

## TOP VERDICTS OF 2018

The largest and most significant verdicts and appellate reversals in California in 2018

### TOP APPELLATE REVERSALS

## Regents of the University of California v. Superior Court

The state Supreme Court ruled for the first time last year that colleges and universities have a duty to protect their students from foreseeable violence during curricular activities.

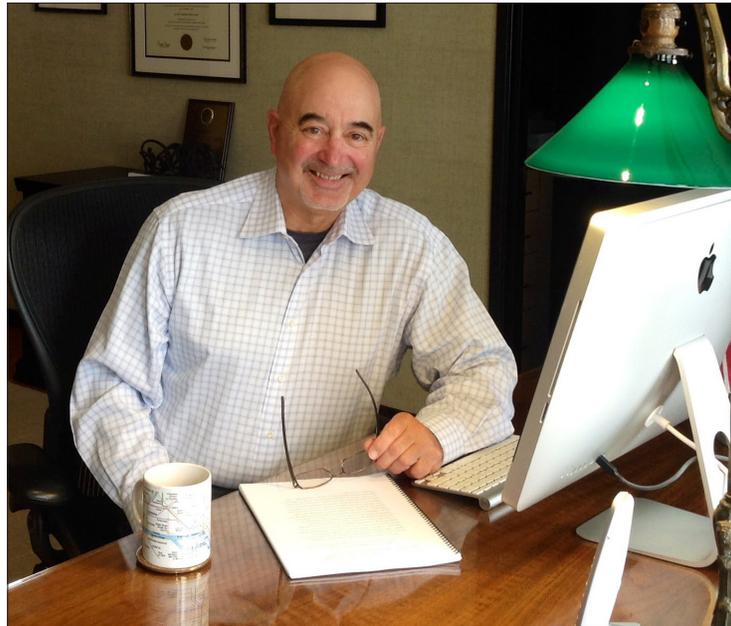
The court's unanimous March 2018 ruling came in a case featuring a UCLA student who was brutally stabbed in a chemistry lab by a classmate who school officials knew struggled with mental health issues and had engaged in threatening behavior. *Regents of the University of California v. Superior Court* (Rosen), 2018 DJDAR 11577.

"Students are comparatively vulnerable and dependent on their colleges for a safe environment," Justice Carol Corrigan wrote for the court in the opinion that reversed a 2nd District Court of Appeal decision.

Alan Charles "Chuck" Dell'Ario, the lead appellate lawyer for plaintiff Katherine Rosen, said the ruling has the most far-reaching impact of any in his 44-year career because it will benefit the more than 3 million college and university students in California.

He highlighted how the court ruled that the new duty to protect students placed on higher education institutions stemmed from them having a special relationship with their students, a position the plaintiff's legal team had advocated. The Supreme Court's opinion was the first time it said a special relationship should be extended to the college setting.

"Insofar as acts of foreseeable violence during curricular activities are concerned, college students are now on the same footing as



ALAN CHARLES DELL'ARIO

their K-12 student counterparts," said Dell'Ario, a Napa-based certified appellate specialist.

Dell'Ario said another key to securing the monumental victory was that "we pointed out why students had a right to expect safety in their classrooms from foreseeable violence."

He was assisted by Brian J. Panish and Deborah S. Chang of Panish Shea & Boyle LLP in Santa Monica. Dell'Ario also credited retired state appeals court justices Frank Y. Jackson and James R. Lambden with providing helpful input.

Both in-house and outside counsel have handled the case for the UC Board of Regents and the other defendants.

Margaret Wu, UC's deputy general counsel for litigation and

capital strategies, said the Supreme Court's decision creates a difficult balancing act for the UC system and other universities.

"On the one hand, we want to be able to protect the safety of our campuses and our campus communities," Wu said. "But we also want to be able to help students that are in crisis and in need — especially, in this context, students with mental health issues."

One issue the Supreme Court left unresolved was what should be the appropriate standard of care used to judge the reasonableness of UCLA's actions in the case.

In a December opinion, the 2nd District Court of Appeal said the standard of care that ordinarily applies in negligence cases, "that of a reasonably prudent person under like circumstances," would apply

### case INFO

#### Negligence

**California Supreme Court  
Justice Carol A. Corrigan**

#### Appellant's Lawyers:

Alan Charles Dell'Ario, Napa;  
Brian J. Panish, Deborah S.  
Chang, Panish Shea & Boyle  
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F. Robinson, Karen J.  
Petrelakis, Normal J. Hamill,  
University of California Office  
of the General Counsel;  
Kevin Reed, University of  
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in Rosen's case as sought by the plaintiff.

UCLA sought a standard of care "limited to those situations where the defendant is aware that a student has communicated a serious threat of physical violence against a reasonably identifiable victim or victims, and believes the threat to be credible." That standard has traditionally applied to psychotherapists.

The defendants have filed for state Supreme Court review of the 2nd District's ruling on the standard of care issue and immunity related matters.

— Lyle Moran