



June 15, 2026

The Honorable Tom Umberg
Senate Judiciary Committee
1021 O Street, Suite 3240
Sacramento, CA 95814

RE: Support for AB 2106 (Patel)

Dear Chair Umberg,

On behalf of the signed organizations, we write in strong support of AB 2106 (Patel) which will strengthen California's Certificate of Merit statute by closing critical loopholes that are contributing to unnecessary and costly litigation.

California's Certificate of Merit law was established to ensure that claims against licensed design professionals – such as engineers, architects, and land surveyors – are reviewed by a qualified expert before proceeding, since these cases typically require an understanding of highly specialized and technical design requirements. While well-intentioned, gaps in the current statute have undermined its effectiveness. Under existing law, the subject matter expert consulted in these cases is not required to be licensed in California and may remain anonymous. This has led to situations where lawsuits are initiated based on opinions from out-of-state or unidentified individuals who may lack familiarity with California's unique regulatory environment, including seismic standards, building codes, and environmental requirements.

As a result, design professionals are increasingly subject to claims that do not reflect California's standard of practice. When these claims are filed without a properly licensed subject matter expert who is clearly identified, design professionals will and do defend themselves vigorously. For both sides, this means spending substantial time and resources litigating issues that could be

resolved early if the validity of the Certificate of Merit review were clearly established at the beginning of the case.

Additionally, when cases drag out and legal bills pile up, for those involved it often triggers substantial insurance premium increases, reduced coverage options, and challenges in securing or shopping for competitive insurance in the future. Over time, these impacts raise the cost of doing business in California and divert the resources away from project delivery, innovation, and workforce investment.

AB 2106 provides a reasonable and targeted solution by requiring that the subject matter expert be licensed in California. The bill also corrects an oversight in current law by extending Certificate of Merit protections to other licensed design professionals, including landscape architects, professional geologists, and professional geophysicists. Importantly, the bill does not restrict an individual's ability to bring a claim or reduce accountability for design professionals. Instead, it helps ensure that claims are supported by a meaningful professional review before litigation proceeds, reducing unnecessary costs, delays, and uncertainty for all parties while better protecting consumers and preserving access to legitimate claims.

For these reasons, we respectfully urge your Aye vote on AB 2106.

Sincerely,

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