



Update from Washington

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Biden signs Camp Lejeune Justice Act

ALSO: CONGRESS ESTABLISHES CIVIL CAUSE OF ACTION FOR USE OF INTIMATE IMAGES WITHOUT CONSENT

WASHINGTON UPDATE

I have some wonderful news to share. I am pleased to report that President Biden, on Wednesday, August 10, signed into law the Honoring our PACT Act, which includes the Camp Lejeune Justice Act of 2022.

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

AAJ worked hard to ensure that the bill could be enacted into law and to prevent hostile amendments and proposals from being added to the legislation. *We celebrate the passage of this important bill to provide justice for veterans and their families, and we also thank all the veterans who have fought so hard for this legislation.*

AAJ has created 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. This is one of more than 100 active litigation groups that AAJ has formed for the benefit of its members. Find out more at <https://www.justice.org/community/litigation-groups>.

AAJ is also planning a full-day webcast for Wednesday, September 21, which will be co-presented with the Camp Lejeune Water Contamination Litigation Group. Please read more about the webinar and register at <https://bit.ly/CampLejeuneWeb>.

New federal remedy for use of intimate visual images without consent

A provision, 15 U.S.C. 6851, in the Violence Against Women Act Reauthorization Act of 2022 (which recently passed Congress), establishes a federal civil cause of action for individuals

(or their legal guardian or representative) whose intimate visual images are disclosed in or affecting interstate or foreign commerce without their consent.

An action can be brought against a person who either knew or recklessly disregarded whether the individual had not consented to the disclosure of the individual's intimate image, and the individual is recognizable by that image or distinguishing feature. A person's face or unique birthmark would be considered a distinguishing feature as would any information provided that identifies the victim. The purpose of the remedy is to help people who experience additional harms when their non-public, intimate images have been non-consensually shared and make their way to internet platforms.

AAJ applauds the inclusion of this important provision in the bill as we believe it will ensure greater access to justice for your clients and also help deter bad actors from future misconduct.

New face of tort reform – fake bankruptcy

I have important news to discuss with you. 3M's earphone subsidiary, Aearo Technologies, filed in July for bankruptcy in the Southern District of Indiana while facing hundreds of thousands of claims that its faulty hearing protection damaged servicemembers' hearing and caused other health problems.

After the LTL Management/Johnson & Johnson bankruptcy, this is the second time this year that a highly profitable company has misused the bankruptcy system to avoid responsibility for harms they have caused.

This disgraceful abuse of bankruptcy laws represents the new face of tort reform and an existential threat to an average American's right to pursue justice. Unless stopped, it will become ubiquitous among corporations looking to avoid accountability.

AAJ is leading efforts to oppose it. We will use every tool in our toolbox to

end this shameful practice and keep the courthouse doors open for everyone.

State affairs

Despite most state legislatures currently being out of session, we have seen activity in recent months by several states, including California, Delaware, and New Jersey, to enact new legislation on firearm industry liability. California enacted several pieces of legislation, including a law prohibiting the marketing of firearms to minors and a law requiring firearm dealers and manufacturers to implement safety-oriented business practices and to end the marketing or sale of abnormally dangerous firearm products. Each of these laws is enforceable by the state or through a private right of action. The state also enacted a law creating a private right of action against any person who manufactures or sells certain illegal firearm products.

Additionally, both Delaware and New Jersey enacted new public nuisance statutes specific to firearm-industry conduct, allowing lawsuits for public harm stemming from the sale or marketing of firearms. Delaware's law includes a private right of action, while New Jersey's is enforceable only by the Attorney General. These laws come in the wake of a recent federal court decision upholding a similar public nuisance law that New York enacted last year.

AAJ State Affairs is continuing to monitor similar legislation involving these issues and provide TLAs with background information, talking points, and other assistance as requested.

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.