



## Judicial Council of California

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April 4, 2005

Hon. Van Tran  
Member of the Assembly  
State Capitol, Room 4009  
Sacramento, California 95814

Subject: AB 355 (Tran), as introduced – Oppose

Dear Assembly Member Tran:

I regret to inform you that the Judicial Council is opposed to AB 355, which would authorize the court in any action involving joint and several liability to “instruct the jury on the effect of finding any party, including, but not limited to, the State of California, partially liable.”

The Judicial Council opposes AB 355 because it would confuse and may unfairly prejudice the jury regarding joint and several liability. The council is also concerned that, although the language in the bill is discretionary, it would set a bad precedent and inappropriately seeks to micromanage the way the court carries out its obligations in instructing the jury. The Judicial Council further observes that AB 355 appears to be trying to indirectly undermine the law governing joint and several liability, and that if in fact that is the author’s intent, the council believes that the bill should be amended to address the doctrine directly rather than the current approach, which seems unworkable.

For these reasons, the Judicial Council opposes AB 355.

Sincerely,

Daniel A. Pone  
Senior Attorney