( <b>EXHIBITS I-L</b> ).
<b>TAPE 90, B</b>		
003	Lane	Continues his testimony.
101	David Miller	Attorney. Submits testimony and testifies on HB 2494 and 2495 ( <b>EXHIBIT M</b> ).
217	Miller	Continues his testimony.
337	Jerry Sagan	Victim of medical negligence. Testifies in opposition to HB 2495.
<b>TAPE 91, A</b>		
004	Sagan	Continues his testimony in opposition to HB 2495.
026	Bob Joondeph	Oregon Advocacy Center. Submits testimony and testifies in opposition to HB 2495 ( <b>EXHIBIT N</b> ).
054	Tony Alfieri	Structured Settlement Planner. Submits testimony and testifies in opposition to HB 2591 ( <b>EXHIBIT O</b> ).
117	Chair Williams	Notes written testimony of Lynn-Marie Crider ( <b>EXHIBIT S</b> ).
124	Scott Heiser	Oregon District Attorney's Association. Submits testimony and testifies in opposition to HB 2493 ( <b>EXHIBIT P</b> ).
162	Bill Sime	Attorney, Oregon Association of Defense Counsel. Testifies on HB 2497 and 2494.
356	John Powell	Regence Blue Cross/Blue Shield. Submits testimony and testifies in opposition to HB 2496 ( <b>EXHIBIT Q</b> ).
396	Fred Van Natta	Liberty Northwest Companies. Submits testimony and testifies on HB 2496 ( <b>EXHIBIT R</b> ).
425	Chair Williams	Closes the public hearing on HB 2492, 2493, 2494, 2495, 2496, 2497, 2498 and 2591. Adjourns the meeting at 3:30 p.m.

## **EXHIBIT SUMMARY**

**A – HB 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2591, written testimony submitted by Dr. Bernardo, 1 pg.**

**B – HB 2492, written testimony submitted by Mark Morrell, 1 pg.**

**C – HB 2493, written testimony submitted by Mark Morrell, 2 pgs.**

**D – HB 2494, written testimony submitted by Mark Morrell, 2 pgs.**

**E – HB 2496, written testimony submitted by Mark Morrell, 2 pgs.**

**F – HB 2492, 2497, written testimony submitted by Mark Morrell, 2 pgs.**  
**G – HB 2591, written testimony submitted by Stu Brown, 2 pgs.**  
**H – HB 2492, 2497, written testimony submitted by Mic Alexander, 4 pgs.**  
**I – HB 2492, written testimony of Robert Neuberger, and attachments, submitted by Richard Lane, 17 pgs.**  
**J – HB 2497, written testimony of Robert Neuberger, and attachments, submitted by Richard Lane, 18 pgs.**  
**K – HB 2496, written testimony submitted by Richard Lane, 3 pgs.**  
**L – HB 2498, written testimony submitted by Richard Lane, 1 pg.**  
**M – HB 2494, 2495, written testimony submitted by David Miller, 5 pgs.**  
**N – HB 2495, written testimony submitted by Bob Joondeph, 1 pg.**  
**O – HB 2591, written testimony submitted by Tony Alfieri, 1 pg.**  
**P – HB 2493, written testimony submitted by Scott Heiser, 3 pgs.**  
**Q – HB 2496, written testimony of Leonard Hagen, submitted by John Powell, 1 pg.**  
**R – HB 2496, written testimony submitted by Fred VanNatta, 1 pg.**  
**S – HB 2492, 2495, 2496, 2497, 2498 and 2591, written testimony of Lynn-Marie Crider, submitted by staff, 4 pgs.**  
**T – HB 2498, written testimony of Michael Zusman, submitted by staff, 2 pgs.**  
**U – HB 2492, 2497, written testimony of Michael McClinton, submitted by staff, 2 pgs.**  
**V – Map and Chart regarding Oregon’s Neurosurgeon Shortfall, submitted by the Oregon Medical Association, 2 pgs.**