

Hound Dogs, Bears and the Civil Justice System

By Niall McCarthy



One week before CAOC's Justice Day, I was in Sacramento testifying in an attempt to kill a harmful class action bill sponsored by the insurance industry and other business interests (we won). When I walked into the Capitol, it was filled with hunters attempting to cram into a Senate hearing. The issue? A bill which would have prevented hound dogs from being used in hunting bears. That bill brought out passion in these hunters. They wanted their voices heard. It was their right in a democracy. As I waded through the throng, a thought struck me. What if all plaintiffs' lawyers showed the same passion when tort reform measures were introduced, or when CAOC tried to expand consumer rights? Imagine the power.

The passion of the plaintiff bar was on display May 1 at CAOC's Justice Day. It was inspiring. The halls of the Capitol were blanketed with more than 200 consumer attorneys advocating for our bills. The legislation included SB 1528 to correct the inequities of the *Howell* decision, AB 558 to correct the burden of proof in nursing home cases, and AB 1875 to end abusive deposition practices. All this legislation will greatly benefit consumers. Justice Day is at its core attorneys giving their time and energy to battle for their clients in the most important forum. We had familiar faces and many rookies. Thank you to all who organized and attended the event. In particular, I want to recognize Anna Griggs, Erika Dacumos, Liz Teves, Valerie Shope and Wendy Murphy of CAOC for ensuring Justice Day ran smoothly and efficiently.

In the end, we achieved some victories, including the deposition bill passing out

of the Assembly Judiciary Committee and the positive feedback from legislators on our bills. Our greatest enjoyment came from the fellowship of the plaintiffs' bar. The Women's Caucus reception drew a lively crowd, the OCTLA party always lives up to the billing and the CAOC legislative reception drew about 30 lawmakers. It was my most enjoyable day as CAOC President. It was a day where each attendee went home knowing that they had done their part. They had made a difference. Does it get any better than that? Get Justice Day 2013 on your calendars. It will be one of the best decisions you make.

Let's also remember that any legislative success we have in Sacramento comes only with hard work during election years like this one. Please consider what you can do to support the candidates who will protect the legal rights of your clients. CAOC is backing a slew of good people in legislative races up and down the state.

Some are old friends, like Betsy Butler, CAOC's former development director who in 2010 captured a coastal Los Angeles seat in the Assembly after a brutal fight with the insurance industry. Betsy had a great freshman year, pushing through the landmark Toxin-Free Infants and Toddler Act banning the use of Bisphenol-A in baby bottles and sippy cups. New district lines forced her to move north to continue the fight for justice, but she now faces a heavily financed Democrat Torie Osborn for the AB 50 seat and needs our help.

Further north in the Thousand Oaks area's Senate District 27, Fran Pavley is running hard for a swing seat that could help determine the shape of the Senate for years to come. After a decade in Sacramento

as one of the most aggressive defenders of consumers and the environment, Fran faces a tough fight against Republican Todd Zink. A victory over Zink is needed to achieve a pivotal, two-thirds majority in the Senate.

Two other Senate candidates of note are Hannah-Beth Jackson in the Santa Barbara/Ventura area's SD 19 and Richard Roth in the Inland Empire's SD 31.

Hannah-Beth is a former Assembly member, an attorney and stalwart support of the civil justice system. She has a tough primary fight against Democrat Jason Hodge and Republican Mike Stoker. During her recent political hiatus, she founded Speak Out California, a progressive think tank that includes among its basic tenets working to uphold access to the civil justice system.

Roth is a general in the Air Force Reserves and an attorney who has practiced labor and employment law in the area for three decades. His true-blue credentials should play well in the 31st Senate District. It'll be a tough fight, with party registration nearly evenly divided. But we see real reason for hope: Jerry Brown won there by 5% in 2010, and President Obama prevailed by more than 14% in 2008.

So let's all step up and work hard now. The victories we score in Election 2012 will make CAOC's Justice Day 2013 all the sweeter. I look forward to seeing you. ■

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