



CONSUMER ATTORNEYS OF CALIFORNIA

SEEKING JUSTICE FOR ALL

Today is a day for the history books: After nearly 50 years of relentlessly fighting for justice on behalf of victims of medical malpractice in California, Consumer Attorneys of California has reached an historic agreement to deliver on this vision. For almost five decades we've fought together, alongside thousands of injured patients, in the pursuit of fair compensation for those whose rights have been violated.

Following recent talks led by CAOC President Craig M. Peters, initiative proponent Nicholas Rowley, and the leader of the California Medical Association, the Medical Injury Compensation Reform Act (MICRA) of 1975 will finally be revised – a shift that will have a profoundly positive impact on the lives of medical malpractice victims and their families.

Nothing great ever comes easy, and the months of talks that led to this agreement were certainly challenging. But to be clear, this result is just the culmination of a tenacious and sustained campaign. Our major legislative efforts, the significant pressure Prop 46 put on the medical industry, and our intensive efforts in legislative elections all helped lead to this day. Throughout the decades, CAOC CEO Nancy Drabble and Political Director Lea-Ann Tratten shaped the battle through their forceful strategic leadership. They, along with our allies at Consumer Watchdog, never gave up. Our unparalleled MICRA Working Group of Bruce Brusavich, Chris Dolan, Christine Spagnoli, Doug Saeltzer, Greg Bentley, and Niall McCarthy played a critical role in securing a successful compromise on landmark legislation that will prevent a ballot fight in November. Our amazing CAOC political team of Nancy Peverini, Jacquie Serna and Samantha Helton each contributed significantly to this long term fight, and most recently Saveena Takhar jumped in with outstanding drafting acumen.

We are working to ensure the swift passage of this agreement through the legislature, so that the new framework will take effect beginning January 1, 2023.

This historic legislation restores justice for patients now, and for the future. The bill will amend MICRA as follows:

- For a non-death case, the cap increases from \$250,000 to \$350,000 on January 1, 2023, and continues to increase to \$750,000 over ten years.
- For a wrongful death case, the cap increases from \$250,000 to \$500,000 on January 1, 2023, and continues to increase to \$1,000,000 over ten years.
- After the caps increase to \$750,000/\$1,000,000 in 2033, a 2% COLA attaches starting January 1, 2034, thereby adjusting the caps annually.
- Current law limits a plaintiff's recovery to \$250,000, regardless of the number of defendants. This proposal creates three separate categories of defendants for a total of three possible caps:
 1. One cap for health care providers (regardless of the number of providers or causes of action).
 2. One cap for health care institutions (regardless of the number of

- institutions or causes of action).
3. One cap for an unaffiliated health care provider or health care institution that commits a separate negligent act.
 - At the request of either party, periodic payments can be utilized for future economic damages starting at \$250,000 (presently at \$50,000).
 - Modifies the contingency fee caps to 25% if the action is settled prior to the filing of an action and 33% if the recovery occurs thereafter. If an action goes to trial the court has discretion to alter the fee based on good cause evidence.
 - Protections for providers who make statements about fault prior to litigation.

This victory belongs to *you!* It took decades, and progress was difficult, but you never gave up on the cause of justice. I couldn't be more proud to be together with you and the thousands of patients dedicated to this cause as we celebrate this moment and the lasting impact it will have on access to justice for Californians. Thank you to everyone who has had a hand in this fight - it took us all working together to make this happen!

In partnership,



Craig M. Peters, President
Consumer Attorneys of California