



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

Two CAOC-backed arbitration fairness bills signed

Legislation protects California employees and dying seniors

SACRAMENTO (Sept. 25, 2016) – Two bills supported by Consumer Attorneys of California that will help consumers who are forced to take disputes to arbitration were signed by Gov. Jerry Brown today. Neither bill prohibits corporations from forcing Californians to go through arbitration rather than the courts, but the bills add protections when arbitration is required.

[SB 1241](#) by Sen. Bob Wieckowski (D-Fremont) will ensure that Californians do not have to travel outside the state to litigate or arbitrate an employment dispute. It also requires that a hearing in these cases follow California's employee protection laws, not the laws of other states that often have weaker.

“This is superb news for working Californians,” said Consumer Attorneys of California president Elise Sanguinetti. “While SB 1241 will not prohibit corporations from forcing Californians to take their employment disputes to arbitration rather than the courts, it does prevent corporations from making our citizens travel thousands of miles to right a wrong. And this bill guarantees corporations can't ignore California's strong employee protection laws by unilaterally decreeing that another state's laws should apply.”

Also signed today was [SB 1065](#) by Sen. Bill Monning (D-Carmel), co-sponsored by CAOC, the Congress of California Seniors and California Advocates for Nursing Home Reform. The bill speeds the appeal process for dying seniors when a judge denies forced arbitration in cases against nursing homes filed under the Elder and Dependent Adult Civil Protection Act.

Under current law, plaintiffs aren't allowed to appeal a trial judge's ruling that arbitration may proceed, but defendants may appeal if a judge declares that a provision in a nursing home admissions contract requiring disputes be taken to arbitration is “unconscionable” and determines the case should be decided in court. Defendants have abused the appeal process to drag out cases in the hope that an elder abuse victim dies before the dispute is resolved, denying justice for people facing their final days.

In order to benefit from SB 1065, an elder abuse victim must prove in court that he or she qualifies for a trial court date preference under California Court of Civil Procedure Section 36, meaning he or she is age 70 or older and in ill health. For those seniors, SB 1065 will require an appeal of the denial of forced arbitration be resolved within 100 days. Those appeals now routinely take two to three years to resolve, and the seniors involved are not likely to live that long.

“SB 1065 does not eliminate arbitration from these cases, nor does it eliminate defendants' right to appeal the denial of arbitration,” Sanguinetti said. “The bill simply means the appeal will be resolved faster for these seniors in poor health. The expedited appeals process will not add extra burdens to the appellate courts, as fewer than 20 people a year are likely to qualify for the expedited appeal. But it is crucial that this small and deserving group of elder abuse victims obtain a resolution of their case while they are alive.”

On Thursday Gov. Brown signed [AB 2427](#) by Assembly Member Ed Chau (D-Arcadia), co-sponsored by CAOC and the California Defense Counsel. This bill will allow legal heirs and representatives to obtain coroner's photos without seeking a court order. It also requires materials, reports and writings of experts

that are demanded to be produced in deposition notices to be produced not less than three business days prior to the expert's deposition.

Gov. Brown has until Friday to sign or veto bills that have been passed by the Legislature, or else the bills become law without his signature. Here are the other bills sponsored or supported by CAOC that still await action:

[SB 482](#) by Sen. Ricardo Lara (D-Bell Gardens) is a major step toward reducing dangerous “doctor shopping” in California and the damage caused by the prescription opioid abuse epidemic. The measure will require that physicians check the state’s existing CURES pharmaceutical database before prescribing potentially-addictive narcotics for the first time. Researchers at Johns Hopkins and the Centers for Disease Control and Prevention have called for mandatory use of prescription databases, and some two dozen states have already enacted similar measures. SB 482 is co-sponsored by CAOC and the California Narcotic Officers Association.

[SB 1078](#) by Sen. Hannah-Beth Jackson (D-Santa Barbara) addresses injustice and bias by private arbitration firms that handle forced arbitrations. Such firms often work with defendant companies on a regular basis without disclosing any conflict of interest. SB 1078 strengthens current marketing limitations and disclosure requirements as well as rules relating to the ability of arbitrators to enter into future arrangements with corporate defendants.

[AB 2748](#) by Assembly Member Mike Gatto (D-Glendale) was spawned by troubles after the catastrophic Aliso Canyon natural gas leak and the Exide Technologies lead contamination disaster in the City of Vernon. Amidst such environmental disasters, homeowners face having their legal rights undercut in exchange for a polluter providing emergency housing. The bill provides protections in the release of claims, extends for one additional year the current statute of limitations for civil actions based on exposure to a hazardous material or toxic substance, and provides prevailing plaintiff attorney’s fees.

[SB 247](#) by Sen. Ricardo Lara (D-Bell Gardens) places new operating and equipment requirements on charter buses, including emergency light fixtures and mandatory safety instruction for passengers at the start of the trip so they’re aware of the locations and operation of emergency exits and the use of seat belts.

One other bill co-sponsored by CAOC was [signed by Gov. Brown last month: AB 2159](#) by Assembly Member Lorena Gonzalez (D-San Diego), ensuring that undocumented Californians will be treated fairly by prohibiting consideration of an injured person’s immigration status in personal injury and wrongful death suits.

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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