



# CONSUMER ATTORNEYS OF CALIFORNIA

*Seeking Justice for All*

## Two CAOC-sponsored bills approved by Senate

AB 1337, AB 1141 now go back to Assembly for concurrence

**SACRAMENTO (Aug. 24, 2015)** – The California Senate has approved two bills sponsored by Consumer Attorneys of California that will help streamline the legal process and level the playing field for plaintiffs. Both bills were passed on unanimous votes.

AB 1337, authored by Assemblyman Eric Linder (R-Corona), will streamline what is now a paperwork nightmare for patients seeking their own medical records by allowing for the use of a standardized medical records request form that can be submitted to any health care provider. The forms now in use are specific to each facility and can vary significantly. The use of provider-specific forms leads to delay in obtaining records, especially when patients must request records from multiple facilities to gain their complete health care history.

AB 1141, authored by Assemblyman Ed Chau (D-Monterey Park) and co-sponsored by the California Defense Counsel, corrects an inadvertent disparity between plaintiffs and defendants in reimbursing the cost of expert witnesses under California Code of Civil Procedure Section 998. Under current law, if a plaintiff rejects a 998 settlement offer and fails to receive a better judgment at trial, he or she can be required to cover the defendant's expert witness expenses incurred both before and after the offer was made. On the other hand, if a defendant rejects a plaintiff's 998 settlement offer and fails to receive a better judgment, the plaintiff can seek reimbursement for only those expert witness expenses incurred after the offer was made. The inequity puts more pressure on plaintiffs to settle rather than defendants, which was not the intent of the legislature when it created the discrepancy with AB 1742 (2005-06). Under AB 1141, both parties could be required to cover only those expert costs incurred after a 998 settlement offer.

Both bills now must return to the Assembly for concurrence before heading to Gov. Jerry Brown's desk.

*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.*

**For more information:**

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