

2010 ACCOMPLISHMENTS

The Civil Justice Association of California (CJAC), in our quest to bring about a more balanced and fair civil justice system, celebrated an impressive number of accomplishments in 2010 in our legislative, appellate, local action, communications, research, and political action programs.

IN THE LEGISLATURE, CJAC

Helped craft legislation to introduce expedited jury trials to California, a trimmed-down process to bring efficiency and cost-savings. In these binding, voluntary, one- or two-day trials, the two sides agree beforehand to a smaller jury, shorter arguments, and a high/low amount of damages. <i>(AB 2284 – Evans)</i>	RESULT: Signed into law
Opposed a bill that would have doubled the liquidated damages that could be awarded against employers in minimum wage actions in court. <i>(AB 1881-Monning)</i>	RESULT: Vetoed
Opposed a bill that would have needlessly increased the statute of limitations for lawsuits challenging the adoption of city or county housing elements. <i>(AB 602 – Feuer)</i>	RESULT: Vetoed
Opposed a bill that would have prohibited the implementation of pre-dispute arbitration agreements in hate crime cases. <i>(AB 1680 -Saldaña)</i>	RESULT: Vetoed
Opposed a bill that would have prohibited employers and workers’ compensation insurers from using choice of law or choice of forum selection clauses in their contracts. <i>(AB 2490- Jones)</i>	RESULT: Vetoed
Opposed a bill that would have removed judicial discretion to eliminate or reduce excessive attorney’s fees in specified employer actions. <i>(AB 2773- Swanson)</i>	RESULT: Vetoed
Opposed a bill that had an objectionable retroactive liability provision added in a stealth move to extend liability for private postsecondary colleges. <i>(AB 2393- Ammiano)</i>	RESULT: Vetoed

IN THE COURTS, CJAC

Filed an amicus brief in state Supreme Court arguing the remedy of “restitution” should not be subject to trebling under Civil Code sec. 3345 for UCL actions brought by seniors or disabled persons because sec. 3345 is applicable only to statutes that authorize “punishment.” <i>(Clark v. Superior Court)</i>	RESULT: Court agreed with CJAC
Filed an amicus brief in state Supreme Court arguing that sound law and policy bar vacating an arbitration award because a neutral arbitrator did not disclose a decade-old public censure that failed to establish a concrete, direct, and definite impression of bias. <i>(Haworth v. Superior Court)</i>	RESULT: Court agreed with CJAC
Filed an amicus brief in state Supreme Court arguing that in an asbestos case where all events occurred in Oklahoma but was brought in California to take advantage of California’s plaintiff-friendly asbestos rules, Oklahoma law was the proper law to apply in the case. <i>(McCann v. Foster Wheeler, LLC.)</i>	RESULT: Court agreed with CJAC
Filed an amicus brief in state Supreme Court arguing MICRA’s arbitration provision permits patients to bind their spouses and nonsignatory heirs to arbitrate their claims for wrongful death – carrying out the intent of the Legislature and furthering MICRA’s goal of reducing costs in the resolution of malpractice claims and, in turn, holding down malpractice insurance costs. <i>(Ruiz v. Podolsky)</i>	RESULT: Court agreed with CJAC

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IN COURT RULE-MAKING, CJAC

Is participating in efforts to devise rules of court to bring balance to California asbestos litigation. Current rules enable wasteful inefficiencies extremely detrimental to defendants. And CJAC's President was named by the Chief Justice to serve on the steering committee of the Judicial Council's Commission on Impartial Courts.

IN CONGRESS, CJAC

Worked with national coalitions and communicated with key California members of Congress to oppose legislation that would weaken pleading standards in federal courts and make it more difficult in federal litigation to use protective orders for proprietary business information. The effort included urging medical liability cost controls in federal health care legislation and opposing a plaintiffs' bar attempt to circumvent Congress and convince the Treasury Department to grant a major, pro-litigation tax break by classifying money advances to contingency fee clients as business expenses instead of loans.

IN LOCAL COMMUNITIES, CJAC

Has expanded its innovative Local Action Project, which focuses on working with CJAC members (including local governments) in key legislative districts to identify opinion leaders, major employers and businesses, news media leaders, and future legislative candidates and acquaint them with the importance of legal reform to their communities – *without engaging in political campaign activity*. A number of local government office holders contacted did run – and win! – legislative elections this year, and seminars resulted in increased awareness and pressure for eliminating “shakedown” lawsuits brought under the Americans with Disabilities Act.

IN OUR COMMUNICATIONS PROGRAM, CJAC

Has been aggressively using a wide variety of communications efforts to get its messages out to the media, policy-makers, and legal reform supporters, including traditional media relations, print publications, and Internet platforms such as the CJAC website (cjac.org), our popular blog (cjac.org/blog), Facebook (facebook.com/cjaclaw), and Twitter (twitter.com/cjaclaw).

Played a key role in exposing a low-profile legislative maneuver by the plaintiffs' bar to boost asbestos litigation by sponsoring a bill to remove “state rock” designation from serpentine, a mineral which sometimes contains a form of asbestos. We were joined by the geologic community in opposing the bill, and the resulting furor was picked up not only by California news media but also national and international news outlets including *The New York Times* and the BBC. After a month of negative coverage, the measure was pulled from the Assembly floor before a vote and died quietly.

IN OUR RESEARCH PROGRAM, CJAC

Researched, compiled, and publicized the millions of dollars spent by personal injury and other plaintiffs' lawyers on incumbents and candidates in California during the 2009-10 election cycle.

IN THE POLITICAL ARENA, CJAC

Endorsed Proposition 14, the open-primary initiative, strongly believing it will increase chances that more moderate, pragmatic candidates from both parties will be elected in the future.

Sponsored, through its separate Political Action Committee, 22 legislative dinners – giving CJAC members the opportunity to meet with key lawmakers in a small-group setting. The PAC also participated in five campaigns in the June primary election to help elect candidates likely to bring balance and legal reform to the legislative debate.



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