
MEMORANDUM

TO: Ohio House of Representatives, Civil Justice Committee, Chairman Brett Hillyer and Members

FROM: Chanda Brown, Attorney at Law

SUBJECT: Testimony Opposing HB 281, Regarding Civil Liability for Criminal Acts, Revised Code Section 2307.60

DATE: December 3, 2024

Dear Mr. Chairman and Committee Members,

My name is Chanda Brown. I am a partner at the Columbus law firm of Walton + Brown, where I regularly represent victims in complex serious personal injury, wrongful death, civil rights, and employment cases. Thank you for allowing me to express to the committee my strong opposition to House Bill 281.

The purpose of HB 281 is to overturn the unanimous Ohio Supreme Court decision in *Buddenberg v. Weisdack* recognizing that victims of crime can pursue civil remedies for the harm they have suffered without the perpetrator first having to be charged and convicted through the criminal justice system. I believe the court got it right in *Buddenberg*. It is important for the victims I represent to have their day in court without relying on prosecutors to pursue a different process, using a different standard of proof and very different rules. The fact that a prosecutor may not see a specific crime as a priority, or may not have enough evidence to prove it beyond a reasonable doubt, should not prevent justice from being done in civil court under the ordinary civil rules.

I understand that the committee has now adopted an amendment in an effort to remove certain crimes, but not others, from the effect of the bill. This does not change my opposition to the bill, for two reasons.

First, as adopted, the amendment removing certain crimes related to sexual abuse and domestic violence has a potentially fatal flaw. As it is written, it makes reference to an offense being charged. This would overturn *Buddenberg* even for crimes intended to be excluded, as it would likely be interpreted to require that the perpetrator be "charged" with the offense before a civil action could be pursued. As the committee has heard previously, many domestic violence and sexual abuse offenses are not prosecuted at all. This should not prevent victims of these crimes from getting justice in civil cases.

Second, even if the amended language were clarified on that point, the bill would make it harder for most crime victims to obtain a remedy. It would protect only a small minority, leaving every other Ohio crime victim unable to pursue civil justice.

Part of my practice involves representing employees when they are harmed by unscrupulous employers. The committee should not advance a bill that allows a victim of domestic violence to sue her attacker, but not the employer who fires her for testifying in a criminal trial or punishes her for enforcing a protective order. I do not believe the committee should advance a bill that bars employers from making employees commit perjury, but lets them fire workers who question withholdings from their paychecks or refuse to break immigration laws. That will be the effect of making it harder for victims of crimes like retaliation, obstruction, and interference with civil rights to file suit. And there are many more examples of cases that will slip through the cracks if the committee tries to pick and choose which crime victims deserve a remedy, and which do not.

Thank you for the opportunity to testify. I would be happy to answer any questions the committee may have.