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Proponent Testimony to the House Civil Justice Committee on House Bill 472 –
Political Subdivision Liability-Motor Vehicle Operation

May 17, 2022

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Chair Hillyer, Vice-Chair Grendell, Ranking Member Galonski and Members of the House Civil Justice Committee, thank you for the opportunity to present sponsor testimony on House Bill 427, regarding political subdivision liability-motor vehicle operation.

My name is Scott Bowman and I have been a trial attorney dedicated to helping Ohioans harmed due to the carelessness of other entities. Like all other members of the Ohio Association for Justice, I am committed to preserving the Seventh Amendment and Article 1 of Ohio's Constitution, which guarantee the citizens of Ohio the FULL right to trial by jury in civil cases. The current status of the law relative to the negligent operation of police vehicles, in my opinion, takes this Right out of the hands of Ohioans and into the hands of politicians.

I would like to speak candidly about what the current state of the law means for everyday Ohioans like Mary and Gordon Champagne who I represented when they were rear-ended at a high rate of speed by a Franklin County Deputy. The Champagne's, an older couple living in Grove City, were simply trying to enjoy their retirement years when the incident occurred. They had NO intention of contacting a lawyer such as myself until they were told, in no uncertain terms that, though this wreck was not their fault, they were, in essence, on their own when it came to getting reimbursement for their car, which was totaled, and for their health insurance deductibles and co-pays. In fact, it was even a struggle for them to get their \$500.00 deductible paid for by the County.

I took the case because it appeared that under the current state of the law, they should be compensated because the Deputy at issue stated to the State Highway Patrol who responded to the scene that he WAS NOT on an "emergency call"; and therefore, was not immune from being held responsible. In fact, everything pointed to the Deputy not being on an emergency call as he was driving *without* lights or sirens engaged.

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However, as it became clear that I could not resolve the case informally, I had to file a lawsuit on behalf of the Champagne's.

What followed was a long, arduous journey that really made me feel for my elderly clients. They had to go through lengthy discovery, depositions, etc. all to find that, at the end of this journey, Big Government had made the decision that the County was not responsible because, even though the Deputy stated he WAS NOT on an emergency call, he was and therefore the County WAS NOT responsible.

Ohioans deserve better. To be candid, had governmental immunity not been looming large over this case, the Champagne's not only wouldn't have had to have gone through this complicated, stressful and unnecessary process, they wouldn't even have hired a lawyer. All they wanted was what was fair; compensation for their car and payment of out-of-pocket medical expenses. Instead, what they got was a lack of transparency and the feeling that Big Government did not have to take responsibility for its actions whereas they, as "ordinary" citizens, would have had the proverbial book thrown at them.

Journalists around the state have considered why government is harming, not helping. Last year, Bennett Haeberle of 10TV in Columbus, [investigated](#) that in Columbus City alone, more than 100 claims of property damage caused by collision from Columbus Police. However, in 60% of those claims, the government was shielded from responsibility. Duane Polhman, an investigative journalist for WKRC in Cincinnati, [reported](#) numerous cases of cars being totaled and pedestrians being nearly killed. In each of those cases, Big Government won.

To me, this all goes to a larger issue. When Ohioans see that Big Government can act as a King, that is, after all, where sovereign immunity comes from, they lose respect for our institutions and our Republic. This is like a rot that slowly erodes Ohioans confidence in all branches of government. I will never forget, after I received the appellate decision upholding the trial court's granting of immunity, Mary Champagne's comment to me which was, "So, they just get away with this? I thought police departments were supposed to protect and serve us, not hurt us."

I respectfully request passage of HB 427, and I am happy to take any questions.