



Update from Washington

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The big takeaway

A MAJOR VERDICT AGAINST BIG TECH'S SOCIAL MEDIA FOR ENDANGERING CHILDREN

2026 may be a time of reckoning for the tech industry. On March 25, a jury found Meta and YouTube legally responsible for designing their social media platforms in ways that are unreasonably dangerous to minors.

This was a significant result because it was the country's first bellwether case of the Social Media Addiction JCCP. This verdict arrived only a day after a New Mexico jury held Meta civilly accountable in a landmark case in which a state prevailed against a major tech company for endangering children.

Because of the litigation, internal company information revealing the extent to which these tech companies prioritized profit over the health and safety of children and teens finally came to light. More is in store:

- More than 2,400 cases pending in the multi-district litigation (MDL). Eleven cases are bellwethers, six of which are brought by school districts (KY, MD, GA, NJ, AZ, and SC).
- More than 41 U.S. state attorneys general have filed or joined social media addiction lawsuits.
- Over 800 cases pending in the judicial council coordination proceedings (JCCP) in California; three cases chosen as bellwethers.

AAJ will continue to empower the families of children hurt by addictive algorithms and work to expand bipartisan support for internet platform accountability, including section 230 reforms.

Farm Bill: Pesticide immunity still looms

The House Agriculture Committee moved the House Farm Bill forward on March 5.

- The bill includes a Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) preemption provision that would shield chemical companies from accountability if their products cause harm.
- Despite widespread and bipartisan criticism of this provision and several others, as of this writing, the bill's proponents are continuing to try to advance it to the House floor.

There are many voices and groups – AAJ among them – from right to left, joining in broad opposition to pesticide manufacturer immunity. In addition to our work on the federal level, we are closely monitoring and supporting several state trial lawyer associations in their pesticide immunity battles.

Legal Affairs: Amicus curiae update

On April 22, the U.S. Supreme Court handed down a favorable decision in *Hencely v. Flour Corp.* (No. 24-924). The 6-3 majority opinion written by Justice Thomas and joined by Sotomayor, Kagan, Gorsuch, Barrett, and Jackson reversed the Fourth Circuit to hold that the plaintiff's state-law tort claims were not preempted because the federal government neither ordered nor authorized the military contractor's challenged conduct. The Court held that the FTC's combat-ant-activities exception protects the government's own combat-related decisions, and any comparable federal interest would therefore preempt state law only where the challenged conduct can fairly be treated as the military's own conduct or decision.

AAJ filed an amicus brief in August 2025. Plaintiff's counsel included AAJ members Robert H. Snyder, Jr., of Cannella Snyder LLC, and W. Andrew Bowen and Paul W. Painter III from Bowen Painter, LLC, an AAJ Leaders Forum® firm.

On April 1, AAJ, joined by Public Justice, filed an amicus brief in *Monsanto Co. v. Durnell*, urging the U.S. Supreme Court to reject Monsanto's effort to seek immunity, which would close courthouse doors to Americans harmed by dangerous pesticide products and let manufacturers evade legal responsibility.

A ruling for Monsanto (now Bayer) would strip every American of their right to hold pesticide makers accountable under their state's law.

Legal Affairs: Federal rules update

AAJ closely monitors proposed amendments to the rules of court procedure (Federal Rules of Civil Procedure,

Federal Rules of Appellate Procedure, Federal Rules of Evidence, and others) governed by the Judicial Conference of the United States. Many states use the federal rules as a guide for their own state rules.

AAJ works to ensure that plaintiffs' lawyers are represented by advocating for rules that are fair, balanced, efficient, and promote justice.

Rules approved following public comment:

Earlier this month, the Advisory Committee on Civil Rules approved *all* the rules that AAJ supported. The rules include the following amendments:

- **Rule 41:** to allow voluntary dismissal by plaintiff of a claim or actions. Some circuits have interpreted the current rule as requiring voluntary dismissal of an entire claim, which is problematic in cases with a large number of claims or defendants.
- **Rule 45(b):** service of subpoena to provide alternative methods for serving a subpoena. These changes should make it easier to serve people evading service, saving both time and money.
- **Rule 45(c):** subpoena for remote testimony, which gives courts authority to permit witnesses to appear remotely,
- **Rule 81(c):** post-removal jury demands would make clear when to request a jury trial for cases removed to federal court.

Rules we are working on:

- **Privacy Rules:** Privacy rules will be included in the next comment period starting in August. AAJ supports these rules.
- **Third Party Litigation Funding (TPLF) Disclosure Rule:** The advisory committee is seeking a drafted rule to review.
- **Remote Testimony:** AAJ supports an effort to eliminate the "compelling circumstances" requirement from Rule 43, which makes it difficult to obtain permission for remote testimony for known conflicts and hardships. 