



Update from Washington

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Minimum federal trucking insurance to increase to \$5 million

ALSO: THE FORCED ARBITRATION BATTLE, JUDICIAL DIVERSITY, AMICUS CURIAE BRIEFS

As 2024 begins, AAJ continues to advocate on issues that directly affect your practices. Knowing that many of you have trucking cases, I have important news to share.

On December 22, 2023, Congressmen Jesús “Chuy” García (IL-04) and Hank Johnson (GA-04) introduced the Fair Compensation for Truck Crash Victims Act, which will increase the federal trucking insurance minimum from \$750,000 to \$5,000,000. The bill also links future minimum insurance increases to inflation rather than a fixed amount. Trucking insurance minimums have not been adjusted in over 40 years. Raising insurance minimums will not only provide true justice for your clients, but also an economic incentive for trucking companies to operate safely.

AAJ releases forced arbitration reports

AAJ continues to fight the rigged forced-arbitration system, which deprives your clients of their constitutional rights. We released two reports in December that shine a light on this pernicious practice.

The first report details the surge in forced arbitration cases – 467% from 2021 to 2022, while individual win rates dropped to just 0.7%. This report builds upon AAJ’s previous research, which found that consumers are more likely to be struck by lightning than they are to win in forced arbitration.

AAJ’s research was covered in Politico Pro along with a recent Congressional letter calling on the Consumer Financial Protection Bureau (CFPB) to rein in forced arbitration through the rulemaking process. Sen. Elizabeth Warren (MA) and Rep. Hank Johnson spearheaded the letter, which was cosigned by nearly 100 members of Congress. That letter follows in the footsteps of other calls for a CFPB rulemaking from nearly 170 law professors and more than 100 advocacy organizations that include consumer rights, racial justice, and workers’ rights groups. AAJ’s second report – featured in American Banker – shows how

corporations have developed tactics that attempt to stop any kind of resolution process entirely, making even forced arbitrations hard to initiate.

AAJ will continue fighting to restore the rights of American workers, consumers, employees, and patients by reining in forced arbitration. With your support and continued public education about forced arbitration, the fight for justice for all will prevail.

AAJ supports professionally and demographically diverse judiciary

AAJ remains committed to ensuring that professionally diverse judges are confirmed to the federal bench. AAJ has worked with the Biden Administration and pro-civil justice members of the Senate to support the confirmation of 25 former trial lawyers in addition to dozens more with a pro-civil justice background.

The Biden administration and pro-civil justice senators have confirmed 166 judges to the federal bench, including 110 new judges who are people of color and 108 new judges who are women. This amounts to nearly twice as many women and three times as many judges of color confirmed as in the previous administration’s full term.

These well-qualified and historically diverse judges are helping reshape the federal judiciary and add a new breadth of experience to the bench.

AAJ Legal Affairs update

In 2023, AAJ’s amicus curiae program filed 24 briefs defending the civil justice system and the right to trial by jury in state and federal courts across the country. Below are some recent highlights.

- **Calhoun, et al. v. Google, LLC** (9th Cir.) – On December 18, AAJ and the Consumer Attorneys of California (CAOC) filed a brief in support of claimants in a nationwide data-privacy class action, arguing that a jury, not the court, should determine whether Google Chrome obtained users’ specific, informed, and unambiguous consent

before harvesting and using their personal information. AAJ and CAOC’s brief was authored by AAJ Senior Associate General Counsel Jeffrey R. White.

- **Wallrich, et al. v. Samsung Electronics Am., Inc., et al.** (7th Cir.) – On December 19, AAJ, National Consumer Law Center, Woodstock Institute, and Public Investors Advocate Bar Association joined a brief authored by Public Justice in support of consumers seeking to hold Samsung to the terms of its mandatory arbitration clause and class action waiver. In the brief, AAJ and our co-amici urged the Seventh Circuit to reject Samsung’s attempt to avoid paying its share of administrative fees and compel the large-scale individual arbitration of the consumers’ Illinois Biometric Privacy Act (BIPA) claims.

- **Heckman, et al. v. Live Nation Ent., Inc.; Ticketmaster, LLC** (9th Cir.) – On December 20, AAJ and Public Justice filed a joint brief in support of consumers pursuing an antitrust lawsuit against the world’s largest live music company. Amici detailed how the ticketing monolith’s unconscionable arbitration rules are part of a larger strategy to force plaintiffs into fundamentally unfair arbitral forums designed by defense lawyers. The brief was authored by AAJ members Matthew W.H. Wessler and Jessie Garland of Gupta Wessler LLP.

- **Macquarie Infrastructure Corp., et al. v. Moab Partners, L.P., et al.** (SCOTUS) – On December 20, AAJ and Public Justice co-led an amicus curiae brief defending the right of private individuals to hold publicly traded companies accountable for securities fraud when they deceive investors by deceptively omitting material information from its disclosures. Consumer Federation of America and Better Markets, Inc. joined the brief, which was co-authored by Jeffrey R. White and Public Justice staff attorney Hannah Kieschnick.

All AAJ amicus curiae briefs are available at www.justice.org/amicusbriefs.

For more information about AAJ’s legal affairs program, please email legalaffairs@justice.org.