



ASSEMBLY FLOOR ALERT

Assembly Bill 814 (Bloom) – Pre-Litigation Subpoena Power for City Attorneys

*****OPPOSE*****

The Civil Justice Association of California (CJAC) and the above organizations request your **NO** vote on AB 814, by Assembly Member Bloom. This bill would unnecessarily extend the expansive power of pre-litigation subpoena to certain city attorneys, thereby threatening California’s business community with unjustified intrusion into protected sources of information without filing an action against them.

The power to issue subpoenas before any claim of alleged wrongdoing has been filed currently rests with the California Attorney and district attorneys (defined in statute as the “chief law enforcement officers” in the State) and there exists no justification for extending such a powerful tool to certain city officials. It is important to note that a city attorney – if he or she determines that pre-litigation discovery is necessary – need only collaborate with his or her county district attorney to issue one. Our coalition believes this layered process of oversight for serving a business with a subpoena, of unprecedented scope, before that business has been

accused of any improper behavior is necessary to ensure a just application of the prefiling subpoena.

Lastly, there currently exist multiple avenues for bringing an unfair practice charge against a business: the Attorney General, county district attorneys, county counsels and city attorneys in cities with a population of 750,000 or more can file suit under §17200. Individuals can also sue under both §17200 as well as the Consumer Legal Remedies Act. Our coalition does not disagree with the fair utilization of §17200 enforcement; we do, however, oppose the broadening of enforcement under this statute by providing power to city attorneys to subpoena California's businesses before even formally accusing them of unfair business practices.

For these reasons, we request your NO vote on AB 814. For more information, please contact Faith Conley (CJAC) at 916.443.4900.

Cc: The Honorable Richard Bloom, California State Assembly
Members, California State Assembly
Democratic and Republican Floor Units