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Taking the lead in defeating attempts to allow non-lawyers to practice law

YOUR COMMENTS TO THE STATE BAR ARE NEEDED NOW – TODAY!

SACRAMENTO UPDATE

Deregulation of the law by the State Bar

Consumer Attorneys of California, working with CAALA, is taking the lead to defeat the State Bar attempts to deregulate the law. In September 2021 the State Bar's California Paraprofessional Working Group (CPPWG) released its final report and recommendations for allowing non-lawyer paraprofessionals to practice law. These new licensees would allegedly fill a justice gap identified in the State Bar-commissioned Justice Gap Study, the basis for the work of the CPPWG, which identified several areas that require greater representation by attorneys, including family, debt collection, unlawful detainer, criminal records and services for marginalized communities. The study itself made no mention of any barriers to access to justice in personal injury law, which operates on a contingency-fee basis. We see no need to permit a new non-attorney licensee to come into the areas where contingency-fee agreements are readily available to consumers.

Among the CPPWG Report's controversial recommendations is a proposal to allow paraprofessionals to own up to 49% of a law firm with attorneys and split fees. Lawyers are bound by ethics rules that require them to exercise professional judgment and to provide the services their clients need, regardless of financial motives. Non-lawyer owners of law firms may have a different standard that prioritize market share and profits above the lawyer's duty to his or her client and the public's confidence in the judiciary.

The CPPWG is also recommending that paraprofessionals be allowed to practice and represent consumers in consumer debt and creditor harassment matters. We do not agree that paraprofessional representation will lead to

greater access to justice in these areas. Instead, we believe that it will result in inadequate and subpar representation, where the consumer will be left without appropriate remedies.

Although the concept is to expand access to legal services through innovation, the likely outcome of the recommendations in the CPPWG report would not be innovation in the interest of the client who can't find an attorney, but rather the commoditization of the legal industry to the detriment of consumers.

Submit your statement in opposition

Therefore, it is crucial that every single consumer attorney in the state submit a comment in opposition to this proposal and share this call for comments widely with your networks.

The deadline for public comments is January 12, 2022. Comments should be submitted using the online Public Comment Form found at <https://fs22.formsite.com/sbcta/jkzblts9fd/index.html>. CAOC's comment is available on our website.

Contingency fee initiative update

As mentioned in a prior article, in October three contingency fee initiatives aimed at the 2022 ballot were filed. All three are sponsored by the corporate-backed Civil Justice Association of California (CJAC), and all limit contingency fees to 20 percent with slightly different approaches. At this writing it was still unclear which will be the vehicle CJAC and their allies will pursue; however, we have some updates.

In late November, four auto manufacturers and CJAC reported contributions to the CJAC initiative committee. The amounts are \$150,000

each from GM, Ford, and Volkswagen, \$35,000 from Hyundai and \$25,000 from CJAC, for a total of \$510,000. While this is a significant amount of money, it is a far cry from the \$5-10 million required to qualify an initiative next year. The lead role of the auto companies is consistent with the aim of one draft of the initiatives, which specifically singles out consumer remedy statutes, including lemon law.

With this new information we have focused our emerging effort on "Unmasking CJAC" (<http://www.unmaskingcjac.com>), with a series of ads exposing how automakers Ford, General Motors, Hyundai and Volkswagen have joined companies responsible for pollution, death and consumer fraud in contributing to the dark money organization Civil Justice Association of California.

"Why would Ford, General Motors, Volkswagen and Hyundai align their consumer brands alongside makers of deadly cigarettes, major polluters, and consumer fraudsters? They've teamed up with ExxonMobil, Chevron, Wells Fargo, Koch brothers' enterprises and Marlboro maker Altria to form a phony 'justice' organization they can all hide behind to avoid accountability for their wrongdoing," said Nancy Drabble, CEO of CAOC. "Our new ad and the UnmaskingCJAC.com website rip the disguise off the powerful corporate interests behind the shadowy organization, CJAC, and expose the reason they are gearing up to spend millions of dollars at the ballot box: to make it harder for Californians to hold them accountable."

The website exposes CJAC's true intentions and unveils the dozens of corporate donors and board members

behind the organization's latest attacks on consumers and working families.

Meanwhile, the initiatives are moving through their process. The Legislative Analyst's Office (LAO) released their fiscal impact analysis for each of the three initiatives on November 29. The Attorney General was scheduled to issue the title

and summary for each of the contingency-fee initiatives on December 14.

Please help by contributing now

What can you do to help? Join leading consumer groups and our incredible attorney supporters in safeguarding access to our civil justice

system with a donation to CAOC's organizational and political efforts. To support our political efforts, go to <https://seekingjustice-caoc.com>. CAOC is taking these initiatives seriously and will keep you updated as this battle continues.

Thank you for your support of CAOC's legislative and political programs.