

Sacramento turned right-side up

By Lee Harris, CAOC President



Though the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution.

Yick Wo v. Hopkins, 118 U.S. 356 (1886)

Public events can sometimes bring a new reality. The events surrounding Harvey Weinstein and a host of other powerful and influential men in business, the entertainment industry and government have highlighted a long-necessary need for legislative change to better protect against sexual harassment. Harassment and discrimination in all of their forms are insults against justice and the values we stand up for every day in court, including common human decency and the value of human life. The publicity has awakened bad memories for many who are saying “me too.” Even if you weren’t personally a victim, you, like I, have had friends, colleagues or family who have been a victim. I want you to know that Consumer Attorneys of California will be front and center making change happen.

Soon after the revelations, CAOC was asked to assist with testimony before a special hearing of the Assembly Rules Subcommittee on sexual harassment and retaliation in Sacramento. Member Genie Harrison provided compelling testimony on behalf of victims. Additional testimony by insiders highlighted failings in the procedures for reporting and investigating

claims, inadequate metrics for tracking complaints and questions regarding ethics standards for elected officials. Victims were left in fear of retaliation. Within three days of that hearing, over 10 legislative offices contacted CAOC wanting our input. CAOC will be a frontline participant this month in another special hearing on harassment, this one in the California Senate. The scandals have, so far, resulted in the resignation of two lawmakers accused by women of sexual harassment and investigations into others facing accusations. Legislation is now on the table to protect legislative whistleblowers who accuse powerful lawmakers of stepping over the line.

As trial lawyers with many members who actively represent victims, we are in unique position to offer policy guidance. While our full legislative package is still being finalized, one thing is clear: CAOC will be in the lead to reform the law and protect potential victims. We will proudly sponsor and support bills to assist victims of sexual harassment.

One example is a bill co-authored by Assembly Members Laura Friedman (D-Glendale) and Eloise Gomez Reyes (D-San Bernardino) that will extend the one-year statute of limitations on harassment claims. Under the current law victims of sexual harassment must pre-file within one year at the Department of Fair Employment and Housing and have less time than victims in cases involving personal injury (2-year SOL) or corporate fraud (3-year SOL). Even corporate bill collectors have more time to file claims (4-year SOL on written debts). That’s simply unfair. And that’s why CAOC is sponsoring legislation to fix this inequity.

One of the major revelations in this news cycle is how harassment has been hidden by secret settlements. We have long warned that hiding the existence of bad acts allows bad actors to continue to harm the public. Sen. Connie Leyva (D-Chino) has a bill, sponsored by CAOC and the California Women’s Law Center, that addresses the problem of secret settlements that silence victims in harassment cases and allow perpetrators to avoid the public spotlight and full accountability. Settlements conditioned upon forced secrecy have allowed repeat violators to reoffend.

It also has come out that some companies have thwarted justice for harassment by destroying key evidence in company records. CAOC will support an effort to extend the required time limit for businesses to retain records.

CAOC is fortunate to have a truly outstanding team of lawyer lobbyists, Nancy Drabble, Nancy Peverini, Jacqueline Serna, Saveena Takhar and Lea-Ann Tratten working “under the dome” for fair rules that hold individuals as well as businesses responsible for their conduct and allow justice to be heard. We want to keep victims and society from being further diminished. Our work will help turn Sacramento right side up. ■

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