

Regular Session, 2009

SENATE CONCURRENT RESOLUTION NO. 86

BY SENATOR QUINN

LEGIS POWERS/FUNCTIONS. Requests the Louisiana State Law Institute to study and report on the feasibility of instituting multidistrict litigation in Louisiana.

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations regarding the feasibility of instituting multidistrict litigation in Louisiana.

WHEREAS, multidistrict litigation is a procedure utilized in the federal court system to transfer to one federal judge all pending civil cases of a similar type filed throughout the United States; and

WHEREAS, in the federal court system, a panel of seven federal judges appointed by the Chief Justice of the United States Supreme Court decides whether to transfer cases to a multidistrict setting, where one transferee judge will oversee all coordinated or consolidated pretrial proceedings; and

WHEREAS, the purposes of such transfer are to avoid duplication of discovery, to prevent inconsistent pretrial rulings, and to conserve the resources of the parties, their counsel and the judiciary; and

WHEREAS, complex competing suits pending in different parishes involving one or more common questions of fact and law in this state can be inconvenient for the parties involved, and can also be a burden upon judicial resources; and

WHEREAS, the transfer of civil actions sharing a common question of law or fact to one judicial district in this state would serve the convenience of the parties and witnesses

1 and would promote the just and efficient outcome of such actions; and

2 WHEREAS, the state of Texas has a judicial panel on multidistrict litigation
3 designated pursuant to section 74.161 of the Texas Government Code, and several other
4 states also have some form of statewide coordinated proceedings analogous to the federal
5 multidistrict litigation process; and

6 WHEREAS, the Louisiana State Law Institute should look at how other states have
7 studied and developed procedures for coordinating complex cases pending in different
8 judicial districts.

9 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana urges and
10 requests the Louisiana State Law Institute to study and make recommendations regarding
11 the feasibility of instituting multidistrict litigation in Louisiana.

12 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge
13 and request the Louisiana State Law Institute to seek input and advice from the Judicial
14 Council of the Supreme Court of Louisiana, as well as from judges and practitioners with
15 knowledge of and experience in multidistrict litigation practices, in its study of whether a
16 process for the statewide coordination of complex litigation would benefit the legal system
17 and citizens of Louisiana.

18 BE IT FURTHER RESOLVED that the Louisiana State Law Institute is requested
19 to submit a written report of its findings and study results, together with any
20 recommendations for legislation, by submission to the president of the Senate and the
21 speaker of the House of Representatives at least thirty days prior to the convening of the
22 2010 Regular Session of the Legislature.

23 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
24 director of the Louisiana State Law Institute and to the chief justice of the Louisiana
25 Supreme Court.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Camille Sebastien Perry.

DIGEST

Quinn

SCR No.

Requests the Louisiana State Law Institute to study and make recommendations regarding
the feasibility of instituting multidistrict litigation in Louisiana.