Battling Trumpian tort reform

By Gregory L. Bentley

Daily we are inundated with All Things Trump. The litany of gaffes, offensive remarks, and bizarre policy decisions is exhausting. Even as I write this, I received an email from Nancy Drabble, CAOC’s CEO and Chief Lobbyist, reminding all CAOC members that the national mess goes beyond Trump’s bluster, and includes active efforts in Congress at national tort reform.

While the world is fixated on our bombastic new president, Nancy alerts us that House Republicans are trying to ram through several tort reform bills that eliminate the rights of Americans to use the courts to seek justice. Even worse, the federal legislation is being pushed through without any hearings and no input from the public. The list of these extreme bills should get your attention:

- H.R. 720, Lawsuit Abuse Reduction Act of 2017
- H.R. 985, Fairness in Class Action Litigation Act of 2017
- H.R. 906, Furthering Asbestos Claim Transparency (FACT) Act of 2017
- H.R. 1215, Protecting Access to Care Act of 2017

CAOC is working with consumer attorneys across the country, including the American Assn. for Justice, to help defeat this legislation and, as Nancy put it, “stand together against this attack on our rights.”

Fortunately, California is a much brighter political landscape, with progressive legislators inclined to protect consumer rights. But let’s not be fooled by our November election successes at the state level. All Things Trump is wiggling its way into Sacramento too. Assemblymember Kevin Kiley (R-El Dorado Hills) has already introduced AB 965, which would impose a $250,000 non-economic damages cap on claims against Caltrans. This misguided bill would reverse decades of progress in ensuring the safety of the motoring public. Fortunately, CAOC is fighting the bill on all fronts and will use every ounce of its political clout to make sure it is dead on arrival.

On the positive front, CAOC is pushing for laws that protect consumers. We’re continuing our fight against forced arbitration while also seeking to preserve your right to fairly select a jury without arbitrary time limits.

With our organization’s 55-year commitment to protecting consumer rights, CAOC will continue to strive for a working political majority in Sacramento – one that reliably protects consumers from the predations of misguided laws. But it takes effort, skill, and resources to gain political clout. Fortunately, the system to do so is in place with a top-notch CAOC staff as well as dedicated board members and committee chairs shepherding an organization that provides so many benefits to all its members: Education and networking; potent representation in the statehouse and on the campaign trail; programs that promote mentoring and diversity; and a communication team creatively spreading the word.

With so many opportunities to engage, what is it that you are doing? It’s a pointed question, but an important one. In today’s political climate, I can think of no better time to get involved. Personally, I find it interesting and enjoyable. Professionally, I find it satisfying and stimulating.

As trial lawyers, we have the unique opportunity to bring about change – whether it be in the fields of safety, industry, business practices, policies and procedures, or to provide protection, comfort, solace, compassion and just compensation to those harmed by others. Don’t we all also have a debt to be paid through involvement in efforts designed to protect those very Seventh Amendment rights?

Our way of life, and our clients’ right to be safe, secure, and fully compensated, is under attack. With so much at stake, and with so many opportunities to get involved, there is no excuse for any consumer attorney to sit on the sidelines doing nothing to protect the very essence of who we are and what we do.

I understand and recognize that I am writing this to those who do believe – by getting the Forum, you are a member of CAOC. I thank you for your membership, but I also must ask you to do more – be it meeting with legislators, joining the CAOC Board, joining or increasing your President’s Club membership, recruiting new members, attending Justice Day on May 2, joining a committee ….

The opportunities are endless. The key is to do something, and to start right now.

We live in perilous times for consumer rights in this country. But perhaps the one good thing stemming from an All Things Trump presidency is a concerted, overwhelming response to CAOC’s call to action. Please join us to make that happen – and get started on making a difference today.

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