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EQUAL ACCESS AXED: BROWN LIMITS VIABILITY OF SMALL DISCRIMINATION CLAIMS

Brian Kabateck, the founding partner of Kabateck Brown Kellner LLP in Los Angeles, wrote an opinion column that appeared in the October 18, 2011 issue of the Daily Journal. The article discusses the governor's recent veto of AB 559 or the Equal Access to Justice Act. The act would have ensured that plaintiffs would have legal representation for Fair Employment & Housing Act Claims. The legislation was written in response to the California Supreme Court's decision in Chavez v. Los Angeles, which said that courts could deny attorney fees in cases where recovery was less than the \$25,000 jurisdictional minimum for unlimited actions. The decision reversed the Code of Civil Procedure Section 1033(a), which gives judges the ability to determine costs cases.

"The veto directly contradicts FEHA's original legislative intent which authorizes attorney fees for FEHA actions to prevent and eliminate discrimination in employment and housing," Kabateck wrote.