

THE OCBA LEGISLATIVE RESOLUTIONS COMMITTEE: OC LAWYERS INFLUENCING POLICY, ONE BILL AT A TIME

by NADIA D. VAZIRIAN

Do you have ideas on improving laws related to your practice? Are you interested in engaging in spirited debates, learning about various legal topics, and networking with peers from your local and state-wide bar associations? Consider joining the OCBA's Legislative Resolutions Committee!

The Purpose of the Legislative Resolutions Committee and Its Process

The OCBA's Legislative Resolutions Committee (LRC) creates and reshapes public policy and legislation in California. Specifically, the LRC drafts non-partisan legislative resolutions geared towards improving California laws that

impact Californians and/or the legal profession on a daily basis. These resolutions are presented to the Conference of California Bar Associations (CCBA)—an organization comprising local and affinity bar organizations throughout California—and if successful, may then be lobbied as a bill in the California legislature.

Members of the OCBA Legislative Resolutions Committee.



The OCBA's LRC members are comprised of lawyers with diverse legal backgrounds ranging from probate, family, criminal law, and civil litigation to transactional work. This year, the LRC is led by Chair Ellie K. Vilendrer (Signature Resolution), Vice-Chair Elaine B. Alston (Copenbarger & Copenbarger), and Whip Samantha Birkner (OC Public Defender). Some members, such as Alan J. Crivaro (Law Offices of Alan J. Crivaro) and Alston, have been involved with the committee for decades.

The LRC is a unique committee organized into nine study groups,¹ each focused on a different area of law, with members assigned to one or two of these groups. The study groups meet individually and collectively to collaborate, debate, and contribute their expertise and knowledge on the proposed legislative resolutions.

The LRC convenes four times prior to the CCBA Annual Conference in the fall. Senator Thomas Umberg (D-Santa Ana) attended the LRC's first meeting in 2025, giving members an inside look into the California legislature. The meeting concluded with an engaging discussion as fifteen ideas for potential resolutions were shared. Members were then invited to put their proposals into written form to begin a substantive vetting process that evaluates the merits of each resolution.

This year, a total of five resolutions were drafted and presented at the second LRC meeting. The resolutions were discussed in detail, with committee members discussing the pros and cons of each resolution and identifying potential pitfalls that may arise should the resolution be adopted. The resolutions were then revised to incorporate the committee's feedback. In all, the committee spent two hours discussing and debating those five resolutions.

After the presentation and conclusion of the debates, the members voted on which resolutions to present to the OCBA's Board of Directors. A resolution must have a majority vote by the committee to move forward. The LRC Chair presented the selected resolutions to the OCBA Board of Directors and the Board voted on which resolutions would be submitted to the CCBA on the OCBA's behalf.

After each delegation submits its policy proposals to the CCBA, the LRC study groups meet to review those policy resolutions that pertain to their area of expertise. The LRC then convenes to hear the recommendations of the study group and decide whether to submit a counterargument, an action that is taken when the LRC feels strongly that a resolution

should be opposed early. At the final meeting, the LRC discusses which position its members should take on the proposed resolutions, including whether any should be called up for debate at CCBA's Annual Conference.

Current member, Ryan Dean (Umberg Zipser LLP), who also serves as a Director on the boards of both the CCBA and OCBA shared, "Our committee works hard to review and comment on proposed changes and spends countless hours debating resolutions before ultimately debating and voting on resolutions at the Annual Conference."

Every year, the OCBA LRC members attend the CCBA's Annual Conference joining attorneys from nineteen bar associations statewide. After the conference, authors of resolutions approved at the conference work to find a state senator or assemblymember to author and introduce the resolution to the California legislature as a bill sponsored by the CCBA.

The LRC's Achievements and Upcoming Resolutions

The LRC has been quite successful over the years in enacting changes to various areas of California law. Many committee members have framed bills in their offices showcasing the California law affected by their resolution.

In 2023, Vilendrer proposed a resolution amending Code of Civil Procedure Section 1775.5, enacted into law in 1993. Section 1775.5 enables the courts participating in the Civil Action Mediation program to order a case into mediation where the amount in controversy is between \$35,000 and \$50,000. Vilendrer's proposal would give those courts the discretion to order to mediation qualifying cases up to \$150,000 in controversy. Vilendrer's proposal aimed to ease the ever-increasing court backlog, provide parties more control over their cases, and create more cost-effective and time-efficient outcomes in litigation. After rigorous vetting, Vilendrer's proposal was on its way to the California Legislature.

In 2024, Vilendrer had the opportunity to work with Senator Niello to introduce her resolution, which became Senate Bill 1141. The Conference of California Bar Associations sponsored SB 1141, and it was supported by the Judicial Council of California, Los Angeles County Superior Court, Orange County Bar Association, Civil Justice Association of California, and California Chamber of Commerce. Vilendrer testified in support of the bill with David Slayton—executive officer and clerk of the Los Angeles County Superior Court at the Senate Judiciary Committee



David Slayton, Los Angeles County Superior Court, Executive Officer/Clerk of Court, with Ellie K. Vilendrer after SB 1141 California Senate hearing.



Ellie K. Vilendrer testifying at SB 1141 California Senate hearing.

hearing last April. SB 1141 went on to pass unanimously in the California Senate (38-0).

Vilendrer testified with Heather Resetarits of the Judicial Council of California at the Assembly Judiciary Committee hearing in July.

While it stopped short last year, her proposal now has a second chance to succeed through a revised version of the bill that could carry her efforts forward. This year, the Assembly Judiciary Committee resurrected her efforts with Assembly Bill 1523, a Committee bill with ten assembly member authors. The bill closely mirrors Vilendrer's SB 1141, except with a lower increased monetary threshold.

AB 1523 has since passed unanimously at the Assembly Judiciary Committee hearing in May. Vilendrer is still working closely with stakeholders to improve upon the bill before it becomes law. Vilendrer said about the experience, "Passing legislation is designed to be an intentionally long process with lots of checkpoints. All stakeholders must be afforded the opportunity to weigh in on the potential impact of proposed legislation. Thoughtful consideration of diverse viewpoints is essential to making sound policy."

Last year, Birkner submitted a counterargument on a resolution to modify the Mental Health Diversion statute in the Penal Code. The proposed amendment sought to exclude all offenses where the victim has a familial relationship defined by Family Code section 6211 to the Mental Health Diversion statute. Birkner's counterargument addressed the fact that judges always have residual discretion to deny diversion if the circumstances of the offense are unsuitable for diversion, and many times people with mental illness are charged with crimes that relate to family where family members prefer treatment over incarceration. While the CCBA Resolutions Committee had initially approved this resolution in principle, Birkner called the matter up for debate. The delegates at the CCBA voted overwhelmingly to disapprove the resolution.

Crivaro wrote a successful counter to a proposed resolution which sought to exclude as a matter of law an opinion about another person's beliefs or perceptions that are based on that person's race, ethnicity, or national origin through the addition of a subdivision to Evidence Code Section 803(a). The resolution was soundly defeated. Crivaro also submitted two resolutions amending CVC 21213 - e-bike age limit and safety training. Both were unanimously approved by the delegations.

This year, a total of six resolutions were submitted to the CCBA in hopes to move forward like Vilendrer's. Two of those are OCBA-approved resolutions, and four are ten-member resolutions.

LRC member Lauren E. Grochow (Growth Law) authored a resolution pertaining to the California Code of Civil Procedure Section

2025.290, which requires depositions to be limited to seven hours with some exceptions. One exception relates to employment lawsuits filed by employees or applicants for employment against an employer for "acts or omissions arising out of or relating to the employment relationship." Cal. Civ. Proc. Code § 2025.290(b)(4). Under this exception, witnesses may have to endure depositions for days, causing significant inefficiencies, increased litigation costs, and facilitating delay in the litigation process for all parties. Grochow's proposal to amend Civil Procedure Code Section 2025.290 by removing the seven-hour deposition exception for employment witnesses in part (b)(4) would help mitigate these issues. Additionally, her proposal to the Code mirrors the Federal Rules of Civil Procedure Section 30(d)(1), which currently limits all depositions to "1 day of 7 hours." If a party must depose an employment witness beyond seven hours, then a party is free to move the court for additional time without prejudice.

LRC members Ricky S. Shah (Geraci LLP) and Kelsey Luu (Best Best & Krieger) have proposed an amendment to Section 2924m of the Civil Code relating to the foreclosure sale process to provide qualified parties with the opportunity to purchase property both during and after the foreclosure auction, contingent upon meeting specific requirements. Since Senate Bill 1079, there has been ongoing litigation between bidders and prospective owner-occupants, where disputes arise over the legitimacy of the owner-occupants' claims. The aim of such litigation is often to pressure parties to withdraw their bids due to escalating legal costs. Additionally, because there is no contractual relationship between competing bidders in an auction, attorneys' fees cannot be recovered. Shah and Luu's solution: allow the court to award reasonable attorneys' fees if it determines that an action or defense is frivolous. This change, if successful, is expected to deter frivolous bidding and litigation.

The four ten-member resolutions submitted to the CCBA were authored by Hittelman (amending Family Code Section 3558 to give the courts the broadest possible discretion in how to deal with issues of a party's ability to earn), Suzanne Fidler (Resourceful Law Group) (regarding original petitioners' retention of rights to attend CARE Act hearings), and Steven Young (Law Offices of Steven R. Young) (creating a state commission with investigative and prosecutorial authority to review and audit homeowners associations) and (providing state court jurisdiction over foreign companies doing business in California).

LRC Challenges, Membership Drive, and What Lies Ahead for the Committee

One significant challenge delegations across the State are facing is that the level of membership has dropped over the years. While Vilendrer has successfully driven membership growth this year, there is always a need for additional members to join and bring new ideas and unique perspectives to ensure the LRC's continued success and impact. This is a great opportunity for OCBA members to connect with fellow professionals in Orange County and throughout California and contribute to LRC's work.

Luu shared her thoughts on why she enjoys being on the committee: "My experiences—from immigrating to the U.S. at twelve to navigating the complexities of law as an attorney—have shaped my deep commitment to justice and equitable solutions. Serving on the OCBA Legislative Resolution Committee gives me the opportunity to turn those values into impactful policies that make a real difference in our community."

If the objectives of the LRC resonate with any readers, please consider becoming a member! All members are strongly encouraged to attend this year's Annual Conference on September 5-6 at the University of West Los Angeles. Throughout the years, the OCBA has never missed an Annual Conference, and Vilendrer's goal this year is for the OCBA to have the strongest presence there of all the delegations, ensuring OCBA LRC's voice is heard in order to influence policy change.

Readers interested in joining the LRC or with any questions should reach out to Ellie Vilendrer at Ellie@VilendrerLaw.com.

ENDNOTE

(1) The nine study groups are: Business & Professions, Civil, Civil Procedure, Criminal, Probate, Employment, Evidence, Family, and Government.

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