



## Update from Washington

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# Seeking higher minimum limits for federal trucking insurance

## ALSO, OPPOSING IMMUNITY LEGISLATION FOR CORPORATIONS

The AAJ Trucking Litigation Group and the Institute for Safer Trucking (IST) hosted a Client Advocacy Day event on March 12-13 in Washington, D.C., for more than 30 family members who were injured or suffered a loss in a truck crash. Thirteen AAJ members and their clients met with members of Congress to share their heartbreaking stories and urge them to act now to protect drivers.

The families pressed their representatives to support the Fair Compensation for Truck Crash Victims Act of 2024 (H.R. 6884). The federal trucking insurance minimum for interstate truckers has not been adjusted – even for inflation – in over 40 years. The bill would increase the minimum insurance requirement for motor carriers per crash from \$750,000 to \$5,000,000 to reflect medical cost inflation.

Raising the federal trucking insurance minimum will not only provide true justice for your clients but will save lives by incentivizing trucking companies to operate safely. Because of the low federal minimum, insurance is currently so cheap that there is no economic incentive to improve safety. The rate of truck crashes and fatalities has significantly increased over the last 10 years. Policymaking matters, and inaction often has tragic real-world consequences.

AAJ Trucking Litigation Group Chair Andy Young reflected: “When our clients (their constituents) spoke, we all felt that the lawmakers heard us with purpose on why they should act to help protect everyone on our nation’s roadways. In an awe-inspiring way, our clients truly moved the needle. Thanks to the great work from AAJ, IST, and all involved, our clients entered the halls of Congress with heartbreak and left with hearts filled with hope.”

Members and their clients also implored lawmakers to oppose the Motor Carrier Safety Selection Standard Act (H.R. 915 and S. 2426), which would provide brokers with immunity from lawsuits if they hired unsafe motor carriers that injure or kill drivers on America’s roads and highways.

### AAJ opposes immunity legislation

AAJ continues to fight immunity legislation that protects corporations when they harm and kill Americans. Bayer – which in 2018 purchased Monsanto – is engaging in a multi-pronged effort to get complete immunity for its dangerous product, Roundup weedkiller. AAJ is pushing back:

- The AAJ Legal Affairs team has opposed Bayer’s attempts at immunity by filing amicus briefs in court.
- Our Public Affairs team is opposing amendments to the farm bill in Congress that would preempt failure-to-warn claims for products approved under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and that would prevent localities from restricting the use of these products.
- And now, AAJ’s State Affairs team is partnering with the state trial lawyer associations (TLAs) to oppose broad immunity legislation that would protect Bayer and hurt American farms and farmworkers.

Bills have been introduced in Idaho, Iowa, and Missouri that would grant complete immunity to products approved under FIFRA, including Roundup, Paraquat, and dicamba, for failure-to-warn claims. Many of these products are so dangerous that other countries have banned them. Use of Paraquat, whose manufacturer is ChemChina, a Chinese state-owned company, is banned in China. Yet, under these state bills, ChemChina receives complete immunity for causing Parkinson’s disease in users and

for damage done to American family-owned farms. These bills have faced strong opposition everywhere they have been introduced.

Only AAJ is positioned to stand up to these multinational companies in the courts, in Congress, and coordinating in the states. We will fight immunity legislation wherever we see it.

### AAJ Legal Affairs

AAJ’s amicus curiae briefs help to ensure that access to justice is rigorously defended in federal and state courts. For more information about AAJ’s legal affairs program or to request an amicus curiae brief in your appeal, please email [legalaffairs@justice.org](mailto:legalaffairs@justice.org). Below are some recent highlights.

### AAJ urges SCOTUS to give trial courts more discretion in sham arbitrations

On March 4, AAJ filed an amicus curiae brief in *Smith v. Spizzirri* (No. 22-1218), urging the U.S. Supreme Court to adopt a standard that would give district courts discretion to retain jurisdiction over some arbitrations, while allowing plaintiffs to request a final appealable order in particularly egregious cases. In this case, the Court has been asked to resolve a circuit split and determine whether the FAA requires district courts to stay a lawsuit pending arbitration, or whether district courts have discretion to dismiss when all claims are subject to arbitration. AAJ’s brief highlights several increasingly prohibitive tactics corporate defendants have devised to effectively obtain immunity from arbitration agreements they themselves drafted.

### Supreme Court says no exception to maritime forum-selection clauses

A unanimous U.S. Supreme Court reversed a Third Circuit holding that parties’ choice-of-law provisions must yield to the strong public policy of the forum state in *Great Lakes Ins. SE v. Raiders Retreat Realty Co., LLC* (No. 22-500). The Court’s decision delivers another blow to legal doctrines designed to protect consumers from overreaching corporations in maritime law. AAJ previously filed an amicus curiae brief authored by Benjamin C. Hassebrock, Alexander Loy, and Michal Meiler of Ver Ploeg & Marino, PA.

### Kentucky prohibits revival of time-barred child sex abuse claims

The Kentucky Supreme Court recently held that state laws establishing a new cause of action against third-party non-perpetrators and extending the time to bring civil claims for child sexual abuse cannot be applied retroactively in *Thompson v. Killary* (No. 2020-CA-0194). The Court dismissed the case, holding that victims cannot revive previously time-barred claims. AAJ previously filed an amicus curiae brief authored by Robert S. Peck of the Center for Constitutional Litigation, PC.

### Federal Rules

February 16 marked the end of the six-month public comment period for the proposed new Rule 16.1 on multidistrict litigation management (Rule 16.1) and proposed changes to Rules 16 and 26 related to privilege logs. AAJ and its members proposed several changes to Rule 16.1 to ensure that management conferences are handled by plaintiff lawyers with a stake in the litigation. AAJ supports the rule on privilege with some minor changes to the Committee Note, blocking efforts by the defense bar on categorical logging. The Advisory Committee on Civil Rules will meet to discuss the comments and testimony on April 9 and are expected to present a final rule to the Standing Committee for approval this summer.