



Update from CAOC Nancy Peverini

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CAOC announces 2021 legislative priorities

MAKING COURTS MORE EFFICIENT IN THIS PANDEMIC IS PRIORITY ONE!

SACRAMENTO UPDATE

Even in the midst of a historic pandemic, CAOC's efforts to ensure a robust civil justice system continue; Consumer Attorneys of California is there for you and your clients. Here are the issues we are prioritizing in 2021.

Priority number one: Efficiency in the courts

Our number one priority in 2021 will be making the courts efficient and effective during this time of COVID so that civil litigants and their families can get timely justice. Trial dates have been delayed for over a year with no end in sight. In response, CAOC is sponsoring two bills, SB 241 (Umberg) and SB 233 (Umberg), that will address court efficiency and civil procedure issues.

In order to ensure a minimum level of justice and functionality in our courts we are seeking the following:

1. Emergency action to reduce the severe civil backlog. Gov. Newsom recently announced a budget restoration of \$200 million for the courts for the 2021 fiscal year. While very appreciative of this restoration, CAOC is requesting a "crash program" to use the restored monies to attack the horrific civil backlog.
2. A requirement that statutory preference trials be set in counties that are also conducting criminal trials.
3. Mandated statewide deadlines so litigants can promptly resolve issues in law and motion. Justice should not depend upon which county a case is filed.
4. A requirement for fast-tracked hearings on uncontested minors compromise petitions

Human suffering damages: Delay until they die

Under current California Code of Civil Procedure section 377.34, defendants benefit from court delays and

victims' rights to damages die with them. Our current law also creates a perverse incentive for defendants to delay cases and harass ill plaintiffs in the hopes that the plaintiff will die before trial, creating a significant financial benefit for the wrongdoer.

Worse, COVID-19 has amplified the effects of this unjust law. Courts are forced to set trial dates with long delays and even to ignore preference statutes that are supposed to give dying and elderly plaintiffs a speedy trial date. Defendants take every advantage of these delays, refusing to agree to bench trials and then objecting to virtual trials, in the hopes that the plaintiffs will die before trial.

This rule does not exist in 45 other states and D.C. because it is unfair and acts to reduce the deterrent effect of tort law. Senator John Laird has introduced SB 447, co-sponsored by CAOC and the Consumer Federation of California, to address this injustice. Please send examples we can use to show legislators that the law must be changed to Jacquie Serna at jserna@caoc.org

Civil rights: Stopping the illegal use of force

CAOC will continue its efforts to stop the use of illegal force and to correct California's civil rights law (the Bane Act) so it will have effective remedies for victims of illegal use of force. In federal court, holding officers accountable is nearly impossible due to the doctrine of qualified immunity, so Californians must generally solely rely on the Bane Civil Rights Act. Therefore, it is imperative that California state law fully protect those whose civil rights have been violated.

Senator Steve Bradford has introduced SB 2, which will be amended to create a program to decertify law enforcement who violate the law and to provide equity via the restoration of legal rights when violations are proven.

Holding online marketplaces accountable

AB 1182 (Stone) will hold online marketplaces like Amazon to the same legal standard as traditional brick-and-mortar businesses when internet retailers place dangerous products in the stream of commerce. AB 1182 will ensure that California law does not continue to subsidize online commerce, which has a spotty product safety record, at the expense of injured Californians. It is jointly sponsored by Consumer Attorneys of California, California Teamsters Public Affairs Council and United Food and Commercial Workers Union Western States Council.

Protecting employees and elders

CAOC will also prioritize two bills related to protecting elders and workers. AB 849 (Reyes) will overturn the horrible California Supreme Court decision *Jarman v. HCR Manorcare*, holding that statutory damages in residents' lawsuits alleging violations of regulatory resident rights are capped at \$500 per lawsuit, not \$500 per violation. At a time when the need for resident rights has never been greater, the Supreme Court has rendered rights enforcement toothless.

We will also prioritize SB 331 (Leyva) to expand current protections against secret settlements to now cover settlement agreements involving all forms of harassment or discrimination. SB 331 would also expand the prohibition on overly broad confidentiality and non-disparagement clauses in employment agreements to cover workers who are required to sign these types of clauses as part of a severance agreement.

Even though 2021 is yet another difficult COVID lobbying year, CAOC will also continue seeking opportunities on liens, UM/UIM and an increase in financial responsibility limits.

Thank you for your support of CAOC's legislative program and we look forward to working with you this year.