SUPPORTING THE REFORM OF THE DOCTRINE OF JOINT AND SEVERAL LIABILITY

WHEREAS, the present legal doctrine of joint and several liability makes co-defendants 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 his award for damages from a single co-defendant if he so chooses; and

WHEREAS, in such case the paying co-defendant must seek reimbursement from the remaining co-defendants; and

WHEREAS, if the remaining co-defendants are insolvent or judgment-proof, the paying co-defendant may be left with the entire cost of the award for damages; and

WHEREAS, exposure to such financial liability bears no direct relation to the proportion of legal fault of the respective co-defendants; and

WHEREAS, public agency co-defendants, because of their "deep pocket" ability to pay, 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;

NOW, THEREFORE, BE IT RESOLVED, the doctrine of joint and several liability should be reformed to make financial liability reflect more closely legal liability; and

BE IT FURTHER RESOLVED, Senate Bill 500, introduced by Senator Beverly on March 9, 1981, as amended on January 25, 1982, represented an equitable proposal to reform the current doctrine of joint and several liability; and

BE IT FURTHER RESOLVED, the Legislature is urged most strongly to secure the enactment of the provisions of such Senate Bill 500.
PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 22nd day of March, 1983 by the following vote:

AYES: Barrick, Taber, Erickson, Moffitt

NOES: None

EXCUSED: Dalton

ABSTAINED: None

ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:

ELLEN BRONSON, County Clerk
Ex Officio Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

RICHARD K. DENHALTER
County Counsel