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January 3, 2009

EDITORIAL

I'll Have to Call My Lawyer

"Good Samaritan" laws give legal protection to bystanders who courageously come to the aid of people in emergencies. Last month, the California Supreme Court gave its state law a disturbingly narrow interpretation that could discourage future good Samaritans from providing help out of fear of being sued.

The ruling came after the victim of a car crash sued her would-be rescuer for negligence. On Halloween night in 2004 the car in which Alexandra Van Horn was riding crashed into a light pole. When her co-worker, Lisa Torti, who was in another car, saw the accident, she rushed over to help. Worried that the wrecked car would catch fire or blow up, Ms. Torti lifted Ms. Van Horn out of the front passenger seat. Ms. Van Horn, who ended up being paralyzed, sued, contending that Ms. Torti's negligence in moving her caused her paralysis.

In her defense, Ms. Torti invoked California's good Samaritan law. All 50 states have laws of this kind, but the protection they offer varies. By a 4-to-3 vote, the California Supreme Court ruled that the state's law did not give Ms. Torti immunity from liability because it applies only to people who offer medical help.

The justices in the majority relied heavily on the fact that the California good Samaritan law is included in the part of the state's laws that covers emergency medical services. The dissenters, however, had the better argument. As they noted, by its plain language, the California law — which speaks generally of "emergency care" — should apply to both medical and nonmedical help.

The implications of the ruling are disturbing. When people see an accident, the law should not discourage them from offering the best help they can. Now, however, Californians will have reason to hesitate. If they offer nonmedical help — like pulling someone out of a burning house, or rescuing a drowning person — they may be putting their life savings at risk.

California's Legislature should rewrite the law to make clear that anyone who makes a good-faith effort to help in an emergency, and acts reasonably, is protected. Other states should examine their own good Samaritan laws and see that they do not discourage well-meaning bystanders from aiding people in harm's way.

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