



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

Bill to ensure civil awards free of bigotry advances

CAOC-backed SB 41 seeks to overcome cynical efforts to diminish awards to women and minorities in personal injury and wrongful death cases

SACRAMENTO (June 4, 2019) – A bill that will ensure women and minorities are not deprived of fair compensation by preventing the use of racially biased data in setting civil damage awards won approval today from the Assembly Judiciary Committee.

SB 41 by Sen. Bob Hertzberg (D-Van Nuys) and backed by Consumer Attorneys of California was spurred by the cynical practice by defense lawyers to reduce a defendant's financial exposure in personal injury and wrongful death cases to justify smaller damage awards.

The use of biased statistical tables to calculate civil damages is a standard practice across the country, including California.

“Our state's current statutes do not adequately spell out that the use of such racial profiling to limit damage awards is bigoted and should be prohibited,” said Mike Arias, CAOC president. “Civil rights laws prohibit discrimination against protected classes in a variety of areas, yet no state or federal law prohibits the use of race, gender, religion, or sexual orientation in the calculation of damages awarded to injured parties.”

The result, Arias said, has been severe and unaddressed discrimination in court-awarded damages for certain protected classes. This practice deprives some individuals of fair compensation and perpetuates systemic inequality.

SB 41 remedies this injustice by prohibiting judges, juries and expert witnesses from considering a plaintiff's race, gender, religion or sexual orientation in calculating civil damage awards.

The bill now moves to the Assembly floor.

Consumer Attorneys of California is a professional organization of plaintiffs' attorneys representing consumers seeking accountability against wrongdoers in cases involving personal injury, product liability, environmental degradation and other causes.

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