

2019: IN WITH THE NEW!

by JAMES S. AZADIAN



When the New Year's confetti came raining down at midnight, so did a slew of new laws across the nation from minimum-wage hikes to stricter gun control measures and #MeToo-inspired legislation. In California alone, over a thousand new laws were added to the books. Many of them will not affect the day-to-day affairs of individuals and businesses. But let's take a closer look at some of the new laws in 2019 that might.



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Gender

California Senate Bill 826 requires that by December 31, 2019, a publicly held corporation, domestic or foreign, whose executive offices are located in California, must have a minimum of one female director on its board of directors. And by the end of 2021, corporations must have at least two or three female board members, depending on the size of the board of directors. Violations of this new law can be punishable by \$100,000 to \$300,000.

California Senate Bill 179 allows individuals to identify their gender as “nonbinary” on official state documents. The DMV driver’s license application form now permits applicants to choose either male, female, or nonbinary. Notably, federal forms do not all include a third option.

Employers and Employees

California Senate Bill 3 raises the minimum wage from \$11 to \$12 an hour for employees of businesses with twenty-six or more employees, and from \$10.50 to \$11 for employees of businesses with twenty-five or fewer employees. However, some hospitality businesses in Anaheim—specifically ones that benefit from city subsidies—are now required to pay workers at least \$15 an hour. Employers may pay below minimum wage to “learners” (defined as employees with no previous experience during their first 160 hours) and employees who are mentally or physically disabled. Restaurant owners may not use waitstaff tips as credit toward their minimum wage obligations.

California Senate Bill 1300 prohibits employers in California from forcing employees to sign a nondisparagement agreement to release the employer of claims, including for sexual harassment, as a condition for a raise or bonus, or as a condition of employment. But there are exceptions when the employees vol-

untarily agree to waive rights in an agreement.

Assembly Bill 2770 protects people from a defamation lawsuit when a sexual harassment allegation to an employer is “based on credible evidence” and without malice. The law recognizes that the state’s defamation laws sometimes served to deter victims and witnesses from making complaints or com-

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municating information about harassers to others. The law also protects companies with knowledge of the harassing activity by allowing them to warn other potential employers without the threat of a defamation lawsuit.

Senate Bill 820 applies to private and public employers in California, prohibiting secret settlements or nondisclosure agreements involv-

ing allegations of sexual assault, harassment, or discrimination. It also provides claimants in sexual abuse or sex discrimination cases the option to keep their names private.

Education

Assembly Bill 1868 authorizes schools to provide optional instruction, as part of comprehensive sexual-health education and HIV-prevention education, on the potential risks and consequences of creating and sharing sexually suggestive or sexually explicit materials through cell phones, social networking sites, computer networks, or other digital media.

Assembly Bill 2289 requires schools to grant parental leave to students who are parents or soon-to-be parents. The new law also prohibits a student’s parental leave from being deemed an absence in computing average daily attendance. Schools must notify pregnant and parenting students of their educational rights and options, including guidelines for make-up work if individualized instruction is not available, as well as permitting the student four excused absences per school year to care for his or her sick child.

Transportation

California Assembly Bill 516 requires auto dealers to issue temporary paper license plates when new cars are purchased, rather than current dealer logos, to ensure all drivers pay required tolls on toll roads and payment lanes.

California Assembly Bill 544 invalidates green and white HOV lane stickers and decals. You will now need a red HOV decal to drive in the HOV lane when there is no passenger in your car. The new law affects more than 230,000 drivers throughout the state.

California Assembly Bill 3077 requires kids under age eighteen to strap on a helmet before heading out. Those spotted on a bike, scooter, skateboard, or skates without a helmet will get a fix-it ticket.

Environment and Health

California Senate Bill 100 sets a series of benchmarks for California to become totally reliant on carbon-free electricity by 2045. California is the second state, behind Hawaii, to make such a commitment.

California Assembly Bill 1884 bans restaurants statewide from giving out single-use straws unless requested by the customer. The law applies only to full-service dining establishments (the ban does not apply to fast food restaurants where, arguably, the vast majority of straws are handed out). Restaurants violat-

ing the law may be fined \$25 daily for violations, or a maximum of \$300 per year.

California Senate Bill 1192 requires child meals in restaurants that come with a drink to have a "healthy" beverage as the drink default option, such as milk, water, or sparkling water with no added natural or artificial sweeteners. Nonetheless, customers may still request sodas and juice.

Firearms

California Assembly Bill 3129 prohibits anyone convicted of a misdemeanor domestic violence offense after January 1, 2019, from possessing a firearm for the rest of their lives.

California Assembly Bill 2103 requires gun owners with a concealed-carry-weapon (CCW) license to undergo at least eight hours of training, and demonstrate proficiency and safety on the shooting range. Before this law took effect, CCW applicants could get their permit without ever shooting a gun.

California Senate Bill 1100 prohibits anyone under the age of twenty-one from purchasing a long gun, such as a rifle or shotgun, from a licensed firearms dealer. However, the law does not apply to law enforcement officers, members of the military, and anyone who possesses a valid, unexpired hunting license.

Daylight Saving Time

California voters approved Proposition 7 this past November, allowing the state to make daylight saving time (DST) year-round. But to actually be put in place, the California legislature would need to approve it by a two-thirds vote, and then Congress would have to allow the deviation. To put this idea in context, the majority of Arizona is on permanent standard time, and year-round DST is followed by Hawaii and the territories of American Samoa, Guam, the Minor Outlying Islands, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

Animals

California Assembly Bill 485 bans the sale of bred dogs, cats, and rabbits in pet stores. But pet stores may sell these animals if they are obtained from animal shelters or non-profit rescue groups. While abandoned pets and overpopulated shelters are nationwide problems, California is the first state to enact such a law. The new legislation isn't just a "big win for our four-legged friends," said Patrick O'Donnell, the state assemblyman who introduced the bill. It's also a win for California taxpayers, who "spend more than \$250 mil-

lion annually to house and euthanize animals in our shelters," according to O'Donnell.

Pets in California will no longer be treated by courts as physical property in divorce cases, thanks to Assembly Bill 2274. Now judges can decide who gets custody of the family pet. The new law, however, doesn't impact guide dogs or therapy pets because those animals are typically assigned to an individual and not the couple. Opponents of the law say it will overwhelm the family courts system with extended debates about which spouse

is a better caretaker. According to the opponents, courts were already able to assign pet custody to either party. Supporters of the law say it's a way for the courts to make divorces a little less "ruff."

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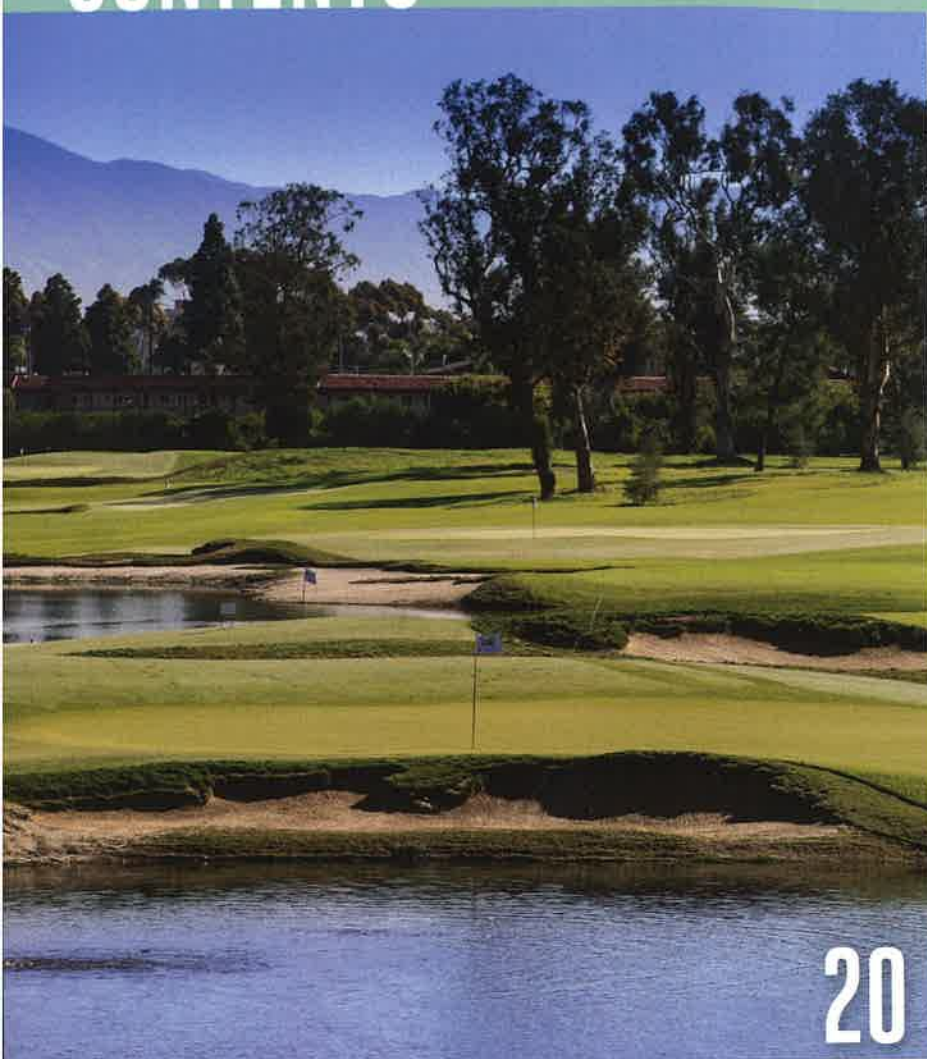
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ON THE COVER: OCBA 2019 Golf Committee. Front Row (L-R): Committee Co-chair, Christopher Ross, OCBA Charitable Fund President, Nikki Miliband, Committee Co-Chair, James Pack; Second Row (L-R): Danielle Mayer, Todd Friedland, Kelly Galligan; Third Row (L-R): John Altstadt, Teresa McQueen; Back Row (L-R): John Beckley, Daniel Glassman, Matthew Fletcher, Lucia Valenzuela, Beau Stockstill. See cover story on page 20. *Photo by Christopher TODD Studios*

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