

MARIPOSA COUNTY RESOLUTION NO. 85-199

RE JOINT AND SEVERAL LIABILITY, SENATE BILL 75 (FORAN)

WHEREAS, the present legal doctrine of joint and several liability makes codefendants in a single cause of action individually liable for the entire amount of damages awarded; and

WHEREAS, a plaintiff in a civil action may collect damages from a single codefendant if he so chooses, in which case the paying codefendant must seek reimbursement from the remaining codefendants; and

WHEREAS, if the remaining codefendants are insolvent or judgment-proof, the paying codefendant may be left with the entire cost of the award for damages, and such exposure to financial liability bears no direct relation to the proportion of legal fault of the respective codefendants; and,

WHEREAS, local government codefendants, because of their ability to pay ("deep pocket"), are often made to pay large damage awards in civil actions in which they are minimally at fault; and

WHEREAS, the burden placed upon the taxpayer as a result of the current doctrine of joint and several liability is inequitable and improperly makes public agencies insurers for the negligence of others, and

WHEREAS, the Mariposa County Board of Supervisors has previously passed and adopted Resolution No. 85-84 in support of Senate Bill 75 (Foran).

NOW, THEREFORE, BE IT RESOLVED by the Mariposa County Board of Supervisors, a political subdivision of the State of California, that:

1. The doctrine of joint and several liability should be reformed to make awards for damages equitably apportioned among joint tortfeasors.

2. Senate Bill 75, introduced by Senator Foran, coauthored by Senators Beverly and Montoya, represents an equitable proposal to reform the current doctrine of joint and several liability, making liability several and not joint.

3. The Assembly Judiciary Committee is urged most strongly to approve this measure and send it to the Assembly Floor for adoption.

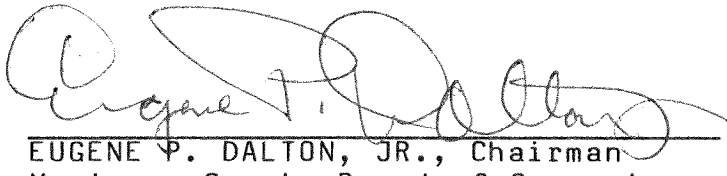
4. The clerk of this board is directed to send certified copies of this resolution to the members of the California Assembly Judiciary Committee:

Elihu Harris, Chairman
Wayne Grisham, Vice Chairman
Lloyd G. Connelly
Jean Moorhead Duffy
Gerald Felando
Pat Johnston
Sunny Mojonier
Richard Robinson
Maxine Waters
Phil Wyman
Rubin Lopez, Consultant

BE IT FURTHER RESOLVED that the clerk is directed to send certified copies of this resolution to Senators John F. Foran, Robert G. Beverly and Joseph Montoya.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors, this 25th day of June, 1985, by the following vote:

AYES: BARRICK, DALTON, ERICKSON, RADANOVICH, TABER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE


EUGENE P. DALTON, JR., Chairman
Mariposa County Board of Supervisors

ATTEST:


GERALD MC CARTHY, County Clerk
Ex Officio Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


JEFFREY G. GREEN, County Counsel