



***By Lea-Ann Tratten  
CAOC Political Director***

The beginning of the end for a California civil injustice occurred in a small room at the U.S. Grant Hotel in San Diego.

Back in spring 2015, Assembly Member Lorena Gonzalez welcomed the CAOC board to San Diego and delivered an impassioned speech on the civil justice system. Then she took questions. CAOC Board Member Bob Bale, a partner at Sacramento's Dreyer Babich Buccola Wood Campora, LLP, raised his hand.

He began to talk about a little-known case from way back in 1986, *Rodriguez v. Kline*, that insurers were increasingly using to intimidate undocumented Californians who were attempting to seek accountability for injuries through the civil justice system. Asm. Gonzalez's response was swift. She was astonished that this bad precedent existed. She vowed to fix it.



**Bob Bale**

At the beginning of 2016, we at CAOC went in to meet with the assembly member and again pitched our case. She embraced it. [AB 2159](#) was introduced.

Now, you need to know something about Lorena Gonzalez. She is a top lieutenant for Speaker Anthony Rendon. She chairs the powerful Assembly Appropriations Committee. She is a lawyer by training (UCLA Law) and is a former labor leader (the first woman to lead the San Diego Labor Federation). Most importantly, she is fierce. Her sense of justice is keen and her passion in fighting for the underdog is extreme.



**Lorena  
Gonzalez**

She is also not afraid of a fight.

One of the first questions any good legislator asks a bill they're carrying is who is in opposition. In the case of *Rodriguez*, the opponents were our usual

adversary: The insurance industry. Ms. Gonzalez swiftly contacted all potential opponents and made it clear that she would not take kindly if they opposed her bill.

Bob Bale took the lead in working with CAOC lobbyist Jacquie Serna to draft the legislation. After multiple versions, the final bill took shape. We brought the Mexican American Legal Defense and Education Fund on as a co-sponsor and then moved quickly to get the measure out ahead of the legislative herd.



Jacquie Serna

Timing is a big part of the process. Early in the year, people are not paying as much attention and certainly people do not want to cross Asm. Gonzalez, who as Appropriations Chair controls a key fiscal committee that often serves as a legislative graveyard. If a bill is allowed to lag until late in the year, the opposite effect can occur. Many lawmakers whose bills died in the Appropriations Committee may not react as favorably to a measure authored by the committee chair.

Noemi Esparza, also an attorney at Dreyer Babich, joined in to help tell the story of AB 2159 as it progressed through each key committee. She provided lucid and passionate advocacy at each step, impressing lawmakers with her testimony.



Noemi Esparza

With such terrific advocacy, the bill worked through the process with amazing ease. Our timing was good given the attention brought to the plight of undocumented workers in California. Most Democrats did not want to be on record saying that undocumented workers were entitled to fewer damages than anyone else for the same injuries.

The final hurdle was the governor. Jerry Brown has proven he's not afraid to run in the opposite direction from the pack. He is always a threat to veto any bill, even if a measure earned unanimous support in the Legislature.

We took care to staunch that possibility, meeting very early on with the governor's office to explain the need for the bill and the injustice it would correct. We backstopped that early advocacy by meeting once again with the governor's key advisors after the bill was sent to him earlier this month.

As the clock ticked down for Brown to sign or veto the bill, we fretted nonetheless. By Wednesday, the final day for the governor to act, our nails were bitten to the quick. Finally we heard the good news.

[This victory](#) would not have happened without the hard work and perseverance of our volunteer attorneys, Bob Bale and Noemi Esparza. Bob's consummate professionalism and personal dedication to this effort was unsurpassed. We all owe them each a debt of gratitude. And at CAOC, Legislative Counsel Jacquie Serna put her heart and soul into this effort - we are blessed to have her skill and passion on our team.



Saveena Takhar

Saveena Takhar stood by Jacquie's side and made sure the bill rode smoothly and quickly through the legislative process.

We are so proud and happy to have been able to bring this long-overdue change to California law that, when it goes into effect Jan. 1, will end 30 years of discrimination based on immigration status. It will make a difference for clients who don't enjoy the blessings of U.S. citizenship and for CAOC member attorneys who represent them.

Like all of us, they believe the underdog should never stand alone.



**[Lea-Ann Tratten](#) guides CAOC's political operations, including research and support of candidates and statewide causes favoring consumer legal rights. She helped defeat three initiatives and kept five anti-consumer measures off the ballot. As a legislative advocate, she specializes in environmental and insurance law. She has a law degree from McGeorge School of Law.**