

Supreme Court of California

Katzberg v. Regents of University of California

29 Cal. 4th 300, 127 Cal. Rptr. 2d 482, 58 P.3d 339 (Cal. 2002) · No. S097445 · Decided November 27, 2002

SUMMARY

The California Supreme Court considers whether a plaintiff may recover monetary damages for an alleged violation of the due process liberty interest protected by article I, section 7(a) of the California Constitution, absent statutory authorization or an established common law tort. Richard Katzberg alleged that the University of California stigmatized him when removing him as a department chair and failed to provide a timely name-clearing hearing. The court concludes that damages are not available for the asserted constitutional violation.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	George, C.J.; Kennard, J.; Werdegarr, J.; Chin, J.; Moreno, J.; Brown, J.; Baxter, J.
JURISDICTION	California
DECIDED	November 27, 2002
DOCKET	S097445
DISPOSITION	affirmed
PROCEDURAL POSTURE	The California Supreme Court granted review of the Court of Appeal's affirmance of summary judgment for defendants on the issue whether money damages were available for an asserted violation of the California Constitution's due process liberty-interest provision.
STANDARD OF REVIEW	The court reviewed the legal availability of a damages remedy de novo; for purposes of that issue, it assumed the complaint adequately alleged a state constitutional liberty-interest violation.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Richard W. Katzberg v. The Regents of the University of California, Larry N. Vanderhoef

TOPICS

- constitutional law
- due process
- procedural due process
- remedies
- damages

PRACTICE AREAS

constitutional law

civil rights

remedies

employment law

constitutional torts

QUESTIONS PRESENTED

1. Whether a plaintiff may recover money damages directly under article I, section 7, subdivision (a), of the California Constitution for an alleged due process liberty-interest violation when no statute or established common-law tort authorizes the remedy.
2. What framework governs determining whether a state constitutional provision authorizes or supports a damages action.
3. Whether the availability of a name-clearing hearing, declaratory or injunctive relief, writ of mandate, and defamation damages precludes recognition of a constitutional tort remedy in these circumstances.

HOLDINGS

1. Money damages are not available directly under article I, section 7, subdivision (a), to remedy the alleged deprivation of Katzberg's due process liberty interest under the facts presented.
2. Courts must first determine whether the constitutional provision's text, history, drafting materials, voter materials, guidelines, mechanisms, procedures, or common-law antecedents demonstrate an affirmative intent to authorize or withhold damages. If no such intent appears, courts may consider whether to recognize a constitutional tort by examining the adequacy of alternative remedies, the effect on established tort law, the nature and significance of the constitutional provision, and any special factors counseling hesitation.

KEY QUOTATIONS

"We conclude that an action for damages is not available." (29 Cal. 4th 303)

"First, we shall inquire whether there is evidence from which we may find or infer, within the constitutional provision at issue, an affirmative intent either to authorize or to withhold a damages action to remedy a violation." (29 Cal. 4th 313-314)

"We conclude that there is no indication in the language of article I, section 7(a), nor any evidence in the history of that section, from which we may find, within that provision, an implied right to seek damages for a violation of the due process liberty interest." (29 Cal. 4th 332)

FACTUAL BACKGROUND

Richard W. Katzberg was a tenured professor and staff physician at the University of California, Davis, and served as chair of the Department of Radiology. After a university investigation into approximately \$250,000 allegedly mishandled in department accounts, he was removed as chair but retained his professorship and staff-physician position. Katzberg alleged that stigmatizing statements accompanied his removal and that defendants failed to provide a timely name-clearing hearing. The university later offered a hearing, but negotiations failed and Katzberg rejected a renewed proposal.

PROCEDURAL HISTORY

Katzberg sued the Regents and the university chancellor, alleging that stigmatizing statements accompanying his removal as department chair violated his state constitutional liberty interest and seeking, among other relief, damages and a name-clearing hearing. The trial court granted summary judgment to defendants, ruling that money damages were unavailable and that a postremoval name-clearing hearing was the sole remedy. The Court of Appeal affirmed, and the Supreme Court affirmed the Court of Appeal.

DISPOSITION

affirmed

CASES CITED

- Degrassi v. Cook, 29 Cal. 4th 333, 127 Cal. Rptr. 2d 508, 58 P.3d 360 (2002)
- Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971)
- Board of Regents v. Roth, 408 U.S. 564 (1972)
- Codd v. Velger, 429 U.S. 624 (1977)
- Carlsbad Aquafarm, Inc. v. State Department of Health Services, 83 Cal. App. 4th 809, 100 Cal. Rptr. 2d 87 (2000)
- Bonner v. City of Santa Ana, 45 Cal. App. 4th 1465, 53 Cal. Rptr. 2d 671 (1996)
- Gay Law Students Ass'n v. Pacific Telephone & Telegraph Co., 24 Cal. 3d 458, 156 Cal. Rptr. 14, 595 P.2d 592 (1979)
- Laguna Publishing Co. v. Golden Rain Foundation, 131 Cal. App. 3d 816, 182 Cal. Rptr. 813 (1982)
- Fenton v. Groveland Community Services District, 135 Cal. App. 3d 797, 185 Cal. Rptr. 758 (1982)
- Gates v. Superior Court, 32 Cal. App. 4th 481, 38 Cal. Rptr. 2d 489 (1995)
- Bradley v. Medical Board, 56 Cal. App. 4th 445, 65 Cal. Rptr. 2d 483 (1997)
- White v. Davis, 13 Cal. 3d 757, 120 Cal. Rptr. 94, 533 P.2d 222 (1975)
- Apte v. Regents of University of California, 198 Cal. App. 3d 1084, 244 Cal. Rptr. 312 (1988)
- Davis v. Passman, 442 U.S. 228 (1979)
- Carlson v. Green, 446 U.S. 14 (1980)
- Bush v. Lucas, 462 U.S. 367 (1983)
- Schweiker v. Chilicky, 487 U.S. 412 (1988)
- FDIC v. Meyer, 510 U.S. 471 (1994)
- Correctional Services Corp. v. Malesko, 534 U.S. 61 (2001)