



Update from CAOC

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A year like no other

DYSFUNCTION RULED THE CALIFORNIA LEGISLATURE BUT PROGRESS WAS MADE
IN E-SERVICE AND REMOTE DEPOS WHILE TORT REFORM WAS AGAIN TURNED BACK

SACRAMENTO UPDATE

Like so many corners of society, dysfunction ruled in the California Legislature this year. But there also were victories during this pandemic year for Consumer Attorneys of California, civil justice, and your practice. Several bills we sponsored were signed by Gov. Gavin Newsom and will help the practice of law during the coronavirus era and beyond.

SB 1146 will cement the use of e-service and remote video depositions. It also will 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, AB 2723 will make legal life a bit easier by allowing attorneys to sign a stipulated settlement on behalf of their clients.

Other key CAOC-backed bills that were signed include: AB 2445, which gives legal guardians standing in court; AB 3366, which gives the chief justice powers to act swiftly in emergencies to keep the wheels of justice turning; and SB 1383, which expands parental leave. AB 3092 will allow sexual assault survivors a chance to hold UCLA and a campus OB-GYN accountable in civil court.

CAOC also defeated every tort reform bill and, importantly, forged a potent coalition that stopped repeated efforts by the California Chamber of Commerce and the health care industry to enact legal immunities that could have stretched farther and deeper than the impacts of COVID-19. It was a tremendous

effort that spawned widespread news coverage. 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 Covid 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. CAOC will continue our efforts on this.

And some disappointments...

On the other side of the ledger, there were disappointments.

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 legislative efforts were delayed until 2021: modernizing the state's outdated minimum auto insurance responsibility law and prohibiting secret settlements of products that harm or kill.

More recently, we saw our e-scooter liability bill get watered down – with a prohibition on unconscionable contract waivers omitted in the final draft – because of gig-industry opposition. As a result, CAOC pulled out as a sponsor of the bill.

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 retailers. 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, the CAOC-backed civil rights bill, 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 Unconventional Convention Nov. 19-21

We won't be giving up on any of these efforts as we head, not a moment too soon, into the coming year.

Want a head start on it? Join us for CAOC's first "Unconventional Convention," an online event to be held Nov. 19-21. You can check out the list of MCLE sessions and keynote speakers at www.caoc-convention.com. If you're not a member of CAOC, there is an added bonus: Your registration includes free membership in CAOC for 2021.

In closing, I want to express my appreciation for all that our CAOC leadership, our members, and our sister TLAs like CAALA have done to support us this year. And I hope you'll join us anew in 2021 to continue the battle for justice. Consumer Attorneys of California Legislative Director Nancy Peverini can be reached at nancyp@caoc.org.