



## New federal judiciary nominations

### ADMINISTRATION PRIORITIZES FILLING JUDICIAL VACANCIES WITH DIVERSE NOMINEES

#### WASHINGTON UPDATE

I'm very pleased to report that the Biden administration has come quickly out of the gates with a diverse set of judicial nominations. Over 25 judicial nominations have been made, and seven nominees have been confirmed by the Senate – the most confirmations at this stage of a first presidential term in over 50 years.

The Biden administration is clearly prioritizing filling the 100-plus vacancies as quickly as possible and aiming for a demographically and professionally diverse set of nominees. The vast majority of the nominees' backgrounds include working as public defenders, civil rights attorneys, consumer advocates, and labor lawyers.

The nominees include trial attorneys Margaret Strickland (nominated to the U.S. District Court for the District of New Mexico) and Tana Lin (to the U.S. District Court for the Western District of Washington), former trial attorneys Judge Jane M. Beckering and Chief Judge Shalina D. Kumar (nominated to the U.S. District Court for the Western and Eastern District of Michigan) and labor attorney Jennifer Sung (nominated to the Ninth Circuit Court of Appeals). With diverse experience and civil justice backgrounds, these nominees understand the importance of all people having equal access to justice under the law.

AAJ continues to work with our members, a broad coalition of advocacy organizations, the Senate, and the Biden administration to ensure that individuals who have represented Americans in every

walk of life are nominated to the federal bench.

#### Good news on trucking

As many of you know, the federal trucking insurance minimum was set in 1980 at \$750,000 per crash and has not been increased in over 40 years, not even to keep pace with inflation. Now, I have some good news to report in our continued fight on this issue that is important to so many of you and your clients.

A provision to raise the insurance minimum to \$2 million was included in the base text of the U.S. House surface transportation bill. AAJ fought to keep that provision in the bill, and I am very pleased to report that the House has now passed the bill.

Raising the federal trucking insurance minimum will provide true justice for your clients and an economic incentive for trucking companies to operate safely. AAJ will not rest till we remedy this ill-conceived policymaking and win justice for your clients. Watch this space for updates soon.

#### Ending forced arbitration

Ending the rigged system of forced arbitration remains a top priority for AAJ. We continue to advance this issue, *expose the lack of diversity among arbitrators*, and advocate for passage of the Forced Arbitration Injustice Repeal (FAIR) Act which has been reintroduced in both the House and Senate. Please contact your members of Congress today at <https://p2a.co/61QaKae> to urge that they support the bill.

Also, I am pleased to report that on July 14, a bipartisan group of legislators – Senators Lindsey Graham (R-SC), Kirsten Gillibrand (D-NY), and Dick Durbin (D-

IL) and Representatives Morgan Griffith (R-VA), Cheri Bustos (D-IL), and Pramila Jayapal (D-WA) – introduced the Ending Forced Arbitration of Sexual Assault & Sexual Harassment Act to prohibit the use of forced arbitration in sexual assault and sexual harassment claims. I will keep you informed as this important legislation progresses.

#### Important informal comment period – Open now

A Discovery Subcommittee of the Advisory Committee on Civil Rules has requested public comments on privilege log practice as part of an informal comment period that runs from now until August 1, 2021; however, comments can be submitted after this date. The subcommittee is considering whether to update Rule 26(b)(5)(A) regarding privilege logs. We know there are many concerns related to privilege logs and want our members to make their concerns known. We encourage you to write and submit a comment on your firm's letterhead outlining any issues or problems with privilege logs that you want the committee to be aware of. For more information, including how to submit a comment, please email Sue Steinman at [susan.steinman@justice.org](mailto:susan.steinman@justice.org) or Amy Brogioli at [amy.brogioli@justice.org](mailto:amy.brogioli@justice.org).

#### Fighting for you and your clients

Thank you for your continued support. AAJ will continue 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). 📧