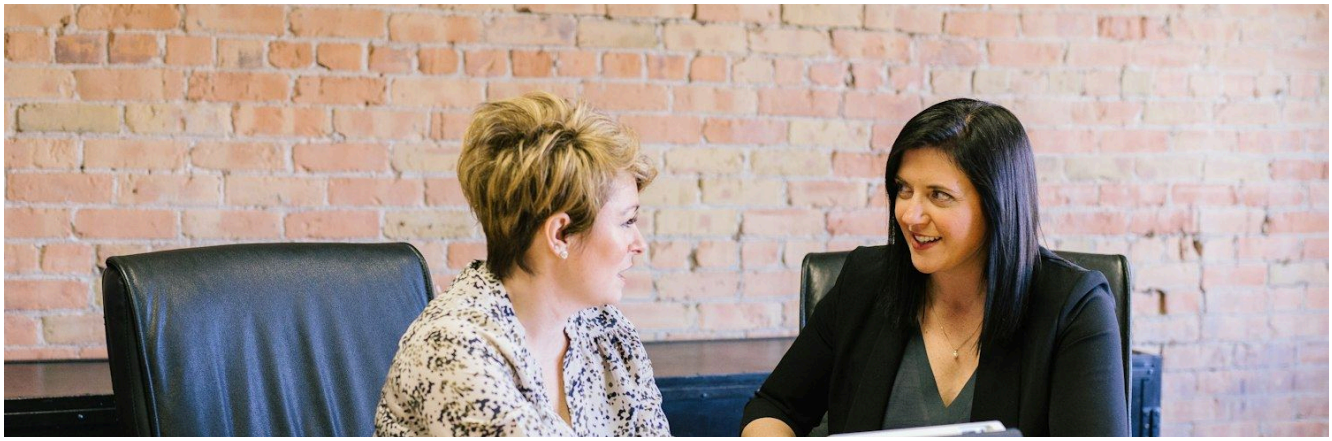
G | P
Grand Park Law Group
A Professional Corporation

Westside Towers
11835 W. Olympic Boulevard #870E
Los Angeles, California 90064

O:+1 888.629.4754
F: +1 310.900.0805

Introduction & Scope of California Personal Injury Practice

Grand Park Law Group · 2026



California personal injury practice encompasses the body of civil tort law under which a natural person who has suffered bodily harm, emotional distress, or death seeks monetary compensation from the party whose tortious conduct produced the injury. Although colloquially treated as a unified field, personal injury practice is in fact a confederation of doctrines drawn from common-law negligence, statutory duty regimes, products liability, premises liability, and a constellation of specialized causes of action, all operating against the backdrop of California's distinctive procedural and damages rules.

The field is most usefully defined by what it is not. Workers' compensation claims — governed by the Labor Code and adjudicated through the Workers' Compensation Appeals Board — provide the exclusive remedy for most workplace injuries and proceed on a no-fault basis without the tort-law requirements of duty, breach, and proximate cause. Medical malpractice, while doctrinally a species of negligence, is regulated by the Medical Injury Compensation Reform Act (MICRA) and its successor amendments, which impose distinct procedural requirements, separate statutes of limitations under Code of Civil Procedure § 340.5, and capped non-economic damages. Civil rights claims arising under 42 U.S.C. § 1983 or California's Bane Act (Civ. Code § 52.1) require state action or interference with constitutional rights and follow their own procedural and remedial trajectories. Intentional torts — battery, false imprisonment, intentional infliction of emotional distress — overlap with personal injury practice but invite different evidentiary and insurance-coverage considerations.

What remains, and what this memorandum addresses, is the heartland of California tort practice: claims grounded in negligence (including its premises and motor-vehicle variants), strict products liability, and wrongful death and survival actions. These claims share three structural features. First, they require proof of a legally cognizable duty, breach of that duty, factual and proximate causation, and compensable damages. Second, they are litigated in California's superior courts under the Code of Civil Procedure and the Evidence Code, with juries empaneled under CCP § 631 and verdicts subject to the comparative-fault apportionment regime announced in *Li v. Yellow Cab Co.* (1975) 13 Cal.3d 804. Third, they operate within California's pure comparative negligence framework, in which a plaintiff's recovery is reduced — but not barred — by the percentage of fault attributable to the plaintiff.

Personal injury practice also occupies a unique position within California's broader tort scheme because it is the principal vehicle through which the substantive policies of the Civil Code's general duty provision — Civ. Code § 1714(a) — are applied to everyday human conduct. Section 1714(a)'s declaration that "[e]veryone is responsible . . . for an injury occasioned to another by his or her want of ordinary care or skill" is not merely aspirational; it is the operative statute that California courts cite as the textual foundation for the modern duty analysis articulated in *Rowland v. Christian* (1968) 69 Cal.2d 108 and refined four decades later in *Cabral v. Ralphs Grocery Co.* (2011) 51 Cal.4th 764.

This memorandum surveys the statutory and common-law framework, the principal substantive sub-areas, the rules governing recoverable damages, and the practical considerations that shape strategy in California personal injury litigation.

Practice Personal Injury

Publication Practice guide · Chapter I · 2026

Available online at injury.grandparklawgroup.com/articles/introduction-amp-scope-of-california-personal-injury-practic.
This publication is provided for general information and is not legal advice.
© 2026 Grand Park Law Group, A.P.C. Attorney Advertising.

| Beverly Hills • San Francisco • San Diego • Chicago |
| Main: (888) 629-GPLG (4754) • Fax: (310) 900-0805 • www.GrandParkLawGroup.com |