

Update from Washington
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The big takeaway

FIGHTING CORPORATE IMMUNITY PROPOSALS

In our mission to preserve and protect the right to trial by jury, we are fighting powerful industry attempts to wipe out consumer protections and preempt state tort liability.

Attempts to immunize industry are wide ranging and have targeted many practice areas. In the two weeks leading up to the September congressional recess, we worked with other organizations and stakeholders on issues related to financial market integrity and protecting consumer rights, preserving the rights of college athletes, and fighting for accountability for families devastated by gun violence.

We continue to advocate for public accountability for Big Tech, whose algorithms are designed to target and exploit kids. AAJ is proud to support the parents who continue to lead the way, fighting tirelessly to hold Big Tech legally responsible for its decisions to put profits over youth health and safety.

Many of these parents are writing to their local news outlets to help educate the public and call for lawmakers to pass strong online safety bills. Parents' op-eds have been published in Ohio, Oregon, and Tennessee, and Maine.

I encourage you to follow these issues via AAJ's online grassroots campaign, Take Justice Back® (TJB). TJB demonstrates how trial lawyers make a difference and hold corporations accountable. You can find TJB on Facebook, Instagram, X, and TikTok.

Regulatory updates – FAA and the EPA

In September, AAJ submitted comments to the Federal Aviation Administration (FAA) and Environmental Protection Agency (EPA). We thank the AAJ members who provided valuable feedback for both submissions.

Our comments to the FAA oppose the agency's notice of proposed rulemaking, which relies upon an inaccurate interpretation of existing law and would preempt all state and local meal and rest break requirements governing flight crew members' and flight attendants' duty and rest periods. The proposed rule would remove existing worker protections and state and local authority, without a suitable replacement. It would also place members of the public who rely on commercial air travel in unnecessary danger.

AAJ's EPA filing was in response to the agency's request for information on legacy uses of asbestos. While AAJ noted its agreement with EPA's conclusion that all forms of asbestos pose an unreasonable risk to human health, we are concerned that EPA's systematic review procedures fail to capture all relevant information about asbestos uses and exposure.

Accordingly, AAJ provided substantial data and information to support our comments and urged the agency to rely on real-world exposure information to enact protections that will be strong and effective in the long run.

Amicus Curiae update

Horton v. General Electric Co.

On September 9, 2026, the U.S. Court of Appeals for the Sixth Circuit delivered a win for plaintiffs seeking justice in their chosen state-court forum. In *Horton v. General Electric Company*, __ F.4th __, 2026 WL 2794368 (6th Cir. Sept. 9, 2026), the court ruled that waiving claims tied to federal conduct defeats a defendant's assertion of federal-officer removal under 28 U.S.C. § 1442(a)(1), divesting the federal court of jurisdiction. AAJ filed an amicus brief in support of the plaintiffs, emphasizing the purpose and intent behind the federal-officer removal statute and plaintiffs' long-recognized right to forum selection.

Johnson v. Best Buy, Inc.

When Shaunte Johnson sued Best Buy for wrongful termination and discrimination, Best Buy forced her claims out of court and into arbitration based on an electronic arbitration agreement she was required to consent to before applying for employment. After Michigan Court of Appeals upheld the arbitration agreement, the Michigan Supreme Court granted leave to appeal to consider whether the arbitration agreement should be subject to the same close judicial scrutiny that Michigan law applies to contracts of adhesion.
On September 15, 2026, AAJ filed an amicus brief, in collaboration with the Michigan Association for Justice and Public Justice, urging the Michigan Supreme Court to find that adhesion contracts, including arbitration clauses, must be subject to close judicial scrutiny, regardless of their terms. The case is *Johnson v. Best Buy, Inc.* Michigan Supreme Court Docket No. 169404.

Federal Rules update

Amendments to the privacy rules are in public comment through February 15, 2027. AAJ encourages members to submit comments on the proposed changes to FRCP 5.2. that would protect privacy by requiring full redaction of social security and other taxpayer identification numbers as well as requiring the use of a pseudonym for minors.

A virtual public hearing on the proposed amendments will be held on January 13, 2027. Members interested in testifying should contact Kaiya Lyons (kaiya.lyons@justice.org).

Moving forward

AAJ will not stop fighting powerful industries that try to eradicate consumer protections and preempt state tort liability. When people's rights are threatened, AAJ will rise to the challenge. We will continue collaborating with affiliated trial lawyer associations to oppose harmful legislation and stand united at the forefront of protecting access to justice and the right to trial by jury.