



# CONSUMER ATTORNEYS OF CALIFORNIA

*Seeking Justice for All*

## CAOC-backed bill protecting abused elders advances

SB 1065 passes Assembly Judiciary Committee with amendments

**SACRAMENTO (June 28, 2016)** – A bill co-sponsored by Consumer Attorneys of California that will provide speedy access to justice for frail California seniors passed today with bipartisan support out of the California Assembly Judiciary Committee.

[SB 1065](#), authored by Sen. Bill Monning (D-Carmel) and co-sponsored by the Congress of California Seniors and California Advocates for Nursing Home Reform, offers protection in elder abuse cases against nursing homes.

As amended during today's hearing, the bill will speed the appeal process for dying seniors after a judge's denial of forced arbitration in cases filed under the Elder and Dependent Adult Civil Protection Act. For seniors who have been deemed by the court to be sick and dying and thus receiving a trial court date preference under California Court of Civil Procedure Section 36, SB 1065 would require the appeal be resolved within 100 days. Those appeals now routinely take two to three years to resolve.

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 forced arbitration provision is "unconscionable" and the case should be decided in court. Defendants have abused the practice to drag out cases in a hope that an elder abuse victims dies before a dispute is resolved, denying justice for people facing their final days.

"SB 1065 does not eliminate arbitration from these cases, and with today's amendments it does not eliminate defendants' right to appeal the denial of arbitration," said CAOC president Elise R. Sanguinetti. "The expedited appeals process will not add extra burdens to the appellate courts, as very few people will qualify for the expedited appeal."

The bill in practice covers only those victims who are alive; sadly, most elder abuse victims end up dying. In order to qualify for the expedited process, a victim must prove in court that he or she qualifies for a trial court preference, meaning age 70 or older and in ill health.

Fewer than 20 people a year likely would qualify, eliminating any significant impact on the courts, Sanguinetti said. "But it is crucial that this small and deserving group of elder abuse victims obtain a quick 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.*

### **For more information:**

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