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O'Melveny Victory for "Compassion & Choices" Protects California's End of Life Option Act

January 27, 2020

FOR IMMEDIATE RELEASE

LOS ANGELES—January 27, 2020—In a landmark victory for O'Melveny pro bono client Compassion & Choices, the Riverside County Superior Court issued a ruling on January 23 that helps protect California's aid-in-dying law.

The End of Life Option Act allows mentally capable, terminally ill adults to have the option to request a doctor's prescription for medication that they could use to take if their suffering becomes unbearable, allowing them to die peacefully in their sleep. A group of physicians immediately challenged the law after it went into effect in 2016.

On January 23, 2020, the Riverside County Superior Court ruled that the physician plaintiffs do not have legal standing to bring the case. The court also ruled that the legislature did not violate the state constitution by passing the medial aid-in-dying law during a special session.

O'Melveny represented the group Compassion & Choices, which advocated for the law's passage and for the dismissal of lawsuits challenging it.

O'Melveny also represented three California citizens—Joan Nelson, Dr. Catherine Forest, and Matthew Fairchild. Forest is a family physician who treats terminally ill patients and works with patients who seek a prescription for aid-in-dying medication. Fairchild is seriously ill with cancer and while he does not presently qualify for medical aid-in-dying because he has not received a six-month terminal diagnosis, he soon will. At the time O'Melveny

entered the case, Nelson was suffering terminal leiomyosarcoma and had obtained and filled a prescription for aid-in-dying medication. Nelson has since passed away.

O'Melveny filed a motion arguing that the enactment of the End of Life Option Act was constitutional. The California Attorney General filed a separate, similar motion.

In a five-page ruling, the court concluded: "It was reasonable for the Legislature to conclude that aid-in-dying legislation concerns a subject germane to improving the effective delivery of health care services to benefit Californians, thus not enacted in violation of the Constitution."

The O'Melveny team representing Compassion & Choices was led by partner John Kappos, counsel Bo Moon, and associates Jason Orr, Amanda Hoffman, and Mark Hayden.

Kevin Díaz, Chief Legal Advocacy Officer for Compassion & Choices, said, "I've had the pleasure of working with John, Bo, and their team at O'Melveny for almost five years on a variety of projects. The amazing work in defense of the End of Life Option Act has not just affected Californians, but the entire country by virtue of the size and scope of California's influence in the medical field."

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