



Update from CAOC

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Journal of Consumer Attorneys Associations for Southern California
ADVOCATE

August 2020

COVID, court budget and civil rights

HALFWAY THROUGH THE LEGISLATIVE YEAR, WE'RE BATTLING COURT FUNDING CUTS AND TORT REFORMERS

SACRAMENTO UPDATE

At the halfway point of the 2020 legislative year – a year dominated by COVID-19, civil rights protests against police brutality, and the run-up to a critical presidential election with huge implications for the future of our democracy – the Consumer Attorneys of California advocacy team in Sacramento has been busier than ever fighting for the rights of your clients and to protect your practice. Here is a rundown.

Black Lives Matter

The shattering images of George Floyd's final minutes of life beneath a police officer's knee left many of us stunned. In the aftermath, Consumer Attorneys of California launched an effort to address police brutality through the civil justice system.

Our focus is on SB 731 by Sen. Steven Bradford (D-Gardena). It would create a system for decertification of bad-apple police officers and bolster the Tom Baner Civil Rights Act, which in the three decades since its approval has been undermined by bad court decisions.

A COVID-19 courts budget

Remember the start of 2020? The year dawned with promises by Gov. Gavin Newsom and statehouse lawmakers of robust court funding. Then came the coronavirus pandemic, business shutdowns, plummeting tax revenues and a whole new reality. Under the final budget bill approved by the Legislature and signed by Newsom, state courts will endure a cut of \$200 million overall in general fund revenue, with the bulk of that – nearly \$168 million – coming out of the trial courts.

But there is some better news as well. CAOC joined with other court advocates to win \$50 million in supplemental funding to offset the backlog of cases being caused by the pandemic and another \$25 million for technological improvements so the courts can better weather the problems as court operations are slowed by COVID-19.

One additional ray of hope: If the federal government finds a way by October 15 to approve bailout funds for California, an additional \$150 million will flow back to the courts, bringing us nearly to normal funding levels.

Battling tort foes

COVID-19 also brought on a sweeping and opportunistic push on multiple fronts by our usual tort foes in the medical industry and business community.

The most immediate threat was a call by hospitals and nursing homes for broad immunity during the pandemic. CAOC helped form a broad coalition to stymie this effort, which threatened open season on elder abuse in already hard-hit nursing homes as well as the possibility that defendants in malpractice cases having nothing to do with COVID-19 could have argued for immunity.

Our tort wars did not stop there. Like other states, California has seen a push by the business community for immunity from pandemic lawsuits for reopened businesses and schools are seeking a similar shield. Those efforts continue as of this writing, but rest assured, CAOC is battling hard on your behalf. Stay tuned.

Web deposition and e-service

Consumer Attorneys of California is also working hard to make remote depositions and e-service a permanent

part of the civil justice landscape. SB 1146 by Sen. Tom Umberg (D-Santa Ana), and backed by CAOC, won unanimous approval June 15 in the state Senate and now is in the Assembly. SB 1146 will help clear the pandemic logjam of cases by writing into state law emergency actions taken in recent months by state leaders to allow remote video depositions and e-service of process during the health crisis. Those emergency rules, however, are temporary and set to expire when the pandemic ends, even if the logjam of cases persists.

Extending emergency powers

The Assembly on June 15 approved CAOC-backed AB 3366 giving the state chief justice power during future statewide emergencies – such as war, acts of terrorism, natural disasters, and epidemics – to keep the wheels of justice turning. At the start of the COVID-19 pandemic, the response by state court leaders was delayed while we waited for the governor to issue an executive order giving the chief justice full power to act. AB 3366 will allow the chief to take swift action in the future. The measure now is in the state Senate.

Taming Amazon's exclusion

AB 3262 by Asm. Mark Stone (D-Scotts Valley) will hold online marketplaces like Amazon to the same legal standard as traditional brick-and-mortar businesses when internet retailers place dangerous products in the stream of commerce. This bill will ensure that California law does not continue to subsidize online commerce, which has a spotty product safety record, at the expense of injured Californians. AB 3262 won approval in the Assembly on June 11 and is in the Senate.