



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

CAOC-sponsored bill to protect abused seniors wins key approval in California Senate

AB 859 addresses intentional destruction of legal evidence

SACRAMENTO (July 18, 2017) – A measure sponsored by Consumer Attorneys of California that gives physically abused seniors a better shot at justice when nursing homes intentionally destroy legal evidence won approval in the Senate Judiciary Committee today.

[Assembly Bill 859](#), authored by Assemblymember Susan Eggman (D-Stockton), was passed by the committee on a 5-to-2 vote.

Normally a victim of elder abuse must show “reckless neglect” by clear and convincing evidence. Some nursing homes, however, intentionally destroy that evidence after a suit is filed to prevent victims from proving their case. Under AB 859, when a judge has found that a nursing home has intentionally destroyed legal evidence, the victim’s burden of proving the case is reduced to a preponderance-of-evidence standard, a lower standard of proof.

“This is a very, very narrow and elegant solution to the problem” when an elder care facility destroys evidence to hide its culpability, said Kathryn Stebner, an elder abuse attorney and CAOC board member.

AB 859 is co-sponsored by the California Alliance of Retired Americans and the Congress of California Seniors and is backed by AARP and other senior groups. The bill is expected to be heard on the Senate floor after the summer recess that begins this coming Friday.

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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