



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

CAOC-sponsored bill provides fair compensation

AB 2159 furthers equal treatment of undocumented Californians

SACRAMENTO (Feb. 17, 2016) – A bill introduced today in the California Assembly would continue the progress California has made in providing equal legal treatment to all Californians regardless of immigration status.

AB 2159, authored by Assembly Member Lorena Gonzalez (D-San Diego) and co-sponsored by Consumer Attorneys of California (CAOC) and the Mexican American Legal Defense and Educational Fund (MALDEF), will provide fair and just compensation for undocumented persons who are injured through no fault of their own. The bill would allow for equal treatment of all injured Californians by ensuring an injured person's immigration status cannot be considered in personal injury or wrongful death suits.

The bill corrects an injustice introduced by a California appellate court in *Rodriguez v. Kline* (1986). The court ruled that an undocumented person may recover only the future lost wages that he or she could expect to earn in their country of origin. Some defendants also now claim that compensation for medical expenses in these cases should be based on what it would cost in the country of origin. These provisions combine to drastically undervalue the compensation for catastrophically-injured undocumented persons strictly because of their immigration status, even though they have not been subject to deportation, have lived and paid taxes in California and will continue to do so after the injury.

“AB 2159 is another step towards treating all Californians equally,” said CAOC president Elise Sanguinetti. “This bill addresses a glaring omission in the movement toward equal treatment we have made over the last 15 years. The California Labor Code, Civil Code and Government Codes already offer protection to everyone regardless of immigration status. Now we need to correct this disparity in our civil courts.”

Sanguinetti pointed out there are no examples of *Rodriguez* being applied to undocumented residents whose country of origin has higher wage rates than the U.S., such as Norway or Denmark.

The bill is expected to get its first hearing in the Assembly Judiciary Committee, though no date has been set.

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.

For more information:

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