
SUBJECT: Revising judicial panel on multidistrict litigation actions, composition

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Leach, Julie Johnson, Krause, Middleton, Schofield, Smith
3 nays — Davis, Dutton, Moody

WITNESSES: For — Lee Parsley, Texans for Lawsuit Reform
Against — None
On — Jim Perdue, Texas Trial Lawyers Association

BACKGROUND: Government Code sec. 74.161 establishes a judicial panel on multidistrict litigation, which consists of five members designated by the chief justice of the Texas Supreme Court. The members must be active court of appeals justices or administrative judges.

Sec. 74.162 allows the judicial panel on multidistrict litigation to transfer civil actions involving one or more common questions of fact pending in the same or different constitutional courts, county courts at law, probate courts, or district courts to any district court for consolidated or coordinated pretrial proceedings. These would include summary judgment or other dispositive motions but not a trial on the merits.

Some have suggested allowing the judicial panel on multidistrict litigation to transfer legally related cases in addition to factually related cases and revising the composition of the panel.

DIGEST: HB 2950 would allow the judicial panel on multidistrict litigation to transfer civil actions involving one or more common questions of law to a district court for consolidated or coordinated pretrial proceedings.

The bill would specify that the panel could not transfer an action brought by the Consumer Protection Division of the Office of the Attorney

General, including an action brought by a consumer for economic damages or damages for mental anguish.

The bill also would revise the composition and appointment of the panel. The panel would be designated by the Texas Supreme Court, instead of the chief justice alone, and could consist of former or retired court of appeals justices.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.