



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

CAOC-sponsored bill goes to governor's desk

AB 2159 ensures fair compensation regardless of immigration status

SACRAMENTO (August 1, 2016) – A Consumer Attorneys of California-sponsored bill that will allow for equal treatment of all Californians injured through no fault of their own is headed to Gov. Jerry Brown's desk after it was passed by the California Senate today, 28-11, with bipartisan support.

AB 2159, authored by Assemblymember Lorena Gonzalez (D-San Diego) and co-sponsored by CAOC and the Mexican American Legal Defense and Educational Fund (MALDEF), will prevent an injured person's immigration status from being considered in personal injury and wrongful death suits. The bill corrects an injustice introduced by a California appellate court in *Rodriguez v. Kline* (1986) that drastically undervalues 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.

In *Rodriguez* the court ruled that the future lost wages that undocumented persons can recover must be determined based on what they could expect to earn in their country of origin, not what they would earn in the United States. Some defendants also claim that compensation for medical expenses in these cases should be based on what care would cost in the country of origin. As a result undocumented persons receive just pennies on the dollar, if anything, when they are injured through the negligence of others.

Enactment of AB 2159 would continue the progress California has made in providing equal legal treatment to all Californians. State law already holds that immigration status is irrelevant to the issue of liability, and undocumented workers are protected by California's labor laws.

Gov. Brown has 12 days to act on the bill or else it becomes law without his signature.

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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