



Don't overlook California Civil Code's role in protecting civil rights

LOS ANGELES, CALIF., USA, April 16, 2018 /EINPresswire.com/ -- "California's civil code provides strong weapons that attorneys should employ when it comes to proving violations of clients' civil rights," says V. James DeSimone, a Los Angeles lawyer who represents victims of civil rights, employment and law enforcement abuses, [in a recent column](#) in Forum, the magazine published by Consumer Attorneys of California.

DeSimone explains the intricacies of litigating a civil rights case under California's Civil Code, by utilizing examples of cases he won for his clients in trial. California law permits the enforcement of civil rights against individuals, companies and government entities. California law prohibits coercive, threatening or intimidating conduct which deprives someone of their rights under California and Federal laws and Constitutions.

For example, while hateful speech alone may be insufficient to state a cause of action, if the speech itself threatens violence against a specific person or group who reasonably fear violence against them or their property and the person making the threats must have an apparent ability to follow through with the violence, a cause of action may be stated under California law.

In cases where there is an insufficient threat of violence, lawyers must focus on the conduct. If it was intimidating, threatening or coercive, lawyers may rely on Civil Code Section 52.1 when filing a complaint.

But sometimes there doesn't need to be a threat of violence, DeSimone writes. In one case, an employee accused of theft was confined to a room and told she would go to jail if she didn't confess to something she didn't do. The subsequent arrest constituted coercive conduct even without actual violence.

Civil codes are also an important part of the arsenal for sexual harassment cases against perpetrators who are not company employees — such as contractors or suppliers — but who function in positions of power over the plaintiff, and the plaintiff cannot easily terminate the relationship, DeSimone writes.

Citing portions of Civil Code Section 51.9, DeSimone points out that in this era of #metoo and #timesup, California civil codes provide an outlet where there is a power differential in a "business, service, or professional relationship between the plaintiff and defendant." The defendant is liable for sex harassment if he or she "has made sexual advances, solicitations, sexual requests, demands for sexual compliance... or engaged in other verbal, visual, or physical conduct of a sexual nature or of a hostile nature based on gender" that the plaintiff found "unwelcome and pervasive or severe."

Read the entire column, ["Using California's Civil Code to Prosecute Civil Rights Cases" here](#).

Jim DeSimone is the founder of [V. James DeSimone Law](#), a litigation practice serving Los Angeles. Our Marina Del Rey based office litigates cases involving civil rights, employment, police brutality, and personal injury. He is also Of Counsel to Bohm Law Group, Inc.

V. James DeSimone
V., James DeSimone Law
310-693-5561
email us here

This press release can be viewed online at: <http://www.einpresswire.com>

Disclaimer: If you have any questions regarding information in this press release please contact the company listed in the press release. Please do not contact EIN Presswire. We will be unable to assist you with your inquiry. EIN Presswire disclaims any content contained in these releases.

© 1995-2018 IPD Group, Inc. All Right Reserved.