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Seeking Justice for All

Senate approves deposition limits backed by CAOC Seven-hour limit for most cases would mirror federal case rules

SACRAMENTO (Aug. 27, 2012) – The state Senate approved a bill Monday backed by the Consumer Attorneys of California that would curb marathon depositions by limiting them to seven hours in most legal cases.

With the 24-to-14 vote by the Senate, AB 1875 by Assemblyman Mike Gatto (D-Burbank) now heads back to the Assembly for a concurrence vote on amendments approved in the Senate and then would move to the desk of Gov. Jerry Brown.

The measure stems from complaints in recent years from rank-and-file members about the increasing abuse and costs associated with lengthy depositions. In one case, a dying plaintiff was deposed for over 41 days before he died an hour after the ordeal ended. In another case, a frail and elderly client was deposed for three days in a routine financial elder abuse case. For victims suffering from a life-threatening injury or illness in particular, long drawn-out depositions can become a serious health risk.

To avoid such abusive and often dangerous litigation strategies, the federal court system limits depositions to a single day consisting of seven hours. AB 1875 originally had the same limit, but was amended to address concerns raised by the California Defense Counsel and others.

“This is common sense legislation,” CAOC President Niall McCarthy said. “Allowing a deposition to needlessly drag on is a waste of time and money for both sides in a legal dispute.”

The bill does not apply the seven-hour limit to complex cases and those involving employment disputes. (Even in complex cases, people who are sick or dying would face no more than 14 hours of deposition). In addition, the restrictions would not apply to expert witnesses or to any party who appeared after the deposition had concluded. The bill specifically allows additional time if stipulated in court.

AB 1875 won the backing of major consumer rights and labor groups, but was opposed by the California Chamber of Commerce and other business interests. Despite that opposition, McCarthy said he remains hopeful Brown will sign the bill, which would go into effect Jan. 1, 2013.

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.

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