



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

CAOC-sponsored fair compensation bill advances

AB 2159 approved by Assembly Judiciary Committee

SACRAMENTO (March 29, 2016) – A bill that would continue the progress California has made in providing equal legal treatment to all Californians regardless of immigration status was approved by the Assembly Judiciary Committee today.

AB 2159, authored by Assemblymember 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.

“The current state of the law allows defendants and their insurance companies to get a discount if they happen to injure someone who is undocumented,” CAOC member Noemi Esparza told the committee in testifying in support of the bill. “It’s essentially a windfall for insurance companies.” Esparza, an associate with the Sacramento law firm Dreyer Babich Buccola Wood Campora, LLC, has represented injured persons affected by *Rodriguez*.

AB 2159 will next be considered by the full Assembly.

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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