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For Immediate Release

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Ohio Supreme Court decision a blow to victims

Decision protects insurance industry at the expense of Constitutional right to a fair trial

Columbus – The Ohio Association for Justice (OAJ) decried a decision today by the state’s highest court to uphold legislation enacted in 2005 that is aimed at limiting victims’ rights and protecting the insurance industry’s bottom line. The decision centered on Senate Bill 80, which called for “bifurcating” trials as a way of limiting what juries could hear about a wrongdoer’s actions and thereby limiting the amount of damages for which they and their insurance companies would be liable.

“Today’s decision is heartbreaking for Ohio victims and their families seeking justice and accountability from those who harm them,” said Denise Houston, OAJ President. “A jury of Ohio citizens is capable of determining right from wrong, but this law takes that ability from them. This law sends the message that profits come before people in Ohio.”

Today’s decision, which centers on the case **Havel v. Villa St. Joseph**, dealt with a provision of the 2005 so-called “tort reform” law that says cases can be divided – or bifurcated – into two phases if both compensatory and punitive damages are sought. Before this law, a jury of Ohio citizens would hear all the evidence in a case and then decide what compensatory damages should be awarded, based on things like medical bills, lost wages, and future damages. The jury would concurrently determine if punitive damages are warranted based on the need to punish egregious behavior and deter it from happening in the future.

Once the law passed, cases can now be bifurcated with one trial for compensatory damages and a separate trial for punitive damages. Injured victims are now prevented from introducing evidence that is not directly related to compensatory damages in that trial and vice versa. So what does that mean in the real world? If someone is severely injured by a drunk driver who had been out all night drinking to excess at multiple bars before getting behind the wheel, a jury deciding compensatory damages would never know it. Only in a separate trial over punitive damages would the jury hear any evidence about how plastered the drunk driver was.



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“Ordinary Ohioans had more of their Constitutional rights stripped away today by this decision in support of a bogus law that is designed to pad insurance company profits. The twelve Ohio citizens sitting on a jury should be able to hear all the evidence in one trial,” said Houston. “It costs victims time and money to conduct two separate trials, in order for the injured to receive the justice they deserve. It’s a sad day for Ohio consumers.”

Founded in 1954, the Ohio Association for Justice is the only statewide association of attorneys whose mission is to preserve our Constitutional rights and protect access to the civil justice system for all Ohioans through advocacy in the Courthouse, Statehouse, and Bureau of Workers’ Compensation.

