



## Update from AAJ Linda A. Lipsen

CEO, AMERICAN ASSOCIATION FOR JUSTICE

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**ADVOCATE**

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# The unimagined events of January 6

## HOW AAJ WILL MOVE FORWARD

### WASHINGTON UPDATE

Like many of you, I watched in horror on January 6 as a mob scaled the walls of the U.S. Capitol. The Capitol building has been like a second home to me. I visited often as a young girl, and I had to wear my best clothes and nicest shoes to show respect for the People's House. My parents both worked there and my uncle was a Capitol policeman. I worked for a House committee for my first real job. Later, as an advocate for justice, I wandered those halls (until the pandemic), meeting with legislators and their staffs to promote our justice agenda.

I never could have imagined that this special ground so central to our democracy would be the scene of an insurrection. In the end, democracy prevailed, and Congress returned to certify the election results.

AAJ released a statement from President Tobi Millrood on Twitter, Facebook, and LinkedIn:

"The insurrection at the U.S. Capitol on January 6 is an affront to the rule of law and justice. AAJ condemns this appalling lawlessness. A bedrock principle of the U.S. Constitution is freedom of expression and the right to peaceful protest. What occurred at the Capitol was not peaceful.

As trial lawyers, we fight for justice and accountability, and those who committed criminal acts at the Capitol should be prosecuted. We commend Congress for returning to the business of the people to complete the election process that will result in the inauguration of the new President and Vice President. We remain resolute in our commitment to the rule of law and democracy in our nation."

Below are some highlights of how AAJ continues to fight for your practices, your clients' rights, and the future of civil justice.

### Looking ahead

With Rev. Raphael Warnock and Jon Ossoff having defeated incumbent Senators Kelly Loeffler and David Perdue in Georgia, AAJ now has the opportunity to work with new Senate committee leaders such as Sen. Dick Durbin as chair of the Judiciary Committee, Sen. Sherrod Brown as chair of the Banking Committee, and Sen. Patty Murray as chair of the Health and Labor Committee. These two victories will allow President-elect Biden to pass his agenda

and successfully move his picks for the federal judiciary.

The majorities in both houses of Congress are slim. We will not let up in our fight to ensure your clients' rights are preserved and protected. Our work with like-minded groups and coalition partners will remain essential, especially if we move forward with an affirmative agenda to end qualified immunity, corporate immunity, and forced arbitration, to name a few issues.

### AAJ Legal Affairs

#### *Emergency rules survey – your feedback needed!*

In March 2020, Congress passed the CARES Act, a COVID-19 relief package. One of the Act's provisions directed the Judicial Conference of the United States, the policymaking arm of the federal courts, to determine whether emergency rules for court operations are necessary.

AAJ staff created a survey seeking feedback from members on whether emergency rules for court operations, including changes to the Federal Rules of Civil Procedure, are necessary due to the COVID-19 pandemic. Please visit [www.surveymonkey.com/r/LYRYBRT](http://www.surveymonkey.com/r/LYRYBRT) and take five minutes to complete the survey! Your responses will help AAJ decide the best way to be involved in this important rulemaking.

#### *Formal comment period open – file before February 16, 2021*

You have until February 16 to weigh in on the proposed amendments to the federal rules that are currently in formal rulemaking. This is an opportunity to make your voice heard on federal rules changes that may impact your practice!

Four proposed rules changes are in formal rulemaking that may be of interest to AAJ and state TLA members: Fed. R. Civ. P. supplemental rules for Social Security cases; Fed. R. Civ. P. 12(a)(4) (government immunity defense); Fed. R. App. P. 25 (railroad retirement); and Fed. R. Crim. P. 16 (expert witnesses). AAJ encourages you to review the proposals and submit a short comment about the effect of any of the proposed rules on your practice.

The formal comment period runs through February 16, 2021. Comments must be submitted electronically by that date. Information on how to submit a comment can be found at [www.uscourts.gov/rules-policies](http://www.uscourts.gov/rules-policies).

AAJ has additional information available on all rules issues; for more information, please contact Sue Steinman ([susan.steinman@justice.org](mailto:susan.steinman@justice.org)) or Amy Brogioli ([amy.broglioli@justice.org](mailto:amy.broglioli@justice.org)).

#### *PPP loans*

When Congress passed the \$900 billion COVID relief bill that was signed into law on December 27, it revived the Paycheck Protection Program (PPP). The biggest change with the new PPP is that Congress made funding available to businesses that had previously received a PPP loan. Borrowers are eligible for a second-draw PPP loan of up to \$2 million, provided they have:

- 300 or fewer employees
- Used or will use the full amount of their first PPP loan on or before the expected date for the second PPP loan to be disbursed to the borrower
- Experienced a revenue reduction of 25% or more in all or part of 2020 compared with all or part of 2019

### AAJ State Affairs

State legislatures are convening for their 2021 legislative sessions, and we anticipate that the COVID-19 pandemic will continue to dominate their agendas. AAJ State Affairs is working closely with the state trial lawyer associations (TLAs) in their efforts to protect the health and safety of citizens by opposing legislation that would grant immunity to corporations when they endanger workers, consumers, and patients. Removing accountability will do nothing to stop the spread of the virus or help the economy get back on track.

COVID-19 is not the only issue state legislatures will confront. The U.S. Chamber Institute for Legal Reform (ILR) and the American Legislative Exchange Council (ALEC) will encourage states to pass new legislation affecting victims of asbestos exposure, the ability of city and local governments to contract with outside counsel, the ability of plaintiffs' attorneys to discuss specific amounts or ranges of noneconomic damages with juries, and restrictions on attorney advertising. AAJ State Affairs is tracking these issues and more across the country and is working with the TLAs to protect your practices. If you have any questions about specific legislation, please reach out to state. [affairs@justice.org](mailto:affairs@justice.org).