



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

Newsom signs bill ensuring bigotry free civil awards

CAOC-backed SB 41 helps overcome cynical efforts to diminish awards to women and minorities in personal injury and wrongful death cases

SACRAMENTO (July 30, 2019) – Gov. Gavin Newsom has signed legislation that sets a nationwide legal precedent by preventing the use of biased data in setting civil damage awards, a practice that has robbed women and minorities of fair legal compensation.

Senate Bill 41 by Sen. Bob Hertzberg (D-Van Nuys) and backed by Consumer Attorneys of California was spurred by the disturbing practice of defense attorneys in civil cases citing racial- and gender-biased data to limit a defendant’s financial exposure in personal injury and wrongful death cases. The use of biased statistical tables to calculate civil damages is a standard practice across the country, including California.

“We’re grateful that Gov. Newsom has taken this step to put an end to a legal tactic that is cynical, bigoted and unjust,” said Mike Arias, CAOC president. “This legislation exemplifies California’s leadership role in the fight for justice. Until now, no state or federal law had prohibited the use of race, gender, religion, or sexual orientation in the calculation of civil damages.”

Severe and unaddressed discrimination in court-awarded damages for certain protected classes deprives individuals of fair compensation and perpetuates systemic inequality. SB 41 remedies this injustice by prohibiting judges, juries and expert witnesses from considering a plaintiff’s race, gender, religion or sexual orientation in calculating civil damage awards.

The measure becomes law Jan. 1, 2020.

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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