



# CONSUMER ATTORNEYS OF CALIFORNIA

*Seeking Justice for All*

## Bill protecting abused elders goes to governor

CAOC-sponsored SB 1065 will bring swifter justice for dying seniors

**SACRAMENTO (Aug. 26, 2016)** – A bill co-sponsored by Consumer Attorneys of California that will provide speedy access to justice for frail California seniors is on its way to Gov. Jerry Brown after the California Senate gave its final approval today

[SB 1065](#), authored by Sen. Bill Monning (D-Carmel) and also co-sponsored by the Congress of California Seniors and California Advocates for Nursing Home Reform, offers protection in elder abuse cases against nursing homes. The bill will speed the appeal process for dying seniors when a judge denies forced arbitration in cases filed under the Elder and Dependent Adult Civil Protection Act.

Under current law, plaintiffs aren't allowed to appeal a trial judge's ruling that arbitration may proceed, but defendants may appeal if a judge declares that a provision in a nursing home admissions contract requiring disputes be taken to arbitration is "unconscionable" and determines the case should be decided in court. Defendants have abused the appeal process to drag out cases in the hope that an elder abuse victim dies before the dispute is resolved, denying justice for people facing their final days.

In order to benefit from SB 1065, an elder abuse victim must prove in court that he or she qualifies for a trial court date preference under California Court of Civil Procedure Section 36, meaning he or she is age 70 or older and in ill health. For those seniors, SB 1065 will require an appeal of the denial of forced arbitration be resolved within 100 days. Those appeals now routinely take two to three years to resolve, and the seniors involved are not likely to live that long.

"SB 1065 does not eliminate arbitration from these cases, nor does it eliminate defendants' right to appeal the denial of arbitration," said CAOC president Elise R. Sanguinetti. "The bill simply means the appeal will be resolved faster for these seniors in poor health. The expedited appeals process will not add extra burdens to the appellate courts, as fewer than 20 people a year are likely to qualify for the expedited appeal. But it is crucial that this small and deserving group of elder abuse victims obtain a resolution of their case while they are alive."

*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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