



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

CAOC-backed bill to protect abused seniors passes California Assembly

AB 859 addresses intentional destruction of legal evidence

SACRAMENTO (June 1, 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 California Assembly tonight.

[Assembly Bill 859](#), authored by Assemblymember Susan Eggman (D-Stockton), was passed by the Assembly on a vote of 43-16 with bipartisan support.

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.

“It’s hard to believe these facilities would intentionally violate the law by destroying evidence to escape accountability, but some do,” said Consumer Attorneys of California President Greg Bentley. “It simply isn’t fair to require that the abused victim prove the case at the higher clear-and-convincing standard when a nursing home destroys the evidence necessary to prove the case.”

AB 859 is co-sponsored by the California Alliance of Retired Americans and the Congress of California Seniors. The bill now goes to the California Senate.

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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