



Update from Washington

Linda A. Lipsen

CEO, AMERICAN ASSOCIATION FOR JUSTICE

From driverless cars to pesticide immunity

AAJ CONTINUES TO BATTLE A TIDAL WAVE OF DIFFERENT ISSUES IN CONGRESS

Congress adjourned for August, providing five weeks for U.S. House and Senate members to return to their districts and states. Since January, AAJ has played defense against powerful corporations that have worked non-stop to include harmful language in legislative proposals to end lawyers' practices and limit Americans' rights.

The big takeaway: Bipartisan legislation to protect kids online

On August 5, the Senate Commerce Committee passed the bipartisan Kids Online Safety Act (KOSA), the CHATBOT Act, and the Youth AI Privacy Act, all with language that will protect most families' rights to pursue legal accountability through the courts and preserve stronger state laws that protect children and teens. Parents have led the way, fighting relentlessly to hold Big Tech legally responsible for the youth health and safety crisis brought on by tech companies' decision to put profits over kids' safety, and AAJ is proud to stand with them.

Other looming issues

AAJ has been battling a tidal wave of different issues this Congress, from driverless cars to pesticide immunity, to antitrust exemptions, and preemption across the board, in addition to a barrage of executive orders aimed at reducing regulatory protections and making it easier for corporations to hurt Americans and evade all accountability.

AAJ recently filed a series of comments with regulatory agencies to prevent them from reducing consumer protection:

National Highway Traffic Safety

Administration (NHTSA): Filed June 25. AAJ opposed NHTSA's proposal on information collection practices because it would *reduce* the amount and type of information that the Department of Transportation (DOT) would receive about Automated Driving Systems (ADS) and Level 2 Advanced Driver Assistance Systems (ADAS)-equipped vehicles and the collisions in which they are involved.

NHTSA: Filed July 27. AAJ opposed the

following rule: *Federal Motor Vehicle Safety Standards; Modernization of FMVSS No. 135 To Accommodate ADS-Equipped Vehicles.*

If this dangerous proposal takes effect, it would undermine safety on our roadways by allowing ADS-equipped vehicles to operate without manual brakes.

Environmental Protection Agency

(EPA): Filed July 20. AAJ opposed two proposed rules from the EPA that would weaken protections against PFAS. The first is a rescission of previous regulations regarding certain chemical substances including GenX chemicals, which are falsely touted as a safer alternative to PFAS. The second is a proposed extension of the compliance deadline (from 2029 to 2031) for restrictions of certain PFAS substances in drinking water. AAJ member Kevin Hannon of Colorado provided guidance on these comments.

Federal Trade Commission (FTC): Filed July 31. AAJ opposed the FTC's policy statement on a need for national regulatory "guardrails" for artificial intelligence (AI). These proposed "guardrails" would infringe on states' ability to protect their citizens and provide remedies to the harms of AI.

Trial lawyers, as they have for decades, are the last and best defense when it comes to consumer protection, especially if Americans cannot reliably depend on federal regulatory agencies to ensure that our environment, food, and the products we use every day are safe.

Legal Affairs Updates

Amicus Curiae Program

AAJ's amicus curiae program is more active than ever. Between August 1, 2025, and July 15, 2026, AAJ filed 34 briefs.

These briefs addressed a broad range of legal issues and practice areas. We filed in 13 different jurisdictions, including the U.S. Supreme Court; the Second, Third, Fourth, Sixth, Ninth, and D.C. Circuit Courts of Appeals; and the supreme courts of Illinois, Ohio, Maryland, and Massachusetts. Of the 34 briefs filed in FY26, 20 were filed jointly with 21 co-amici organizations, including the

following state trial lawyer associations: Illinois Trial Lawyers Association; Louisiana Association for Justice; Maryland Association for Justice; Massachusetts Academy of Trial Attorneys; and Ohio Association for Justice.

Federal Rules Program

Our Federal Rules program is similarly busier than ever. AAJ closely monitors proposed amendments to the federal rules and advocates for rules that protect the rights of injured people before the U.S. Judicial Conference.

The following rules proposals will be published for public comment in mid-August, with a comment period running through mid-February 2027 (exact dates TBA):

- Amendments to privacy rules that would require the full redaction of social security numbers in non-bankruptcy filings and mandate the use of pseudonyms for minors.
 - AAJ supports these amendments and will recommend additional improvements to these rules to protect minors' privacy, including the use of pseudonyms for their parents and guardians.
- Amendments to FRE 902(1)(A) that would treat tribal documents like all other government documents and make them self-authenticating.
 - This proposed change should be helpful to members representing tribes in environmental and other health-related litigation.
- Amendments to FRE 104 that would add a default preponderance standard for deciding preliminary questions in 104(a) and remove conditional relevance under 104(b).
 - AAJ is evaluating its position on this proposal.

Working together

AAJ will continue to fight attacks from industries and powerful interests that seek to prevent trial lawyers from pursuing justice for their clients. When people's rights are threatened, AAJ will rise to the challenge. ♦