



OFFICE OF THE SECRETARY OF STATE

NEWS RELEASE

BILL BRADBURY

For Immediate Release:
July 13, 2004

Contact: Summer Davis
Elections Division
(503) 986-1518

The Office of the Secretary of State received a draft ballot title from the Attorney General on July 12, 2004, for initiative petition #3, proposing a statutory amendment, for the General Election of November 7, 2006.

The draft ballot title is as follows:

CAPS ATTORNEY FEES CHARGED TO PLAINTIFFS IN PERSONAL INJURY, DEATH CASES (OTHER THAN CLASS ACTIONS)

RESULT OF "YES" VOTE: "Yes" vote limits to \$100,000 the attorney fees charged to plaintiffs in personal injury or wrongful death cases other than in certified class actions.

RESULT OF "NO" VOTE: "No" vote retains current law lacking monetary cap charged to plaintiffs in personal injury, wrongful death cases, allowing fees to be negotiated.

SUMMARY: Current law places certain requirements and restrictions on contingent fee agreements between attorneys and their clients, but current law does not regulate the amount of the fee that can be negotiated between an attorney and the client, provided that the resulting fee is neither excessive nor illegal. Measure limits to \$100,000 the amount of attorney fees that an attorney can charge plaintiffs in all civil actions for damages arising out of bodily injury or death, not including certified class actions. The limitation does not include actual expenses and costs reasonably incurred by the attorney(s). Limitation applies only to attorney(s) representing the injured party (plaintiff). Cap applies regardless of the number of attorneys involved or the amount of the settlement or award obtained. Other provisions.

Chief Petitioner(s): James L. Wilson, 2450 Reindeer Ave NW, Salem, OR 97304 and Monica C. Wehby, 6010 SW Orchid Dr, Portland, OR 97219.

Copies of the text of this initiative are available at Room 141, State Capitol for \$.50. Written requests for copies with your remittance of \$1.00 prepaid, should be addressed to: Elections Division, Room 141 State Capitol, Salem, OR 97310-0722.

There now follows an appeal period of 10 business days during which any member of the public may submit written comments which address the specific legal standards a ballot title must meet to the Secretary of State's office. This period ends July 26, 2004. Comments must be addressed to: Elections Division, Room 141 State Capitol, Salem, OR 97310-0722; fax (503) 373-7414.

The Secretary of State will deliver all written comments to the Attorney General. If comments are received, the Attorney General shall issue the certified ballot title not later than the 10th business day after receiving the comments from the Secretary of State. If no comments are received, the Attorney General shall issue the certified ballot title not later than the fifth business day after the deadline for submitting comments.

In addition, during this ballot title comment period, the Secretary of State will also seek statements from interested persons regarding whether or not a proposed initiative petition complies with procedural constitutional requirements for submission of proposed initiative petitions. The Secretary will consider the information provided in the statements received from interested persons. If you wish to comment, this period ends July 26, 2004. Comments must be addressed to: Elections Division, Room 141 State Capitol, Salem, OR 97310-0722; fax (503) 373-7414.

Any elector who is dissatisfied with the ballot title certified by the Attorney General, and who timely submitted written comments which addressed the specific legal standards a ballot title must meet, may petition the Oregon Supreme Court seeking a different title. This appeal must be filed not later than the 10th business day after the Attorney General certifies a ballot title to the Secretary of State.

The required number of signatures for placement on the 2006 general election ballot is 75,630. These signatures must be filed in this office not later than July 7, 2006.

HARDY MYERS
Attorney General



PETER D. SHEPHERD
Deputy Attorney General

DEPARTMENT OF JUSTICE
APPELLATE DIVISION

July 12, 2004

RECEIVED

04 JUL 12 PM 2 00

BILL BRADBURY
SECRETARY OF STATE

John Lindback
Director, Elections Division
Office of the Secretary of State
141 State Capitol
Salem, OR 97310

Re: Proposed Initiative Petition — Caps Attorney Fees In Most Personal Injury/Wrongful
Death Cases To Maximum \$100,000
DOJ File #BT-3-04; Elections Division #3

Dear Mr. Lindback:

We have prepared and hereby provide to you a draft ballot title for the above-referenced prospective initiative petition. The proposed measure relates to limiting attorney fees charged to plaintiffs in most cases for bodily injury or death to no more than \$100,000.

Written comments from the public are due to you within ten business days after your receipt of this draft title. A copy of all written comments provided to you should be forwarded to this office immediately thereafter.

A copy of the draft ballot title is enclosed.

Sincerely,

Misty Kintz
Legal Secretary

DGF:mlk/APP68942

Enclosure

c: Peter Shepherd, Deputy Attorney General
Don Arnold, General Counsel Division
Lynn Rosik, General Counsel Division

James L. Wilson
2450 Reindeer Avenue NW
Salem, Oregon 97304

Monica C. Wehby
6010 SW Orchid Drive
Portland, Oregon 97219

DRAFT BALLOT TITLE

CAPS ATTORNEY FEES CHARGED TO PLAINTIFFS IN PERSONAL INJURY, DEATH CASES (OTHER THAN CLASS ACTIONS)

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BILLY RABOURN
SECRETARY OF STATE