



# CONSUMER ATTORNEYS OF CALIFORNIA

*Seeking Justice for All*

## CAOC-backed bill protecting elders passes Senate

SB 1065 will limit delays in hearing nursing home abuse cases

**SACRAMENTO (May 2, 2016)** – A bill co-sponsored by Consumer Attorneys of California that will hasten justice for California seniors in elder abuse cases against nursing homes was passed by the California Senate today with bipartisan support.

[SB 1065](#) by Sen. Bill Monning (D-Carmel) and co-sponsored by the Congress of California Seniors and California Advocates for Nursing Home Reform will prohibit defendants from appealing a judge's denial of forced arbitration in cases filed under the Elder and Dependent Adult Civil Protection Act. The bill does not create a blanket ban on forced arbitration in elder abuse cases, nor would it prevent the defendant from appealing the final judgment. Defendants would also retain the right to seek a writ of mandamus for appellate review of denial of arbitration while the case moves forward.

The bill is needed because defendants take advantage of the process to put off going to trial, a tactic that has delayed and in some instances denied justice for elderly Californians facing their final days.

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. SB 1065 will put both parties on equal footing by prohibiting defendants from appealing "unconscionable" rulings. Defendants have abused the practice to drag out cases in a hope that an elderly plaintiff dies before a dispute is resolved.

"We have seen cases in which the appeal of an arbitration denial can delay the resolution of an elder abuse case by as much as two years," said CAOC president Elise Sanguinetti. "That's time these elderly victims just don't have."

SB 1065 will next be heard by the Assembly Judiciary Committee.

*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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