



Update from Washington

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Journal of Consumer Attorneys Associations for Southern California
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November 2023

Congressional hearing on litigation funding a sham

ALSO: CHAPTER 11 BANKRUPTCY MISUSED TO EVADE RESPONSIBILITY IN MASS TORTS

Our opponents are once again trying to evade accountability for injuring and killing Americans. On September 13, the House Oversight Committee held a hearing titled, “Unsuitable Litigation: Oversight of Third-Party Litigation Funding,” ostensibly intended to discuss third-party litigation funding.

Congressional supporters of the U.S. Chamber of Commerce brazenly used the hearing to criticize only cases filed by consumers, workers, and patients, arguing for blanket limitations and “greater transparency” of the funding. Both the Johnson & Johnson talc cases and the opioid litigation were specifically mentioned.

Despite the hearing’s supposed purpose, committee members on both sides of the aisle shined a light on the real agenda. Members called out disgraceful corporate efforts to evade accountability and denigrate victims, with many demanding responsibility from the Johnson & Johnson witness.

You can watch highlights from the hearing on our Take Justice Back channel. Please also lift up these congressional champions via social media!

AAJ will always call out our opponents’ lies when they spread misinformation undermining your clients’ rights. The truth will prevail, and we shall win real justice for consumers, workers, and patients.

Senate Texas two-step hearing

Not long after the House Oversight hearing, the Senate Judiciary Committee held a hearing on September 19 titled, “Evading Accountability: Corporate Manipulation of Chapter 11 Bankruptcy.” The hearing, led by Chairman Durbin, exposed how companies like Johnson &

Johnson and Georgia Pacific are misusing the bankruptcy code to evade responsibility for injuring and killing Americans. Testimony focused on what’s most important – listening to the experiences of people who have been denied justice.

Corporate supporters also made their goals clear. One witness said, “[Bankruptcy code section] 524g needs to be amended to capture all mass tort cases,” indicating that if Johnson & Johnson’s abuse of the Texas two-step is embraced, corporate use of this contemptible ploy could become ubiquitous.

Our bottom line is justice. Theirs is profit. It’s that simple, and we won’t stand by as our opponents try to dismantle your clients’ rights. We will continue to fight for people injured and killed by the actions of those who place profit before human life.

End forced arbitration in consumer finance

Please sign our petition (<https://p2a.co/CPuCsKv>) to the Consumer Financial Protection Bureau asking for a rule to end forced arbitration in consumer finance. This supports a formal petition for rulemaking signed by AAJ and eight coalition groups. You can also spread the word on social media. AAJ won’t rest till the rigged forced arbitration system is ended, restoring your clients’ constitutional rights.

Generic labeling bill introduced in U.S. Senate

AAJ strongly supports the Updated Drug Labeling for Patient Safety Act, which was introduced in the U.S. House of Representatives in June by Representatives Adam Schiff and Annie

Kuster. In September, Senator Chris Van Hollen introduced the Senate version of the bill. This important legislation would make patients aware more quickly of possible risks of prescription drugs, including generic drugs.

The bill directs the FDA to establish a process allowing generic drug manufacturers to update drug labeling to include new or updated safety-related information, and issue and implement a final rule with a process for conforming the labeling of brand name and generic drugs. It is a direct response to the Supreme Court’s decision in *PLIVA, Inc. v. Mensing*.

Many Americans rely on generic prescription drugs, but they aren’t able to make the best possible choices about their medications because their prescription labels don’t warn them about new risks. AAJ urges Congress to act now on this important legislation.

AAJ Legal Affairs

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Fighting for all trial lawyers

Thank you for your ongoing support. Our goal is to provide you with tools to enhance your practice and succeed for your clients. AAJ will continue to fight for access to justice for your clients and will keep you informed about important developments. I welcome your input at advocacy@justice.org. 📧