



Update from CAOC

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CAOC: Pushing forward in second year of pandemic with good legislation

CAOC IS WORKING ON ALL FRONTS TO HEIGHTEN THE FUNCTIONALITY OF THE COURTS AS WE PROCEED THROUGH THE PANDEMIC

SACRAMENTO UPDATE

As we end our first year of the pandemic and proceed into another, we remain resolute in our determination to push forward with good legislation for the sake of civil justice, your clients, the courts, and our democracy. Access to the courts and a functioning legal system remain our top goals for the coming year. When the pandemic first hit this year, CAOC quickly acted to identify our membership's top priorities. Thus, phase one included extending the statute of limitations during court closures, authorizing remote depositions, and mandating electronic service of process.

Now that courts are reopening, albeit at limited or criminal-only capacity, our focus has shifted to making the courts function even though many civil trials cannot proceed. Law and motion is at the forefront of our action items to ensure that hearings are set, held (remotely if need be), and rulings are issued so cases can move toward resolution. The three issues we seek to address most urgently are (1) obtaining responses to hearing requests, (2) setting dates for hearings, and (3) receiving timely issuance of rulings. CAOC is working on all fronts, legislative and also in partnership with the Judicial Council, in an attempt to heighten the functionality of the courts as much as possible as we proceed through the pandemic.

Civil rights: the Bane Act

CAOC will also continue to prioritize two bills from last year. The first arose from the civil rights, police brutality crisis we face as a nation. We will continue our work from last year to restore our California civil rights act (the Bane Act) to its original intent by addressing negative court decisions including requiring proof of specific intent, applying all state law immunities to civil rights and prohibiting wrongful death claims. The bill also enacts a decertification program for violence-prone officers fired for misconduct, so they are not rehired by other departments.

Online retailers and products liability

Second, we will also continue our fight to hold online marketplaces like Amazon to the same products liability-standard as traditional brick-and-mortar businesses as these internet retailers place dangerous products in the stream of commerce. Now more than ever consumers are relying on online marketplaces in light of the pandemic. These businesses should be held equally responsible to their brick-and-mortar counterparts when selling defective and dangerous products.

Stopping insurance low-balling

Another top issue that arose this year involved insurers unfairly taking advantage of these dire circumstances and providing unjustifiably low settlement offers, knowing financial

need is high and civil recourse is slim. The halt of the civil justice system has severely crippled plaintiffs as insurers are lowering their settlement offers with full knowledge that consumers cannot seek civil redress at this time. This lack of access to justice, combined with severe financial hardship, places policyholders at a disadvantage and vulnerable to unjust settlement practices. CAOC's strength resulted in the Department of Insurance issuing a notice warning insurers that if they continue with these unfair settlement practices, the Commissioner intends to exercise his full authority to issue civil penalties up to \$10,000 for each act. CAOC remains aware of this issue and asks that you to send your examples both to us and the Department of Insurance as you come across this issue.

We will be announcing other legislative goals as we head into the new year. On behalf of the CAOC legislative advocates, thank you for your continued support of the CAOC legislative program.

On behalf of CAOC's entire legislative team, I want to express my appreciation for all that our CAOC leadership, our members, and our sister TLAs like CAALA have done to support us; and I hope you'll join us anew in 2021 to continue the battle for justice.

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