CHILDREN'S JUSTICE CAMPAIGN
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Understanding CSA SOL Reform in Massachusetts

Responding to the Scare Tactics Against Child Sexual Abuse SOL & Revival Legislation

MYTH	FACT
"Reviving old cases is unconstitutional."	The U.S. Supreme Court has repeatedly held that legislatures may revive time-barred civil claims. SOLs are policy choices, not fundamental rights. (Chase Securities v. Donaldson, 1945). Massachusetts has held revival SOL legislation constitutional. *Sliney v. Previte*, 473 Mass. 283, 41 N.E.3d 732 (Mass. 2015)
"SOL has its purpose. We don't want stale claims - lost evidence, faded memories, etc."	Plaintiffs must still prove their cases. Safeguards still exist — Rules of Evidence and Rules of Civil Procedure — and attorneys will not take weak cases. These are not typical tort cases!
"The courts will be flooded with cases! / There will be a flood of lawsuits!"	The court systems of other states have not been overwhelmed. For example, New York, which has a population of over 20 million, had less than 11,000 claims in two years, equaling around 0.006% of the population.
"Won't good organizations go bankrupt or out of business?"	Chapter 11 of the Bankruptcy Code is a voluntary federal reorganization tool: institutions get a fresh start, while victims are left with their lifelong pain and shame. Bankruptcy is used as a tool to stop discovery and silence survivors.
"Won't MA be an outlier? This is unprecedented!" / "Other states have struck down revival laws."	19 states, the federal government, and 3 territories have eliminated the civil SOL in whole or in part. 30 states and 3 territories have revived expired claims since 2002. Those minority of states who struck down revival laws rely on constitutional provisions that Massachusetts does not have.
"Isn't this so personal injury attorneys can make money?"	No, in fact, it is defense attorneys who benefit the most by dragging these cases out - excessive motions /discovery, etc. Many PI attorneys never make a dime on cases.
"Insurance markets will collapse."	States with revival statutes have not experienced (1) disappearance of insurance markets or (2) systemic inability to obtain coverage. Instead, insurers have adjusted premiums, modified policy language, and continued to underwrite risk.