

CITY COUNCIL MEETING
JULY 18, 1984

cc 28
Jan 2/3
COMMUNICATIONS

City Clerk Reimche presented the following letter which had been received from Assemblyman Alister McAlister:

"Thank you for your expression of support for Senator Foran's SB 575, which would have reformed the law of joint and several liability.

On June 18, 1984, I voted in favor of this measure in the Assembly Judiciary Committee. Unfortunately, despite my "yes" vote, the measure was defeated by a vote of 5 "yes" and 4 "no", 7 "yes" votes being required for passage in the 13-member committee.

I have authored similar measures (AB 1784 of 1979 and AB 86 of 1981) and have long advocated substantial tort reforms so as to bring about a better balance in tort litigation. It is clear that in California the legal situation has become completely unbalanced in favor of tort claimants. This imbalance has resulted because of many decisions over the past generation handed down by the California Supreme Court creating or distorting one legal doctrine after another in favor of plaintiffs. The Legislature must bear its share of the responsibility, however, since it has not acted to correct these decisions; in fact, by its inaction the Legislature has only encouraged our State Supreme Court to become ever bolder in its process of continually reshaping and expanding the California laws of liability.

If any constructive change is going to occur, it will require the active and concerted organizational efforts of all of those individuals and organizations that are dedicated to the cause of tort reform. Otherwise, those who continue to benefit from ever more liberal tort recoveries will continue to prevail in the halls of the Legislature.

Reform may also require serious consideration being given to an Initiative campaign. Many other causes have been taken directly to the voters. Why not tort

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Reform may also require serious consideration being given to an Initiative campaign. Many other causes have been taken directly to the voters. Why not tort reform? Such a campaign would succeed if sponsored by an aroused coalition of industry, local and state government officials, medical doctors and other health professionals, insurers and other concerned citizens.

In this era of fiscal difficulties for government, it is especially regrettable that tax monies that could otherwise be devoted to useful public services must instead be committed to the process of litigation and payment of claims and judgments. I hope that the day will soon come when far more of my legislative colleagues, both liberals who would like to spend more money on social programs and conservatives who would like to save money for the taxpayer as well as maintain basic services such as law enforcement, come to the hard realization that their objectives cannot be met if excessive monies must be committed to the tort litigation system. Hopefully, they will also come to realize that the excessive commitment of monies by business organizations to this same civil liability system diminishes the ability of our private sector to provide the jobs that are necessary for a prosperous economy. Unrealistic and excessive products liability can go so far as to discourage innovative and

CITY COUNCIL

JOHN R (Randy) SNIDER, Mayor
DAVID M HINCHMAN
Mayor Pro Tempore
EVELYN M OLSON
JAMES W PINKERTON, Jr
FRED M REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
POST OFFICE BOX 375
LODI, CALIFORNIA 95241
(209) 334-5634

HENRY A. GLAVES, Jr.
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

July 23, 1984

Assemblyman Alister McAlister
Chairman
Finance and Insurance Committee
State Capitol
Sacramento, California 95814

Re: SB 575

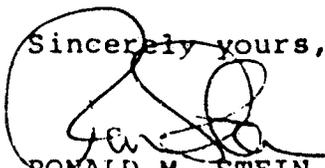
Dear Assemblyman McAlister:

The Lodi City Council has authorized me to write to you with two purposes in mind. First, to thank you for your continued support of an attempt toward tort reform. Second, to offer my assistance in the development of an initiative toward tort reform. I believe that one does not have to be a lawyer in order to observe the inherent unfairness in requiring one to be liable for a larger percentage of liability than they actually were responsible for. Can't you just see our campaign for an initiative that asks the question: "If you are 1% liable, what percentage of damages should you pay"? A rhetorical question, but one with a very logical answer.

I have over the past two years been on the League of California Cities Legislative Tort Reform Subcommittee. Tort reform has been discussed many times in said Committee, and the idea of an initiative has not been left out of many conversations.

I certainly would be very willing to work with your office in writing and in garnering support for an initiative on a State-wide basis. I remain

Sincerely yours,


RONALD M. STEIN
CITY ATTORNEY

RMS:vc

cc: Lodi City Council Members

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STATE CAPITOL
SACRAMENTO CALIFORNIA 95814-4900
PHONE (916) 445 7874

DISTRICT OFFICE
554 VALLEY WAY
MILPITAS CALIFORNIA 95035 4192
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GLORIA ROMAYOR
ADMINISTRATIVE ASSISTANT

Assembly California Legislature

COMMITTEES
CHAIRMAN FINANCE AND
INSURANCE
JUDICIARY
LABOR AND EMPLOYMENT
INDUSTRY AND COMMERCE
CALIFORNIA LAW REVISION
COMMISSION
JOINT COMMITTEE ON
STATE'S ECONOMY

RECEIVED
1984 JUL -5 11 08 AM
ALICE H. REIMCHE
CITY CLERK
CITY OF LODI

ALISTER MCALISTER
ASSEMBLYMAN, EIGHTEENTH DISTRICT
CHAIRMAN
FINANCE AND INSURANCE

July 3, 1984

Ms. Alice M. Reimch
City Clerk
City of Lodi
221 West Pine Street
Lodi, California 95240

Dear Ms. Reimch:

Thank you for your expression of support for Senator Foran's SB 575, which would have reformed the law of joint and several liability.

On June 18, 1984, I voted in favor of this measure in the Assembly Judiciary Committee. Unfortunately, despite my "yes" vote, the measure was defeated by a vote of 5 "yes" to 4 "no," 7 "yes" votes being required for passage in the 13-member committee.

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July 3, 1984

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Sincerely yours,


ALISTER McALISTER

AM:mjc