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## Child sex abuse filings surged after AB 218 passed, lawyers say

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A law firm said it's seen a "tenfold increase" in clients seeking damages for childhood sexual abuse since September, when the Legislature passed a bill extending the statute of limitations for such cases. But most may not reach court if Gov. Gavin Newsom follows the example of predecessor Gov. Jerry Brown, who vetoed a near-identical bill in 2018.

AB 218 was presented to Newsom on Sept. 26.

"Since the bill passed in the Senate ... we've gotten a great increase of cases, particularly against the clergy," said John D. Winer, an Oakland partner with Winer, Burritt & Tillis LLP. "People that were molested as children [are] coming forward now." Winer added he anticipates more cases if the bill is signed into law.

Under current law, victims of childhood sexual abuse can file a lawsuit for damages before their 26th birthday or within three years of discovering a psychological injury or illness stemmed from childhood sexual abuse — whichever occurs later. AB 218 would extend these limits to a victim's 40th birthday and five years, respectively.

Many of Winer's clients, who are over 26, will only be able to file suits if Newsom signs the legislation.

Last year, Brown vetoed the almost identical AB 3120, citing concerns a five-year "revival period" for "otherwise barred claims" was too long. He also criticized the bill for not addressing "the inequity between state defendants and others." Under current law, both public and private employers of a perpetrator can be sued for childhood sexual abuse. But while in 2003 victims were given a one-year window to revive claims against private

institutions that lapsed because of the statute of limitations, victims of public institutions were never allowed a similar "revival" period.

The author of AB 218, Assembly member Lorena Gonzalez, D-San Diego, did not respond to questions about why the bill does not address Brown's concerns or why she believes Newsom would be more open to its conditions.

But attorneys are already raising other concerns about the bill, specifically on the length of the statute of limitations extensions.

While Winer said AB 218 would help hold perpetrators more accountable, pointing specifically to clients with claims against the Roman Catholic Church and the Boy Scouts of America, his experience with victims of childhood sexual abuse has led him to believe the 40-year age limit is inadequate.

"One of the unexpected things for me is a large percentage of people that have contacted us are 40 years old or over. And unless you can prove and say you've discovered late ... you don't have a right to bring the case," he said. "We've had people contact us into their 90s."

People are less likely to take on a case before the age of 40, he added, because "one of the main causes of people coming forward is they have their own children and that child reaches the same age that they were when they were molested."

"More often than not, that puts the person at over 40 years old."

Jin Lew, a senior lawyer at Michels & Lew in Los Angeles, agreed the age extension presented in AB 218 is "a bit conservative."

"It's my understanding that oftentimes the realization doesn't hit a lot of these victims until they're in their fourth or fifth decade of life," he said.

"Children in those instances are particularly vulnerable. They don't



Courtesy of Lorena Gonzalez

Assembly Member Lorena Gonzalez



New York Times News Service

Jerry Brown

possess the mental and emotional faculty to appreciate what is happening to them," he added. "So they employ, subconsciously, psychological strategies to sort of defend themselves from the trauma associated with sexual assault."

"There's a certain amount of suppression that occurs psychologically in these types of events, and it's not until they're much older, when their intellect is far more established, that they have the capability to appreciate that the dysfunction that they're experiencing over the course of their life is the result of the abuse that they suffered when they were very, very young," he said.

The majority of the cases that were brought to Winer last month target religious organizations.

"Most of the cases are clergy cases," he said. "We've also received cases against Jewish temples and ... other Christian organizations" in addition to the Catholic Church.

Under AB 218, victims can seek compensation past the age of 40 if they file a suit within five years of the date that they discovered "or reasonably should have discovered" an injury or illness stemmed from childhood sexual abuse. But that route could be tricky to navigate depending on the circumstances, said Lew.

"When they applied the term 'reasonably,' the ramifications of

that particular term lends itself to the idea that this is going to be ultimately decided by a jury," he said. "When is it 'reasonable' for a victim to have discovered the basis for his or her injury?"

Winer noted another route for some victims older than 40. In September, six Catholic dioceses — the Archdiocese of Los Angeles and the Dioceses of Fresno, Orange, Sacramento, San Bernardino, and San Diego — announced the creation of a program that would allow victims of sexual abuse to apply for compensation without suing the church.

"The advantage of that program is there is no statute of limitations. Anybody that's ever been molested that can prove it can bring a case," Winer said.

However, the Survivors Network of those Abused by Priests warned victims to be wary of the program.

"We hope that survivors in California will take steps to learn about their legal rights and the potential pitfalls of compensation programs before signing on," the group said in a statement released in September. "Regardless of what steps they take towards compensation, we hope that all victims will first make a report to police, district attorneys, and the California Attorney General's office."

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