



Update from CAOC

Nancy Peverini

CAOC LEGISLATIVE DIRECTOR

Journal of Consumer Attorneys Associations for Southern California
ADVOCATE

October 2022

Looking back at the 2022 legislative session – and looking ahead

STOPPING THE STATE BAR'S DANGEROUS EFFORTS TO ALLOW NON-ATTORNEYS TO PRACTICE LAW AND OWN LAW FIRMS, AND (FINALLY!) INCREASING MICRA LIMITS AND AUTO INSURANCE MINIMUMS

Consumer Attorneys of California is seeking your legislative proposals! It is already time for us to plan for 2023 and beyond, and we'd love any CAOC member legislative proposals. To be considered, all proposals must be submitted using this form: <https://forms.gle/UmDqCoTzApSffvV79> and must be submitted by October 17.

CAOC had a terrific 2022 at the Legislature. Significantly, CAOC had one of the best legislative years ever to address old, outdated, unfair laws: MICRA and the mandatory auto financial responsibility law. Here's a look at our key 2022 political and legislative successes this year:

Initiatives

We stopped a proposed initiative that would have capped contingency fees at 20% and forced proponents to postpone an initiative gutting the Private Attorneys General Act until 2024, giving time for a possible legislative solution.

MICRA

MICRA, limiting non-economic damages in medical malpractice cases to \$250,000, passed in 1975 and has been on the books for 47 years. Under Assembly Bill 35 (Reyes/Umberg) that was signed this year, in addition to other changes, for a non-death case the cap increases to \$350,000 on January 1, 2023 and continues to increase over ten years to \$750,000; for a wrongful death case, the cap increases to \$500,000 on January 1, 2023 and continues to increase over ten years to \$1,000,000. After the caps increase to \$750,000/\$1,000,000 in 2033, they will increase by 2% annually starting January 1, 2034.

Auto insurance limits

Our outdated mandatory auto insurance limits of \$15,000 per individual, \$30,000 per accident and \$5,000 for property damage, passed in 1967, were in the bottom three nationwide and hadn't been updated in 55 years. CAOC's Senate Bill 1107 (Dodd), pending before the Governor, will update the minimum auto financial responsibility limits to \$30,000 per person, \$60,000 per occurrence and

\$15,000 for property damage, starting in 2025. The delayed implementation date will give the Department of Insurance time to review any rate increase requests. Further, on January 1, 2035, the minimum limits will become \$50,000 for bodily injury or death to one person, \$100,000 for bodily injury or death to more than one person, and \$25,000 for liability resulting from property damage, bringing California into the top of required minimums nationwide.

State Bar – Unauthorized practice of law

Three years of efforts led by CAOC, with very significant involvement from CAALA, other TLAs and individual attorneys across the state, ultimately succeeded in stopping 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 – at least for now, thanks to AB 2958 (Judiciary Committee). While the State Bar claimed 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 with the lens of consumer protection to avoid creating a two-tiered system of justice. Gov. Newsom has until Sept. 30 to sign or veto the bill. It will go into effect immediately if signed.

Remote access to the courts

CAOC has been a leader in authorizing remote access to the courts and worked with leadership and stakeholders such as legal aid and dependency counsel to craft SB 241 (Umberg) in 2021. SB 241 enacted CCP 367.75 authorizing remote access for civil cases. However, due to strong labor opposition, the bill was given a very short sunset of July 1, 2023. This year CAOC sponsored SB 848 (Umberg) to extend the sunset, ensuring remote access can continue. We brought the benefits of remote access to the forefront of the discussion in both the Assembly and Senate Judiciary Committees and will take

up the issue again first thing next legislative session to work for the extension to January 1, 2026, to ensure the statute does not expire on July 1, 2023.

CAOC is supporting a number of other bills pending before the Governor as of this writing in mid-September, including:

AB 2777 (Wicks) Revives claims for sexual assault of an adult that are based on conduct that occurred on or after January 1, 2009 and commenced on or after January 1, 2019.

AB 371 (Jones-Sawyer) Imposes insurance requirements on e-scooters.

AB 1809 (Aguiar-Curry) Addresses informed consent in nursing homes.

AB 2164 (Lee) Funds disability access improvements for businesses.

AB 2511 (Irwin) Requires a backup power source for nursing homes.

AB 2959 (Judiciary Committee) Provides specified claims for childhood sexual assault are not required to comply with the pre-notification Government Claims statute.

SB 53 (Leyva) Creates a cause of action for sending pictures of unsolicited intimate body parts.

SB 1210 (Cortese) Requires prevailing plaintiff fees for "revenge porn."

SB 1246 (Stern) Provides an exemption from specified taxes for victims of the Woolsey and Thomas fires in Southern California who received settlement awards from Southern California Edison.

SB 1496 (Committee on Governance and Finance) Addresses interpretation issues with the Gross Premiums tax to qualified structured settlements involving California residents.

Other CAOC supported bills already signed by the Governor include:

AB 1594 (Ting) Establishes a firearm industry standard of conduct.

SB 1037 (Umberg) Requires all physically present participants in a deposition to comply with health ordinances.

SB 1327 (Hertzberg) Creates a cause of action against gun manufacturers.