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## In WLF Victory, Oregon Supreme Court Holds Jury Trial Right Does Not Bar Noneconomic Damages Cap

*(Rains v. Stayton Builders Mart, Inc.)*

**“Oregon’s high court recognized that when state legislators impose reasonable limits on damage awards in tort actions, judges have no valid basis to overturn those decisions. That other courts have struck down caps simply shows that the plaintiffs’ bar exerts far too much influence over many state supreme courts.”**

**—Richard Samp, WLF Chief Counsel**

WASHINGTON, DC—The Oregon Supreme Court today upheld a state statute limiting a plaintiff to no more than \$500,000 in noneconomic damages, rejecting a claim that the statute violates a provision of the Oregon Constitution. The decision marked a victory for Washington Legal Foundation, which filed an *amicus* brief in the case, *Rains v. Stayton Builders Mart, Inc.*, urging that the statute capping damages be upheld. WLF’s brief was joined by the Allied Educational Foundation.

The Court agreed with WLF that the Jury Clause of the Oregon Constitution does not provide plaintiffs a constitutional right to recover the full sum the jury estimated them to have suffered. The Jury Clause provides that the right to trial by jury shall remain “inviolable.” The Court agreed with WLF that the Jury Clause gives litigants a procedural protection (the right to insist that civil claims be heard by a jury), not a substantive right to enforce a jury’s findings in their entirety. WLF noted no one is questioning the right of juries to decide all questions of fact. The legislature merely used its power to alter the legal consequences that attach to the jury’s factual findings.

The case involves an Oregon man who suffered severe injuries when a board on which he was standing broke, causing him to fall 16 feet. He and his wife sued the manufacturer of the board and the store where it was sold, and a jury awarded them \$7.0 million in damages, including \$3.1 million in noneconomic damages (such as pain and suffering). By enforcing the statutory cap on noneconomic damages (*i.e.*, limiting such damages to a total of no more than \$1 million for both plaintiffs), the Court effectively reduced their joint recovery to no more than \$4.9 million.

Upon hearing the Court’s decision, WLF issued the following statement by Chief Counsel Richard Samp: “Oregon’s high court recognized that when state legislators impose reasonable limits on damage awards in tort actions, judges have no valid basis to overturn those decisions. That other courts have struck down caps simply shows that the plaintiffs’ bar exerts far too much influence on many state supreme courts. Oregon’s cap on noneconomic damages still leaves plaintiffs with handsome recoveries; for example, the plaintiffs here still stand to get more than four million dollars.”

*WLF is a public-interest law firm and policy center that regularly litigates in support of civil justice reform, to ensure that unwarranted lawsuits do not drive up costs for all consumers.*

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