BILL ANALYSIS

C.S.H.B. 4097
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Multidistrict litigation (MDL) refers to a special legal procedure designed to speed the process of handling complex cases or complex product liability suits. Cases subject to MDL are sent from one court to another for pre-trial proceedings only and then remanded to the originating court for trial. MDL cases are civil actions involving one or more common questions of fact. In order to speed trials that could involve thousands of plaintiffs, the judicial panel on multidistrict litigation decides whether cases should be consolidated under MDL and where to transfer the cases.

The process of MDL was meant to improve the justice system. However, distortion in the process has resulted in delay of claims. In addition, judicial decisions on a case are at the discretion of judges who are not accountable to the voters. The MDL process has been abused in various ways: an MDL was not necessary; the MDL judge was from an outside region; and an MDL judge had authority over all matters, not just pre-trial matters. A change is needed in the current law to limit the type of cases that are subject to the MDL process to those mass torts for which it was designed and in which the process has worked well.

C.S.H.B. 4097 limits application of multidistrict litigation to products liability cases involving pharmaceutical products, and tort claims involving asbestos and silica cases.

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

C.S.H.B. 4097 amends the Government Code to specify that the judicial panel on multidistrict litigation is authorized to transfer to any district court under certain conditions only civil actions initiated under provisions of the Civil Practice and Remedies Code relating to claims involving asbestos and silica and to products liability actions involving a pharmaceutical product.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute to HB 4097 is a legislative council version of the original bill and makes no substantial changes.