

SENATE CONCURRENT RESOLUTION NO. 86

BY SENATOR QUINN

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

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

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

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

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

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

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES