

Consumer Attorneys of California makes positive impact on the lives of California consumers

Elder abuse by nursing homes and mandatory arbitration in consumer contracts are but two of the battles being waged in Sacramento by your state association

By Mike Arias

At the Consumer Attorneys of California, the leadership and the legislative advocates think of ourselves as the first line of defense in the state capital when it comes to protecting consumers' legal rights. The victories we obtain come at a cost and the battles are rarely stagnant. Every victory for justice the organization wins is followed by dozens of other pieces of legislation by corporate lobbyists intent on furthering their clients' financial interests.

Take for example AB 859, which was passed by the Assembly in September of this year – but unfortunately – was vetoed by the Governor. This bill was designed to protect seniors abused in nursing homes and assisted living facilities and to discourage facilities from intentionally destroying legal evidence in violation of the law. It was a great legislative victory on behalf of seniors, but it is not the end of the fight – we will press on to ensure that such common-sense legislation is pursued in Sacramento. Additionally, various factions of our federal government and Congress are engaging in a "no holds barred" fight to allow nursing homes to include forced mandatory arbitration provisions in their contracts which would rob seniors of their constitutional rights. Thus, for every battle CAOC wins, large corporate interests find a way to fight back.

For decades, consumer attorneys watched as corporate lobbyists fought to shape the law in order to appease their clients. Every time we have faced these attacks, CAOC leadership has fought back with the help of amazing consumer advocates such as CAOC Legislative Director Nancy Peverini, CAOC CEO/Chief Lobbyist Nancy Drabble and CAOC Political Director Lea-Ann Tratten. These skilled advocates have helped lead the charge against corporate interests for decades. Every year, bills are introduced by Big Tobacco, global insurance conglomerates, HMOs and other huge corporations to restrict or eliminate the basic legal rights of citizens. CAOC works tirelessly, each and every time, to fight such measures and ensure every Californian has access to the courts – *in addition to* – sponsoring legislation to protect consumers' legal rights.

As trial lawyers and consumer attorneys, when we fight together, we are a stronger force. While my practice does not necessarily specialize in elder abuse, several of my colleagues regularly represent clients who would have benefited from AB 859. So, while our practices differ, each victory *we* accomplish makes access to justice and consumer protections stronger for all of us.

While we have seen many victories, there are still dozens of uphill battles. For example, forced arbitration clauses are pervasive in every industry. From signing up for a credit card to buying a car, corporate interests are working hard behind the scenes to rob Americans of their Seventh Amendment rights. And while not all plaintiffs' lawyers are trying to get around arbitration clauses that deny their client their constitutional right to access to justice, we owe it to ourselves and to OUR clients to help win a battle worth fighting for, and it's not a fight we can win if we only fight for our own personal interests.

As an attorney whose practice includes consumer-class-action lawsuits, I'm grateful that there were attorneys who came before me – who plowed the field, so to speak, for consumer law. California was not always as consumer-friendly as it seems now and consumer protection legislation was not easily obtained. Over the years many before us fought extremely hard to pass regulations and laws that provide consumers with many of the protections they have today. Many of those consumer lawyers did not reap the benefits of those victories with the legislature, and I owe much of my own success to their willingness to step up for the benefit of others.

In the coming months, we will be facing many other legislative battles. We will be seeking the active involvement of every trial and consumer lawyer in these efforts. In addition, all 80 assembly seats are up for election in 2018 as well as the governorship. Our successes in the legislature require our success in supporting consumer-friendly legislators and elected officials. These efforts also require the active engagement of not just trial lawyers, but our consumer clients.

Our continued successes at both the legislative and political levels will require the commitment of every trial and consumer attorney in the state. This is the ONLY way we will protect the victories we have won in our fight for justice. Protecting undocumented workers, ensuring limits on lengthy depositions of dying asbestos victims, protecting women and children who have suffered sexual abuse

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and many more are all battles that will need our attention. It's not enough to sit on the sidelines; we need aggressive, dedicated trial lawyers willing to invest their time, energy and capital into continuing to assist CAOC in helping to ensure that California is the model of justice for all.

Mike Arias has a national practice. He has been practicing law for over 30 years. While he is litigating class and mass tort actions throughout the country he is also handling personal injury, employment, business and other individual cases.


Arias

His trial experience is diverse as well, having tried cases involving serious personal injury, medical and dental malpractice, products liability, false imprisonment, fraud, breach of contract and employment issues. Arias is the current President of Consumer Attorneys' Association of Los Angeles and President-elect of Consumer Attorneys of California and serves on the Board of Governors of AAJ.

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