

Hi, this is Chris Micheli, of the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law. Today's brief podcast is on AB 3109 from the 2018 legislative session. It concerns limiting certain types of contract waivers.

Governor Jerry Brown signed Assembly Bill 3109 by State Assemblymember Mark Stone on September 30th. It's Chapter 959 and effective January 1, 2019. This new bill renders unenforceable any provision in a contract or settlement agreement that prevents a person from testifying in a judicial, administrative, or legislative proceeding in response to a court order, a subpoena, or an official request about alleged criminal conduct or sexual harassment.

During the 2018 legislative session, there were a number of bills that attempted to curb the use of secret settlements and address the issues of sexual harassment and discrimination, particularly in the workforce. According to the Senate Floor Analysis for AB 3109, which by the way adds new Section 1670.11 to the California Civil Code, that this bill permits nondisclosure agreements so long as the parties are always able to speak as to the matters covered by the settlement if they are ordered or asked to do so in some official context - judicial, administrative, or legislative.

And that's my podcast on newly enacted AB 3109. Thanks for joining.