



Update from Washington

Linda A. Lipsen

CEO, AMERICAN ASSOCIATION FOR JUSTICE

Journal of Consumer Attorneys Associations for Southern California
ADVOCATE

July 2024

Restoring Justice for Workers Act

ALSO: CHEMICAL CORPORATIONS PUSH FOR NATIONWIDE IMMUNITY FOR PESTICIDE CLAIMS

Every day, AAJ strives to hold bad actors accountable for killing and injuring Americans, advocating on issues that affect your practice. Our work impacts you and your clients – whether you are handling individual cases or have a mass tort practice. In light of recent insurance industry calls for new tort reform, we must all stand strong for the battles ahead. Here are some recent highlights of our advocacy.

Restore the rights of workers

U.S. Senator Patty Murray (D-WA) and U.S. Representatives Robert C. “Bobby” Scott (D-VA-03) and Jerrold Nadler (D-NY-12) reintroduced their bicameral Restoring Justice for Workers Act on June 11. This critical legislation would restore the rights of workers seeking to escape forced arbitration clauses and pursue work-related claims in court.

The bill would override the 2018 Supreme Court decision, *Epic Systems v. Lewis*, which allowed employers to continue to enforce arbitration clauses against workers. The use of forced arbitration clauses that block workers’ access to the courts has led to widespread non-enforcement of workers’ rights, including their right to minimum wage, overtime, and to a workplace free of discrimination.

The Restoring Justice for Workers Act would:

- Open the courthouse doors for workers by prohibiting the use of forced arbitration clauses in employment contracts and prohibiting employers from requiring employees to waive their right to engage in joint, class, or collective legal action.
- Reverse the Supreme Court’s 5-4 decision in *Epic Systems*, which dismantled workers’ right to band together to hold unscrupulous employers accountable.

- Uphold the rule of law by ensuring that workers’ rights are enforceable through our justice system.
- Ensure that post-dispute arbitration agreements are not obtained by threat or coercion, that the agreement is understandable, and that the employee affirmatively consents to the agreement in writing and is fully aware of their rights in the workplace.

We thank Sen. Patty Murray, Rep. Bobby Scott, and Rep. Jerrold Nadler for introducing this important legislation. AAJ strongly supports this bill that would restore the legal rights of thousands of American workers.

Immunity battle in congress

Chemical corporations are pushing for nationwide immunity. The U.S. House GOP Farm Bill includes nationwide immunity for pesticide claims. When American farmers develop cancer from dangerous and deadly chemicals, they should be able to hold the corporations who sold those chemicals responsible. But if the Farm Bill passed by the House Agriculture Committee in May becomes law, local and state public health protections will be wiped out, and pesticide manufacturers and chem-conglomerates will receive immunity from all legal responsibility to those Americans they’ve hurt.

If injuries find that Roundup and other pesticides are killing and making Americans sick, these corporations will simply get a pass. Incredibly, some members of Congress are greenlighting this strategy. We urge the Senate to stand by our farmers and reject this measure.

AAJ will continue the fight to protect the rights of those harmed by dangerous pesticides, such as Roundup, Paraquat, and dicamba.

Federal rules update

AAJ also closely monitors changes to the Federal Rules of Civil Procedure, Federal Rules of Appellate Procedure, Federal Rules of Evidence, and other rules governing court procedure.

Below are some recent updates:

- A new federal rule on MDLs, Rule 16.1, will take effect December 1, 2025. It is designed to provide direction to the parties and the court about issues, including leadership, that need to be addressed early on by the transferee judge.
- The Standing Committee recently approved amendments on privilege logs. AAJ worked to ensure that a burdensome provision on categorial logging pushed by the defense bar was *not* included in the rule.
- A new AAJ working group on cross-border discovery will meet with the federal judge appointed to oversee a possible rule change. If you are interested in participating, contact Sue Steinman: susan.steinman@justice.org.
- Proposed amendments on amicus briefs (FRAP 29) will go to formal rulemaking in mid-August. More information on filing comments will be available once the rule is officially released.

Fighting for all trial lawyers

Thank you for your ongoing support. AAJ departments – Public Affairs, State Affairs, Legal Affairs, and Communications – are working together to protect your practices against attacks by our opponents. Email me if you have any questions: advocacy@justice.org.

