



Update from CAOC

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CAOC's priorities in 2022

AN OVERVIEW OF PRIORITIES FOR 2022 HAS CONTINGENCY-FEE LIMITATION AT TOP OF LIST

Stopping initiatives aimed at destroying consumer and worker legal rights

The threat to your practice remains real. As you know, the corporate front group Civil Justice Association of California (CJAC) has submitted three proposed initiatives for this November's ballot, each of which would cap contingency fees at 20 percent. There's been a report going around that these initiatives are "not a threat" because the process to gather signatures to qualify for the ballot has not begun.

It's very premature to say these initiatives are "not a threat." Our sources tell us CJAC is indeed moving forward, that they are polling to see which of the initiatives would be most likely to succeed, that they are in contact with a signature-gathering organization and that they are continuing to fundraise. Eight donors gave \$660,000 to their campaign as of the end of 2021. Much more is likely to come; Ford, GM, Tesla and the insurance industry can toss in millions at the drop of a hat. We continue to show the corporate giants behind this anti-consumer initiative at our website: <https://www.unmaskingcjac.com/>

Further, proponents of another initiative to eliminate private enforcement under the Private Attorneys General Act have been collecting signatures to place the measure on the 2022 ballot. CAOC is working with labor and others to stop this vicious attack on worker rights.

State Bar – Unauthorized practice of law

We are continuing our efforts to stop the State Bar's dangerous deregulatory efforts to allow non-attorneys to practice law without attorney supervision and to allow corporations and apps to practice law and own law firms. While the State Bar claims that these proposals will increase access to justice, we know that these proposals will do the exact opposite: They will cause irreparable harm to consumers and damage public trust in the legal system. Any attempts to deregulate the legal profession should be

approached through the lens of consumer protection to avoid creating a two-tiered system of justice. We urge the State Bar to focus on its core mission to appropriately regulate and discipline attorneys before embarking on these time-consuming and costly experiments that could cost consumers their legal rights and so much more.

Access to justice

Since the start of the pandemic, CAOC has focused on keeping the courtroom doors open to ensure Californians have access to justice. The courtroom doors quickly turned virtual as many organizations, including our Judicial Branch, shifted to remote services to continue to operate in a safe and efficient manner. CAOC was a strong supporter of remote access to the courts and worked with leadership and stakeholders like legal aid and dependency counsel to craft SB 241 (Umberg) in 2021. That bill was given a very short sunset of July 1, 2023. We intend to continue our work to ensure access to the courts by advocating for court funding, especially any needed to ensure remote technology is operational and functioning in every county, and working with stakeholders to ensure remote access can continue and any needed improvements can be made before this important legislation sunsets.

Insurance reform

CAOC will sponsor legislation to increase the mandatory financial responsibility limits and to address uninsured/underinsured motorist issues. California lawmakers took steps half a century ago to mandate minimum auto insurance liability coverage that protects innocent victims injured or killed by negligent drivers. Approved in 1967, California's mandatory auto insurance liability minimums in any one collision were set at \$15,000 for a single injury or death, \$30,000 for injury to, or death of, more than one person, and \$5,000 for property damage. Those minimums haven't changed in 55 years.

It is crucial that we receive examples of clients who have been wronged by these unacceptably low limits. Please submit your examples at <https://tinyurl.com/InsuranceReforms>.

Similarly, Californians do not get what they paid for when purchasing uninsured/underinsured motorist coverage, harming your clients. "Stacking" uninsured motorist policies is not permitted in California, and the underinsured motorist issues created are extremely unfair to injured and insured drivers. Nineteen other states allow stacking, 28 states have a set-off like California and two allow insurer choice. The law in this area is tricky and unfair and needs to be addressed.

New reporting requirement in effect

A reminder that CAOC passed legislation allowing post-death pain and suffering (non-economic) damages. Pursuant to Senate Bill 447 (Chapter 448, Statutes of 2021), which went into effect on January 1, 2022, a plaintiff (or their attorney) who recovers damages for pain, suffering or disfigurement pursuant to subdivision (a) or (b) of Civil Code section 377.34 between January 1, 2022, and January 1, 2025, inclusive, shall, within 60 calendar days after obtaining a judgment, consent judgment, or court-approved settlement agreement entitling the plaintiff to the damages, submit the following to the Judicial Council by e-mail at research@jud.ca.gov: A) a copy of the judgment, consent judgment, or court-approved settlement agreement, AND B) a cover sheet (required) detailing all of the following information: (1) The date the action was filed; (2) The date of the final disposition of the action; (3) The amount and type of damages awarded, including economic damages and damages for pain, suffering, or disfigurement. This form will not be required after January 1, 2025. This form is solely to be used for reporting to the Judicial Council pursuant to Civil Code section 377.34 and is not admissible for any other purpose. 📄