2024 CIVIL JUSTICE UPDATE*

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This paper reviews key civil justice issues and changes in 2024. Part I discusses legal reform trends. Part II discusses federal legislation and agency action touching on civil justice issues in 2024. It also discusses changes to the Federal Rules of Evidence that took effect on December 1 as well as key amendments to federal court rules that are under consideration. Part III summarizes key developments regarding American Law Institute Restatement projects. Part IV summarizes liability law changes at the state level in 2024. Part V highlights 2024 cases that addressed the constitutionality of state civil justice laws.

I. LEGAL REFORM TRENDS IN 2024

2024 was an election year, which often dampens legislative activity on civil justice issues as lawmakers are focused on other priorities and campaigns. A number of states that meet biennially in odd-numbered years did not meet in 2024. These factors resulted in fewer opportunities for business groups to advance legal reform legislation; they also impacted the ability of plaintiffs' lawyers to pursue liability-expanding legislative ambitions. The trial bar was able to block pro-business legislation in some key states, such as Florida, Georgia, and Missouri, with the support of some Republican legislators.

The plaintiffs' bar continued its trend of pushing to increase awards in wrongful death cases. Since 2023, a number of states have considered legislation to allow a broader range of people to sue for a wrongful death, expand

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* Note from the Editor: The Federalist Society takes no positions on particular legal and public policy matters. Any expressions of opinion are those of the author. To join the debate, please email us at info@fedsoc.org.

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recoverable damages for emotional harm, raise or eliminate damage caps, authorize punitive damages, or lengthen the statute of limitations for bringing such claims.[1] In 2024, Colorado and New Hampshire increased caps on wrongful death awards, and Virginia slightly expanded the class of beneficiaries that may file wrongful death claims. On the other hand, New York Governor Kathy Hochul vetoed legislation for a third time that would have "fundamentally alter[ed] wrongful death jurisprudence" in New York by "expanding the types of damages that may be recovered, expanding the class of persons who may recover such damages and extending the statute of limitations."[2] She said the bill "would likely have resulted in higher costs to patients and consumers, as well as other unintended consequences."[3]

States began to update their rules of evidence governing expert testimony to mirror or more closely align with the amendments to Federal Rule of Evidence 702 that took effect in December 2023.[4] The Arizona, Michigan, Kentucky, and Ohio Supreme Courts adopted the federal approach by court rule, and Louisiana did so through bipartisan legislation.

Consumer data privacy laws continue to attract significant attention in the states. In 2024, seven states enacted comprehensive consumer data privacy legislation—Kentucky, Maryland, Minnesota, Nebraska, New Jersey, New Hampshire, and Rhode Island. To date, nearly twenty states have enacted comprehensive consumer data privacy laws. Vermont Governor Philip Scott vetoed an "outlier" bill in his state that included a private right of action. Florida Governor Ron DeSantis and West Virginia Governor Jim Justice vetoed legislation that would have provided companies meeting certain requirements with protection from lawsuits following a data breach. Tennessee shielded private entities from liability in class actions resulting from cybersecurity events unless the cybersecurity event was caused by willful, wanton, or gross negligence on the part of the entity.

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[1] Cary Silverman, *Nuclear Verdict Risk Grows as States Expand Wrongful Death Liability*, WASH. LEGAL FOUND. (Dec. 1, 2023), *available at* https://www.wlf.org/wp-content/uploads/2023/11/120123Silverman_LOL.pdf.

[2] Gov. Kathy Hochul, Veto No. 122, A.9232B, Dec. 21, 2024.

[3] *Id.*; *see also* Gov. Kathy Hochul, Veto No. 151, A.6698, Dec. 29, 2023; Gov. Kathy Hochul, Veto No. 192, S.74A, Jan. 30, 2023.

[4] FED. R. EVID. 702; *see also* Mark A. Behrens & Andrew J. Trask, *Federal Rule of Evidence 702: A History and Guide to the 2023 Amendments Governing Expert Evidence*, 12 TEX. A&M L. REV. 43 (2024).

Louisiana, Indiana, and West Virginia enacted laws requiring certain disclosures regarding third-party litigation funding, joining Montana and Wisconsin.[5]

Civil defendants continued to address "over-naming" in asbestos cases. Over-naming describes the indiscriminate naming of asbestos defendants by some plaintiff firms without proof of exposure.[6] Often, over-named defendants are dismissed without payment, but not before incurring legal costs that can add up to be substantial for frequently over-named defendants.[7] With the addition of Ohio and Alabama in 2024, eight states now require asbestos plaintiffs to disclose the factual basis for each claim against each defendant and provide supporting documentation.

II. 2024 CIVIL JUSTICE—CONGRESS AND FEDERAL AGENCIES, FEDERAL COURTS, AND THE ALI

A. Congress and Federal Agencies

Congress did not enact significant civil justice legislation in 2024. The House of Representatives passed the Stop Settlement Slush Funds Act to prohibit the federal executive branch from creating enforcement "slush funds" that divert funds from settlement agreements with the government to third

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[5] In addition, the National Council of Insurance Legislators, a legislative organization comprised principally of legislators serving on state insurance and financial institutions committees, adopted model legislation providing: "A party or his or her counsel shall, without awaiting a discovery request, provide to the other parties, and each insurer that has a duty to defend another party in the civil proceeding, any agreement under which any commercial litigation financier, other than an attorney permitted to charge a contingent fee representing a party, has a right to receive compensation that is contingent in any respect on the outcome of the legal claim." National Council of Insurance Legislators, Transparency in Third Party Litigation Financing Model Act § 16(1) (2024), *available at* https://ncoil.org/wp-content/uploads/2024/12/NCOIL-TPLF-Model-Final-November-2024.pdf.

[6] Mark Behrens & Christopher Appel, *Over-Naming of Asbestos Defendants: A Pervasive Problem in Need of Reform*, 36-4 MEALEY'S LITIG. REP. ASB. 16 (2021).

[7] For example, according to the holding company for the legacy asbestos liabilities of CertainTeed, over half of the "claims filed against [CertainTeed] after 2001 were dismissed—usually because the plaintiff could provide no evidence of exposure to a [CertainTeed] asbestos containing product." According to ON Marine Services Company LLC, another company that filed bankruptcy, 95% of the over 182,000 asbestos claims filed against it since 1983 were dismissed without payment to a plaintiff. *See id.* In Madison County, Illinois, "one company has been sued by the same law firm over 400 times"—incurring more than $720,000 in defense costs—even though there were actual allegations against the company in only four cases. James Lowery, *The Scourge of Over-Naming in Asbestos Litigation: The Costs to Litigants and the Impact on Justice*, 32-24 MEALEY'S LITIG. REP. ASB. 22 (2018).

parties.[8] The House also passed the Protecting Americans' Data from Foreign Adversaries Act of 2024, which prohibits data brokers from selling, licensing, releasing, disclosing, or otherwise making available specified sensitive data of U.S. residents to North Korea, China, Russia, or Iran or an entity controlled by such a country.[9] Sensitive data includes government-issued identifiers (e.g., Social Security numbers), financial account numbers, biometric information, genetic information, precise geolocation information, and private communications (e.g., texts or emails). Violations would be treated as unfair and deceptive trade practices subject to enforcement by the Federal Trade Commission. The Senate took no action on the bills.

Federal agencies adopted rules that could have consequences for civil cases. For example, the Department of Labor released a final rule revising the Department's guidance on the classification of workers as employees or independent contractors under the Fair Labor Standards Act.[10] The final rule rescinded the Trump Administration's 2021 Independent Contractor Status Under the Fair Labor Standards Act rule.[11] The Environmental Protection Agency announced a final rule prohibiting the limited ongoing uses of chrysotile asbestos.[12]

B. Federal Court Rules Amendments

1. Amendments to Federal Rules of Evidence Effective December 1, 2024

The federal judiciary approved amendments to several Rules of Evidence effective December 1, 2024.[13]

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[8] Stop Settlement Slush Funds Act of 2023, H.R. 788, 118th Cong. (2024), *available at* https://www.congress.gov/bill/118th-congress/house-bill/788/text.

[9] Protecting Americans' Data from Foreign Adversaries Act of 2024, H.R. 7520, 118th Cong. (2024), *available at* https://www.congress.gov/bill/118th-congress/house-bill/7520/text.

[10] Employee or Independent Contractor Classification Under the Fair Labor Standards Act, Final Rule, 89 Fed. Reg. 1638 (Jan. 10, 2024), *available at* https://www.govinfo.gov/content/pkg/FR-2024-01-10/pdf/2024-00067.pdf.

[11] Independent Contractor Status Under the Fair Labor Standards Act, Final Rule, 86 Fed. Reg. 1168 (Jan. 7, 2021), *available at* https://www.govinfo.gov/content/pkg/FR-2021-01-07/pdf/2020-29274.pdf.

[12] Asbestos Part 1; Chrysotile Asbestos: Regulation of Certain Conditions of Use Under the Toxic Substances Control Act, Final Rule, 89 Fed. Reg. 21,970 (Mar. 28, 2024), *available at* https://www.govinfo.gov/content/pkg/FR-2024-03-28/pdf/2024-05972.pdf.

[13] Letter from Chief Justice John G. Roberts, Jr. to Hon. Mike Johnson, Speaker, U.S. House of Reps., and Hon. Kamala D. Harris, President, U.S. Senate (Apr. 2, 2024), at 1051-88 (submitting amendments adopted by the Supreme Court), *available at* https://www.uscourts.gov/sites/default/files/congressional_package_final_for_website.pdf; *see also* Letter from Hon. John D. Bates,

A new Rule 107 "provides standards for illustrative aids, allowing them to be used at trial after the court balances the utility of the aid against the risk of unfair prejudice, confusion, and delay."[14]

Amended Rule 613 states that "[u]nless the court orders otherwise, extrinsic evidence of a witness's prior inconsistent statement may not be admitted until after the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it."[15]

An amendment to Rule 801(d)(2) "resolves a dispute among the courts about the admissibility of statements by the predecessor-in-interest of a party-opponent, providing that such a hearsay statement would be admissible against the declarant's successor-in-interest."[16] During a meeting of the Advisory Committee on Evidence Rules, the Reporter discussed the proper application of the rule in a personal injury case. If the plaintiff is living, the plaintiff's statements would be admissible against her. If the plaintiff dies before trial and her estate pursues the personal injury claim on her behalf, "some courts would exclude the decedent declarant's statements when offered against the estate. The amendment would make the statements admissible against a party who stands in the shoes of the declarant or the declarant's principal."[17]

Amended Rule 1006 clarifies "that a Rule 1006 summary is admissible whether or not the underlying evidence has been admitted."[18] The amendment helps courts distinguish a summary of voluminous evidence (which is evidence and governed by Rule 1006) from a summary intended to help the trier of fact understand admissible evidence (which is not evidence and is governed by new Rule 107).

Chair, Comm. on Rules of Prac. and Proc., to Scott S. Harris, Clerk, S. Ct. of the U.S. (Oct. 23, 2023), *available at* https://www.uscourts.gov/sites/default/files/2023_scotus_package_final_0.pdf [hereinafter Bates 2023 Letter].

[14] Bates 2023 Letter, *supra* note 13, at 3.

[15] *Id.* at 1069.

[16] *Id.* at 3.

[17] COMM. ON RULES OF PRAC. AND PROC., JUD. CONF. OF THE U.S., AGENDA BOOK, 1046 (June 7, 2022), *available at* https://www.uscourts.gov/sites/default/files/2022-06_standing_committee_agenda_book_final.pdf.

[18] Bates 2023 Letter, *supra* note 13, at 4.

2. Proposed Amendments to Federal Rules Approved by Standing Committee

The federal judiciary's Committee on Rules of Practice and Procedure, known as the Standing Committee, gave final approval to the first proposed rule for multidistrict litigation and amendments to privilege log rules.[19] In September, the U.S. Judicial Conference approved the proposals for consideration by the U.S. Supreme Court.[20] The new rules are likely to be adopted by the Court and sent to Congress by May 1, 2025. If Congress takes no action (and none is expected), the rules will take effect on December 1, 2025.

Proposed Federal Rule of Civil Procedure 16.1 is "designed to provide a framework for the initial management of multidistrict litigation (MDL) proceedings."[21] Data from the Judicial Panel on Multidistrict Litigation (JPML) and the U.S. Courts, analyzed by Lawyers for Civil Justice, shows that, "[a]s of the end of fiscal year 2023, MDL cases constituted 71.3% of the pending federal civil caseload, up from just 29 percent 12 years earlier."[22]

Proposed Rule 16.1(a) states that transferee courts "should schedule an initial management conference to develop an initial plan for orderly pretrial activity in the MDL proceedings."[23]

Under Rule 16.1(b)(1), the transferee court "should order the parties to meet and to submit a report to the court before the conference."[24] The Committee Notes explain that this "should be a single report, but it may reflect the parties' divergent views . . . ."[25]

Rule 16.1(b)(2) states that the parties' report "must address any matter the court designates" and, "unless the court orders otherwise," the report shall include the parties' views on "whether leadership counsel should be appointed," any previous orders "that should be vacated or modified," and "how to manage the direct filing of new actions in the MDL proceedings."[26]

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[19] Jeff Overley, *Judiciary Panel Clears 1st MDL Rule, Eyes 'Mouthpiece' Amici*, LAW360 (June 4, 2024), *available at* https://www.law360.com/articles/1844246/judiciary-panel-clears-1st-mdl-rule-eyes-mouthpiece-amici.

[20] Letter from Hon. John D. Bates, Chair, Comm. on Rules of Prac. and Proc., to Scott S. Harris, Clerk, S Ct. of the U.S. (Oct. 17, 2024), *available at* https://www.uscourts.gov/sites/default/files/2024_scotus_package_final.pdf [hereinafter Bates 2024 Letter].

[21] *Id.* at 3.

[22] *How Many MDLs Are There?*, LAWYERS FOR CIVIL JUSTICE: RULES4MDLS, *available at* https://www.rules4mdls.com/faq (excluding most prisoner and social security cases).

[23] Bates 2024 Letter, *supra* note 20, at 118 (proposed FED. R. CIV. P. 16.1(a)).

[24] *Id.* (proposed FED. R. CIV. P. 16.1(b)(1)).

[25] *Id.* at 124 (proposed FED. R. CIV. P. 16.1(b)(1) Committee Note).

[26] *Id.* at 118-120 (proposed FED. R. CIV. P. 16.1(b)(2)).

Rule 16.1(b)(3) states that that the report must address the parties' initial views on "how and when the parties will exchange information about the factual bases for their claims and defenses," discovery and likely pretrial motions, "whether the court should consider any measures to facilitate resolving some or all actions before the court," "whether any matters should be referred to a magistrate judge or a master," and "the principal factual and legal issues likely to be presented."[27] The report may include "any other matter that the parties wish to bring to the court's attention," according to Rule 16.1(b)(4).[28]

Rule 16.1(c) states that, after the initial MDL management conference, "the court should enter an initial management order addressing the matters in Rule 16.1(b) and, in the court's discretion, any other matters."[29] The order will control "the course of the proceedings unless the court modifies it."[30]

A proposed amendment to Rule 26(f)(3)(D) would require parties' discovery plans to address "the timing and method for complying with Rule 26(b)(5)(A)."[31] A proposed amendment to Rule 16(b) provides that the court may address "the timing and method" of such compliance in its scheduling order.[32]

3. Proposed Amendments Approved for Public Comment by Standing Committee

The federal judiciary is inviting public comments on proposed changes to Federal Rule of Appellate Procedure 29 and Federal Rule of Evidence 801.[33] Amended Federal Rule of Appellate Procedure 29 seeks "primarily to provide the courts and the public with more information about an amicus curiae."[34] Amended Federal Rule of Evidence 801 "provides for substantive admissibility of prior inconsistent statements of a testifying witness."[35] Comments on

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[27] *Id.* at 121-22 (proposed FED. R. CIV. P. 16.1(b)(3)). The Committee Note makes clear that "the question whether parties reach a settlement is just that—a decision to be made by the parties." *Id.* at 132 (proposed FED. R. CIV. P. 16.1(b)(3)(E) Committee Note).

[28] *Id.* at 122 (proposed FED. R. CIV. P. 16.1(b)(4)).

[29] *Id.* (proposed FED. R. CIV. P. 16.1(c)).

[30] *Id.* (proposed FED. R. CIV. P. 16.1(c)).

[31] *Id.* at 134 (proposed FED. R. CIV. P. 26(f)(3)(D)).

[32] *Id.* at 115 (proposed FED. R. CIV. P. 16(b)(3)(B)(iv)).

[33] Memorandum from Hon. John D. Bates, Chair, Comm. on Rules of Prac. and Proc., to the Bench, Bar and Public, Request for Comments on Proposed Amends. to Fed. Rules and Forms, Aug. 15, 2024, *available at* https://www.uscourts.gov/sites/default/files/preliminary_draft_of_proposed_amendments_2024.pdf.

[34] *Id.* at 38 (proposed FED. R. APP. P. 29 Committee Note).

[35] *Id.* at 89 (proposed FED. R. EVID. 801(d) Committee Note).

the changes must be submitted by February 17, 2025. Public hearings on the proposed change to Federal Rule of Appellate Procedure 29 are scheduled for January 10 and February 14, 2025. Public hearings on amended Federal Rule of Evidence 801 are set for January 22 and February 12, 2025.

III. AMERICAN LAW INSTITUTE

The membership of the American Law Institute (ALI) approved several Restatements of the Law, or significant parts of Restatement projects, at the annual meeting in May.

A. Restatement of Torts, Third: Miscellaneous Provisions

The *Restatement of Torts, Third: Miscellaneous Provisions*, initiated in 2019, is a "catch all" of issues not covered elsewhere in the Restatement of Torts, Third. Originally titled "Concluding Provisions," this Restatement is slated for completion at the 2025 Annual Meeting. Tentative Draft No. 3 (TD 3), which is more than 650 pages long and comprises a substantial portion of the Miscellaneous Provisions Restatement, was approved at the 2024 Annual Meeting. TD 3, as amended at the ALI's 2024 Annual Meeting, contains several liability-expanding provisions, including:

- Medical Monitoring—The Restatement endorses a rule allowing certain claimants to recover for the reasonable expenses of medical monitoring, despite sharply divided case law and a recent trend of courts rejecting such claims.[36]
- Negligent Misrepresentation Causing Physical Harm—The Restatement endorses the rule that "[a]n actor who negligently furnishes false information is subject to liability for any physical harm factually caused by another's reliance on the information that is within the actor's scope of liability . . . regardless of whether the person who received or relied upon the actor's misrepresentation is the person who suffered physical harm."
    - The Restatement takes this approach despite acknowledging that around half of states have no case law recognizing a negligent misrepresentation claim for causing physical harm. Where states have

[36] *See* Victor E. Schwartz & Christopher E. Appel, *The Restatement (Third) of Torts Proposes Abandoning Tort Law's Present Injury Requirement to Allow Medical Monitoring Claims: Should Courts Follow?*, 52 SW. U. L. REV. 512 (2024).

recognized the tort, the claims have typically involved economic harm related to financial and business relationships.

- The rule opens the door to "innovator liability" claims against a branded drug company where an individual who ingests a copycat generic drug claims reliance on the branded company's label. A Comment purports to take "no position" on whether to endorse innovator liability, but a plain reading of the rule, the Comment, and cross-referenced Reporters' Notes suggest an indirect endorsement of the tort.[37]

- Aiding and Abetting Negligence Torts—The Restatement proposes to subject an actor to liability for another's negligence-based tort where the actor knows the other *might* engage in negligent or reckless conduct *posing a risk* to third parties and "substantially assisted or encouraged" that risky conduct.

- Firefighter's Rule Abolished—TD 3 proposed to maintain the "Firefighter's Rule," which provides that a professional rescuer who is injured on duty has no cause of action against the actor who negligently created the peril. At the 2024 Annual Meeting, however, a former president of the American Association for Justice successfully offered an amendment to take the Restatement in the opposite direction and abolish the common law "Firefighter's Rule."

- Bad-Faith Performance of First-Party Insurance Contract—The project restates a first-party insurance bad faith standard based on the standard adopted in the *Restatement of the Law, Liability Insurance* (2019) for third-party liability claims.

- Evidence Spoliation—The Restatement endorses standalone first- and third-party tort actions for intentional evidence spoliation.

- Negligence Liability of Product Suppliers—The Restatement adopts a negligence standard for product suppliers.

B. Restatement of Torts, Third: Medical Malpractice

A Medical Malpractice Restatement was approved at the 2024 Annual Meeting.

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[37] *See* Mark A. Behrens & Christopher E. Appel, *Why Courts Should Continue to Reject Innovator Liability Theories That Seek to Hold Branded Drug Manufacturers Liable for Generic Drug Injuries*, 52 SW. U. L. REV. 580 (2024).

C. Restatement of Torts, Third: Remedies

The Restatement on tort remedies, initiated in 2019, is another final part of the Restatement of Torts, Third. The project is anticipated to be completed at the 2025 Annual Meeting. TD 3 of the Remedies Restatement, which is more than 350 pages long and comprises a substantial portion of the Restatement, was approved at the 2024 Annual Meeting. In this Restatement, the reporters generally followed majority rules. In particular, TD 3 addresses the topic of punitive damages, which includes three separate provisions:

- Liability for Punitive Damages—The Restatement provides that punitive damages may be awarded if the plaintiff proves "by clear-and-convincing evidence that the defendant intended to harm the plaintiff or others, recklessly disregarded a substantial risk of harm to the plaintiff or others, or otherwise acted in an outrageous or malicious manner." At least some monetary damages are required to support a punitive award.

- Direct and Vicarious Liability—The Restatement carries forward direct and vicarious liability rules from the Restatement Third, Agency as applied to punitive damages. Comment *b* endorses the view that there must be "some managerial participation, acquiescence, or approval" for vicarious liability.

- Amount of Punitive Damages—The Restatement provides that a factfinder choosing to award punitive damages "may consider all relevant circumstances, including the reprehensibility of the defendant's conduct; the amount of harm the defendant inflicted, intended to inflict, or might have inflicted if the defendant had committed the identical acts but events beyond the defendant's control had worked out differently; the defendant's wealth or lack of wealth; the amount necessary to deter the defendant and others from engaging in similar conduct in the future; and the aggregate amount of all civil and criminal sanctions awarded against the defendant for engaging in the same conduct against the plaintiff or others." The "court must have a strong basis in the record for concluding that a jury's punitive-damages award is grossly excessive or grossly inadequate . . . before remitting or adding to the amount of punitive damages or granting a new trial on the amount of punitive damages."

IV. 2024 CIVIL JUSTICE REFORMS—STATES

Alabama

Alabama addressed over-naming in asbestos cases.[38] Within forty-five days of filing an asbestos action, the plaintiff must provide the parties with an information form specifying the basis for each claim against each defendant, including detailed exposure history information and the names of individuals who are knowledgeable about the plaintiff's exposures to asbestos, along with supporting documentation. If a defendant presents evidence that the plaintiff's information form is incomplete, the defendant may move the court for an order to require the plaintiff to supplement the statement. The court shall dismiss the plaintiff's asbestos action without prejudice if the plaintiff fails to provide the information, if the plaintiff fails to supplement the information after being ordered to do so, or if the defendant's product or premises is not identified as a source of exposure in the required disclosures. Further, within sixty days of filing an asbestos action, the plaintiff shall file all available asbestos trust claims and provide the parties with all trust claim materials available to the plaintiff or his or her counsel in relation to the plaintiff's exposure to asbestos.

Alabama granted civil and criminal immunity to providers and patients for damage to or death of an embryo related to in vitro fertilization.[39] In a civil action for damage to or death of an embryo brought against the manufacturer of goods used to facilitate the in vitro fertilization process or the transport of stored embryos, damages are limited to compensatory damages calculated as the price paid for the impacted in vitro cycle. The law was enacted after the Alabama Supreme Court declared frozen embryos outside the womb to be "children" under the state's Wrongful Death of a Minor Act, a law allowing parents to recover damages for loss of a child.[40] The ruling was made in the context of a civil suit against a fertility clinic by parents whose frozen embryos were accidentally destroyed by a patient at the facility.

Arizona

The Arizona Supreme Court adopted amendments to several Arizona Rules of Evidence. Arizona Rule of Evidence 106 was amended to conform

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[38] S.B. 104, 2024 Reg. Sess. (Ala. 2024), *available at* https://legiscan.com/AL/bill/SB104/2024.

[39] S.B. 159, 2024 Reg. Sess. (Ala. 2024), *available at* https://legiscan.com/AL/bill/SB159/2024.

[40] LePage v. Ctr. for Reprod. Med., P.C., SC-2022-0515, 2024 WL 656591 (Ala. Feb. 16, 2024).

to the 2023 amendments to Federal Rule of Evidence 106.[41] Arizona Rule of Evidence 615 was amended to partly conform to the 2023 amendments to Federal Rule of Evidence 615.[42] Arizona Rule of Evidence 702 was amended to conform to the 2023 amendments to Federal Rule of Evidence 702 and to add a new comment.[43]

The Arizona Supreme Court's Task Force on Alternative Business Structures issued a report examining third-party litigation funding and its implications for alternative business structures (ABS).[44] The Arizona Supreme Court authorized the creation of ABSs in 2021. So far, one hundred ABSs have been approved. The Task Force "identified two serious concerns that have surfaced in cases around the nation that require additional consideration: the potential for third-party control over litigation strategy and decisions and the potential for funders to obtain trade secrets or otherwise compromise competitors' economic interests through cases they fund."[45] A majority of the Task Force recommends "limited initial disclosure" of "(1) the *fact* of third-party litigation funding and (2) the *identity* of the funder."[46] If concerns arise, "either the court on its own motion, or the opposing parties for good cause shown, may seek additional information or safeguards."[47] The Task Force concluded that third-party litigation funding agreements "should not be subject to initial disclosure," but "a court on its own motion may properly review such an agreement in camera or disclose it to opposing parties on good cause showing."[48] To allow the Arizona Supreme Court to collect data on third-party litigation funding, the Task Force recommends amending Arizona Rule of Civil Procedure 8 (General Rules of Pleading) to require any party subject to a third-party litigation funding

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[41] *In re* Rule 106, Rules of Evidence, No. R-23-0002 (Ariz. filed Aug. 24, 2023), *available at* https://www.azcourts.gov/Portals/20/2023%20Rules/R-23-0002%20Final%20Rules%20Order.PDF?ver=_0y045CisxzkA_bME2zbcQ%3d%3d.

[42] *In re* Rule 615, Rules of Evidence, No. R-23-0003 (Ariz. filed Aug. 24, 2023), *available at* https://www.azcourts.gov/Portals/20/2023%20Rules/R-23-0003%20Final%20Rules%20Order.PDF?ver=_hRSLOZSGs56iStL_3lIgA%3d%3d.

[43] *In re* Rule 702, Rules of Evidence, No. R-23-0004 (Ariz. filed Aug. 24, 2023), *available at* https://www.azcourts.gov/Portals/20/2023%20Rules/R-23-0004%20Final%20Rules%20Order.PDF?ver=2O1ka9lxUlVfpxOpMckvTg%3d%3d.

[44] ARIZ. SUP. CT. TASK FORCE ON ALT. BUS. STRUCTURES, FINAL REPORT AND RECOMMENDATIONS (2024), https://azcourts.sharepoint.com/:b:/t/csd-courtprograms/EQT3KhuRCk5Ni8M_Asr5b9ABtRsvTYHKyIPcwbwEoh3WYg?e=jdylaZ.

[45] *Id.* at 23.

[46] *Id.* at 23-24.

[47] *Id.* at 24.

[48] *Id.*

agreement to "file a separate certificate regarding third-party litigation funding at the time of filing the complaint or answer, or subsequently, within seven days of entering into the funding agreement, and serve a copy to all other parties."[49]

California

California enacted two laws that significantly amended the state's Labor Code Private Attorneys General Act of 2004 (PAGA).[50] Among other things, the amendments impose more stringent standing requirements, reform PAGA's penalty structure, and expand employers' cure rights.

Another new law provides that an action seeking restitution or replacement of a new motor vehicle, or for civil penalties, pursuant to the state's Song-Beverly Consumer Warranty Act or Tanner Consumer Protection Act, must be commenced within one year after the expiration of the express warranty, but not later than six years after the date of original delivery of the vehicle, subject to specified tolling provisions.[51] Beginning April 1, 2025, prior to seeking civil penalties, a consumer must provide written notice to the manufacturer demanding restitution or replacement of a vehicle. The manufacturer may avoid civil penalties if it makes an offer of restitution or replacement within thirty days and the restitution or replacement is completed within sixty days of the original notice. Mediation is required in civil actions seeking restitution or replacement of a new motor vehicle or for civil penalties. Discovery is stayed, except a limited set of disclosures and depositions, until mediation is concluded. In a letter to legislators, Governor Gavin Newsom said the legislation had "drawn substantive opposition from several consumer groups and the majority of automakers, who were not party to the negotiations."[52] "In light of those concerns," he added, "the authors have agreed to introduce a bill early in the 2025-2026 legislative session that would

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[49] *Id.*

[50] A.B. 2288, 2024 Cal. Leg., 2023-2024 Sess. (Cal. 2024), *available at* https://legiscan.com/CA/bill/AB2288/2023; S.B. 92, 2024 Cal. Leg., 2023-2024 Sess. (Cal. 2024), *available at* https://legiscan.com/CA/bill/SB92/2023.

[51] A.B. 1755, 2024 Cal. Leg., 2023-2024 Sess. (Cal. 2024), *available at* https://legiscan.com/CA/bill/AB1755/2023.

[52] Letter from Gov. Gavin Newsom to Members of the California State Assembly (Sept. 29, 2024), *available at* https://www.gov.ca.gov/wp-content/uploads/2024/09/AB-1755-SIGNING-Message.pdf.

amend the statute enacted by this bill to make its new procedures subject to election by a given automaker."[53]

Governor Newsom vetoed an amendment to California's consumer privacy law that would have required developers of internet browsers and mobile operating systems to include an opt-out preference signal to enable consumers to opt out of the sale and sharing of personal information and limit the use of sensitive personal information.[54]

Colorado

Colorado increased its statutory limits on noneconomic damages for general liability and medical malpractice cases.[55] For actions filed on or after January 1, 2025, noneconomic damages for general liability claims are capped at $1.5 million, up from an inflation-adjusted limit of $729,790.[56] The new limit for wrongful death awards is $2.125 million, up from an inflation-adjusted limit of $679,990. Starting January 1, 2028, the caps will be adjusted biannually for inflation. A separate noneconomic damages cap for medical malpractice actions will increase over a five-year period. By 2029, the cap on noneconomic damages in medical malpractice actions will reach $875,000, and $1.575 million for wrongful death claims, up from $300,000. The same legislation amended Colorado's wrongful death law to add a sibling of the deceased as a party who may bring a wrongful death action in certain circumstances.

Colorado enacted the first personal data privacy law to protect the privacy of individuals' brain activity.[57] The new law broadens the definition of "sensitive data" in the Colorado Privacy Act of 2021[58] to include data generated

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[53] *Id.*

[54] A.B. 3048, 2024 Cal. Leg., 2023-2024 Sess. (Cal. 2024), *available at* https://legiscan.com/CA/bill/AB3048/2023; Veto Message on A.B. 3048, Gov. Gavin Newsom (Sept. 20, 2024), *available at* https://www.gov.ca.gov/wp-content/uploads/2024/09/AB-3048-Veto-Message.pdf.

[55] H.B. 1472, 74th Gen. Assemb., 2d Reg. Sess. (Colo. 2024), *available at* https://legiscan.com/CO/bill/HB1472/2024.

[56] Colorado's general noneconomic damages cap had been set at $250,000, but adjusted for inflation. For 2024, the cap was $729,790. Colo. Sec'y of State Certificate (Feb. 12, 2024), *available at* https://www.sos.state.co.us/pubs/info_center/files/damages_new.pdf.

[57] H.B. 1058, 74th Gen. Assemb., 2024 Reg. Sess. (Colo. 2024), *available at* https://legiscan.com/CO/bill/HB1058/2024.

[58] S.B. 190, 73d Gen. Assemb., 2021 Reg. Sess. (Colo. 2021), *available at* https://leg.colorado.gov/sites/default/files/2021a_190_signed.pdf.

by technologies that measure and analyze a person's "biological, genetic, biochemical, physiological or neural" properties.

Colorado's recreational use statute was amended to provide additional liability protections to land possessors who allow their land to be used for recreational purposes.[59] Previously, the statute did not limit a landowner's liability for injuries or death resulting from the landowner's willful or malicious failure to guard or warn against a known dangerous condition, use, structure, or activity likely to cause harm. The new law provides that an owner does not commit a willful or malicious failure if the owner posts a warning sign meeting certain specifications at the primary access point for persons entering the land, maintains photographic or other evidence of the sign, and the dangerous condition, use, structure, or activity is described by the sign. A person who accesses another's land for recreational purposes must stay on the designated recreational trail, route, area, or roadway unless the owner expressly allows otherwise. The law clarifies that a land "owner" includes a possessor of a conservation easement.

Delaware

Delaware repealed provisions of laws that had expired or were no longer used as a matter of practice in medical negligence litigation.[60]

District of Columbia

The Restaurant Revitalization and Dram Shop Clarification Amendment Act provides that a licensed establishment can only be held liable for injury if it knowingly serves an alcoholic beverage to a person under twenty-one years of age or to a person who is visibly exhibiting signs of intoxication and is the proximate cause of the individual's injury.[61] Further, no civil action may be brought by the person to whom the alcoholic beverage was served who caused the injury at issue unless the person was under eighteen years of age.

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[59] S.B. 58, 74th Gen. Assemb., 2024 Reg. Sess. (Colo. 2024), *available at* https://legiscan.com/CO/bill/SB058/2024.

[60] S.B. 208, 152d Gen. Assemb. (Del. 2024), *available at* https://legiscan.com/DE/bill/SB208/2023.

[61] B25-0056 (D.C. 2024), *available at* https://legiscan.com/DC/bill/B25-0056/2023.

Florida

Florida amended its jury service law to allow women who have given birth within six months of the reporting date on a jury summons to be excused upon request.[62]

Florida also authorized civil actions by a resident, local business owner, or the attorney general against a county or municipality to enjoin practices allowing unlawful sleeping or camping on public property.[63] An application for injunction filed by a resident or business owner must include an affidavit indicating that the governmental entity has been notified of the problem in writing and that the problem was not cured within five days. If the resident or business owner prevails in a civil action, the court may award reasonable expenses incurred in bringing the civil action, including court costs, reasonable attorney fees, investigative costs, witness fees, and deposition costs.

Governor Ron DeSantis vetoed a Cybersecurity Incident Liability Act that would have provided immunity to companies facing lawsuits following a data breach if the company substantially complied with the notification provisions of the Florida Information Protection Act and substantially aligned with one of many cybersecurity standards or frameworks.[64]

The Florida Supreme Court adopted amendments to Florida Rules of Civil Procedure 1.090 (Time), 1.200 (Case Management; Pretrial Procedure), 1.201 (Complex Litigation), 1.280 (General Provisions Governing Discovery), 1.310 (Depositions on Oral Examination), 1.340 (Interrogatories to Parties), 1.350 (Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes), 1.370 (Requests for Admission), 1.380 (Failure to Make Discovery; Sanctions), 1.410 (Subpoena), 1.440 (Setting Action for Trial), and 1.460 (Motions to Continue Trial).[65] The amendments are effective January 1, 2025, and apply to cases pending on that date, except that the requirements of Rule 1.280(a) (Initial Discovery Disclosures) do not apply to actions commenced before January 1, 2025. Case management orders in effect on January 1, 2025, continue to govern

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[62] H.B. 461, 2024 Reg. Sess. (Fla. 2024), *available at* https://legiscan.com/FL/text/H0461/id/2928803.

[63] H.B. 1365, 2024 Reg. Sess. (Fla. 2024), *available at* https://legiscan.com/FL/text/H1365/id/2920154.

[64] H.B. 473, 2024 Reg. Sess. (Fla. 2024), *available at* https://legiscan.com/FL/bill/H0473/2024.

[65] *In re* Amends. to Fla. Rules of Civ. Proc., 386 So. 3d 497 (Fla. 2024), *subsequent determination*, 2024 WL 4983566 (Fla. Dec. 5, 2024).

pending actions; however, any extensions of deadlines specified in those orders are governed by amended Rules 1.200 or 1.201. For actions filed before January 1, 2025, that do not have a case management order in place by that date, a case management order must be issued by April 4, 2025.

Rule 1.090 was amended to exclude trial continuances and extensions of deadlines in case management orders from the general extension of time rule. Extensions of deadlines in case management orders are governed by Rules 1.200 or 1.201, and trial continuances are governed by Rule 1.460.

Rule 1.200 was rewritten and provides that each civil case must be assigned to one of three case management tracks (complex, streamlined, or general) within 120 days after the action commences. The assignments shall be made by an initial case management order or an administrative order on case management issued by the chief judge of the circuit. Assignment to a track is not based on the financial value of a case, but the amount of judicial attention required for resolution. According to the court, "This approach allows each circuit to customize the process that works best for that circuit given the varying levels of volume, resources, and available automation. A circuit is free to require parties to file proposed case management orders, or a circuit may produce automated case management orders, among other possible customizations."

Rewritten Rule 1.200 provides that "[i]n streamlined and general cases, the court must issue a case management order that specifies the projected or actual trial period based on the case track assignment, consistent with administrative orders entered by the chief judge of the circuit." The deadlines in the order must be "differentiated based on whether the case is streamlined or general" and "consistent with the time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B)" for the completion of civil cases. The order must include various deadlines specified in the rule (e.g., filing and service of motions for summary judgment).

New Rule 1.200 includes a detailed procedure for modifying deadlines set forth in case management orders. Deadlines in such orders "must be strictly enforced unless changed by court order," but "[p]arties may submit an agreed order to extend a deadline if the extension does not affect the ability to comply with the remaining dates in the case management order." Once an actual trial period is set, requests for modifications are governed by Rule 1.460. And "[i]f a trial is not reached during the trial period set by court order, the court must enter an order setting a new trial period that is as soon as practicable, given the needs of the case and resources of the court."

The new rule also includes provisions regarding case management conferences and pretrial conferences. A "court may set case management conferences at any time on its own notice or on proper notice by a party." But "[i]f noticed by a party, the notice itself must identify the specific issues to be addressed during the case management conference and must also provide a list of all pending motions." During a case management conference, the court may address scheduling issues and other issues that may impact trial of the case. On reasonable notice to the parties, the court may address any pending motions other than motions for summary judgment and motions requiring evidentiary hearings.

Complex cases proceed under Rule 1.201, which was amended to provide that a court may hold a hearing to determine whether a case should be designated as complex. In addition, Rule 1.201 was amended to provide that "[t]he parties must notify the court immediately if a case management conference or hearing time becomes unnecessary" and to expressly state that motions for trial continuances are governed by Rule 1.460.

The amended rules adjust the conferral language in Rules 1.201 and 1.460 to account for new Florida Rule of Civil Procedure 1.202 (Conferral Prior to Filing Motions). Amended Rule 1.201 clarifies that, while Rule 1.202 requires conferral before a motion is filed, Rule 1.201(c)(4) is intended to require a conferral closer to the hearing date to ensure that the reserved hearing time is necessary. Conferral language in Rule 1.460(d) was deleted as it was duplicative of Rule 1.202.

Rule 1.280 was amended to incorporate into the scope of discovery provisions the proportionality language of Federal Rule of Civil Procedure 26(b)(1). A Court Commentary explains that the rule is "to be construed and applied in accordance with the federal proportionality standard." According to the court, the language should "lead practitioners and judges to look to federal history and precedents when applying proportionality." And "[t]o avoid discovery objections that just generally cite proportionality without any further explanation," amended Rules 1.340 and 1.350 require providing the grounds for objecting "with specificity," "including the reasons." Also, a Court Commentary was added to Rule 1.340 explaining that "[a]ny use of standard interrogatories must be adjusted for proportional discovery."

Amended Rule 1.280 also requires certain initial discovery disclosures "within 60 days after the service of the complaint or joinder, unless a different time is set by court order." There is a duty to supplement or correct a previous disclosure if some material aspect of a prior disclosure or response is found to

be incomplete or incorrect and this has not otherwise been made known to the other parties during discovery.

To address the lack of coordination between the timing of initial discovery disclosures and the timing of the first set of discovery requests, amended Rule 1.280 states, "A party may not seek discovery from any source before that party's initial disclosure obligations are satisfied, except when authorized by these rules, by stipulation, or by court order."

In Rule 1.350, the court added language providing that "[a]n objection must state whether any responsive materials are being withheld on the basis of that objection." According to the court, "[a]dding this federal sentence to Florida's rule should eliminate resources being needlessly wasted on objections where no materials are being withheld." The court also added language from Federal Rule of Civil Procedure 34 stating that "[a]n objection to part of a request must specify the part and permit inspection of the rest." According to the court, "This addition should help discovery progress when there is only an objection to part of a request."

Amended Rule 1.380 provides an enforcement mechanism for the initial discovery disclosure and supplemental discovery obligations that were added in Rule 1.280. The amendments also detail the sanctions available when a party fails to disclose or to supplement an earlier response. A sanction was included for a violation of the discovery certification added in Rule 1.280. According to the court, "This change will make the certification requirement more meaningful and hopefully more effective in eliminating noncompliant discovery."

Amended Rule 1.440 eliminates the "at issue" requirement and instead provides that "[t]he failure of the pleadings to be closed will not preclude the court from setting a case for trial." Amended Rule 1.440 also requires the court to enter an order fixing the trial period "not later than 45 days before the projected trial period set forth in the case management order."

Rule 1.460 was rewritten and provides that "[m]otions to continue trial are disfavored and should rarely be granted and then only upon good cause shown." The new rule sets forth requirements for what must be included in a motion for a trial continuance and explains that "[i]f a continuance is granted based on the dilatory conduct of an attorney or named party, the court may impose sanctions on the attorney, the party, or both."

Separately, the Florida Supreme Court amended Florida Rule of Civil Procedure 1.510 and adopted a new Florida Rule of Civil Procedure 1.202 to complement the court's case management amendments.[66]

New Rule 1.202 require parties to confer before filing non-dispositive motions. The movant must certify, at the end of such motions and above the signature block, that the movant conferred with the opposing party and state whether the opposing party agrees on the resolution of all or part of the motion. If the opposing party does not respond, the movant shall describe with particularity the efforts made to confer with the opposing party prior to filing the motion. Alternatively, the movant may certify that conferral prior to filing is not required under Rule 1.202. The requirements of the rule do not apply when the movant or nonmovant is unrepresented by counsel or prior to filing certain motions that are listed in the rule. Failure to comply with the rule's conferral requirements "may result in an appropriate sanction, including denial of a motion without prejudice." The "purposeful evasion" of a conferral communication also "may result in an appropriate sanction."

Amended Rule 1.510 ties the deadline to respond to a motion for summary judgment to the date of service of the motion (rather than to the hearing date). A motion for summary judgment must be filed and served "consistent with any court-ordered deadlines." A response must be served "[n]o later than 40 days after service of the motion for summary judgment." Amended Rule 1.510 specifies that "[a]ny hearing on a motion for summary judgment must be set for a date at least 10 days after the deadline for serving a response, unless the parties stipulate or the court orders otherwise."

Georgia

Georgia's Data Analysis for Tort Reform Act directed the Commissioner of Insurance and Safety Fire to gather recent tort lawsuit data from insurers, insurance ratings organizations, and state agencies and prepare an initial report to the governor's office and legislative committees on the degree to which tort-related risks are reflected in insurance premiums, the specific tort-related risks that have the largest monetary impact on insurance premiums, and the potential impact of tort reform.[67] Commissioner of Insurance and Safety Fire

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[66] *In re* Amends. to Fla. Rule of Civ. Proc. 1.510 and New Fla. Rule of Civ. Proc. 1.202, 386 So. 3d 117 (Fla. 2024), *subsequent determination*, 2024 WL 4982906 (Fla. Dec. 5, 2024).

[67] H.B. 1114, 2024 Gen. Assemb., 2023-2024 Reg. Sess. (Ga. 2024), *available at* https://legiscan.com/GA/bill/HB1114/2023.

John King submitted his report on November 1, 2024.[68] The report found that "[c]laims frequency has steadily increased between 2014 and 2023," the "average claim payout has risen, further exacerbating the financial burden on insurers and policyholders," a "growing percentage of claim payments are full-limits claims," the "number of large losses, defined as losses over $1 million, have steadily increased," and "legal involvement in claims has grown significantly, resulting in a drastic increase in paid indemnity."[69] The report recommended a number of "policy levers for tort reform legislation," including changes to address "inflated medical costs and third-party litigation funding."[70]

Georgia amended its Georgia Civil Practice Act to revise and provide clarity regarding acceptance of time-limited settlement offers for personal injury or death claims arising from motor vehicle collisions.[71]

Georgia also barred direct actions against insurers after a truck accident, except when the motor carrier is insolvent or personal service cannot be effected against the motor carrier or the driver at issue.[72]

Another new Georgia law limits the liability of mental health care providers to actions showing gross negligence and provides that punitive damages shall not be awarded against a mental health care provider unless the claimant proves that the provider's actions showed willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm.[73]

Georgia also amended a prior law relating to false solicitation in legal services advertisements and amended the state's anti-telemarketing laws to allow class actions against violators, among other changes.[74]

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[68] *Data Analysis for Tort Reform Act*, OFF. OF COMM'R OF INS. AND SAFETY FIRE, COMM'R JOHN F. KING (Nov. 1, 2024), https://oci.georgia.gov/document/document/hb-1114-data-analysis-tort-reform-act-report/download.

[69] *Id.* at 2-3.

[70] *Id.* at 6.

[71] S.B. 83, 2024 Gen. Assemb., 2023-2024 Reg. Sess. (Ga. 2024), *available at* https://legiscan.com/GA/bill/SB83/2023.

[72] S.B. 426, 2024 Gen. Assemb., 2023-2024 Reg. Sess. (Ga. 2024), *available at* https://legiscan.com/GA/bill/SB426/2023.

[73] H.B. 1409, 2024 Gen. Assemb., 2023-2024 Reg. Sess. (Ga. 2024), *available at* https://legiscan.com/GA/bill/HB1409/2023.

[74] S.B. 73, 2024 Gen. Assemb., 2023-2024 Reg. Sess. (Ga. 2024), *available at* https://legiscan.com/GA/bill/SB73/2023.

Hawaii

Hawaii expanded the time period for initiating a civil action for childhood sexual abuse committed on or after July 1, 2024.[75]

Idaho

The Idaho Supreme Court approved amendments to various Idaho court rules effective July 1, 2024.[76]

Illinois

The Biometric Privacy Act was amended to limit damages and provide for electronic consent.[77] An entity that more than once collects or discloses a person's biometric identifier or biometric information from the same person in violation of the Act has committed a single violation for which the aggrieved person is entitled to a single recovery.

Illinois passed legislation requiring employers to notify employees when artificial intelligence tools are used for "recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure, or the terms, privileges, or conditions of employment" and made it a civil rights violation to use artificial intelligence that has the effect of subjecting employees to discrimination on the basis of specified protected classes or to use zip codes as a proxy for such protected classes.[78]

Indiana

Indiana enacted legislation allowing evidence of a plaintiff's failure wear a seat belt to be admitted to mitigate damages in a personal injury or wrongful death action if the plaintiff was at least fifteen years old at the time of the incident and was inside a vehicle manufactured after September 1, 1986, that had at least one inflatable restraint system.[79]

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[75] S.B. 2601, 32d Leg., Reg. Sess. (Haw. 2024), *available at* https://legiscan.com/HI/bill/SB2601/2024.

[76] *In re* Adoption of Idaho Court Administrative Rule 101; Amendments to Idaho Rules of Civil Procedure 1 and Idaho Rules for Electronic Filing and Service 5 (Idaho Sept. 30, 2024), *available at* https://isc.idaho.gov/rules/In_Re%20Amended_Order-Adoption_of_ICAR_101_Amendments_to_IRCP_1_and_IREFS_5_(9-30-24).pdf.

[77] S.B. 2979, 103d Gen. Assemb. (Ill. 2024), *available at* https://legiscan.com/IL/text/SB2979/2023.

[78] H.B. 3773, 103d Gen. Assemb. (Ill. 2024), *available at* https://legiscan.com/IL/text/HB3773/id/3002985.

[79] H.B. 1090, 123d Gen Assemb., 2d Reg. Sess. (Ind. 2024), *available at* https://legiscan.com/IN/text/HB1090/2024.

Indiana also enacted commercial litigation finance legislation.[80] Plaintiffs and their attorneys must provide each party in a civil case and any insurer that has a duty to defend a party in the case with written notice of any commercial litigation financing agreement that is financed by a foreign person. Commercial litigation finance agreements that are funded by a "foreign entity of concern" are prohibited. Commercial litigation funding agreements are subject to discovery under the Indiana Rules of Trial Procedure. A party may not disclose or share information with a commercial litigation financier that is subject to a protective order. Commercial litigation funders are prohibited from making any decision, having any influence, or directing the plaintiff or the plaintiff's attorneys with respect to the conduct of the underlying case or any settlement or resolution thereof.

The Indiana Supreme Court approved funding for a regulatory sandbox program and directed the court's Innovation Committee to develop initial parameters for the program and provide the guidelines to the court by March 1, 2025.[81]

Kansas

Kansas increased the jurisdictional limit of small claims courts from $4,000 to $10,000.[82]

Kentucky

Kentucky revised the statute of limitations for civil actions alleging childhood sexual assault or abuse.[83]

Kentucky also established a three-year statute of limitations for actions against employers for wrongful discharge in violation of public policy and amended the personal jurisdiction statute to allow courts to exercise jurisdiction over a person "who is a party to a civil action on any basis consistent with the Kentucky Constitution and the Constitution of the United States,"

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[80] H.B. 1160, 123d Gen Assemb., 2d Reg. Sess. (Ind. 2024), *available at* https://legiscan.com/IN/bill/HB1160/2024.

[81] Order on Interim Recommendations Made by the Commission on Indiana's Legal Future, No. 24S-MS-116 (Ind. Oct. 3, 2024), *available at* https://www.in.gov/courts/files/order-other-2024-24S-MS-116b.pdf.

[82] H.B. 2604, 2024 Leg., 2024 Special Sess. (Kan. 2024), *available at* https://legiscan.com/KS/bill/HB2604/2023.

[83] H.B. 278, 2024 Reg. Sess. (Ky. 2024), *available at* https://legiscan.com/KY/bill/HB278/2024.

including causing injury in the Commonwealth by a product designed, manufactured, or marketed outside of Kentucky which is used in or regularly available for purchase in Kentucky.[84]

A new consumer data privacy law applies to companies doing business in Kentucky or producing products or services that are targeted to Kentucky residents and that control or process the personal data of at least 100,000 consumers or control or process the personal data of at least 25,000 consumers and derive more than fifty percent of their gross revenue from the sale of personal data.[85] The Kentucky Attorney General has exclusive enforcement authority, subject to a thirty-day cure period. The Act takes effect January 1, 2026.

The Kentucky Supreme Court amended Kentucky Rule of Evidence 702 to conform to the 2023 amendments to Federal Rule of Evidence 702.[86]

Louisiana

Louisiana amended Code of Evidence Article 702 to mirror the 2023 amendments to Federal Rule of Evidence 702.[87]

Louisiana also made various changes to good faith and fair dealing laws governing catastrophic loss settlement practices.[88] Payments for catastrophic losses on residential properties must be made within sixty days, and within ninety days for catastrophic losses on immovable property other than a residential property, following the receipt of satisfactory proof of loss. Policyholders must give a property insurer a sixty-day cure period and written notice before filing a lawsuit for an insurer's violation of the law.[89]

In addition, Louisiana amended its direct action statute to provide that a person shall have no direct action against an insurer unless at least one of the following applies: (1) the insured files for bankruptcy in a court of competent jurisdiction or when proceedings to adjudge an insured bankrupt have been commenced before a court of competent jurisdiction; (2) the insured is insolvent; (3) service of citation or other process has been attempted without success or the insured defendant refuses to answer or otherwise defend the action

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[84] H.B. 320, 2024 Reg. Sess. (Ky. 2024), *available at* https://legiscan.com/KY/bill/HB320/2024.

[85] H.B. 15, 2024 Reg. Sess. (Ky. 2024), *available at* https://legiscan.com/KY/bill/HB15/2024.

[86] *In re* Amend. of Rule 506 and Rule 702 of the Ky. Rules of Evidence, No. 2024-19 (Ky. June 24, 2024), *available at* https://www.kycourts.gov/Courts/Supreme-Court/Supreme%20Court%20Orders/202419.pdf.

[87] S.B. 16, 2024 Reg. Sess. (La. 2024), *available at* https://legiscan.com/LA/bill/SB16/2024.

[88] S.B. 323, 2024 Reg. Sess. (La. 2024), *available at* https://legiscan.com/LA/bill/SB323/2024.

[89] *Id.*

within 180 days of service; (4) the cause of action is for damages as a result of an offense or quasi-offense between children and their parents or between married persons; (5) the insurer is an uninsured motorist carrier; (6) the insured is deceased; or (7) the insurer is defending the lawsuit under a reservation of rights, or the insurer denies coverage to the insured, but only for the purpose of establishing coverage.[90]

The Pelican State also repealed a law requiring actions against foreign or alien insurers to be brought in East Baton Rouge, leaving venue in such actions to be determined by the general venue rules.[91]

Another new law limits the liability of motor vehicle operators for harm caused to certain persons who are injured while illegally blocking a road or highway.[92]

The Transparency and Limitations on Foreign Third-Party Litigation Funding Act provides that in civil cases involving a third-party litigation funder that is funded by a foreign entity, the funder must disclose to the state's attorney general the name, address, and citizenship of any foreign entity that has a right to receive or obligation to make a payment that is contingent on the outcome of the case.[93] The funder also must disclose whether the foreign entity has received or is entitled to receive proprietary information or information affecting national security interests. The attorney general shall receive a copy of the funding agreement. Foreign third-party litigation funders are prohibited from directing or making litigation decisions and cannot be assigned rights to or in a civil action other than the right to receive a share of the proceeds pursuant to the litigation financing agreement.

The Litigation Financing Disclosure Act, enacted in the same legislation, provides that a litigation funder shall not decide, influence, or direct a funded party's litigation decisions, including the conduct of the underlying civil proceeding or any settlement or resolution thereof. The existence of a litigation financing agreement is subject to discovery in accordance with the Code of Civil Procedure and Code of Evidence.

Finally, Louisiana amended its offer of judgment statute to provide that if a defendant serves an offer of judgment upon the plaintiff and the final

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[90] H.B. 337, 2024 Reg. Sess. (La. 2024), *available at* https://legiscan.com/LA/bill/HB337/2024.

[91] H.B. 88, 2024 Reg. Sess. (La. 2024), *available at* https://legiscan.com/LA/bill/HB88/2024.

[92] H.B. 383, 2024 Reg. Sess. (La. 2024), *available at* https://legiscan.com/LA/text/HB383/id/2945962.

[93] S.B. 355, 2024 Reg. Sess. (La. 2024), *available at* https://legiscan.com/LA/bill/SB355/2024.

judgment is in favor of the defendant, the plaintiff must pay the defendant's costs, exclusive of attorney fees, incurred after the offer.[94]

Governor Jeff Landry vetoed collateral source reform legislation.[95]

Maryland

Maryland enacted Online Data Privacy Act legislation applicable to companies that conduct business in Maryland or provide products or services that are targeted to Maryland residents and that control or process the personal data of at least 35,000 consumers or control or process the personal data of at least 10,000 consumers and derive more than twenty percent of their gross revenue from the sale of personal data.[96] The Maryland Attorney General has exclusive enforcement authority, subject to a sixty-day cure period.

Maryland also enacted legislation to "permit the proportionate distribution of liability among parties believed to bear responsibility"[97] for the cargo ship Dali's collision with the Francis Scott Key Bridge.[98]

Another new Maryland law limits the use of releases that purport to limit a recreational facility's liability or release a recreational facility from liability for injury resulting from the negligence or other wrongful acts of the facility or its agent or on-duty employees.[99]

New legislation prohibits firearm industry members from knowingly creating, maintaining, or contributing to harm to the public through the sale, manufacture, distribution, importation, or marketing of a firearm-related product under certain circumstances.[100] The attorney general, a county attorney, or the Baltimore City solicitor may bring a public nuisance action against a firearm industry member for violating these duties.

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[94] S.B. 84, 2024 Reg. Sess. (La. 2024), *available at* https://legiscan.com/LA/bill/SB84/2024.

[95] H.B. 423, 2024 Reg. Sess. (La. 2024), *available at* https://legiscan.com/LA/bill/HB423/2024; *see also* Tyler Bridges & James Finn. *Jeff Landry Vetoes Legal Bill, Receives Praise from Trial Lawyers, Dismay From Business Community*, NOLA.COM, June 19, 2024, https://www.nola.com/news/politics/jeff-landry-vetoed-a-legal-bill-opposed-by-trial-lawyers/article_46cec8e0-2db9-11ef-bb90-5f1f1d800095.html#:~:text=Landry%20vetoed%20House%20Bill%20423,during%20last%20year's%20election%20campaign.

[96] S.B. 541, 2024 Reg. Sess. (Md. 2024), *available at* https://legiscan.com/MD/bill/SB541/2024.

[97] Madeleine O'Neil, *Last-Minute Bill Will Help Maryland AG's Office Pursue Damages in Key Bridge Collapse*, THE DAILY RECORD (Apr. 12, 2024), https://thedailyrecord.com/2024/04/12/last-minute-bill-will-help-maryland-ags-office-pursue-damages-in-key-bridge-collapse/.

[98] S.B. 680, 2024 Reg. Sess. (Md. 2024), *available at* https://legiscan.com/MD/bill/SB680/2024.

[99] S.B. 452, 2024 Reg. Sess. (Md. 2024), *available at* https://legiscan.com/MD/bill/SB452/2024.

[100] H.B. 947, 2024 Reg. Sess. (Md. 2024), *available at* https://legiscan.com/MD/bill/HB947/2024.

The Maryland Supreme Court adopted amendments to the Maryland Rules of Procedure including Rules 3-633 (discovery in aid of enforcement) and 3-634 (judgment debtor fact information sheet) and appellate Rules 8-303 (petition for writ of certiorari-proceeding) and 8-511 (amicus curiae).[101]

Michigan

The Michigan Supreme Court amended Michigan Rule of Evidence 702 to conform to the 2023 amendments to Federal Rule of Evidence 702.[102]

Minnesota

Minnesota enacted a Consumer Data Privacy Act applicable to companies doing business in Minnesota or producing products or services that are targeted to Minnesota residents and that control or process the personal data of at least 100,000 consumers or control or process the personal data of at least 25,000 consumers and derive at least twenty-five percent of their gross revenue from the sale of personal data.[103] The Minnesota Attorney General has exclusive enforcement authority, subject to a thirty-day cure provision that expires on January 31, 2026. Any controller or processor that violates the Act is subject to an injunction and a civil penalty of not more than $7,500 for each violation.

Missouri

Missouri voters approved Proposition A, known as the Minimum Wage and Earned Paid Sick Time Initiative.[104] Proposition A raises the minimum wage, requires paid sick and domestic violence leave, and allows lawsuits against an employer that "refuses to allow the employee to use the paid leave provided for in the proposal or otherwise control the excessive use of such

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[101] Maryland Supreme Court, Rules Order (Apr. 5, 2024), *available at* https://www.mdcourts.gov/sites/default/files/rules/order/ro221st.pdf; *see also* Maryland Supreme Court, Rules Order (Nov. 13, 2024), *available at* https://www.mdcourts.gov/sites/default/files/rules/order/ro223cats8to13.pdf.

[102] Michigan Supreme Court, Order, Amendments of Rules 702 and 804 of the Michigan Rules of Evidence, ADM File No. 2022-30 (Mar. 27, 2024), *available at* https://www.courts.michigan.gov/49607b/siteassets/rules-instructions-administrative-orders/proposed-and-recently-adopted-orders-on-admin-matters/adopted-orders/2022-30_2024-03-27_formor_amdmre702-804.pdf.

[103] H.F. 4757, 93d Leg. (Minn. 2023–24), *available at* https://legiscan.com/MN/bill/HF4757/2023.

[104] Missouri Proposition A, Minimum Wage and Earned Paid Sick Time Initiative, *available at* https://www.sos.mo.gov/CMSImages/Elections/Petitions/2024-038.pdf.

leave OR if the employer takes action against an employee that has used the paid leave."[105] There is a three-year statute of limitations for filing such claims.

Nebraska

Nebraska enacted a Data Privacy Act applicable to companies doing business in Nebraska or producing products or services consumed by Nebraska residents and that process or engage in the sale of personal data. The Act does not include small businesses unless the small business engages in the sale of sensitive data without receiving a consumer's prior consent.[106] The Nebraska Attorney General has exclusive enforcement authority, subject to a thirty-day cure period.

Governor Jim Pillen vetoed an amendment to Nebraska's Political Subdivisions Tort Claims Act that would have allowed tort claims involving child abuse or sexual assault of a child when the harm resulted from the failure of a political subdivision or its employee to exercise reasonable care to either (1) control a person over whom the political subdivision has taken charge or (2) protect a person who is in a political subdivision's care, custody, or control from harm caused by a non-employee actor.[107]

Nebraska voters approved a ballot measure known as the Nebraska Healthy Families and Workplaces Act to provide eligible employees the right to earn paid sick time for personal or family health needs and allow employees to file suit for legal and equitable relief, including attorney's fees, to effectuate the purposes of the Act.[108] There is a four-year statute of limitations for filing such claims.

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[105] Ray McCarty, *Next Steps to Fight Prop A: Measure Allows Lawsuits Against Employers for Enforcing Sick Leave Policies*, ASS'D INDUS. OF MO., Nov. 6, 2024, https://www.voiceofmobusiness.com/post/next-steps-to-fight-prop-a-measure-allows-lawsuits-against-employers-for-enforcing-sick-leave-polic.

[106] L.B. 1074, 108th Leg. (Neb. 2023–24), *available at* https://legiscan.com/NE/bill/LB1074/2023.

[107] L.B. 25, 108th Leg. (Neb. 2023–24), *available at* https://legiscan.com/NE/bill/LB25/2023.

[108] Nebraska Initiative 436, Nebraska Healthy Families and Workplaces Act, https://sos.nebraska.gov/sites/default/files/doc/elections/Petitions/2024/Paid%20Sick%20Leave%20Initiative.pdf.

Nevada

The group Nevadans for Fair Recovery submitted more than 200,000 signatures for a proposed 2026 ballot initiative to cap attorney fees in civil cases at twenty percent.[109]

The Nevada Supreme Court adopted amendments to the Nevada Rules of Appellate Procedure.[110]

New Hampshire

New Hampshire increased caps on wrongful death loss of consortium claims.[111] The previous $150,000 limit for spousal claimants was raised to $500,000, and the cap was raised from $50,000 to $300,000 per child where the decedent was a parent of a minor child or children.

New Hampshire enacted data privacy legislation applicable to companies doing business in New Hampshire or producing products or services that are targeted to New Hampshire residents and that control or process the personal data of at least 100,000 consumers or control or process the personal data of at least 25,000 consumers and derive more than twenty-five percent of their gross revenue from the sale of personal data.[112] The state's attorney general has exclusive enforcement authority, subject to a sixty-day cure period.

Another new law bans certain consumer products containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) and provides that funds received by the state in settlement of PFAS litigation will be deposited into a drinking water and groundwater trust fund to provide grants and loans to public water systems whose water sources have been impacted by PFAS above applicable standards.[113]

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[109] Katelyn Newberg, *Uber-Backed Group Continues Drive for Cap on Attorney Fees*, LAS VEGAS REV.-J., Sept. 11, 2024, https://www.reviewjournal.com/news/politics-and-government/nevada/uber-backed-group-continues-drive-for-cap-on-attorney-fees-3167480/; *see also* Nevadans for Fair Recovery, https://nevadansforfairrecovery.com/.

[110] In the Matter of the Creation of a Commission on Nevada Rules of Appellate Procedure, Order Amending the Nevada Rules of Appellate Procedure (Nev. June 7, 2024), https://nvcourts.gov/__data/assets/pdf_file/0027/44748/ADKT_0580_Order_Amending_Rules_filed_on_6_7_2024.pdf.

[111] S.B. 462, Gen. Ct., 2024 Reg. Sess. (N.H. 2024), *available at* https://legiscan.com/NH/bill/SB462/2024.

[112] S.B. 255, Gen. Ct., 2024 Reg. Sess. (N.H. 2024), *available at* https://legiscan.com/NH/bill/SB255/2024.

[113] H.B. 1649, Gen. Ct., 2024 Reg. Sess. (N.H. 2024), *available at* https://legiscan.com/NH/bill/HB1649/2024.

Governor Christopher Sununu vetoed PFAS facility liability legislation.[114] He said the legislation "would encompass any facility that previously used PFAS at their location, such as fire stations and other municipal facilities" and "would be inappropriate and unnecessarily burdensome to those entities."[115]

New Jersey

New Jersey increased liability insurance coverage requirements on commercial motor vehicles.[116] Owners of commercial motor vehicles registered or principally garaged in New Jersey must maintain liability insurance coverage of (1) $300,000 for vehicles with a gross vehicle weight rating between 10,001 and 26,001 pounds, and (2) $1.5 million for vehicles with a gross vehicle weight rating of 26,001 or more pounds.

New Jersey also enacted data privacy legislation applicable to companies doing business in New Jersey or producing products or services that are targeted to New Jersey residents and that control or process the personal data of at least 100,000 consumers or control or process the personal data of at least 25,000 consumers and derive revenue from the sale of personal data.[117] The New Jersey Attorney General has exclusive enforcement authority.

The contingency fee cap in the state's workers' compensation law was raised from 20% to 25%.[118]

The New Jersey Supreme Court adopted amendments to the Rules Governing the Courts of the State of New Jersey effective September 1, 2024.[119] Among other changes, the amended rules establish new meet and confer requirements under Rule 4:14-2 and change Rule 4:22-1 to allow a written request to admit the truth of matters "relating to facts, the application of law to fact, or opinions about either" as in Federal Rule of Civil Procedure 36(a).

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[114] H.B. 1415, Gen. Ct., 2024 Reg. Sess. (N.H. 2024), *available at* https://legiscan.com/NH/bill/HB1415/2024.

[115] Gov. Christopher T. Sununu, Veto Message Regarding H.B. 1415 (Aug. 2, 2024), *available at* https://www.governor.nh.gov/sites/g/files/ehbemt336/files/inline-documents/hb1415-veto-message.pdf.

[116] S.B. 2841, 2023 Reg. Sess. (N.J. 2024), *available at* https://legiscan.com/NJ/bill/S2841/2022.

[117] S.B. 332, 2024 Reg. Sess. (N.J. 2024), *available at* https://legiscan.com/NJ/bill/S332/2022.

[118] S.B. 2822, 2024 Reg. Sess. (N.J. 2024), *available at* https://legiscan.com/NJ/bill/S2822/2024.

[119] Supreme Court of New Jersey, Order Adopting Amendments to the Rules Governing the Courts of the State of New Jersey, July 15, 2024, *available at* https://www.njcourts.gov/sites/default/files/notices/2024/07/n240719c.pdf?cb=d73565bb.

New Mexico

The New Mexico Supreme Court approved various new, amended, and withdrawn rules and forms.[120]

New York

Governor Kathy Hochul vetoed legislation that would have authorized much larger awards in wrongful death cases by expanding recoverable damages to include noneconomic damages.[121] Today, surviving family members may recover pecuniary losses resulting from a loved one's wrongful death, such as medical and funeral costs related to the death, wages the decedent would have earned, and the value of lost services provided by the decedent such as childcare. The Grieving Families Act would have permitted uncapped recoveries for "grief or anguish" and "loss of nurture, guidance, counsel, advice, training and education resulting from the decedent's death." Further, the bill would have allowed wrongful death claims to be filed by a decedent's spouse or domestic partner, the decedent's distributees, and any person standing in loco parentis to the decedent or to whom the decedent stands in loco parentis. The current two-year statute of limitations for wrongful death cases would have been extended to three years. The legislation would have applied retroactively to causes of action that accrued on or after January 1, 2021.

Governor Hochul vetoed substantially similar legislation twice before. In late 2023, she explained that the legislation "represented a foundational shift in New York's wrongful death jurisprudence and would have likely resulted in significant unintended consequences."[122] Earlier, she expressed concern that the legislation "would increase already-high insurance burdens on families and small businesses and further strain already-distressed healthcare workers and institutions."[123]

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[120] New Mexico Courts, Supreme Court, New, Amended, and Withdrawn Rules and Forms in 2024, *available at* https://supremecourt.nmcourts.gov/2024-approved-amendments-to-rules-and-forms/.

[121] Gov. Kathy Hochul, Veto No. 122, A.9232B, Dec. 21, 2024; N.Y. S.28485B/A.9232B (2024).

[122] Gov. Kathy Hochul, Veto No. 151, A.6698, Dec. 29, 2023. Compared to the 2023 legislation, the 2024 legislation does not authorize damages for "loss of love, society, protection, comfort, companionship, and consortium" resulting from the decedent's death; the Act is less expansive as to the persons who are eligible to recover damages in wrongful death actions; and the Act applies to causes of action that accrued on or after January 1, 2021, rather than July 1, 2018.

[123] Gov. Kathy Hochul, Veto No. 192, S.74A, Jan. 30, 2023. The Governor indicated a willingness to sign a narrower law to benefit parents of children killed in accidents unrelated to medical

New York established a climate change adaptation cost recovery program requiring companies that have allegedly contributed significantly to the buildup of climate-warming greenhouse gases in the atmosphere to bear a share of the costs of infrastructure investments to adapt to climate change.[124]

The Committee on Professional Ethics of the New York City Bar Association issued a formal opinion stating that lawyers may hold a financial interest in alternative business structures in jurisdictions that let such entities provide legal services, provided the lawyer is merely a financial investor, and not practicing law through the entity.[125]

North Dakota

The North Dakota Supreme Court amended North Dakota Rule of Civil Procedure 81 and North Dakota Rules of Evidence 106 and 615 effective March 1, 2025, along with other court rules.[126] North Dakota Rules of Evidence 106 and 615 were amended in response to the 2023 amendments to the federal rules. The court rejected an amendment to North Dakota Rule of Civil Procedure 68 that was opposed by businesses.[127]

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malpractice, but this was rejected by the bill's sponsors. N.Y. Gov. Kathy Hochul, *Hochul to Legislature: Let's Agree on Helping Grieving Families Before Tuesday's Midnight Deadline*, N.Y. DAILY NEWS, Jan. 30, 2023, https://www.nydailynews.com/opinion/ny-oped-lets-agree-on-helping-grieving-families-today-before-midnight-deadline-20230130-jim7ltxwofdm3nwurnidmi6mvi-story.html; Sen. Brad Hoylman-Sigal, Press Release, *Assembly Member Weinstein And Senator Hoylman-Sigal Respond To Governor Hochul's Op-Ed On The Grieving Families Act*, Jan. 30, 2023, *available at* https://www.nysenate.gov/newsroom/press-releases/brad-hoylman-sigal/assembly-member-weinstein-and-senator-hoylman-sigal.

[124] N.Y. S.2129/A.3351 (2024), *available at* https://www.nysenate.gov/legislation/bills/2023/S2129/amendment/A.

[125] The Association of the Bar of the City New York, Committee on Professional Ethics, Formal Opinion 20024-4: Lawyers Associating With Alternative Business Entities (July 18, 2024), *available at* https://www.nycbar.org/reports/formal-opinion-2024-4-lawyers-associating-with-alternative-legal-business-entities/.

[126] N.D. Supreme Court, Amendments to North Dakota Rules of Civil Procedure; North Dakota Rules of Criminal Procedure; North Dakota Rules of Evidence; North Dakota Rules of Appellate Procedure; North Dakota Rules of Court; North Dakota Supreme Court Administrative Rules; and North Dakota Rules of Juvenile Procedure, No. 20240181 (N.D. Oct. 16, 2024), https://portal-api.ctrack.ndcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/8e63a31a-bf88-42eb-af0e-db790204dc4d/docketentrydocuments/bc134e49-f9a3-432f-8e7a-866dd4a10e12.

[127] Letter from Molly Land & Krista LeBaron, Am. Prop. Cas. Ins. Ass'n, to Peter H. Mandigo Hulm, Clerk of the North Dakota Supreme Court, Comments in Opposition to Proposed Amendments to Rule 68 of the North Dakota Rules of Civil Procedure, Oct. 14, 2024, https://portal-api.ctrack.ndcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/8e63a31a-bf88-42eb-af0e-db790204dc4d/docketentrydocuments/89339d12-f251-4436-8f47-bb823a3758ff.

Ohio

Ohio addressed over-naming in asbestos cases.[128] Within sixty days of filing an asbestos action, a plaintiff must provide the parties with a sworn statement specifying the basis for each claim against each defendant, including detailed exposure history information and the names of each person who is knowledgeable about the plaintiff's exposures to asbestos, along with supporting documentation. On motion by a defendant, the court shall dismiss the plaintiff's asbestos claim without prejudice if the defendant's asbestos-containing product or site is not identified in the required disclosures or if the plaintiff fails to provide the required information. Dismissal may be avoided "upon a showing of good cause by the plaintiff."

Ohio's jury service law was amended to allow mothers who are nursing infants age one or younger to avoid jury duty if the prospective juror provides a signed affidavit stating as much.[129]

Ohio enacted legislation adding provisions on vicarious liability and providing that the tolling of the limitations period in certain situations does not apply to statutes of repose.[130]

The Ohio Supreme Court amended Ohio Rule of Evidence 702 to mirror the 2023 amendments to Federal Rule of Evidence 702.[131]

Rhode Island

The Rhode Island Data Transparency and Privacy Protection Act applies to companies doing business in Rhode Island or producing products or services that are targeted to Rhode Island residents and that control or process the personal data of at least 35,000 consumers or control or process the personal data of at least 10,000 consumers and derive more than twenty percent of their gross revenue from the sale of personal data.[132] The Rhode Island Attorney General has exclusive enforcement authority. The Act takes effect January 1, 2026.

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[128] S.B. 63, 135th Gen. Assemb. (Ohio 2024), https://legiscan.com/OH/text/SB63/id/2851510.

[129] H.B. 34, 135th Gen. Assemb. (Ohio 2024), *available at* https://legiscan.com/OH/bill/HB34/2023.

[130] H.B. 179, 135th Gen. Assemb. (Ohio 2024) (overturning Elliott v. Durrani, 216 N.E.3d 641 (Ohio 2022)), *available at* https://legiscan.com/OH/bill/HB179/2023.

[131] Ohio R. Evid. 702 (amended July 1, 2024), *available at* https://www.supremecourt.ohio.gov/docs/LegalResources/Rules/evidence/evidence.pdf.

[132] S.B. 2500, 2024 Reg. Sess. (R.I. 2024), *available at* https://legiscan.com/RI/text/S2500/id/3009034.

South Carolina

South Carolina took a modest step toward reforming its judicial selection method.[133] Presently, a Judicial Merit Selection Commission comprised of ten members—five appointed by the Senate and five appointed by the House of Representatives—screens and recommends candidates for judicial office to the General Assembly. Beginning July 1, 2025, the governor will have four picks on an expanded twelve-member Commission.[134] All of the commissioners appointed by the governor must be members in good standing of the South Carolina Bar with at least ten years' legal experience. Governor Henry McMaster described the law as "a first step . . . in implementing meaningful judicial reform."[135]

Tennessee

Tennessee abolished the collateral source rule in health care liability actions.[136] Medical expense awards in health care liability actions are limited to past and future actual economic losses (i.e., amounts that have been paid or will be paid by the claimant and amounts the claimant's providers have accepted or will accept as full payment for reasonable and necessary medical care, rehabilitation services , or custodial care).

"Danielle's Law" extends the statute of limitations for sexual assault in adulthood to three years or five years depending on whether law enforcement was notified of the assault.[137]

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[133] *Pace on South Carolina's 'Desperately Incestuous' Legal System: 'It's a Horrible Cycle of Back Scratching At The Expense of The General Public'*, PALMETTO STATE NEWS, Oct. 21, 2024, https://palmettostatenews.com/stories/664996704-pace-on-south-carolina-s-desperately-incestuous-legal-system-it-s-a-horrible-cycle-of-back-scratching-at-the-expense-of-the-general-public.

[134] S.B. 1046, 125th Gen. Assemb., 2024 Reg. Sess. (S.C. 2024), *available at* https://legiscan.com/SC/bill/S1046/2023.

[135] Letter from Gov. Henry McMaster to Senate President Thomas C. Alexander and Members of the Senate re S. 1046, July 3, 2024, https://governor.sc.gov/sites/governor/files/Documents/Signing-Statements/2024-07-03%20Gov.%20McMaster%20to%20Pres.%20Alexander%20re%20S.%201046%20Signing%20Statement.pdf.

[136] S.B. 2253, 113th Gen. Assemb. (Tenn. 2024), *available at* https://legiscan.com/TN/bill/SB2253/2023.

[137] S.B. 2060, 113th Gen. Assemb. (Tenn. 2024), *available at* https://legiscan.com/TN/bill/SB2060/2023.

Tennessee also extended the time for a person to sue for an injury or illness stemming from trafficking for a commercial sex act that occurred when the injured person was a minor.[138]

Tennessee shielded private entities from liability in class actions resulting from cybersecurity events unless the cybersecurity event was caused by willful, wanton, or gross negligence on the part of the entity.[139]

Texas

The Supreme Court of Texas issued preliminary rules allowing licensed legal paraprofessionals and licensed court-access assistants to provide certain limited legal services to low-income individuals.[140] The court delayed the expected effective date of December 1, 2024, to consider public comments.[141]

Vermont

A Climate Superfund Cost Recovery Program was created within Vermont's Agency of Natural Resources to provide funding for climate change adaptation projects.[142] Entities that "engaged in the trade or business of extracting fossil fuel or refining crude oil" and accounted for more than 1 billion metric tons of certain greenhouse gas emissions, as determined by the Agency, between January 1, 1995, and December 31, 2024, are strictly liable "for a share of the costs of climate change adaptation projects and all qualifying expenditures supported by the Fund."

Comparative or contributory negligence was barred as a defense to a negligence claim alleging a sexual act or sexual conduct.[143]

Governor Philip Scott vetoed data privacy legislation that included a "private right of action" he said "would make Vermont a national outlier, and

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[138] H.B. 1906, 113th Gen. Assemb. (Tenn. 2024), *available at* https://legiscan.com/TN/bill/HB1906/2023.

[139] H.B. 2434, 113th Gen. Assemb. (Tenn. 2024), *available at* https://legiscan.com/TN/text/HB2434/2023.

[140] Supreme Court of Texas, Preliminary Approval of Rules Governing Licensed Legal Paraprofessionals and Licensed Court-Access Assistants, Misc. Docket No. 24-9050 (Aug. 6, 2024), *available at* https://www.txcourts.gov/media/1458990/249050.pdf.

[141] Supreme Court of Texas, Order Delaying Effective Date of Proposed Rules Governing Licensed Legal Paraprofessionals and Licensed Court-Access Assistants, Misc. Docket No. 24-9050 (Nov. 4, 2024), *available at* https://www.txcourts.gov/media/1459458/249095.pdf.

[142] S.B. 259, Gen. Assemb., Sess. (Vt. 2024), *available at* https://legiscan.com/VT/text/S0259/id/3007349.

[143] S.B. 278, Gen. Assemb., Sess. (Vt. 2024), *available at* https://legiscan.com/VT/bill/S0278/2023.

more hostile than any other state to many businesses and non-profits—a reputation we already hold in a number of areas."[144] Governor Scott suggested that "Vermont should adopt Connecticut's data privacy law, which New Hampshire has largely done with its new law" to achieve "regional consistency."[145]

Virginia

Virginia enacted legislation providing that the child of a decedent who is adopted after the decedent's death shall be included in the class of beneficiaries entitled to an award of wrongful death damages, provided that a court had not previously terminated the decedent's parental rights.[146]

Virginia also enacted legislation relating to an insurer's "bad faith" failure to pay motor vehicle claims after the General Assembly adopted recommendations for changes proposed by Governor Glenn Youngkin.[147]

Governor Youngkin vetoed legislation that would have authorized class actions in Virginia.[148]

Washington

Washington eliminated the statute of limitations for claims alleging acts of childhood sexual abuse that occurred on or after June 6, 2024.[149]

The Washington Supreme Court approved a pilot program that loosens rules regulating the practice of law and allows approved nonlawyer entities to deliver legal and law-related services.[150] Data collected as part of the pilot

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[144] Letter from Gov. Philip B. Scott to the Hon. Betsy Ann Wrask, Clerk of the Vermont House of Reps., June 13, 2024, *available at* https://www.law360.com/articles/1847893/attachments/0 (discussing H.B. 121, Gen. Assemb., Sess. (Vt. 2024), *available at* https://legiscan.com/VT/bill/H0121/2023)).

[145] *Id.*

[146] H.B. 140, 2024 Reg. Sess. (Va. 2024), *available at* https://legiscan.com/VA/bill/HB140/2024; S.B. 209, 2024 Reg. Sess. (Va. 2024), *available at* https://legiscan.com/VA/bill/SB209/2024.

[147] S.B. 256, 2024 Reg. Sess. (Va. 2024), *available at* https://legiscan.com/VA/bill/SB256/2024.

[148] H.B. 418, 2024 Reg. Sess. (Va. 2024), *available at* https://legiscan.com/VA/bill/HB418/2024; S.B. 259, 2024 Reg. Sess. (Va. 2024), *available at* https://legiscan.com/VA/bill/SB259/2024; Gov. Glenn Youngkin, Veto message, *available at* https://www.governor.virginia.gov/media/govnorvirginiagov/governor-of-virginia/pdf/VETOES.pdf. The House of Delegates sustained the governor's veto.

[149] H.B. 1618, 2024 Reg. Sess. (Wash. 2024), *available at* https://legiscan.com/WA/bill/HB1618/2023.

[150] In the Matter of the Adoption of a Pilot Project to Test Entity Regulation Using the Practice of Law Board's Framework for Legal Regulatory Reform, No. 25700-B-721 (Wash. Dec. 5. 2024), https://assets.law360news.com/2270000/2270448/dec.%205%20order.pdf.

project will "help determine whether regulated nonlegal entities will increase access to justice while protecting the public or whether their operation will create risks of consumer harm."[151] The project will conclude when the Washington State Bar Association and the Washington Supreme Court's Practice of Law Board "have sufficient data and information to determine how to proceed with respect to studying entity regulation and other regulatory innovations. In any event, the pilot project shall end 10 years after the date that the first entity is granted authority by the Court to participate in the pilot project, unless extended by the Court."[152]

West Virginia

West Virginia enacted a $5 million cap on noneconomic damages in commercial trucking accident lawsuits.[153] The cap does not apply to any employer defendant that has less than $3 million in commercial motor vehicle insurance coverage or if the operator of the vehicle, at the time of the incident, (1) was intoxicated or under the influence of illegal drugs; (2) operated the vehicle in excess of the hours of operation or maximum gross vehicle weight rating established under federal or state regulations; (3) acted with a willful or wanton disregard for the safety of persons or property; or (4) engaged in acts that constitute distracted driving. On January 1, 2026, and each year thereafter, the cap will increase by a percentage equal to the increase in the Consumer Price Index, not to exceed 150% of the initial cap.

West Virginia also enacted commercial litigation finance legislation.[154] Litigation financiers may not pay commissions or referral fees to lawyers, law firms, or medical providers, advertise false or misleading information about their services, refer a claimant to a specific attorney, law firm, or medical provider, or fail to provide copies of complete litigation financing contracts to claimants. Further, litigation financiers may not make decisions with respect to the prosecution of the underlying civil action, including with respect to settlement. Except as otherwise stipulated or ordered by the court, a party or

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[151] Debra Cassens Weiss, *Pilot Project Allowing Nonlawyer Legal Providers Gets OK in Washington*, ABA J., Dec. 9, 2024, https://www.abajournal.com/news/article/pilot-project-allowing-nonlawyer-legal-providers-gets-ok-in-washington-state.

[152] In the Matter of the Adoption of a Pilot Project to Test Entity Regulation Using the Practice of Law Board's Framework for Legal Regulatory Reform, *supra* note 150.

[153] S.B. 583, 2024 Reg. Sess. (W. Va. 2024), *available at* https://legiscan.com/WV/bill/SB583/2024.

[154] S.B. 850, 2024 Reg. Sess. (W. Va. 2024), *available at* https://legiscan.com/WV/bill/SB850/2024.

his or her counsel shall, without awaiting a discovery request, provide any litigation funding agreement to the other parties. A litigation financing contract is unenforceable if any provision of the new law is violated.

West Virginia also established a rebuttable presumption that a firefighter with bladder cancer, mesothelioma, or testicular cancer has sustained an occupational injury eligible for workers' compensation if the person has been actively employed as a professional firefighter for at least five years in West Virginia, has not used tobacco products more than six times in a calendar year for at least ten years, and is not over the age of sixty-five.[155] The rebuttable presumption expires July 1, 2027.

Governor Jim Justice vetoed legislation creating an affirmative defense to any tort claim alleging that a business's failure to implement reasonable cybersecurity protections resulted in a data breach concerning personal information if the business creates, maintains, and complies with a written cybersecurity program that contains administrative, technical, operational, and physical safeguards for the protection of personal information and the program reasonably conforms to an industry recognized cybersecurity framework.[156]

The West Virginia Supreme Court of Appeals substantially revised the West Virginia Rules of Civil Procedure.[157] The revised rules take effect on January 1, 2025. For the most part, the revisions are not substantive. As one justice explained, "our goal was to simplify and improve each and every rule *without changing the meaning of the rule*. (For instance, many rules have been tweaked to standardize the time to act (from, say, 10 days, 14 days, or 20 days) to 30 days.)."[158] Nevertheless, some of the revised rules are substantially different and will change civil practice in West Virginia.

The most significant change from current practice is in revised Rule 26, which contains general provisions governing discovery. Revised Rule 26(f) requires the parties to confer "as soon as practical" (but at least thirty days after the filing of a responsive pleading) to discuss the nature and basis of

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[155] S.B. 170, 2024 Reg. Sess. (W. Va. 2024), *available at* https://legiscan.com/WV/bill/SB170/2024.

[156] H.B. 5338, 2024 Reg. Sess. (W. Va. 2024), *available at* https://legiscan.com/WV/bill/HB5338/2024.

[157] *In re* Adoption of Amendments to West Virginia Rules of Civil Procedure, No. 21-Rules-12 (W. Va. Jan. 31, 2024), *available at* https://www.courtswv.gov/sites/default/pubfilesmnt/2024-01/Rules%20of%20Civil%20Procedure%20-%20Amendments%20Effective%20January%201%202025_0.pdf.

[158] *Id.* at 161 (Hutchison, J, concurring, in part, and dissenting, in part).

their claims and defenses, the possibilities for promptly settling or resolving the case, and various discovery issues, then develop a proposed discovery plan. Within fourteen days after the conference, the parties must submit a written report to the court containing the parties' views and proposals on various issues relating to discovery. After receiving the parties' written report or consulting with the parties' counsel, revised Rule 16(b) requires the court to issue a scheduling order as soon as practicable, but unless the judge finds good cause for delay, the judge shall issue the order within the earlier of ninety days after any defendant has been served with the complaint or sixty days after any defendant has appeared. The scheduling order shall limit the time to join parties, amend pleadings, complete discovery, and file motions.

Revised Rule 26(a)(1) provides that within thirty days after the filing of the written discovery plan required by Rule 26(f), the parties must make certain initial disclosures without awaiting a discovery request (except in cases valued at less than $25,000). Like the analogous federal rule, revised Rule 26(a)(1) states that a party must disclose (1) the contact information for each person who is "likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;" (2) "a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;" (3) "a computation of each category of damages claimed by the disclosing party" with nonprivileged supporting documentation; and (4) any applicable insurance agreement.

Revised Rule 26(a)(2) requires the disclosure of each testifying expert accompanied by a written report, similar to the federal rule. The expert report must contain: (1) "a complete statement of all opinions the witness will express and the basis and reasons for them;" (2) "the facts or data considered by the witness in forming them;" (3) "any exhibits that will be used to summarize or support them;" (4) "the witness's qualifications, including a list of all publications authored in the previous four years;" (the federal rule requires ten years of publications); (5) "a list of all other cases in which, during the previous four years, the witness testified as an expert at trial or by deposition;" and (6) "a statement of the compensation to be paid for the study and testimony in the case." Unless the court provides otherwise, expert reports shall be produced at least ninety days before trial. If the evidence is intended solely

to rebut evidence on the same subject from another party, then the report is due within thirty days after the other party's disclosure.

Revised Rule 26(a)(3) sets forth rules for pretrial disclosures that generally must be made at least thirty days before trial, such as a list of witnesses and documents expected to be used at trial.

The court did not adopt language in Federal Rule of Civil Procedure 26(b)(1) regarding the scope of discovery ("proportional to the needs of the case"), but it did adopt specific limitations on electronically stored information found in Federal Rule of Civil Procedure 26(b)(2)(B) and revised Rule 26(b)(2)(C) to allow a party to raise a "proportionality" objection with the court. Revised Rule 26(b)(2)(C)(iii) provides that a court shall limit discovery if "the burden or expense of the proposed discovery outweighs its likely benefits, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues in the case."

Revised Rule 53 allows courts in complex cases to appoint a discovery commissioner to assist in resolving discovery disputes. The compensation of a discovery commissioner may be assessed to the parties.

Here are some other changes to the rules of note:

- Revised Rule 23 provides additional notice requirements for class actions, new procedures for settlement, voluntary dismissal or compromise of a certified class, provisions for appointing class counsel and attorney fee awards, and a new allocation formula for residual funds (from fifty percent going to Legal Aid of West Virginia and fifty percent to West Virginia nonprofits or West Virginia college programs aligned with the thrust of the case to a twenty-five/seventy-five percent ratio).

- Revised Rule 30(b)(6) contains language added to the federal rule in 2000 stating that before or promptly after service of a subpoena directed at an organization, the serving party and organization shall confer in good faith about the matters for examination.

- Revised Rule 30(d) sets a one-day/seven-hour limit for depositions unless otherwise stipulated or ordered by the court. The court must allow more time if needed to fairly examine the deponent or if the deposition is impeded or delayed by a person or other circumstance.

- Revised Rule 33 reduces the number of interrogatories that may be served on another party from forty to twenty-five, similar to the federal rule.

- Revised Rule 34(e) states, like the federal rule, that documents or electronically stored information shall be produced in the form in which they are usually kept. A party does not have to produce the same electronically stored information in more than one form.
- Revised Rule 37 states that a party filing a motion to compel discovery must certify it conferred in good faith or attempted to confer with the person from whom discovery is sought.
- Revised Rule 37(e) adopts the federal approach to spoliation of electronically stored information.
- Revised Rule 48 states that unless the parties stipulate otherwise, a "verdict shall be unanimous and shall be returned by a jury of six members." If polling reveals a lack of unanimity, the court may direct the jury to deliberate further or order a new trial.
- Revised Rule 56 reflects the federal approach to summary judgment practice except the revised rule does not provide that the court "should state on the record the reasons for granting or denying the motion," as in the federal rule.

Wisconsin

Governor Tony Evers vetoed legislation that would have limited noneconomic damages to $1 million in personal injury or wrongful death cases against commercial motor vehicle carriers resulting from an accident involving an employee acting within the scope of employment.[159]

V. KEY COURT DECISIONS

A. Decisions Upholding Civil Liability Laws

The Utah Supreme Court upheld the state's Health Care Malpractice Act's four-year statute of repose.[160] The court found that the "legislature addressed what lawmakers perceived as a serious public policy problem after receiving expert advice about how best to resolve it." The court added that even if it were to disagree with the legislature's policy choice, the judiciary's "power does not extend so far as to permit imposition of our views on such policy disputes."[161]

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[159] S.B. 613, 2024 Reg. Sess. (Wis. 2024), *available at* https://legiscan.com/WI/bill/SB613/2023.
[160] Bingham v. Gourley, 556 P.3d 53 (Utah 2024).
[161] *Id.* at 63.

The Alabama Supreme Court held that the state's Workers' Compensation Act's exclusive-remedy provisions do not violate the Alabama Constitution's right to a remedy provision.[162]

The Alabama Supreme Court also upheld the governor's then-existing emergency proclamation that provided liability protections for health care providers as to negligent conduct in connection with treatment for COVID-19.[163]

A Louisiana appellate court upheld the Louisiana Health Emergency Powers Act's immunity provision for healthcare providers due to the public health emergency declared in response to the COVID-19 pandemic.[164]

An Ohio appellate court upheld the state's four-year statute of repose for medical liability cases.[165]

The New Mexico Court of Appeals, following New Mexico Supreme Court precedent,[166] upheld the state's statutory cap on medical malpractice awards.[167]

Courts also upheld a number of civil liability laws favoring plaintiffs.

A Washington State federal court rejected a challenge to the state's 2023 Firearm Industry Responsibility and Gun Violence Victims' Access to Justice Act.[168] The Act provides that firearm manufacturers may be liable for contributing to a public nuisance if they market or sell firearms to children or individuals who are legally prohibited from purchasing or possessing firearms or promote conversion of a legal firearm into an illegal firearm.[169]

An Illinois appellate court upheld a 2021 law providing for six percent prejudgment interest in personal injury and wrongful death actions.[170]

The Louisiana Supreme Court upheld a law retroactively reviving certain prescribed child sex abuse claims for a limited three-year period.[171]

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[162] Crenshaw v. Sonic Drive In of Greenville, Inc., 2024 WL 4998759 (Ala. Dec. 6, 2024).

[163] Ex Parte Jackson Hosp. & Clinic, Inc., 2024 WL 4401995 (Ala. Oct. 4, 2024).

[164] Welch v. United Med. Healthwest-New Orleans, L.L.C., 391 So. 3d 123 (La. Ct. App. 2024).

[165] Bierly v. Kettering Health Network, 2024 WL 4002589 (Ohio Ct. App. Aug. 30, 2024).

[166] Siebert v. Okun, 485 P.3d 1265 (N.M. 2021).

[167] Eslin v. Levy, 2024 WL 1638370 (N.M. Ct. App. Apr. 16, 2024) (unpublished).

[168] National Shooting Sports Found., Inc. v. Ferguson, 722 F. Supp. 3d 1150 (E.D. Wash. 2024).

[169] S.B. 5078, 2024 Reg. Sess. (Wash. 2023), *available at* https://legiscan.com/WA/text/SB5078/2023.

[170] Galich v. Advocate Health & Hosp. Corp., 2024 WL 1004101 (Ill. Ct. App. Mar. 8, 2024); *see also* Cotton v. Coccaro, 236 N.E.3d 517 (Ill. Ct. App. 2023), *appeal denied*, 221 N.E.3d 391 (Ill. 2024); First Midwest Bank v. Rossi, 237 N.E.3d 566 (Ill. Ct. App. 2023).

[171] Bienvenu v. Defendant 1, 386 So. 3d 280 (La. 2024).

B. Decisions Striking Down Civil Liability Laws

The Georgia Court of Appeals held that a $350,000 cap on noneconomic damages applicable to medical malpractice cases violated the Georgia Constitution's right to a jury trial in a wrongful death action.[172]

The Kentucky Supreme Court held that the legislature could not retroactively revive time-barred claims alleging childhood sexual assault and abuse.[173] The court said that Kentucky "jurisprudence presents nearly 200 years of protection for those possessing a statute of limitations defense."[174] A concurring opinion noted the legislature's "laudable policy basis in attempting to revive expired claims of sexual abuse" but cautioned that if the court were to "stray from the wisdom of our firmly rooted Kentucky precedent—that it is unjust in itself for the legislature to impair the vested right in a limitations defense—then the rule of law has morphed into an impermissible question of discretion."[175]

VI. CONCLUSION

Like other election years, 2024 featured some activity in states on civil justice issues, but lawmakers mostly focused on other priorities and campaigns. The plaintiffs' bar continued a push to increase awards in wrongful death cases and found success in a few states. A number of states updated their rules of evidence governing expert testimony to mirror or more closely align with 2023 amendments to Federal Rule of Evidence 702. Consumer data privacy laws continued to attract attention in the states, but an "outlier" bill that included a private right of action was vetoed in Vermont. Governors in Florida and West Virginia vetoed legislation that would have provided companies meeting certain requirements with protection from lawsuits following a data breach.

Amendments to the Federal Rules of Evidence (new Rule 107 and amended Rules 613, 801, and 1006) took effect on December 1, 2024. The

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[172] Medical Ctr. of Cent. Ga., Inc. v. Turner, 905 S.E.2d 858 (Ga. Ct. App. 2024) (extending Atlanta Oculoplastic Surgery, P.C. v. Nestlehutt, 691 S.E.2d 218 (Ga. 2010) (holding cap violated right to a jury trial in medical malpractice action not involving wrongful death)).

[173] Thompson v. Killary, 683 S.W.3d 641 (Ky. 2024).

[174] *Id.* at 648.

[175] *Id.* at 653 (Nickell, J., concurring).

federal judiciary's Standing Committee gave final approval to the first proposed rule for multidistrict litigation and amendments to privilege log rules. The proposed rules are on track to take effect on December 1, 2025.

Other Views:

- Jed Kurzban et al., *Neither Goose Nor Gander: Why Tort Reform Fails All*, 98 FLA. BAR J. 10 (2024), *available at* https://www.floridabar.org/the-florida-bar-journal/neither-goose-nor-gander-why-tort-reform-fails-all/.
- Ross Williams, *Debate over Georgia's Tort Laws Pits Pro-Business Forces Against Defenders of Public's Court Access*, GA. RECORDER (Dec. 12, 2024), https://georgiarecorder.com/2024/12/12/debate-over-georgias-tort-laws-pits-pro-business-forces-against-defenders-of-publics-court-access/.
- Linda A. Lipsen, *Tort Reform Is Again Called for by Insurers*, ADVOCATE (June 2024), https://www.advocatemagazine.com/article/2024-june/tort-reform-is-again-called-for-by-insurers.
- *Limiting Lawsuits Will Not Lower Insurance Premiums (2024 Update)*, CTR. FOR JUST. & DEMOCRACY (Jan. 5, 2024), https://centerjd.org/content/limiting-lawsuits-will-not-lower-insurance-premiums-2024-update.