

BILL ANALYSIS

C.S.H.B. 3415
By: Hughes
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

House Bill 4 last session set up Multi District Litigation (MDL), the stated purpose of which is to streamline the handling of mass tort cases. When multiple cases are filed in various courts across Texas, MDL allows these cases to be consolidated in a single court for the handling of pretrial motions and discovery.

Under MDL, mesothelioma cases are being transferred from the courts where they are filed to a single Court in Harris County. The Court in Harris County is working to handle the cases expeditiously, but there is still substantial delay. Before MDL, Plaintiffs suffering from mesothelioma, were seeing their cases set for trial within 6-12 months from the filing of their cases. These quick trial settings allowed the mesothelioma victims to see their cases set for trial and either tried or settled while they were still living. Since the implementation of MDL, no mesothelioma case has made it to trial before the plaintiff died.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill creates an interim committee to study the transfer of asbestos related claims by the judicial panel on multidistrict litigation. The committee is to be made up of 3 members each from the Senate Jurisprudence Committee and the House Judiciary Committee. The report is due February 1, 2007.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute removes the statutory amendments from the original bill and adds the provisions relating to the interim study.