



Update from Washington

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Journal of Consumer Attorneys Associations for Southern California
ADVOCATE

August 2024

Raising auto insurance minimums in more states

ALSO: SUCCESS CONTINUES IN FIGHTING ARBITRATION IN CASES FOR WHICH WE FILED AMICUS CURIAE BRIEFS

Trial lawyers often witness devastating human pain. Some clients won't work again. Some won't walk again. Some won't see loved ones again. Trial lawyers don't just win dollars for victims – your efforts change lives, restore dignity, and provide real hope for a better future for victims and their families. That's why your work is so important, and that's why we fight for your practices and your clients' rights. Your work *really* matters to so many people.

In everything AAJ does, we strive to ensure that those who have been harmed or injured can obtain justice and, hopefully, a brighter future. Just recently, AAJ released a report that makes the case for raising outdated mandatory minimum levels of auto insurance. "The Case for Raising Auto Insurance Minimums" illustrates the impact that outdated insurance minimums have on everyday drivers and the public and highlights the billions of dollars left uncovered by insurance every year. Here are the key takeaways:

- Only 54% of \$340 billion in annual motor-vehicle crash costs was paid by insurance companies. Crash victims end up paying 23% of crash costs, while the rest falls to charities, health care providers, local governments, and thus, taxpayers.
- Medical care and vehicle repair have outpaced inflation over the last 25 years, while minimum insurance levels have stagnated.
- *Raising auto insurance minimums does not lead to higher premiums for consumers.* In fact, states that raised their minimums saw a lower increase in insurance cost (1.47% on average) than the country as a whole at 1.95%.
- *Raising auto insurance minimums does not lead to more uninsured drivers.* The data shows that states with higher minimum auto insurance levels have lower rates of uninsured drivers.

Raising minimums would bring insurance requirements in line with the real cost of motor-vehicle crashes and thus help alleviate financial burdens on individuals and families. And here's the truth: the perceived downsides to raising minimums – increased insurance rates

and increased numbers of uninsured drivers – are more myth than fact.

This new report will help state trial lawyer associations (TLAs) considering a legislative fix to outdated minimums. AAJ's State Affairs and Research teams will be available to any TLA that engages in these efforts. The partnership between AAJ and the TLAs is vital to protecting trial lawyers' practices and their clients' cases around the country. If you have any questions, please contact us. We've posted about the report on LinkedIn, Facebook, and X. Please help us amplify this work.

Legal Affairs

Amicus curiae update

AAJ's amicus curiae briefs help to ensure that access to justice is rigorously defended in federal and state courts. AAJ's most recently filed amicus briefs include:

- ***Freilich v. SEPTA*** (Pa.) – On June 3, AAJ co-signed an amicus brief authored by the Pennsylvania Association for Justice (PAJ) urging the Pennsylvania Supreme Court to hold that the state's sovereign immunity cap violates plaintiffs' constitutional rights to remedy and trial by jury.
- ***Doe v. Grindr*** (9th Cir.) – On May 17, AAJ filed an amicus brief urging the Ninth Circuit to hold that Section 230 does not immunize Grindr from liability for claims that the company designed an unreasonably dangerous product that matches children with adults for sexual encounters.

SCOTUS recently handed down unanimous opinions in three cases where AAJ participated as amicus curiae, including:

- ***Coinbase Inc. v. Suski*** (U.S.) – On June 24, the U.S. Supreme Court held that, where parties have agreed to two contracts – one sending arbitrability disputes to arbitration, and the other either explicitly or implicitly sending arbitrability disputes to the courts – a court must decide which contract governs. AAJ filed an amicus brief in support of Coinbase users who allege that the

cryptocurrency exchange violated California's false advertising and unfair competition laws.

- ***Smith v. Spizzirri*** (U.S.) – On June 17, the Court held that when a party has requested a stay of the court proceeding pending arbitration, Section 3 of the FAA compels the district court to issue a stay, and the court lacks discretion to dismiss the suit. AAJ filed an amicus brief urging the court to adopt a more flexible approach that would provide district courts discretion to enter a final order dismissing a case where an order to compel arbitration would effectively end the litigation.

- ***Truck Insurance Exchange v. Kaiser Gypsum Co.*** (U.S.) – On June 6, the Court held that the insurer with financial responsibility for claims against corporations that manufactured and sold asbestos-containing products is a "party in interest" that "may raise and may appear and be heard on any issue" in a Chapter 11 bankruptcy. AAJ filed an amicus brief opposing the insurer's participation in the bankruptcy settlement.

For more information about AAJ's legal affairs program or to request AAJ amicus support, please email us.

Federal rules update

Following a formal comment period, a new rule dedicated to early MDL management (FRCP 16.1) and amendments to rules governing privilege logs (FRCP 16(b) and 26(f)) were approved last month and are slated to go into effect December 1, 2025. Formal comment periods for proposed amendments relating to amicus briefs (FRAP 29) and prior inconsistent statements (FRE 801(d)(1)(A)) will begin next month and run until February 2025.

Your support matters

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.