

MARIPOSA COUNTY RESOLUTION NO. 83-75

1 SUPPORTING THE REFORM OF THE DOCTRINE OF JOINT AND SEVERAL LIABILITY

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3 WHEREAS, the present legal doctrine of joint and several liability makes  
4 co-defendants in a single cause of action individually liable for the entire  
5 amount of damages awarded; and

6 WHEREAS, a plaintiff in a civil action may collect his award for damages  
7 from a single co-defendant if he so chooses; and

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

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

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

15 WHEREAS, public agency co-defendants, because of their "deep pocket"  
16 ability to pay, are often made to pay large damage awards in civil actions in  
17 which they are minimally at fault; and

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

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

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

27 BE IT FURTHER RESOLVED, the Legislature is urged most strongly to  
28 secure the enactment of the provisions of such Senate Bill 500.

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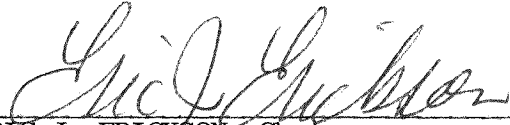
PASSED AND ADOPTED by the Mariposa County Board of Supervisors this  
22nd day of March, 1983 by the following vote:

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