



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

Time limits on depositions bound for governor's desk CAOC-backed bill would reduce time spent grilling the sick and dying

SACRAMENTO (Aug. 29, 2012) – Elderly and ailing plaintiffs would be protected from being subjected to marathon depositions under a Consumer Attorneys of California-supported bill that was sent to Gov. Jerry Brown's desk today.

The California Assembly passed AB 1875 by Assemblyman Mike Gatto (D-Burbank) on a 45-to-26 vote after the state Senate approved the bill Monday. AB 1875 will limit depositions of individual plaintiffs in most cases to no more than seven hours, in line with the federal court standard.

“This is much needed legislation,” said CAOC President Niall McCarthy. “Allowing a deposition to needlessly drag on is a waste of time and money for both sides in a legal dispute. Litigation should be a process to find the truth, not to grind people down.”

The impetus for the bill was a series of complaints from CAOC members about an increase in the number of lengthy depositions that add to the cost of litigation and often result in needless abuse of physically vulnerable plaintiffs, putting their health at risk. In one case, a terminally-ill man was deposed over 41 days and died just an hour after his final deposition. In another case, a routine financial elder abuse case led to three days of depositions of a frail and elderly client.

AB 1875 does not apply the seven-hour limit to employment disputes and complex cases, though people found by a physician to be dying would face no more than 14 hours of questioning in a complex case. In addition, the restrictions would not apply to expert witnesses or other “most qualified” deponents, nor to any party who appeared after the deposition had concluded.

In all cases, the bill specifically allows additional time if stipulated. A judge can also allow more time if needed to fairly question a witness or if the deponent delays or impedes the proceedings.

The measure won the backing of major consumer rights and labor groups, but was opposed by the California Chamber of Commerce and other business interests. If signed into law by Brown, AB 1875 would take effect Jan. 1, 2013. More information on AB 1875 is [available here](#).

Consumer Attorneys of California is a professional organization of plaintiffs' attorneys representing consumers seeking accountability against wrongdoers in cases involving personal injury, product liability, environmental degradation and other causes.

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