



## Update from AAJ Linda A. Lipsen

CEO, AMERICAN ASSOCIATION FOR JUSTICE

Journal of Consumer Attorneys Associations for Southern California  
**ADVOCATE**  
August 2020

# Positive legislation news from AAJ

BILL PASSES U.S. HOUSE TO RAISE COMMERCIAL TRUCKING INSURANCE MINIMUM TO \$2 MILLION, AMTRAK'S FORCED ARBITRATION WITH INJURED PASSENGERS WOULD END

## WASHINGTON UPDATE

I am pleased to report some positive legislative news on very important issues for you and your clients.

The U.S. House of Representatives has passed the House Surface Transportation bill, which would increase commercial trucking insurance minimums from \$750,000 (the amount since the late 1980s) to \$2 million; the new amount will also be tied to inflation. AAJ will continue to fight for justice for truck crash victims and their families.

In addition, the bill would eliminate Amtrak's despicable use of forced arbitration against injured or killed passengers, restoring rights to millions of passengers who rely on their services every day.

We know how critical these issues are for you and your clients, and we will keep you posted as this moves to the Senate.

Below are some other highlights of how AAJ is working to protect your practices, your clients' rights, and the future of civil justice.

### AAJ resists broad immunity

We successfully fought demands for broad immunity in previous COVID-related legislation. However, Mitch McConnell and his allies in corporate America want blanket immunity to limit liability for employers and health care workers in the next COVID-19 stimulus package.

And now, with the introduction of the Cuellar/Graves "Get America Back to Work" Act in the U.S. House of Representatives, we are seeing the latest attempt to erode your clients' rights. The bill is a corporate wish list of immunity proposals which would grant broad immunity for COVID-19 injuries and deaths – allowing companies to evade responsibility when they fail to act reasonably to protect health workers and consumers. The bill also prohibits the Occupational Health and Safety Administration from issuing citations to employers for forcing their workers into unsafe working conditions.

We remain focused on ensuring that corporate America and the U.S. Chamber do not succeed in using the COVID-19 crisis to achieve their anti-worker, anti-consumer agenda. Watch this space for more updates.

### George Floyd Justice in Policing Act

AAJ is strongly advocating for the accountability and policing reforms in the George Floyd Justice in Policing Act

(H.R. 7120). The U.S. House recently passed this bill, 236-181. It would eliminate qualified immunity for police officers; ban choke holds; and eliminate racial and religious profiling. In addition, it would establish independent prosecutors for police investigations, a national police misconduct registry, and funding for community-based policing programs.

For over 50 years, the qualified immunity doctrine has shielded law enforcement officers from lawsuits for civil rights violations against those they are sworn to protect. In the last two years, AAJ has joined six amicus curiae briefs fighting to overturn this unjust policy.

The House bill is a strong first step towards comprehensive reform in policing. Lawmakers who opposed this bill wanted to amend it by offering the Senate version of the bill. This was not an acceptable alternative. For example, while the current House bill would end qualified immunity in policing, the Senate version does not. AAJ issued a strong statement against the Senate proposal when that bill was introduced.

### AAJ works with state TLAs on qualified immunity

While Congress is debating policing reform legislation, state governments are also taking action to increase accountability. In June, Colorado Governor Jared Polis signed into law CO SB20-217 to implement several important police misconduct reforms. The bill includes a repeal of the state's qualified immunity doctrine and municipal caps on damages as applied in police misconduct claims, as well as language requiring attorneys' fees to be provided to a successful plaintiff in both damage and injunctive relief cases. Other states will consider measures to increase accountability later this year in special sessions or will address the issue during the 2021 sessions.

AAJ State Affairs will continue to work with the state TLAs in their efforts to hold wrongdoers accountable for their misconduct.

### Fighting for you and your clients

Thank you for your support. Despite these difficult times, AAJ continues to fight all attempts to deny access to justice. We will keep you informed about important developments and welcome your input. You can reach me at [advocacy@justice.org](mailto:advocacy@justice.org).

