



Update from Washington Linda A. Lipsen

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The House version of the “big, beautiful bill” would block consumer protections from AI technology

IT ALSO INCLUDES ANTI-CONSUMER IMMUNITIES FOR TRUCKING BROKERS AND SHIPPERS

There is mounting urgency from Republican leaders and President Trump to pass a budget bill by the July 4 holiday. The House version of the bill includes a mandate for a 10-year moratorium on state and local laws or regulations that would protect consumers from harmful artificial intelligence (AI) technologies.

The bill passed in the House with only a one-vote margin. Following that chamber's passage, state officials in red and blue states have voiced opposition. A bipartisan group of more than 250 state lawmakers has sent a letter to Congress, urging them to reject the anti-consumer moratorium on regulating AI.

If the Senate changes any text in the House version, the proposal returns to the House, and the process restarts.

AAJ is working to eliminate the AI language and a proposal in the House version that would provide immunity to brokers and shippers (the companies responsible for hiring the trucking companies). The provision would create a “motor carrier safety selection standard” that would immunize the broker-shipper industry at the expense of families who are victims of catastrophic trucking collisions.

The language would preempt state law and prevent those injured or killed in trucking collisions from holding all responsible parties accountable.

Trucking collisions cause some of the deadliest crashes, resulting in mass casualties and significant damage. AAJ urges Congress to protect people. Instead of eliminating accountability, Congress should focus on improving highway safety.

In addition, there is a sweeping provision in the budget reconciliation bill that targets all third-party litigation financing; AAJ is strongly opposing the provision.

Legal Affairs

Amicus Curiae update

AAJ's Amicus Curiae program is a critical part of our advocacy efforts to ensure that access to justice, right to trial by jury, and public policy arguments are rigorously supported in federal and state courts. AAJ recently filed several amicus briefs on a variety of issues, including:

- **Hertz Corporation v. Babayev** (Colo. 2024SC183) – On June 5, AAJ and the Colorado Trial Lawyers Association (CTLA) filed a brief urging the Colorado Supreme Court to hold that rental car companies who offer insurance services are de facto insurers who are required by law to uphold their contracts in good faith.
- **Berk v. Choy** (U.S. 24-440) – On June 3, AAJ filed a brief in the United States Supreme Court opposing the imposition of state affidavit- or certificate-of-merit requirements in federal courts. AAJ's brief argued that the addition of these requirements would significantly expand the time and cost of medical malpractice litigation and contradicts the purpose of the Federal Rules of Civil Procedure.
- **In re: RML, LLC** (2d Cir. 25-263) – On May 27, AAJ filed a brief in the U.S. Court of Appeals for the Second Circuit emphasizing the due process considerations that must be satisfied before Revlon may discharge future claims through the company's Chapter 11 bankruptcy reorganization plan.

AAJ's amicus curiae briefs are available at justice.org/amicusbriefs.

Federal Rules update

AAJ also advocates for fair and balanced federal rules to ensure that plaintiff attorneys are represented.

The Committee on Rules of Practice and Procedure (Standing Committee) met on June 10, approving nine proposed rules for public comment beginning in August and finalizing completed rules.

AAJ's work on the amended amicus brief rule (FRAP 29) paid off. The rule retains party consent to file, which will be more cost-effective for AAJ and many of our key allies and stakeholders.

There are five proposed civil rules amendments going to public comment which would be helpful to AAJ members, including amendments to make it easier to serve a subpoena and to demand a jury trial after removal. A proposed amendment on Rule 41, dismissal of an action of claim by a plaintiff, would allow a plaintiff to remove some claims from an action, for example, in a civil rights case, remove claims against a police officer defendant who agrees to testify against other defendants. A proposed amendment clarifying remote testimony is also moving forward.

The most controversial proposal is a new evidence rule 707, which is an expert witness rule for machines. The rule would apply 702 reliability standards to machine-generated output offered by lay witnesses. An exemption from the rule is provided for simple scientific instruments, without defining what those are.

Content to share

Visit AAJ's online grassroots campaign, Take Justice Back (TJB), for new pro-consumer, pro-plaintiff videos and graphics that you can like and share with your colleagues and clients. View the latest about insurance companies' profits, pesticides, Big Tech immunity, and more, and follow TJB on Facebook, Instagram, X (formerly Twitter), and TikTok.

Thank you for all you do to preserve the rule of law and to fight for the rights of injured workers, patients, and consumers. Your involvement makes AAJ and trial lawyer associations nationwide a strong community, united in the quest to protect the right to trial by jury.