



Update from AAJ Linda A. Lipsen

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AAJ Washington Update

AAJ: ADJUSTING TO THE STARK REALITY OF COVID-19

WASHINGTON UPDATE

As we all adjust to the stark reality of the COVID-19 outbreak, I hope you are well and taking care to protect yourselves, your families, colleagues, and clients. Our worlds have been turned upside down, but our trial lawyer community has always thrived in adversity; we will meet this crisis head on, and we will prevail. AAJ greatly values its partnerships with CAALA, and we will continue to work together as we face this unprecedented challenge.

Below, you'll find some highlights of how AAJ is working to help your practice through these tough times.

AAJ COVID-19 resources

As courthouses closed their doors around the country, AAJ coordinated with state trial lawyer associations and the Council of Presidents to track actions that allow essential legal proceedings to move forward during this emergency. Visit www.justice.org/COVID to see state Supreme Court and executive orders regarding court closings and other relevant material on access to justice issues. This information is compiled and updated by our AAJ State Affairs team.

Available to AAJ members, we are providing timely education webinars and new online social and networking opportunities, such as community roundtables and a private AAJ Facebook Group. Our new COVID-19 rapid response website www.justice.org/COVID lists event and advocacy updates and communications from AAJ leadership. AAJ is here to support you in this time of need.

Congress passes COVID-19 legislation

Congress passed new COVID-19-related legislation at the end of March. We successfully pushed back corporate and U.S. Chamber demands for broad immunity but expect as the challenges of this pandemic unfold, our opponents will continue to seek immunities unrelated to COVID-19. We remain vigilant and focused on protecting your practices and your clients' rights.

Within this new law are important provisions that may apply to your firm

operations during this difficult time. AAJ recently held complimentary webinars about the changes in the law and the new provisions to help small businesses, available to AAJ members at www.justice.org/MemberWebinars.

AAJ files amicus brief in personal jurisdiction case in the U.S. Supreme Court

AAJ filed an amicus brief in the consolidated U.S. Supreme Court case – *Ford Motor Company v. Montana Eighth Judicial District Court* and *Ford Motor Company v. Bandemer* – which may have significant ramifications for establishing specific personal jurisdiction. Both cases involve allegations related to defective Ford vehicles that resulted in catastrophic injuries; Ford has sought to have the cases dismissed on personal jurisdiction grounds.

As stated in the respondents' brief, which was authored by Deepak Gupta at Gupta Wessler PLLC, "the question here is whether a Minnesotan and a Montanan injured in Minnesota and Montana can access courts in Minnesota and Montana to be heard on claims against the company that regularly marketed and sold, in Minnesota and Montana, the product that caused their injuries."

Arguments were scheduled for later this month but have been postponed due to COVID-19. In addition to filing an amicus brief in support of the plaintiffs that was joined by Public Justice, AAJ with the support of AIEG, is leading a media campaign to highlight this case and its importance to consumers. The respondents' brief received significant coverage in legal trades such as Law360 and Bloomberg Law. This campaign will accelerate once oral arguments are rescheduled, and we will continue to keep you updated.

Federal rules update

We will continue to keep you updated on federal rule changes, as the same rules often are adopted at the state level.

Rulemaking on disclosure statements

The proposed amendment on Rule

7.1 disclosure statements would require parties in cases brought or removed under diversity jurisdiction to disclose the citizenship of owners/members of any entity whose citizenship can be attributed to that entity, such as an LLC, a limited partnership, or joint venture.

The rulemaking on disclosure statements closed on February 19, 2020. The Advisory Committee on Civil Rules met on April 1 and determined that the public comments supported the rule change. The committee adopted an amendment to require that intervenors also disclose the citizenship of owners/members.

If the process continues uninterrupted, the amended rule goes into effect on December 1, 2021.

Rulemaking on *Daubert*

Due to COVID-19, the Committee on Evidence postponed its meeting to determine whether to move forward with a proposed amendment to FRE 702 (*Daubert*) to November 2020.

Social Security rules

The Advisory Committee on Civil Rules voted to move forward with a formal rulemaking on proposed Social Security rules. The proposal would create special supplemental rules for federal district court judges hearing appeals from Social Security benefits determinations. The formal rulemaking will begin in August and run for six months. AAJ encourages social security practitioners to file specific comments on the rules and will be following up with specific instructions and information once it becomes available this summer.

Fighting for you and your clients

I would like to thank you for your continued support. Despite these difficult times, AAJ continues to fight all attempts to deny access to justice. We will keep you in the loop on important developments, and we welcome your input. You can reach me at advocacy@justice.org.

