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## Oklahoma Republicans have new tort reform tool

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OKLAHOMA CITY - Republicans have a new tool at their disposal this year in the battle for tort reform: the referendum.

Now that Republicans have taken the majority in both the state Senate and House of Representatives, Republican leaders have the ability to pass a comprehensive bill to revise state laws dealing with personal injury on a party-line vote. But there is still one significant Democratic obstacle to getting a tort reform bill passed into law: Gov. Brad Henry.

"The governor has been very clear about what he will sign and what he won't," said state Senate President Pro Tempore Glenn Coffee, R-Oklahoma City. "We did pass it as a bipartisan bill and send it to his desk (last

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year), and I'm hopeful we're able to do that with one he can sign during this session."

Henry has said he will veto any bill that includes firm limits on the amount an injured party can receive in compensation for pain and suffering.

Legislators will try again to pass an omnibus tort reform bill that mirrors the measure Henry vetoed last year.

The bill would include a \$300,000 cap on pain and suffering, lowered limits on attorney fees, changes to class-action laws that would require members of the class to opt into a lawsuit, and a provi-

sion known as the collateral source rule, allowing a jury to deduct from an award the amount an injured party has received from their personal insurance policy, among other provisions.

Republican leaders also filed a referendum bill that would ask voters to decide on just one tort reform issue. House Speaker Chris Benge, R-Tulsa, is the author of House Bill 1959, further limiting the percentage of an award that may be collected by an attorney on a contingency basis to 33 percent of the first \$1million and 20 percent of anything more than that. The present limit is 50 percent of the award.

"If the trial lawyers won't come to the table and work in good faith, then we're going to send that referendum to a vote

of the people," said Coffee. "My preference is to send a bill the governor can sign and that receives bipartisan support from both sides of the aisle."

Coffee said Republican leaders chose to focus solely on attorney fees in order to comply with state law that requires a ballot measure to have just one subject. Legislation is also required to deal with just one subject, but Coffee asserted the laws that allowed for the omnibus tort reform bill would not allow for a similar ballot title.

"It would take a large number of state questions probably to meet the constitutional limits on that," said Coffee.

Jeff Raymond, executive director of the nonprofit organization OKWatchdog, said consumers who have

been wronged would lose an opportunity to obtain justice if contingency fees are so reduced.

"Contingency fees are the only way the average citizen can afford to take on a large corporation with virtually unlimited resources and a staff of attorneys," Raymond said.

State Sen. Patrick Anderson, R-Enid, has also filed Senate Joint Resolution 17, which would have voters decide on the issue of the \$300,000 cap on noneconomic damages paid for pain and suffering.

"While we support Oklahomans having the ultimate say in the direction of the civil justice system, it remains to be seen whether this bad idea should go to a vote of the people," Raymond said.