



Update from CAOC

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Our pandemic legislative year

BILLS WE SENT TO THE GOVERNOR INCLUDE SB1146 THAT WILL CEMENT THE USE OF E-SERVICE AND REMOTE VIDEO DEPOSITIONS

SACRAMENTO UPDATE

We could easily write off 2020 as a lost year in the California Legislature. There were COVID-19 shutdowns of the Capitol, lawmakers and staff getting sick, frequent interruptions of legislative sessions for days or weeks at a time. The whole year came to a crescendo on the final night with a state Senate shouting match punctuated by a Republican lawmaker shouting an expletive – and then repeating it in a tweet a few minutes later.

Like so many corners of society, dysfunction often ruled. But there also were victories for CAOC, civil justice and your practice during this pandemic legislative year.

CAOC helped push to the governor's desk some very solid measures that will help streamline your practice of law. Senate Bill 1146, if signed by Gov. Gavin Newsom, will cement the use of e-service and remote video depositions. It also would extend deadlines for discovery actions such as the exchange of expert witness information, mandatory settlement conferences, and summary judgment motions for the same length of time as any continuance or postponement of a trial.

Meanwhile, Assembly Bill 2723 would make legal life a bit easier by allowing attorneys to sign a stipulated settlement on behalf of their clients.

Consumer Attorneys also played a role in pushing through AB 3092, which if signed by Newsom will allow sexual assault survivors a chance to hold UCLA and a campus OB-GYN accountable in civil court. AB 2445 would give legal guardians standing

in court if a child they've raised is harmed by another. Also earning a spot on the governor's desk was AB 3366, which gives the chief justice powers to act swiftly in emergencies to keep the wheels of justice turning. CAOC also prioritized SB 1383, pending before the Governor, to expand parental leave.

When the coronavirus pandemic hit, CAOC led an all-out push with Gov. Gavin Newsom and state court leaders to adopt emergency rules to keep the gears of civil justice from grinding to a halt. Several of those emergency rules, like e-service and remote depositions, would be made permanent by SB 1146.

CAOC also stepped up to organize a coalition that dashed repeated efforts by CalChamber and the health care industry to enact legal immunities that could have stretched farther and deeper than the impacts of COVID-19. Due to our efforts, California remains one of the few states that didn't bow to fickle arguments to undercut the Seventh Amendment in this pandemic era.

Earlier in the year, we beat back threats at the State Bar of California to open the door to corporate ownership of law firms and the practice of law by artificial intelligence. CAOC membership took up the cause with gusto, helping to steer the bar task force away from adopting changes that would have detrimentally and drastically changed your practice.

Yes, there were disappointments.

At the front end of the year, as the threat of COVID-19 reared up, legislative leaders ordered lawmakers to focus only on bills that addressed the pandemic or wildfire threats. As a result, two of our biggest

planned efforts in 2020 were delayed: modernizing the state's outdated minimum auto insurance responsibility law and prohibiting secret settlements of products that harm or kill.

Even worse, during the final days before the 2019-20 legislative ended on Sept. 1, two very important bills backed by CAOC didn't even come up for a vote and thus died.

First, the web retail liability bill, AB 3262, was pulled by its author before a final vote in the face of massive opposition from internet firms that undercut support among the handful of corporate Democrats needed to push it over the top. This legislation would have held Amazon and other web retailers to the same chain-of-commerce liability standards as brick-and-mortar stores for products that maim or kill.

Then on the final day of session, CAOC-backed police civil rights legislation, SB 731, died without a vote when the clock struck midnight. Despite an outpouring of social media shout-outs by celebrities and sports stars, police organizations prevailed, and waffling lawmakers caved. The result is that, despite a nationwide reckoning over racial injustice by police, California will go yet another year without a process to decertify bad cops and without changes to strengthen the Bane Act to hold them accountable in court.

We won't be giving up on any of these efforts. We're just like you. As Consumer Attorneys, we brush off a defeat – whether it's in the courtroom or statehouse – and we regroup and fight all the harder. Onward to 2021.

