



2025 legislation again threatens tort system

PROPOSED IMMUNITIES FOR PUBLIC ENTITIES POSE A DANGER TO PLAINTIFFS

(Friends -- I wrote the article below on January 6. After I wrote it, Los Angeles was burning. Our hearts go out to the many victims. CAOC advocates have worked directly with fire victims through legislative fights in the past five years, and the stories are heartbreaking. We send our support and love. For all CAOC members, a reminder to review the CAOC Code of Professional Conduct, which CAOC members must abide. (<https://www.caoc.org/?pg=CAOCCodeofConduct>) Specifically, No. 5 states that a CAOC member shall not initiate press contact following a disaster or incident that resulted in injury or death for the sole purpose of attracting cases.)

Consumer Attorneys of California has had significant victories in the past years. CAOC-sponsored bills led to an increase in mandatory financial responsibility limits, effective January 2025, made arbitration appeals faster and helped avoid a contingency fee initiative for the 2026 ballot.

However, this year we face critical challenges that must become a priority for our organization. First, there are more than 25 new legislators in Sacramento, making our work (and yours) crucial as we develop relationships and build trust to discuss the importance of the tort system and what it does to protect consumers.

This year we are on the defense. Already (and the Legislature just convened the first week of January), the following attacks on your clients' legal rights are surfacing:

Non-economic damage caps

A proposal to limit non-economic damages to three times actual damages or \$1 million, whichever is less, is being sponsored by the City Attorney of Los Angeles, Hydee Feldstein Soto. In a recent interview, she lamented that employment discrimination cases make someone a "millionaire" and that the city can't fix potholes because of lawsuits.



CAOC will adamantly oppose this proposal.

Elimination of joint and several liability

A San Diego proposal would eliminate joint and several liability for all economic damages against a public entity. In 1986, Proposition 51 passed the California initiative process and eliminated joint and several liability for non-economic damages. This attempt extends that elimination of damages to economic damages. Many legislators have had previous positions as elected officials that had to approve settlements related to public entity negligence. Many are not attorneys and have a hard time understanding concepts of comparative negligence and joint-and-several-liability principles. CAOC will adamantly oppose this proposal.

Caps on contingency fees

Los Angeles County has publicly recommended MICRA caps for public entity cases and a "victim compensation fund," saying claims are "repetitive in nature, following very consistent patterns and involving common facts." These calls for tort reform have been primarily in

response to claims against the county based on childhood sexual abuse cases that were allowed under legislation to expand the statute of limitations for these cases.

General tort reform on public entity cases

In recent meetings with elected officials, we are seeing increased scrutiny and criticism of general-public-entity cases. There is a claim that, in particular, larger advertising firms are not conducting "due diligence" prior to including a public entity in a case and that this has led to a significant increase in claims against these entities.

As practitioners, we are all well aware of the limitations involved in cases against public entities, including, but not limited to, the early notice requirements, the applicable immunities and the prohibition on punitive damages. Your CAOC advocates will be meeting with all legislators in the coming months on this and other key issues (such as the Uber attempt to lower uninsured and underinsured motorist coverage from the current \$1 million to \$50,000). We also need your help. As a reminder, all politics are local. Please 1) complete the form at www.caoc.org/tellcaoc to sign up for our grassroots program and to let us know of your relationships with elected officials, and 2) mark your calendar for our 2025 Justice Day in Sacramento on April 7-8.

Thank you for your support of the CAOC legislative program.

Nancy, originally from Soledad, attended Santa Clara University where she received a Bachelor of Arts, followed by her JD at the University of the Pacific, McGeorge School of Law. She has lobbied for the Consumer Attorneys for over 20 years, specializing in consumer legal rights. She is also a past-president of Women Lawyers of Sacramento and a current board member of the Consumer Federation of California where she received its 2010 Consumer Champion Award.