CALIFORNIA J · P · I · A

Case Studies: The Case for Proportionate Liability

Under California's joint and several liability rule, a city found just **1% at fault can be forced to pay 100% of a plaintiff's economic damages** when the other responsible defendants can't pay. The cases below show what that means in practice: in each situation, the driver who caused the collision paid an insurance policy limit and walked away, while taxpayers absorbed a multimillion-dollar settlement. Proportionate liability would fix this injustice by requiring each party to pay only its actual share of fault, as determined by the court.

Case Study 1 — *Bautista v. City of Chino Hills*

What Happened?	A jogger crossing in a marked crosswalk was struck by a distracted driver and left a paraplegic. The driver—familiar with the crosswalk, by her own testimony—carried a $100,000 auto insurance policy and had no other assets.
The Claim	The City should have added in-ground flashers or a stop sign—neither recommended by traffic engineers for this intersection, which already had two sets of pedestrian warning signs.
Damages Alleged	**$23.6 million in economic damages**
At Fault Driver Paid	$100,000 (policy limit) — then no further exposure
City Settled and Taxpayers Paid	**$10 million**
Difference	Plaintiff accepted settlement of $10M, and stopped pursuing the $23.6M in alleged damages

Why the City Settled:

With a catastrophically injured plaintiff and a judgment-proof driver, even a 1% fault finding by the court would have made the City liable for the full $23.6 million in economic damages. That exposure—not the strength of the claim—forced a $10 million settlement.

In Budget Terms:

$10M = 17% of the City's entire annual General Fund ($58.6M), the fund that pays for police, public works, and parks. As a member of the California JPIA, the cost of this claim was partially absorbed by other cities and public agencies who participate in the liability risk sharing pool. However, as these types of large settlements occur with greater and greater frequency—and they are—the entire risk pool is rapidly drawing down reserves and was forced to increase member rates by 30% in 2026 alone.

Case Study 2 — *Barrios v. City of Commerce*

What Happened?	A driver turning from a side street was struck by a speeding van and suffered a permanent traumatic brain injury. The van driver's employer paid its $1 million auto insurance policy limit and was dismissed from the case.
The Claim	The City allowing curbside parked cars created a dangerous condition. California law already requires drivers to proceed carefully when parked cars limit visibility—and there was no evidence the plaintiff did.
Damages Alleged	**~$35 million in economic damages ($50M total demand)**
At Fault Driver Paid	$1 million (policy limit) — then dismissed
City Settled and Taxpayers Paid	**$18 million**

Why the City Settled:

The City had the law on its side, but under joint and several liability, a 1% fault finding meant paying the full ~$35 million. The risk of trial was simply too large to take.

In Budget Terms:

$18M ≈ 22% of the City's annual General Fund ($80M) — or about **four years of the City's library budget**.