



Legislative Session Set to Begin Tomorrow- Anti-Consumer Bills Up First

The Oklahoma Legislature will be convening and holding committee hearings beginning tomorrow, February 8, 2011. Even though our state is facing record budget deficits, our legislature has made corporate welfare their number one agenda item. The Oklahoma Legislature wants to dictate what juries can do. If we can trust juries to decide cases involving capital punishment, why shouldn't we allow juries to decide what is just in civil disputes.

There are four bills that are going to be heard in the Senate Judiciary **tomorrow morning** that will greatly impact an Oklahoman's right to a jury trial, something guaranteed by the 7th Amendment. Below you will find summaries and talking points on the four bills. We ask that you contact the members of the Judiciary Committee by calling, posting to their facebook, emailing, and faxing. Please utilize as many methods as you can and tell these four members of the judiciary why politicians should stay out of the jury box.

SB 863- Would limit damages for things such as loss of a limb, eyesight, or other permanent debilitating injuries to \$250,000. The cap contains no provision for adjustment due to the effects of inflation. Limiting the amount of non-economic damages that a jury can award an injured party is a bad idea for many reasons. Numerous studies have shown that the most severely injured are also the most affected by non-economic damage caps. Such caps also discriminate against children, women, the elderly, minorities and low wage earners. Employment income is the basis for calculating most economic damage awards. Noneconomic damage caps discriminate against children because children have no income upon which to base a calculation. Caps have an impact on the most serious injuries. **Those impacted by more than half of the time are cases involving brain damage, catastrophic loss, and paralysis.** [To read the full text of the bill, click here.](#)

For more information on the topic of limits on non-economic damages, click here:

<http://www.okwatchdog.org/userImages/files/Caps.pdf>

SB 862 will eliminate joint and several liability. Elimination of joint and several liability would undoubtedly hinder the basic purposes of the civil justice system as it would relieve tortfeasors of their responsibilities owed to society. **An injured plaintiff deserves a full recovery.** Eliminating joint and several liability would mean that the victims will not be fully compensated, simply because one or more additional wrongdoers are also responsible for the injury. When one wrongdoer ends up paying a disproportionate share of compensation to the injured victim, an issue of unfairness among the wrongdoers arises. However, it would be much more unjust if the victim, who was injured by all of the wrongdoers, would not receive the resources needed to rebuild his or her life. **It does this even when the injured party is completely innocent of fault.** [To read the full text of the bill, click here.](#)

For more information on the topic of joint and several liability, click here:

<http://www.okwatchdog.org/userImages/files/JSLiability.pdf>

SB 864- would penalize an injured party for obtaining insurance and give the party who harmed the injured party a credit using their insurance pay outs, commonly called the collateral source rule. **Eliminating the rule allows wrongdoers to escape responsibility for harmful acts.** Without the collateral source rule, losses caused by a wrongdoer would be shifted to the government (e.g., Medicaid or Medicare programs) or to private insurers who made the “collateral source” payment. There is no reason why the government and private insurers should pay for a defendant’s mistakes. Such a change would **ultimately shift the burden of victim compensation from wrongdoers to taxpayers and insurance consumers.** [To read the full text of the bill, click here.](#)

For more information on the topic of collateral source, click here:

<http://www.okwatchdog.org/userImages/files/CollateralSourceRule.pdf>

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