



Saveena Takhar

CAOC SENIOR LEGISLATIVE COUNSEL



Lea-Ann Tratten

CAOC POLITICAL DIRECTOR

Wrapping up the 2023 legislative session – a winner!

STATE CONVENTION IS NOVEMBER 16, AND WE'RE LOOKING AHEAD TO 2024 INCLUDING THE ELECTION

The California Legislature put a wrap on this legislative year on September 14. In the final sprint to the deadline, Senate Bill 365 (Wiener), co-sponsored by CAOC along with California Attorney General Rob Bonta and the California Employment Lawyers Association, passed both houses of the legislature and was sent to Governor Newsom. SB 365 gives a judge discretion as to whether to order a stay of litigation when she denies a motion to compel arbitration.

The reasonableness of the measure didn't stop the California Chamber of Commerce from labeling it a "job-killer" and pulling out all stops to bury the bill. Despite the intense opposition, the bill passed the Assembly floor with 47 votes (out of 80 members). The safe margin of passage belied the difficulty in passing the legislation. A hard-core group of twenty-plus "mod" democrats join with Republicans to make it extremely difficult to pass Chamber of Commerce-opposed bills on the Assembly floor.

Assemblymember Diane Papan (D-San Mateo) stood strong in shepherding the bill through the tough vote, with strong assists from Assemblymember Matt Haney (D-San Francisco), Assemblymember Ash Kalra (D-San Jose) and Assemblymember Damon Connolly (D-San Rafael). These attorney members of the Assembly were a critical force in helping to gain the needed 41 votes for passage. Their effort punctuates the strong need to elect attorneys who support the civil justice system to the legislative body.

SB 652 and expert witness testimony

The governor has until October 14 to sign or veto bills passed by the legislature, including SB 365. Gov. Newsom has

already signed CAOC-sponsored SB 652 (Umberg), which addresses the *Kline v. Zimmer* case and standards for expert witness testimony. That law will go into effect January 1, 2024. CAOC co-sponsored legislation with the California Judges Association and California Defense Council to extend the statute authorizing remote hearings in the court also went into effect late June before the statute was set to expire July 1, 2023.

Help us to help you

As we reflect on this past legislative year, CAOC has much to be proud of, including stopping bad bills that would limit consumers' rights along with passing the significant legislation above and multiple bills that help our courts function. We also see challenges. With super majorities of Democrats in each house, our work becomes more challenging in many ways. There are 62 Democrats in the state Assembly and 32 in the state Senate; building relationships with 94 members, most of them in the body for less than two years, is a significant effort. Those relationships make a difference when a legislator is faced with intense opposition from the Chamber of Commerce, and they are looking at which way to go. Please take the time to meet your local legislator. Mark Wirth (markwirthca@gmail.com) and Mary Koharchick (marykoharchick.caoc@gmail.com) will help you locate your elected officials and build introductions so that you become a trusted resource for your elected official.

CAOC is also gearing up for the 2024 elections, with the primary less than six months away. We are grateful to those of you who are helping us get to know candidates BEFORE they are elected and help support those who will champion

civil justice issues. Our efforts focus on shrinking that group of 20-25 members in the Assembly who side with the Chamber of Commerce over people, and to continue to build champions in each body. CAALA's support of Kipp Mueller and Christy Holstege at the Las Vegas convention was extraordinary; we will do everything we can to together bring those consumer champions to Sacramento.

Looking ahead

At the same time, we are beginning to plan for the 2024 legislative session. CAOC looks to our membership for legislative suggestions. In determining what legislative proposals to sponsor, CAOC looks at a variety of factors, including: (1) the proposal's impact on consumer or worker legal rights; (2) whether or not the proposal will assist our members' practices; (3) how well the issue defines CAOC; (4) the likelihood of success; and (5) whether or not the issue gives us educational and outreach opportunities with legislators, the press, the public, and our coalition partners. We collect proposals via an online form (<https://tinyurl.com/CAOCLegProposal24>), research and memo all suggestions, and then hold a meeting where each member has an opportunity to present their proposal before a vote occurs. This process brought us two of CAOC's priority bills last year, SB 652 (Umberg) on expert witnesses and SB 278 (Dodd) on financial elder abuse. We value your insight as caselaw develops, problems arise with current statutes, or other injustice occurs warranting a legislative remedy.

In addition, we would like your thoughts on the increased use of autonomous vehicles (AVs) on California streets. We have had outreach from

consumer groups and some unions about making sure the increased use of AVs is safe and that adequate insurance limits apply. For example, AV taxis such as Waymo and others have been criticized in San Francisco, as the Public Utilities Commission authorized increased use

despite public safety concern. There is also pending legislation related to the insurance requirements of shared vehicle platforms such as Turo, so if you have cases in this area, let us know. Please send any comments to Jacquie Serna jserna@caoc.org and Nancy Peverini at nancyp@caoc.org.

Lastly, we invite you to join us November 16-19 in San Francisco for our Annual Convention, where we report on political and legislative activity in 2023, have panels on newly enacted laws going into effect in 2024, and much more (caoc-convention.com).