

# Liability limits measure wins chamber support

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The Aptos Chamber of Commerce yesterday unanimously supported Proposition 51, the so-called "Deep Pockets" initiative, which seeks to limit liability of a party in a lawsuit to the extent it is at fault.

The chamber made the endorsement after a presentation made by a representative of Taxpayers for Fair Responsibility, Debbie Hale.

Hale said the present system is unjust because if an entity is judged by a jury to be only one percent at fault, if the other party judged 99 percent at fault has no liability insurance, the entire judgment must be paid by the party only one percent at fault.

This usually involves cities and counties, she said. Lawyers routinely try to name local governments as defendants because they usually carry liability insurance.

This results in skyrocketing insurance premiums for cities, counties, businesses, and other institutions. And taxpayers are the ones who eventually pay for this. Some groups, such as ambulance companies and midwives, are being threatened out of existence because of the difficulty of even getting insurance.

Hale emphasized that Proposition 51 would not leave victims of accidents without compensation.

As the proposition is written, all actual economic costs, such as present and future medical costs and lost wages, will be covered by the party which has insurance and is able to pay.

"We're not leaving victims out there without any compensation," Hale said.

But costs for pain and suffering, usually the greater amounts in lawsuits, will be paid only according to how much at fault each party is judged.

"This shifts the emphasis of responsibility back to the

person who really is at fault," Hale said. "For instance, if a drunk driver causes an accident, they will eventually have to pay for the consequences of (his or her) action. Some kind of payment schedule will be made out."

Hale said Proposition 51 has been endorsed by every county in the state, almost every city, and more than 100 statewide organizations.

"With support like this, the question is who is against it," she said.

"Well, 100 percent of the financing behind the opposition to Proposition 51 comes from the California Trial Lawyers Association," Hale said.

Since trial lawyers usually work on a contingency basis and earn a percentage of the final judgment paid, Proposition 51 would cause a dramatic decrease in their earnings.

"This reform really belongs in the State Legislature," Hale said. "But the California Trial Lawyers Association has been successful in blocking the legislation for the past four years. That group has been the Number One contributor of campaign funds to legislators in 1985. And Speaker of the House Willie Brown is a trial lawyer, as are many other legislators."

Hale said many of the commercials being aired on television by opponents of Proposition 51 are lies.

Referring to one that states the proposition will lead to toxic pollution, Hale said, "I hope no voter spends half an hour trying to find something about toxic pollution in the wording of the initiative, because it simply isn't there. These commercials have caused a lot of misunderstanding."

The effects of Proposition 51, Hale said, would be to save millions of taxpayer dollars, lower insurance premiums for city and county governments, and make liability insurance available to groups now having difficulty finding a carrier.