

What a Year

*Successes that should inspire, but also remind us:
The fight is never over.*

By Mike Arias



The last 12 months have been historic and record breaking in terms of what our organization has been able to accomplish. Through the motivating and never-ending efforts of CAOC's amazing legislative advocates led by Nancy Drabble, Nancy Peverini, Lea-Ann Tratten, Jacquie Serna and Saveena Takhar and with the volunteer work of the CAOC Officers, Board and many CAOC members, we sponsored eight pro-consumer bills that were signed into law. California continues to enjoy some of the strongest consumer, personal and civil rights laws in the country.

Here is the historic impact CAOC made this year:

Assembly Bill 1510 revived and extended the statute of limitations for survivors of George Tyndall's sexual misconduct and allows them seek justice against him and the University of Southern California. Not only does this new law hold Tyndall and USC responsible for their shared reprehensible behavior, but it communicates to survivors everywhere that they no longer have to suffer in silence.

Senate Bill 645 puts an end to marathon depositions of terminally ill asbestos victims. This new law limits depositions to no more than seven hours, helping protect those dying from asbestos exposure from grueling marathon sessions that take a toll physically and psychologically.

SB 41 will help create "bigotry-free" civil awards for women and minorities. We set a nationwide legal precedent by preventing the use of biased data in civil damage awards.

SB 314 addresses the abandonment of seniors in assisted living facilities during emergencies by increasing civil penalties

and incentivizing them to protect residents in the event of wildfires, earthquakes or other emergency situations.

AB 51 will ensure that workers are not required to waive the right to their day in court for any violations of the Fair Employment and Housing Act, including sexual harassment or discrimination.

AB 9 extends the current one-year limit for filing claims of harassment and discrimination to three years.

SB 707 prevents businesses from gaming the forced arbitration system to delay and deny consumers and workers their ability to seek justice.

AB 218, the most far-reaching childhood sexual abuse law in the nation, increases the statute of limitations to age 40 and gives the survivors of such abuse five years from the date they discover their abuse to file their lawsuit.

We also saw CAOC push through a much-needed expansion of the judicial ranks, prodding the Legislature and Gov. Gavin Newsom to add funding for 25 additional judges as part of the 2019-20 state budget. This will help ensure better access to civil justice, benefitting your clients and your practice.

All of these great accomplishments are the result of more than just this year's efforts. CAOC's relentless staff and CAOC's past leadership have fought hard for consumer protection, worker rights, civil rights, LGBTQ+ rights over the course of many years, even during times past when California was a far less progressive state. While we are by no means finished and will continue fighting to ensure these and other rights are not adversely affected, I want to take this opportunity to recognize that if it were not for an amazing CAOC

staff, many past presidents, boards and volunteers, 2019's successes would never have happened.

Similarly, CAOC also had a very good year in several of the other departments of the organization. From a political perspective, while we have the advantage of significant majorities in both the state Senate and Assembly – which CAOC members helped to build – we have worked extremely hard to build relationships with and educate all of our legislators on the importance of the civil justice system and the laws necessary to protect consumers, employees and victims of wrongful conduct.

In addition, CAOC continues to grow – with hopes of reaching almost 4,000 members by the end of the year, or soon thereafter. Our education programs continue their growth and success and have focused on improving and evolving to meet the ever-changing needs and desires of our members.

Nonetheless, moving forward, we must continue our total dedication to the pursuit of justice. While our current Legislature is far more reflective of our values and communities than in years past, various corporate efforts are still at work to try and claw back the rights we have all worked so hard to claim. Also, given the current presidential administration, these hard-fought victories are by no means assured. Corporate interests will challenge these

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A year later, during my first semester in college, on October 11, 1991, I was glued to the television watching Anita Hill testify before the Senate Judiciary Committee. She told the committee and America that Clarence Thomas had sexually harassed her while he was her supervisor. I was floored by her courage. And incensed by how she was treated by the Senators questioning her. The men on the committee asked: Was she was a scorned woman? They asked: What did she have to gain? I also remember the backlash against her for her testimony, and the bullying that went on. I will never forget the bumper sticker I saw time and time again with the simple call to action: “Honk if you think Anita lied.” Sadly, not much has changed since that day. I knew then as I know now: There remains much work to do. Just ask Christine Blasey Ford.

The next year, I volunteered for Bill Clinton’s presidential campaign and voted in my first election. After college in 1995 I moved to Washington DC and started as a White House intern during Clinton’s first term. I was one of the few interns with access to the West Wing. There happened to be another White House intern with access to the West Wing then whose initials were also M. L., but it would take several more years for that tale of abuse of power,

sexual harassment, and betrayal of trust to reach the American public. What followed was atrocious bullying that would have destroyed most 22-year-old girls. Again, not much has changed. The same month the Lewinsky Scandal became public, I left DC to go to law school, because I knew there was much work to do.

After law school, I focused my practice on the representation of survivors of sexual assault, abuse and harassment. I felt an obligation to stand up to bullies and became fiercely intolerant of anyone who mistreated others.

My involvement with Consumer Attorneys of California began as soon as my law career did. I joined the Board in 2003 after only two years of practice. I fought for the creation of a new lawyers committee and education geared toward newer practitioners with then President Sharon Arkin in 2005, and did the same for the women’s caucus in 2008. In 2010, Vincent Howard and I started the CAOC Diversity Committee. Diverse groups based on disability, gender, race, ethnicity, religion, sexual orientation, gender identity and gender expression have historically been under-represented in the plaintiffs’ bar and state bar in general. There was much work to do to overcome that disparity and to promote inclusion among the membership and leadership of CAOC.

Other than simply being the right thing to do, there are legitimate organizational

benefits to being more diverse:

1. More diversity means more money. Organizations that have more diverse management teams have 19% higher revenue.
2. Diversity leads to better decision making. Diverse teams making decisions outperform individual decision-makers 87% of the time.
3. Diversity generates higher membership rates by 67%.
4. Racially and ethnically diverse organizations outperform industry norms by 35%.

We have made great strides toward true diversity and more inclusion. But there is still work to be done.

I intend to work this next year with the CAOC advocacy team to help make your practices easier with civil procedure tweaks, to pass pro-consumer legislation and help elect political candidates who understand the need to improve the lives of California consumers and workers.

To every member of our organization I submit that if you want a seat at my table, I will make room. I see you and all you do. I recognize your struggles and honor your successes. I will include you in our work.

I will make it my mission over the next year to ensure that all are welcome at CAOC. All. Are. Welcome. Todos son bienvenidos; Tout le monde est bienvenu; Dōu huānyíng; Vse dobro pozhalovat’ and Aloha. ■

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new laws at every turn, in Congress, in the state Legislature, in ballot measures and, of course, in the courts. Passing these laws was a monumental task but keeping these laws in place so that future generations can enjoy the fruit of our labor is our continued and ongoing battle.

This will require all of us to stay committed and connected. It will also require you to be aware of what CAOC is doing in Sacramento by continuing to be engaged or

becoming engaged. Standing on the sidelines is no longer acceptable. All California trial lawyers benefit from the fruits of our labor and efforts – and all California trial lawyers need to do their fair share in these fights. So, if you are not already engaged, please join a committee that interests you, share your knowledge and expertise by volunteering to help with legislation or helping with one of the many causes and campaigns we pursue every year. While we will always be seeking financial help – since all of these battles require financial support to counter the millions spent

against us – your commitment and sweat equity are very important.

Thank each and every one of you for all you did in the past, all you did this year and all you will do in the future to provide the support CAOC needs to ensure California is a more just and equitable place for all.

It has been my honor and pleasure to serve as your President this year. I promise I will not fade away and that my commitment to CAOC, my fellow trial lawyers and to our clients will not end with the end of my presidency. ■