



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

Bill ensuring bigotry free civil awards goes to governor

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

SACRAMENTO (July 11, 2019) – A bill that will ensure women and minorities are not deprived of fair compensation in civil cases by preventing the use of racially biased data in setting damage awards won final approval today and is going to the desk of Gov. Gavin Newsom.

Senate Bill 41 by Sen. Bob Hertzberg (D-Van Nuys) and backed by Consumer Attorneys of California was approved by the California Senate. The measure did not get a single no vote during its march through the Legislature.

SB 41 was spurred by the disturbing practice of defense attorneys in civil cases citing racial- and gender-biased data to limit a defendant's financial exposure in personal injury and wrongful death cases. The use of biased statistical tables to calculate civil damages is a standard practice across the country, including California.

“It's time to put an end to a practice that is cynical, bigoted and unjust,” said Mike Arias, CAOC president. “Civil rights laws prohibit discrimination in a variety of areas, but 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.

“We applaud Sen. Hertzberg for taking on this issue, we appreciate the support of the Legislature at every step of the process and we are very hopeful Gov. Newsom will sign the bill and end this pernicious pattern of discrimination,” Arias said.

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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