

Good morning. My name is David Schweigert, and I am here to testify against SB 2206.

I have been an attorney in the state of North Dakota for just about 32 years. In that time I have taken numerous matters to a jury to decide what is right and what is wrong. I have represented families who were injured in mishaps. I have represented individuals who have been sued by people they have injured. This includes truck drivers who were negligent and people who were injured by the negligent truck driver. It is because of these experiences, that I am here today to testify in my opinion on behalf of us North Dakotans **against** this bill.

In my opinion, for the North Dakota Legislature to arbitrarily say in every case in which you were injured by a negligent truck driver the most you could have sustained in non-economic loss is \$500,000, is a slap in the face to the individuals who elected you. Not only does it tell North Dakota citizens that you believe a person who has sustained a broken arm should be entitled to recover the same as someone who is a quadriplegic for their daily struggles, you are also telling the people of North Dakota that you don't trust them to do the right thing. By passing a law that takes that decision away from the people who elected you, you are telling me and others who elected you, I don't trust you. When you have stood in front of a jury of North Dakota citizens as many times as I have you don't have that concern. When given the facts and the law, people of North Dakota make the right decisions. Each of you are here because the people of North Dakota decided you were the right person for your district.

I believe strongly in the jury system. There is a reason why the individuals who wrote our constitution believed it best that when we are wronged by someone else, a group of our peers is best positioned to make the right decision about the victim's and the perpetrator's fate. The 7th Amendment in my opinion is as important as the 2nd Amendment. I have seen first-hand why the individuals who wrote the US Constitution were correct. If I represent a truck driver who caused an injury, we are fair and honest with jurors and they are fair in their decision. We don't have run away verdicts in North Dakota for non-economic damages. If someone comes up here and starts referencing big verdicts, those verdicts were not because of non-economic damages.

Additionally, if someone in North Dakota believes that the amount of non-economic damages they have been ordered to pay is unreasonable, they have an opportunity to ask a judge to reduce the award. Judges in North Dakota are elected. Although they can be appointed if someone steps down before the end of their term and they are appointed, they still have to put their name in front of North Dakota voters, and someone can run against them. By you arbitrarily trying to step into this process and first take this decision away from North Dakota voters who elected you and then going even a step further and tell North Dakota citizens that not only do you not trust them, you also don't trust the people they elected as a safeguard, i.e. judges, you are in essence telling the people who elected you they don't know how to make the right decision.

As someone who has seen North Dakota jurors in action, and as a citizen of the state of North Dakota, please don't attempt to take away or limit our constitutional rights. Trust the people who elected you to do the right thing.

Thank you.

David D. Schweigert