

# Only half-way there

By Mike Arias



We are roughly half-way through the year and I'm a little more than half-way through my presidency. Rather than reflect, now is the time to keep pushing forward. We're on the cusp of accomplishing unprecedented legislation that will benefit consumers, employees and the underserved, but we've still got a ways to go.

The progress CAOC's staff, leadership and members are making is tremendous, but there are still so many areas we need to focus on and letting up now would be a huge mistake. Large corporate interests, Silicon Valley lobbyists and the current presidential administration are making CAOC's work as hard as ever, but this is still a truly unique time for us to create a safer, more equitable California.

A sure sign that we are on the right track is the latest state budget. While the federal government has increasingly restricted access to justice for most Americans, the 2019-2020 California state budget sets money aside for 25 new judges, and Gov. Gavin Newsom actually tipped his hat to the trial lawyers for pressing hard to get this done. It is an amazing accomplishment considering how the last 10 years have gone for the judiciary, but it's still just one step in the right direction. There is so much more we want to accomplish in this area, but I am feeling so much more confident that we will be able to do so – as we now have a governor who appreciates and respects the judiciary, our third branch of government.

Currently, there are several CAOC-backed bills that are in various stages of the legislative process.

The Assembly passed AB 1510, which will allow victims facing statute of limitations challenges a short opportunity to hold disgraced campus gynecologist George Tyndall and USC accountable for the abuse so many women suffered. Tyndall is

accused of forcing patients to strip naked as he then took photos, groped women's breasts and digitally penetrated them. The list of horrific treatment is long and horrible, and this bill will allow greater access to justice for the survivors, but only if it becomes a law.

CAOC fought hard to get SB 314 to the governor's desk, and our efforts paid off as Gov. Gavin Newsom signed it into law. It will protect seniors in assisted living facilities during emergencies that put the elderly in harm's way, increasing penalties to give the facilities more incentive to protect residents in emergency situations. The need for this new law arose after the Wine Country fires of 2017, when about 100 elderly residents, many with walkers or wheelchairs, were left behind.

People suffering and dying from illnesses caused by exposure to asbestos or silica would no longer have to endure marathon depositions under a CAOC-sponsored bill making good progress. SB 645 limits the number of hours one of these depositions can last while still giving judges leeway to add time if appropriate.

Forced arbitration has been a major target of CAOC for many years, and it seems we're finally close to making some major headway in regulating and potentially curbing this unjust practice. SB 707 will prevent businesses from gaming the forced arbitration system to delay and deny consumers and workers a shot at justice. Some businesses have forced consumers and employees into arbitration and then strategically withheld payment to the arbitration service provider in order to obstruct the proceeding. SB 707, the Forced Arbitration Accountability Act, will find these companies in material breach if the fee isn't paid within 30 days, thus allowing consumers or employees to withdraw from arbitration and instead head to court.

We are also taking a second shot at two bills vetoed last year by Jerry Brown. AB 51 will prohibit companies from requiring workers to waive their legal rights under FEHA and the Labor Code and will protect workers from retaliation based on failure to waive. AB 9 will give sexual assault survivors additional time to seek redress by expanding the time to file FEHA actions with the Department of Fair Employment and Housing by two additional years.

Now is the time to put our foot on the proverbial gas and see these through. We've worked with legislators sympathetic to our cause, we've seen the #MeToo movement shake the very foundations of our institutions and we're seeing a new dawn emerging. But this hope we all feel is not concrete just yet.

I urge every member to stay involved, work with CAOC leadership, connect with staff members and get active with the Legislature. Any attorney willing to participate can reach out to staff, board members or even myself to learn how to help move legislation forward. We need every member involved, whether that be organizing events, serving in some leadership capacity, lobbying the Legislature or making phone calls. CAOC is half-way toward one of its best legislative years in its history, and with your help we can see this year through to a big finish.

Please email me at [mike@aswtlawyers.com](mailto:mike@aswtlawyers.com) if you would like to help with this year's legislative agenda and/or if you'd like to get involved in CAOC. ■

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