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Blowing our own horn

Strategic public education goes beyond just educating lawmakers in Washington. Also: Fighting immunity for pesticide manufacturers

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Advocacy update

AAJ's advocacy for trial lawyers and their clients extends beyond Congress, federal agencies, research for state legislative battles, federal rules of procedure, and constitutional challenges. It also includes a strategic public education component to show the media and the public why the work of plaintiff trial lawyers is essential. This critical work is featured on AAJ's recently re-launched Take Justice Back® – our grassroots campaign to hold powerful corporations accountable and highlight cases that make a difference.

Take Justice Back (TJB) focuses on people who have been exploited, discriminated against, hurt, or killed by predatory and abusive companies. The campaign will serve as a resource to educate policymakers, the press, and the public, and will be a platform for AAJ's continued mission to expand access to justice.

Explore the revamped site to learn more about the campaign and sign up for email updates. You can follow TJB on Facebook, Twitter (X), Instagram, and TikTok, and help spread the word by sharing our posts with colleagues, friends, and family.

Corporations seeking immunity

Bayer and the pesticide industry continue to seek nationwide immunity by lobbying Congress to include Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) preemption language in moving pieces of legislation. This language would undermine current and future cases seeking to hold pesticide companies accountable.

FIFRA preemption language would override stronger state and local pesticide laws. This language was included in the House Republican Farm Bill that was voted out of committee. That bill has not been brought for a vote on the House floor, and the Senate has not released their Farm Bill text.

The current Farm Bill expired on September 30th, and several programs within the bill are scheduled to run out of funding by the end of year. As of this writing, we believe the current Farm Bill will be extended into next year, and a new Farm Bill will not be completed until after the new Congress convenes in January. AAJ will closely monitor the process and work hard to ensure the FIFRA preemption language does not get into the final version of the bill.

We will continue to fight back any industry effort to include language in any moving legislation that would grant immunity to pesticide makers.

Federal rules updates

AAJ closely monitors proposed amendments to the federal civil, appellate, bankruptcy, and evidence rules, and advocates for rules that protect the rights of injured people. Earlier this month, the Advisory Committees on Civil Rules and Appellate Rules met to discuss proposed amendments.

- The Advisory Committee on Appellate Rules discussed comments received so far on proposed amendments to FRAP 29, Brief of an Amicus Curiae. Under the proposed amendments, a party may file an amicus only with leave of court (consent by parties would no longer be permitted), and further disclosures are required between an amicus and parties, as well as non-parties. Members are encouraged to file comments, which are due by February 17, 2025.
- The Advisory Committee on Civil Rules approved two proposed amendments for formal comment, one to amend Rule 41 to make it easier for plaintiffs to dismiss a claim without dismissing the entire action and one to amend Rule 81 to ensure a demand for a jury trial even when a case is removed. Other amendments will likely be approved in the spring with all proposals approved by the committee set for formal comment period in August 2025.

- The Advisory Committee on Civil Rules also appointed a subcommittee to examine third-party litigation funding (TPLF).

Amicus Curiae update

AAJ's amicus curiae briefs help ensure that access to justice is rigorously defended in federal and state courts. Recently filed amicus briefs include:

- *Bestwall LLC v. Official Committee of Asbestos Claimants* (4th Cir.) – On September 3, AAJ filed an amicus brief urging the Fourth Circuit Court of Appeals to reject Georgia-Pacific's Texas Two-Step maneuver and reverse a lower court decision that allowed the demonstrably solvent corporation to abuse the bankruptcy system to escape accountability for the harms its products containing asbestos caused to consumers.
- *Medical Marijuana, Inc. v. Horn* (U.S.) – On September 4, AAJ filed an amicus brief in the U.S. Supreme Court in support of a commercial truck driver's standing to bring a civil RICO claim based on the economic harms he suffered when he lost his job after ingesting a CBD product that was falsely advertised as containing 0% THC.
- *Mich v. Gibbons* (8th Cir.) – On September 5, AAJ filed a joint brief with the Nebraska Association of Trial Attorneys (NATA), Public Justice, and the Nebraska Defense Counsel Association in the Eight Circuit opposing the Nebraska State Patrol's assertion of sovereign immunity to evade a third-party deposition subpoena.
- *NVIDIA Corp. v. E. Ohman J:or Fonder AB* (U.S.) – On October 2, AAJ filed an amicus brief in support of a class of securities fraud claimants, urging the U.S. Supreme Court to hold that plaintiffs need not plead with particularity the contents of internal corporate documents to meet the heightened pleading standards of the Private Securities Litigation Reform Act (PSLRA).

For more information or to request AAJ amicus support, please email Legal Affairs.

I welcome your input at advocacy@justice.org.