



Update from Sacramento Jacqueline Serna

CONSUMER ATTORNEYS OF CALIFORNIA DEPUTY LEGISLATIVE DIRECTOR

Journal of Consumer Attorneys Associations for Southern California
ADVOCATE
July 2025

Act now to defend justice

RALLYING BEHIND SB 29 (LAIRD) TO PRESERVE THE RIGHT TO PAIN-AND-SUFFERING DAMAGES IN SURVIVAL ACTIONS

California's legal community has always stood at the forefront of justice – and now, that justice is under threat. Senate Bill 29 (Laird), co-sponsored by Consumer Attorneys of California and the Consumer Federation of California, is the necessary follow-up to SB 447 (2021) and aims to preserve the right to pain and suffering damages in survival actions for another four years. That right will disappear on January 1 without your help. We cannot allow that to happen.

What's at stake

SB 29 extends the sunset on Code of Civil Procedure section 377.34, subdivision (b), which restored a modicum of justice by allowing families to recover pain-and-suffering damages when a victim dies before their case is resolved. This reform corrected decades of injustice that incentivized delay tactics by defendants and erased the suffering of decedents from the legal record.

But unless SB 29 passes, that protection will vanish next year. We will revert to a system where *a person's pain and suffering becomes legally meaningless if they die before judgment* – a standard unworthy of a state that claims to lead on civil rights and equity.

The human impact

The impact is not abstract. It's deeply human. Pre-death pain-and-suffering damages are often the only meaningful remedy for low-wage earners, undocumented individuals, children, seniors, disabled people, and others whose economic damages are minimal or nonexistent. These groups are frequently on the margins of the economy but disproportionately



impacted by negligent or abusive conduct. If their suffering is legally erased, the message is clear: Their pain doesn't matter.

The medical industry's misinformation campaign

Predictably, opposition led by the California Medical Association (CMA) and Californians Allied for Patient Protection (CAPP) is pushing hard to carve out an exception for medical malpractice claims. They argue that SB 29 undermines the MICRA framework and threatens healthcare providers with runaway liability. That's not only false – it's deliberately misleading.

Here's the truth:

- **SB 29 fully respects MICRA.** Pain-and-suffering damages in medical negligence cases remain capped as defined under AB 35 (2022).
- **The Judicial Council's own data undermines the opposition.** In its mandated review of SB 447, the Judicial

Council found just four impacted cases statewide, none involving medical malpractice.

- **This does not open the floodgates.** Pain-and-suffering damages are not automatic. If a victim dies instantly, no damages are awarded. The law merely ensures suffering before death isn't erased by procedural delay.

The opponents know this – but they are hoping to scare lawmakers into siding with special interests over grieving families.

A call to action for the legal profession

SB 29 has already cleared the Senate and now faces a critical fight in the Assembly. As attorneys, your voices carry weight. Legislators need to hear from those of us who know how vital this remedy is – not just in theory, but in practice.

Here's how you can help:

- **Engage with us.** CAOC is mobilizing legal advocates across the state. We need your participation to fight misinformation and push this bill to the Governor's desk. If you haven't done so already, join our Grassroots Program. Email Natalie Robertson nrobertson@caoc.org.
- **Send us your examples** of who this law has helped. Email Jacquie Serna jserna@caoc.org.

Justice can't wait

Only three states still erase pain-and-suffering damages upon death. California should not be the fourth. Let's stand together and protect the principle that suffering matters, and justice should not die with the victim. 🌟