



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

Gov. Brown signs fair civil court compensation bill

CAOC-sponsored AB 2159 ensures equal treatment of injured Californians regardless of immigration status when they seek damages in court

SACRAMENTO (August 17, 2016) – Gov. Jerry Brown has ensured that undocumented Californians will be treated fairly when they are injured through no fault of their own, signing a Consumer Attorneys of Californian-sponsored bill that guarantees equal treatment of all Californians regarding compensation for injuries.

AB 2159 by Assembly Member Lorena Gonzalez (D-San Diego) and co-sponsored by CAOC and the Mexican American Legal Defense and Educational Fund (MALDEF) prohibits consideration of an injured person's immigration status in personal injury and wrongful death suits.

The bill targeted an injustice introduced in 1986 by a California appellate court in the case *Rodriguez v. Kline*. In the years since, that appellate ruling has been cited in numerous personal injury cases to drastically undervalue the compensation for catastrophically-injured undocumented persons. In many instances the ruling was applied to people who had lived and paid taxes for years in California and would continue to do so because they were under no threat of deportation.

“This bill corrects an antiquated legal decree that for too long undercut the true meaning of justice in our nation of immigrants,” said CAOC President Elise R. Sanguinetti. “Our courts should treat all people equally when they are wrongfully injured or killed, not operate as a two-tier system that drastically undervalues compensation because of a person's immigration status. We applaud Assembly Member Gonzalez and Gov. Brown for restoring fairness to that process in our civil courts.”

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 have also claimed 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 have received just pennies on the dollar, if anything, when they are injured through the negligence of others. That will change when AB 2159 is enacted on January 1, 2017.

Gov. Brown's action today continues the progress California has made in providing equal legal treatment to all Californians. Immigration status is irrelevant to the issue of liability under state law, and undocumented workers have equal protection under California's labor laws.

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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