



How Much Protection Does the Oregon Tort Claims Act Really Provide?



citycounty insurance services
www.cisoregon.org

Scott Moss, CIS P/C Trust Director

Oregon Tort Claims Act



Jordaan Michael Clarke in 2007



OTCA Limits

http://courts.oregon.gov/OJD/courts/circuit/tort_claims_act.page

Causes of Action Arising	State BI	Local Government BI	Property Damage
7/1/2009 – 6/30/2010	\$1.5 M \$3 M	\$500,000 \$1,000,000	\$100,000 \$500,000
7/1/2010 – 6/30/2011	\$1.6 M \$3.2 M	\$533,300 \$1,066,700	\$100,100 \$500,600
7/1/2011 – 6/30/2012	\$1.7 M \$3.6 M	\$566,700 \$1,133,300	\$101,400 \$506,900
7/1/2012 – 6/30/2013	\$1.8 M \$3.6 M	\$600,000 \$1,200,000	\$104,300 \$521,400
7/1-2013 – 6/30/2014	\$1.9 M \$3.8 M	\$633,000 \$1,266,700	\$106,700 \$533,400
7/1/2014 – 6/30/2015	\$2 M \$4 M	\$666,700 \$1,333,300	TBD by OSCA
After 2015	TBD by OSCA	TBD by OSCA Portland CPI	TBD by OSCA

OTCA Challenge

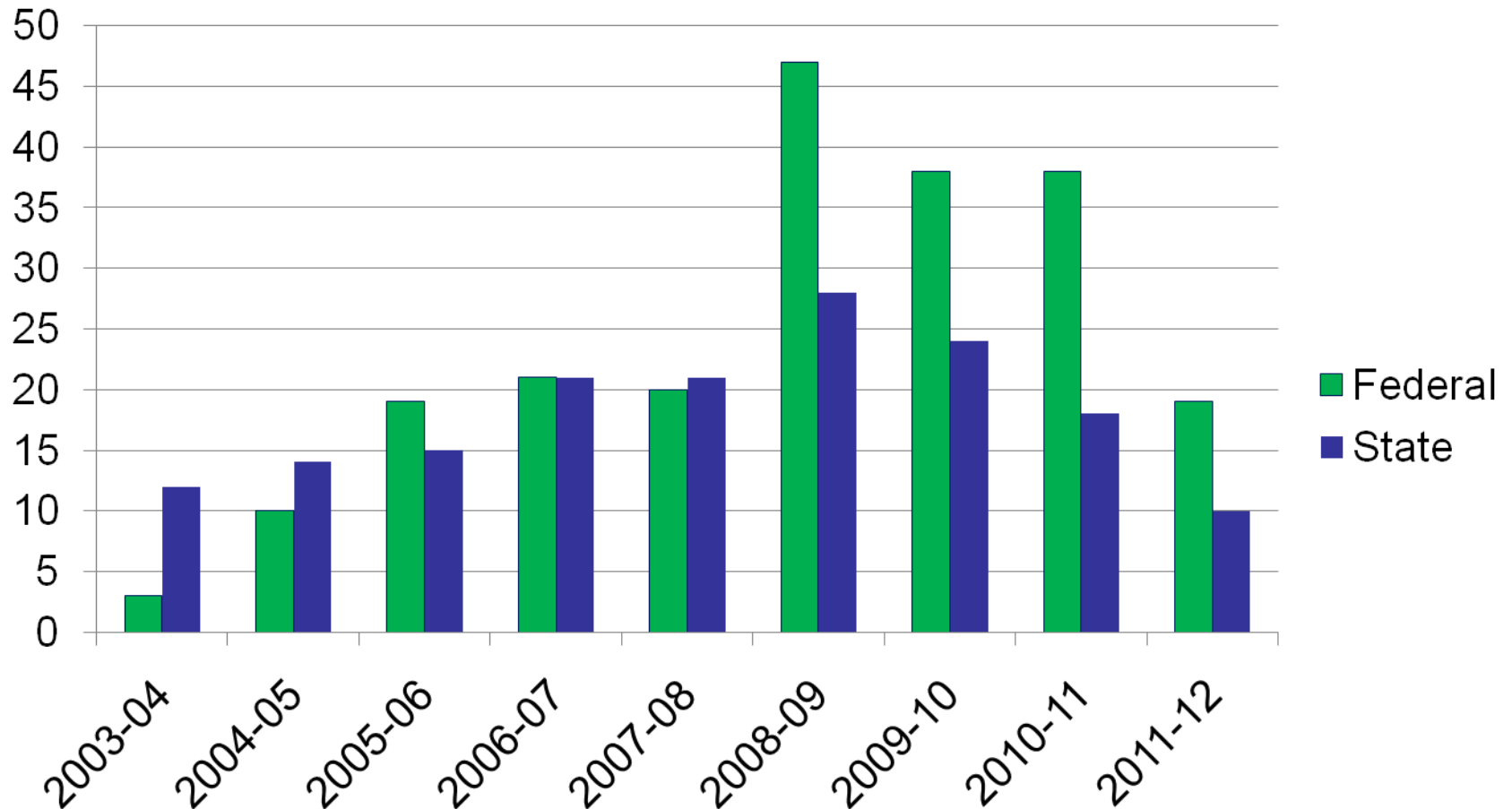
Howell vs. City of Beaverton (March 14, 2013)

Awarded \$500,000 by trial court. Court would not reduce to \$200,000 the OTCA cap at the time (2007).

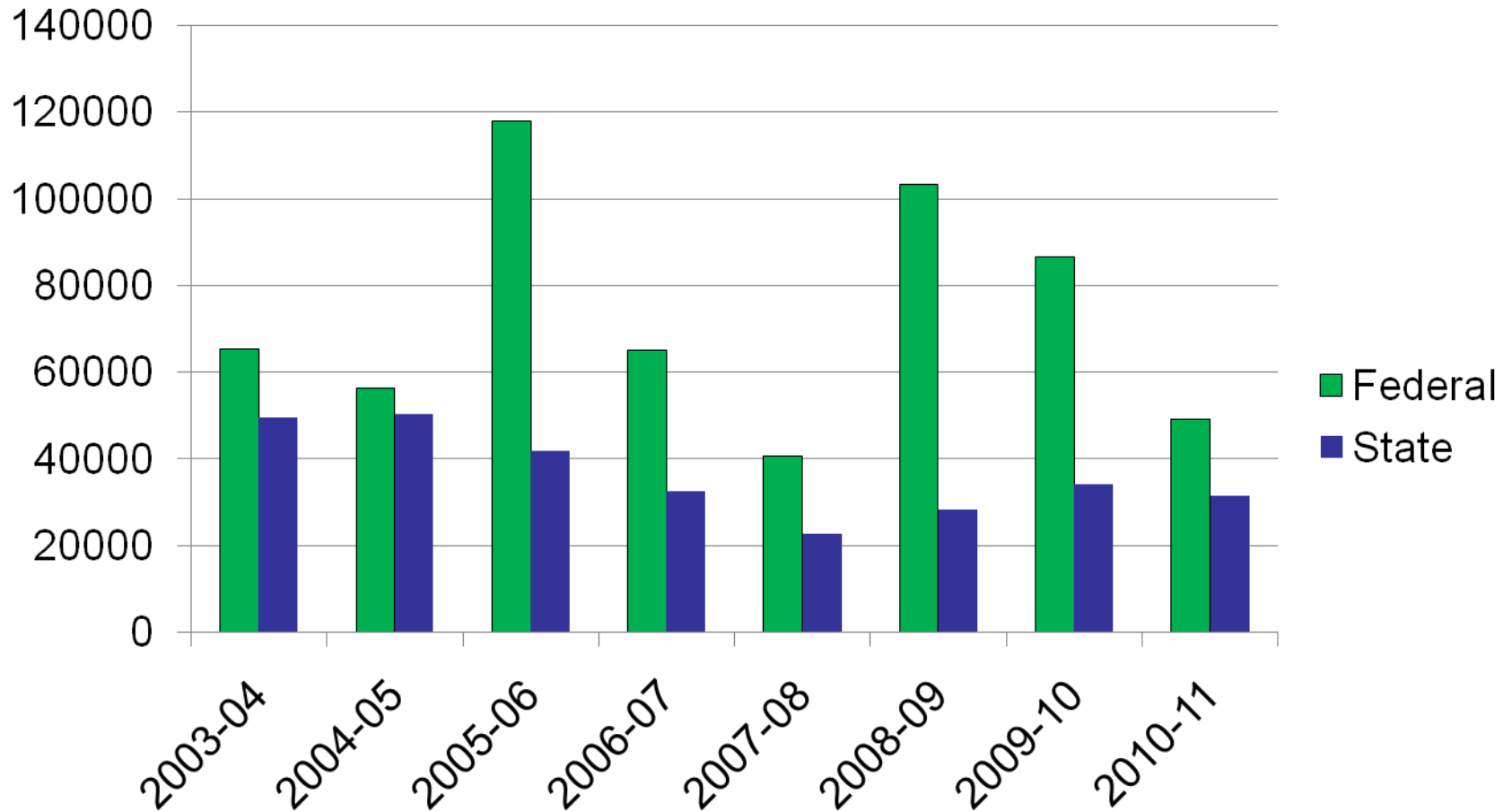
Oregon Supreme Court said, “We conclude that the challenged \$200,000 damage limitation does not leave plaintiff with a constitutionally inadequate remedy.”



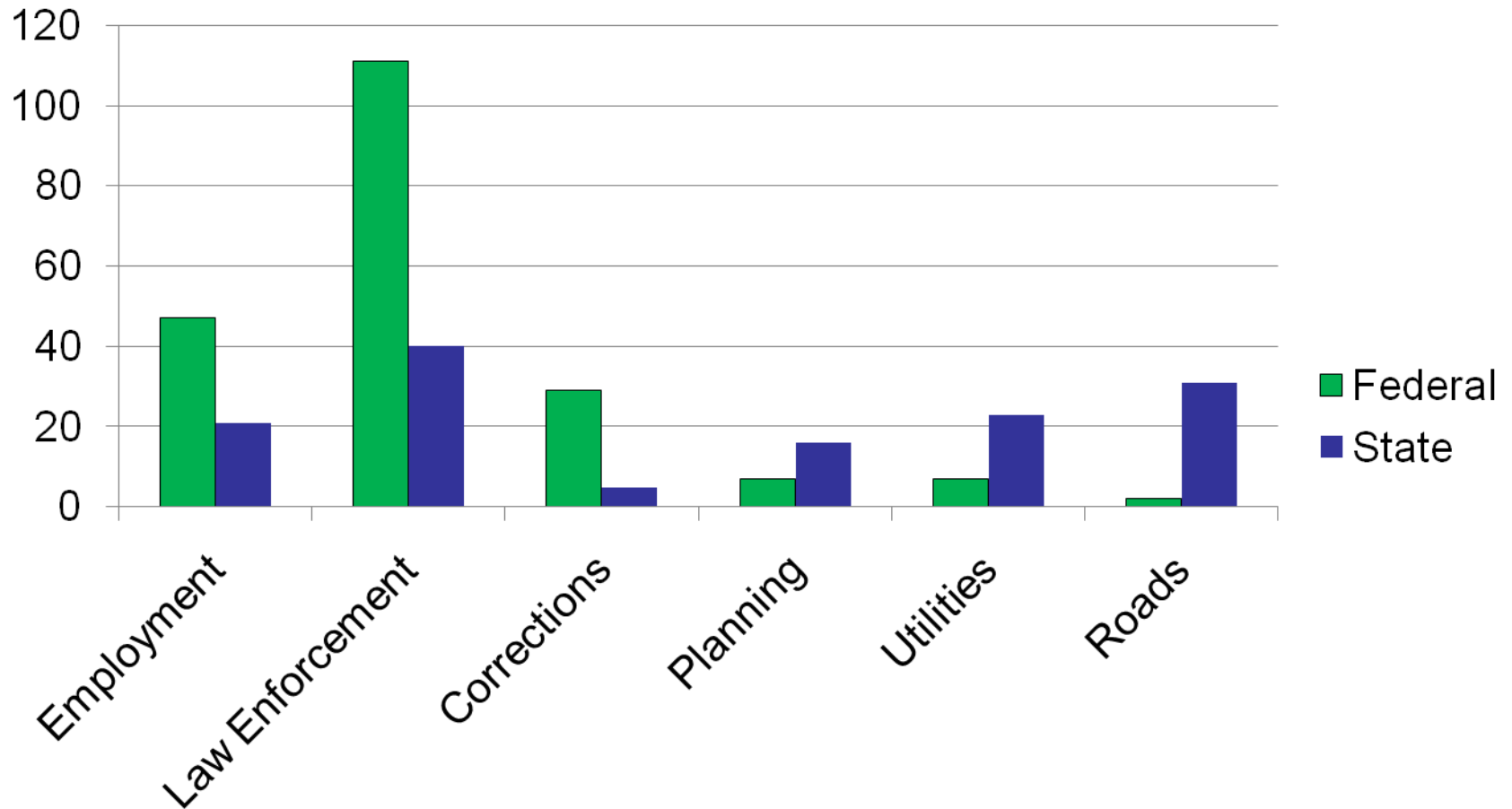
Number of Litigation in Federal vs. State Court



Average Cost of Litigation in Fed vs. State Court



Type of Litigation in Fed vs. State Court





THANK YOU!



citycounty insurance services
www.cisoregon.org