

CAOC has worked and continues to work tirelessly for YOU

By Mike Arias



Since being founded nearly 60 years ago under a different name and in a far different time, Consumer Attorneys of California has earned a reputation as the most effective state trial lawyer advocacy group in the nation.

It's easy to forget just how much CAOC has done over the years to protect the rights of your clients and the prosperity of your practice. So, in just a few sentences, let me recount some of the things in your legal world that are better because of CAOC.

Did you know, for instance, that without CAOC we very likely would be enduring no-fault insurance? CAOC defeated efforts to establish no-fault back in 1972, and then again in 1988. Did you know that if not for CAOC we'd be dealing with MICRA-like caps on all personal injury cases? CAOC stiff-armed efforts to establish an omnibus legal damages cap with the "Napkin Deal," famously signed in 1987 at Frank Fat's restaurant in Sacramento.

We all might be living with a cap on attorneys' fees, as well as no-fault insurance, if not for CAOC's efforts in 1996 to defeat the "Terrible 200s."

Meanwhile, many younger attorneys today probably take for granted that our state has a 2-year statute of limitations in tort cases. Before 2002 we had a 1-year limit;

that year, CAOC successfully pushed a bill that doubled the time we are allowed to file a tort case.

Do you practice employment law? Do you appreciate that California's Private Attorney General Act allows you to avoid forced arbitration in such cases? You better thank CAOC, which was a pivotal force in pushing through PAGA back in 2004.

In just the last few years there have been numerous other ways that CAOC has helped you and your clients. Remember when there was no limit on the length of a deposition? We have all come to appreciate the seven-hour limit on depositions. Thank you CAOC! Even better, the Rodriguez bill in 2017 established a prohibition on using immigration status in setting damages. That same year, CAOC legislation throttled back judicial limits on voir dire. Over the years, there also have been innumerable instances of CAOC's lobbyists turning back tort deformers trying to restrict legal liability for wildfires, construction defects and lead-based paint, just to name a few.

Oh, and let's not forget last year's efforts by CAOC to ensure our state's forthcoming internet privacy and data protection act, which goes into effect in 2020, was undergirded by a private right of action that established an expanded arena for consumer protection in our new era of e-commerce.

In short, CAOC has done a lot for all of us.

That brings us to 2019. This year we have one of the most aggressive legislative agendas that I can remember—all designed, again, to help your practice and protect your clients. Here is a rundown of what's on CAOC's plate in the year ahead.

We will be taking on a big effort to address bad insurance industry practices, among them the state's absurdly outdated and anemic Financial Responsibility limits; the elimination of California anti-stacking law for uninsured and underinsured motorists; and the mandatory disclosure of insurance limits prior to case filing. Not long ago, we emailed all members a formal online survey of those insurance issues, and those results will help guide us in the year ahead.

CAOC is also championing several civil procedure proposals that promise to improve your practice. Ideas being weighed for legislation include authorizing plaintiffs to videotape defense medical exams; augmenting current Request for Admissions law by adding sanctions if the admission could and should have been made earlier; adopting rules of discovery requiring document production electronically to reflect ongoing and anticipated changes in technology; and requiring that documents produced in response to a request be identified as in response to each specific request.

We're also wading deep into the budget battles over court funding. As I hope you know, CAOC has been instrumental over the past decade in helping to boost funding to our courts, which had been stripped away during the bad days of the Great Recession. This year, with newly elected Gov. Gavin Newsom proposing a \$327 million boost for courts, our CEO and Chief Lobbyist Nancy Drabble and the rest of her team are working to increase that amount even more and earmark funding specifically for crucial new judicial appointments. It is our priority goal to

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ensure that judges are available for you and your clients.

The fight against forced arbitration continues to be a front burner issue for our organization. This year, CAOC is joining with the California Labor Federation to sponsor Assembly Bill 51, which will prohibit forced arbitration of Fair Employment and Housing and Labor Code violations. Although a similar bill backed by CAOC was vetoed last year by then-Gov. Jerry Brown, we anticipate a better response from our new governor.

In addition, CAOC will be working with the California Employment Lawyers Assn. on Senate Bill 707, a measure to provide individuals facing forced arbitration with procedural options and remedies when a defendant company stalls or obstructs the arbitration proceeding by refusing to pay the required fees in a timely manner.

The #MeToo era is ever present, and

CAOC will continue its efforts to protect the legal rights of sexual assault victims. We are sponsoring AB 9, a bill to extend the statute of limitations for Fair Employment and Housing Act and Labor Code claims from the current one year to a more reasonable three. We also are backing AB 1510, which will ensure sexual assault victims – such as those of USC’s Dr. George Tyndall – get their day in court.

We’re already deep in the trenches addressing the employment issue of the year – business efforts to undercut the 2018 state Supreme Court’s *Dynamex* decision addressing the classification of independent contractors. Likewise, attacks on wildfire liability, especially with the PG&E bankruptcy, will once again be at the legislative forefront in 2019.

So, hopefully in reading this, YOU recall just how much CAOC has done for YOU and your clients in the past and you

have a sense of the depth and extent of what CAOC is working on for YOU and your clients this year. I say this because I need your appreciation of these efforts and your commitment to help. CAOC is an amazing organization with an amazing staff. But, this great organization can’t do it without YOU. Please be receptive and commit when we ask for your help, be it with volunteering to review legislation, to help increase membership, to meeting with legislators, to contributing when we ask. Anything and everything you do helps.

So, make sure you sign up and attend Justice Day (CAOC’s annual member lobbying event) which will take place on April 30 in Sacramento. I promise you will find this event enlightening, energizing and rewarding.

Thank you for your support of your CAOC. I look forward to working with you. ■



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