

LEGISLATIVE LAW

CapWiz Delivers Snap, Crackle and Pop to Legislative Process Participation

by Timothy Blood

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Allstate, Altria, AIG and Countrywide are already banging at the California legislature's door using the financial meltdown as an opportunity to extort changes to the civil justice system. Their cover group, the euphemistically named "California Justice Association of California" or "CJAC," sent a letter to Governor Schwarzenegger offering as "economic stimulus" a Christmas tree of corporate give-aways: limits on class action lawsuits, loser pays, reduction in post-judgment interest and limits on employee protections. Yes, those actually responsible for the worldwide economic crisis are still blaming the trial lawyers.

The job of our voice in Sacramento, the Consumer Attorneys of California, is to thwart these interests by building strong relationships with legislators, educating them and the public about the protections guaranteed through the civil justice system and holding insurers, predatory lenders, and profiteers accountable for their actions and inactions, including their role in this economic meltdown. Of course, CAOC cannot accomplish these goals without our help.

2009 presents significant challenges and opportunities for the CAOC's legislative efforts. The state's precarious financial situation limits the types of legislation that can be passed this year. Legislation that results in an increase in costs to the State does not have a realistic chance of becoming law. In ordinary times, legislation that will result in more than \$100,000 in projected fiscal costs to the state is subject to a higher level of review by the legislative watchdog committees – the Assembly and Senate Appropriations Committees. Those bills that meet or exceed this financial threshold must be approved by legislative leadership before making their way to a floor vote. This year, the Appropriations Committees will hold any legislation that is projected to cost in more than \$25,000 – a very low threshold.

Additionally, this year limits have been placed on the number of new pieces of legislation that can be introduced. The number of bills for Senators have been cut in half to encourage more focus on the state's budget crisis rather than policy issues. Although not mandatory, many Assembly members have volunteered to do the same. This means that 2009 is a year in which many will play defense in a legislative program dominated by the state's budget problems, even with a budget in place. Why defense? The Republican minority holds disproportionate power when it comes to budget issues which must be passed with a two-thirds vote. The Republican leadership has used this power to hold the budget and related issues hostage, as they try to pass their policy agenda.

But 2009 is far from a lost year. Significant, targeted legislation will still be passed provided it does not have a fiscal impact on the stage budget. Further, we have a great opportunity to build relationships with the new legislature: 28 new Assembly Members out of 80 and 11 new Senators out of 40 recently arrived in Sacramento. Getting to know these new members is critical to achieving our goals this year and in the years to come. To help CASD members begin new relationships and reignite old ones, CAOC has a new electronic communications tool, Cap Wiz, which facilitates communication between CAOC and you, as well as you and your elected representatives.

Key features of the CapWiz system are:

(1) **Accurate legislative district assignment::** CapWiz provides legislative district information to all CAOC members. This information will be updated automatically as members move, new members join CAOC and when redistricting occurs in 2011. CAOC members can also login to the CAOC website to identify their legislators (including Congress) at anytime.

(2) **Email alerts:** CapWiz allows CAOC to send alerts to CAOC members requesting that they contact their state legislators about specific pieces of legislation. Alerts can be sent at any stage in the legislative process so CAOC members can be updated as modifications are made to legislation, and CAOC members can voice their opinions about the modifications.

(3) **Alert PLUS:** During legislative sessions, lawmakers are bombarded with emails from their constituents on a variety of issues. Messages often get lost in the deluge, and the cumulative impact of large numbers of people weighing in on a particular piece of legislation may be underappreciated. With CapWiz, CAOC can more readily organize the views of its members so our collective voices have more impact than ever before. In addition to an easy-to-use email system, CapWiz can also mobilize CAOC members to call their legislators. The phone number and important talking points will be just a click away. While CAOC members are on the call, they can take notes online and send them to CAOC's lobbying team, providing critical, real-time feedback about where specific legislators are on a bill. The lobbying team can then more readily focus their efforts on particular legislators and particular issues of concern. CapWiz also enables you to send faxes to legislators through CAOC's website. When used sparingly, fax campaigns can be a very effective tool.

(4) **Legislative Information:** CAOC members will be able to look-up information on any sitting legislator, including committee assignments, sponsored legislation, voting record and biographical information. CAOC members may also receive e-alerts on any piece of legislation.

(5) **Media Center:** CAOC members will be able to send letters and emails to various news outlets throughout the state. This can be done either in an *ad hoc* manner or as part of a larger coordinated campaign. CapWiz supplies helpful hints and guidelines for this correspondence, and if part of a larger campaign, CAOC can provide talking points on the particular issue.

(6) **Scheduling Support:** CapWiz also facilitates appointment scheduling between CAOC members and legislators.

CAOC's CapWiz system allows you to stay up-to-date on how legislators actually vote throughout the legislative session. Electing good, dedicated legislators is just the beginning. Making sure elected officials stay true to their election promises, while holding accountable those that stray is just

as important.

Currently, CAOC's legislative committee is working on bill packages and other projects that both protect consumers and build a strong economy. First, CAOC is sponsoring legislation carried by Senator Ellen Corbett (D-San Leandro) that will lead to the courts receiving more detailed information when considering approval of structured settlement buy outs. Second, CAOC is taking a lead role in a Judicial Council Task Force that is examining various approaches to resolve smaller value legal claims in a more expeditious and cost-effective manner.

Finally, two bills that were vetoed by Governor Schwarzenegger, Assembly Member Evan's electronic discovery bill and Assembly Member De La Torre's bill on health care contract rescissions have been reintroduced without change. AB 5 (Evans) was reintroduced as an urgency measure requiring a 2/3rds vote of the legislative to take effect immediately upon passage. Early signals from the Governor's office suggest that this measure, which will bring uniformity and predictability to discovery of electronic information, has a better chance of survival in 2009. AB 2 (De La Torre) will help protect people from losing their health care insurance which should result in savings to the state as fewer people will find themselves without insurance. In 2008, the Governor showed that his concern lay not in protecting patients, but in enriching HMOs. With Californians hurting more than ever, and HMO's proving to be more a cause of the problem, we are hopeful the Governor will remember the purpose of his office – to serve the people of California.