



ACCOMPLISHMENTS 2005

CIVIL
JUSTICE
ASSOCIATION *of*
CALIFORNIA



THROUGH OUR POWERFUL LEGISLATIVE PROGRAM, CJAC:

Led the coalition that blocked a plaintiffs' lawyer bill to destroy legitimate confidentiality in civil discovery and settlements, threatening proprietary business planning and research data (AB 1700).

Led the 100-plus member coalition that stopped a proposal to recreate a scheme of "shakedown litigation" similar to that perpetrated under California's Unfair Competition Law before passage of Proposition 64 in 2004 (AB 528).

Secured a veto of a proposal amended stealthily in the final days of the session to give the Attorney General automatic awards of all investigation and litigation costs and fees in securities or anti-trust action where the state "prevails" (AB 153).

Stopped a renewed effort by plaintiffs' securities lawyers to expand securities fraud litigation by allowing a civil action

based on a statement made by officers, directors, executives, or accountants of a publicly traded company (AB 310).

Secured a veto that defeated a plaintiffs' lawyer proposal to drastically inflate contingency fees by manipulating the medical costs a health care provider can recoup in a patient's personal injury lawsuit (SB 399).

Helped prevent inclusion of plaintiffs' lawyer proposed language in bills the plaintiffs' bar hoped would reduce public agency limited immunity for damages to bystanders during a police vehicular pursuit (SB 718 and SB 719).

Helped secure a veto of a renewed "Sue Your Boss" bill to allow private lawyers to sue employers for a wage violation on behalf of all similarly-situated current and former employees and keep a percentage of a statutory fine (SB 174).

Helped stop the continuing assault on the right to freely contract to settle disputes by arbitration that would have prohibited arbitration agreements in mobile home rental agreements (AB 791).

Supported successful legislation to encourage early settlement of civil disputes and to extend the sanction process used against lawyers who file frivolous lawsuits (AB 1742).

Helped defeat a plaintiffs' lawyer-sponsored proposal requiring liability insurance carriers to accept personal service of a lawsuit filed against their insureds (SB 815).

Stopped proposals or removed provisions to expand civil liability on a variety of theories in several other bills addressed by the Legislature.



So Long to Shakedowns

"Citizens can still file lawsuits, only now the plaintiffs must show they personally suffered physical harm or property damage. Credit for this bit of sanity goes to the Civil Justice Association of California, a nonprofit group that's been urging change for nearly a decade..."

— WALL STREET JOURNAL EDITORIAL,
POST-PROPOSITION 64



ON THE STATEWIDE BALLOT:

Our formal opposition to Proposition 79, a badly-flawed prescription drug measure, was identified in the opposition argument published in the ballot pamphlet sent to all California voters with the following quote from CJAC's president:

"Last November, Californians passed Proposition 64 to prevent shakedown lawsuits. Proposition 79 would re-open the door to shakedowns, flood our courts with frivolous litigation and drive up the cost of prescription drugs."

**THROUGH OUR ACTIVE APPELLATE PROGRAM:**

We filed amicus briefs in the state Supreme Court and Courts of Appeal that helped:

- toughen the standards for lawyers seeking attorney fees in “public interest” lawsuits
- keep junk science out of chemical injury lawsuits
- turn back an attack on arbitration agreements that claimed sharing arbitration costs was “unconscionable”
- protect companies — especially in the high tech sector — against securities litigation excesses by establishing a requirement that shareholders make a demand on the board of directors before filing a derivative lawsuit

The Association also filed briefs on such diverse topics as:

- the validity of jury waiver agreements
- the permissible period for making construction defect claims
- requiring proof that an alleged defect in the manufacture of a jet ski increased the risk of an already inherently risky sport
- appropriateness of punitive damages in a case involving a breach of a royalty contract
- whether a private lawyer is entitled to enforce managed health care laws written for state regulatory use.

In post-Proposition 64 litigation, CJAC filed a brief in a case resulting in one of many Court of Appeal decisions holding that the CJAC-sponsored initiative applies to cases pending on the measure’s November 3, 2005, effective date. We also filed briefs supporting the immediate application of Proposition 64 to all pending cases in three major cases before the Supreme Court: *Kids Against Pollution v. California Dental Association*, *Californians for Disability Rights v. Mervyn’s, LLC*, and *Branick v. Downey Savings & Loan Association*.

*Respected Voice*

“CJAC is a respected voice in the appellate courts.”

—ELLIS J. HORVITZ, RECOGNIZED DEAN OF CALIFORNIA APPELLATE LAWYERS AND PARTNER, HORVITZ & LEVY, LARGEST CIVIL APPELLATE LAW FIRM IN CALIFORNIA

*Valuable Contributions*

“Since 1979, CJAC has worked to reduce business, government and consumer expenses due to wasteful, frivolous litigation. I applaud your efforts to bring together business and civic leaders to put an end to lawsuit abuse. Your valuable contributions advance the balance and efficiency of our legal system.”

— GOVERNOR
ARNOLD SCHWARZENEGGER



Talents... Energy... Successes

“I will continue to support, and increase my financial commitment in the future, for you and your terrific team’s talents and energy and successes.”

– CJAC MEMBER
ROBERT WEEKLEY



Blocked or Vetoed

“The business-backed Civil Justice Association of California, which battles CAC [the California personal injury lawyer association] over lawsuit rules, had its own list of 14 bills to oppose. While a few were amended to the organization’s satisfaction and made it into law, all others were either blocked in the Legislature or vetoed....”

—SACRAMENTO BEE
POLITICAL COLUMNIST
DAN WALTERS



THROUGH OUR EXPANDING COMMUNICATION PROGRAM, CJAC:

Delivered to policy makers news of CJAC’s **Appellate** and **Legislative** programs — plus items on civil justice studies and personal injury lawyer activities in California and around the county.

Published 30 e-mail editions of the “*Weekly Wrap-Up*” legislative bulletin produced exclusively for CJAC members.

Responded to hundreds of inquiries from the news media and legal reform and coalition members from across the U.S.

Revised CJAC’s web site www.cjac.org to make it more user-friendly and provide more information on CJAC amicus activity — plus started a “library” of quotes on the civil justice system.

Distributed news releases on an array of civil justice issues to legal, business, and political writers in California and nationwide.



THROUGH OUR EFFICIENT RESEARCH PROGRAM, CJAC:

Developed accurate, complete information on campaign contributions made by personal injury lawyers and other plaintiffs’ attorneys to legislative incumbents and candidates and to statewide office holders and seekers. Totals (running in the \$10 million range per election cycle) and district breakdowns are available as a public service on our web site www.cjac.org.



**THROUGH A SEPARATE POLITICAL ACTION COMMITTEE,
CALIFORNIANS FOR CIVIL JUSTICE REFORM, SPONSORED BY CJAC, WE:**

Supported pro-reform legislators.

Laid the basis and began extensive research for targeted participation in the 2006 legislative campaigns for the June Primary Election and November General Election.

CIVIL JUSTICE ASSOCIATION of CALIFORNIA

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