

Wiley Files Second Ninth Circuit *Amicus* Brief in California Assembly Bill Case

REASSERTING FIRST AMENDMENT RIGHTS AND ECONOMIC LIBERTIES OF INDEPENDENT CONTRACTORS

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Washington, DC – On behalf of the Independent Institute, Wiley has filed a second *amicus* brief in the U.S. Court of Appeals for the Ninth Circuit in support of the Appellants in *American Society of Journalists and Authors v. Becerra*. The case challenges California Assembly Bill 5 (A.B. 5), which exerts limits on freelance journalists and other independent contractors. The second brief was filed after the law was amended and the Ninth Circuit rejected the state of California's request for the case to be thrown out.

Wiley associates Krystal B. Swendsboe and Frank H. Chang serve as pro bono counsel for the Independent Institute in this matter. They authored the two *amicus* briefs filed in collaboration with the Institute – a nonprofit, nonpartisan public policy research and educational organization.

On September 4, an amendment to the A.B. 5 law took effect, exempting certain additional jobs and professions from the law under strict conditions. The amendment, enacted through legislation known as A.B. 2257, primarily impacts freelance writers, musicians, film support crews, visual artists, and insurance professionals, making it easier for companies to classify those professionals as independent contractors while still imposing harsh employee classification requirements on hundreds of thousands of other independent contractors.

The Independent Institute has researched the far-ranging economic consequences of A.B. 5 and its later amendment in A.B. 2257. As explained in the second *amicus* brief, the Institute continues to

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believe that “A.B. 5 is an irrational means to resolve the labor concerns in California and will cause devastating harm to low- and middle-income workers.” To read more about the case and the Institute’s earlier *amicus* brief, please [click here](#). To read the second brief, please [click here](#).

To hear more about A.B. 5, listen to Wiley’s podcast “Discussing California’s A.B. 5: Considerations for Employers,” which features Ms. Swendsboe, an associate in the firm’s Litigation Practice, and Martha G. Vázquez, an associate in the Employment & Labor Practice. Ms. Swendsboe and Ms. Vázquez explore this controversial state law and its history, as well as the practical considerations for employers with operations in California.