



## Update from CAOC

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# An annus horribilis

FROM THE STATUTES OF LIMITATION EXTENSIONS TO THE CIVIL RIGHTS CRISIS TO IMMUNITY BILLS, WE'RE WORKING IN SACRAMENTO TO PROTECT THE LEGAL RIGHTS OF ALL CITIZENS

## SACRAMENTO UPDATE

On the 24th day of November 1992, the Queen of England gave a speech to mark the 40th anniversary of her Accession and referred to that year's events as part of an "annus horribilis." With all due respect to the Queen, I think we have her beat in 2020.

This has been a year like no other as the pandemic has forced major life adjustments – working and representing clients remotely, facing the challenges of social distancing and, for those with children, accommodating distance learning. We also are facing a civil rights crisis spawned by the police killing of George Floyd.

Yet, we all strive to meet the challenges of this annus horribilis.

At CAOC, we are working daily to meet these challenges, fight for legal rights via our sponsored bills and to defeat horrible immunity bills that have arisen.

We understand, first and foremost, that without a functioning court system, you cannot do your job and properly represent your clients. While Judicial Council emergency rules for electronic service and remote depositions emergency rules will continue until 90 days after the governor lifts the state of emergency, the statute of limitations extension will be coming to an end in the coming months. Now that the courts are reopening, the extension in Emergency Rule 9 ended Aug. 3 for statutes of limitation of 180 days or less and will be ending Oct. 1 for statutes of limitation over 180 days. CAOC is also working on a number of civil procedure bills in the Legislature

to aid our members as we navigate these uncharted waters together.

CAOC is addressing the civil rights crisis that is upon us by supporting a wide range of bills aimed at stopping the illegal use of force by police and better enforcement of civil rights violations. We are prioritizing SB 731 (Bradford), a California Legislative Black Caucus priority bill sponsored by the ACLU that seeks to prevent the illegal use of force and ensure accountability when illegal use of force occurs by (1) creating a decertification process for officers fired because of misconduct and (2) restoring the original strength and legislative intent of California's Tom Bane Civil Rights Act, which has been undercut by errant court rulings over recent decades.

Other priority bills include AB 3262 (Stone) that 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 does not continue to subsidize online commerce, which has a spotty product safety record, at the expense of injured Californians.

SB 1146 (Umberg) will enshrine the use of online video for remote depositions and electronic service of process to reduce the backlog of cases caused by the COVID-19 pandemic. SB 1146 has recently been amended to also address the chaos caused by pushed trial dates. It will enact a statewide standard requiring that a continuance or postponement of trial dates also automatically extends discovery deadlines for the same length of time as the continuance.

AB 2723 (Chiu) will streamline settlement procedures by allowing attorneys to sign to authorize a settlement agreement on their client's behalf. AB 2723 will allow a settlement agreement reached at mediation to be enforceable by the court, even if one or more of the parties is not present.

In every crisis, there are opportunists promoting self-gain. The COVID-19 pandemic is no different. Large corporations, nursing homes, public entities and others have used the coronavirus as an excuse to obtain wide-ranging and unrelated immunity for negligent acts. In early April we faced efforts by the tort reform group CJAC, the Chamber of Commerce and Republican lawmakers to place a moratorium on PAGA suits through the end of the COVID pandemic. CAOC quickly organized with our labor allies to thwart those efforts. Foes quickly regrouped and sought an executive order from the governor to immunize any business operating during the pandemic. When that effort failed, they introduced a number of bills in late June to immunize small businesses, Residential Care Facilities for the Elderly (RCFEs), K-12 schools and colleges for any negligence resulting in COVID infections. CAOC opposed the legislative immunity bills and organized a large coalition in opposition. Ultimately, not a single one of these bad bills got a hearing.

On behalf of the legislative advocacy team, we want to thank you for your continued support of CAOC. We cannot be effective without your support. Thank you.

