



Update from Washington

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Camp Lejeune Justice Act brings justice to veterans

ALSO, GEORGIA TRIAL LAWYERS AMICUS BRIEF HELPS GEORGIA COURT TO REJECT THE “APEX DOCTRINE” SHIELDING CORPORATE OFFICERS

WASHINGTON UPDATE

I am very pleased to report that the Camp Lejeune Justice Act of 2022 is close to being enacted into law.

The legislation creates a landmark remedy for individuals, particularly veterans and their surviving family members, who resided, worked, or were exposed to latent disease at Camp Lejeune in North Carolina between August 1, 1953, and December 31, 1987, by water supplied by the United States.

The bill has passed the House and will soon pass the Senate as part of a larger bill to help veterans exposed to toxins during their service. It will then be sent to the president to be signed into law. AAJ has worked hard to ensure that the language in the underlying bill could be enacted into law and worked to prevent hostile amendments and proposals from being added to the legislation.

In anticipation of passage of this significant legislation, AAJ has created a new litigation group, the Camp Lejeune Water Contamination Litigation Group, to help members learn about investigating claims related to water contamination at Camp Lejeune and coordinate litigation strategy. We will also offer our first CLE on the topic with more to follow.

Legal affairs

AAJ frequently files amicus briefs jointly with state trial lawyer association affiliates. Two decisions in such cases were issued recently in *Buchanan v. General Motors, LLC* and *Bridgecrest Acceptance Corp. v. Donaldson*. AAJ amicus briefs are available at www.justice.org/amicusbriefs.

Recent state Supreme Court decisions

In Georgia, AAJ signed on to a joint AAJ/Georgia Trial Lawyers Association amicus brief, authored by AAJ/GTLA members Kevin Ketner and Darren Penn of Penn Law LLC, in *Buchanan v. General Motors, LLC*. The Georgia Supreme Court granted cert in this case, in which the lower court allowed the deposition of GM’s CEO and rejected the “apex doctrine,” a judicial construct to shield high-ranking corporate officials from



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the inconvenience of having to explain their company’s actions or inaction. In a favorable decision on June 1, 2022, the Georgia Supreme Court affirmed and refused to adopt the apex doctrine, stating that doing so “would necessarily restrict the trial court’s discretion by placing a thumb on the scale so as to suggest a special rule for high-ranking executives of large companies that exists nowhere in the Civil Practice Act.”

AAJ also recently signed on to a joint amicus brief authored by the Missouri Association of Trial Attorneys in *Bridgecrest Acceptance Corp. v. Donaldson* (Mo. SC99269). The issue was whether a valid and enforceable arbitration agreement exists, where Bridgecrest sued the consumer instead of seeking arbitration, consumer answered and counterclaimed, and then Bridgecrest moved to compel arbitration six months after commencing litigation. On July 12, 2022, the Missouri Supreme Court issued an adverse decision holding that the arbitration agreement is legally valid, conscionable, and not precluded by collateral estoppel.

Fighting for you and your clients

Thank you for your continued support. AAJ remains committed to fighting for access to justice for your clients. We will keep you informed about important developments and welcome your input. You can reach me at advocacy@justice.org.