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## The Multi-District Litigation System Provides Efficiency To Litigation And Should Not Be Undermined Or Restricted

The Multi-District Litigation (“MDL”) process is a Texas success story.

The purpose of MDL is to make certain kinds of litigation more time efficient and cost effective, both for the taxpayers who pay for our judicial system and for the litigants.

The MDL consolidates lawsuits with the same basic facts into one court for dealing with pre-trial issues, such as discovery matters and summary judgment motions. After the pre-trial phase of the lawsuit is completed, the suit is certified for trial and goes back to the county in which the case was originally filed for trial.

Instead of having twenty or fifty or one hundred different judges throughout our State handling individual cases with the same basic fact situations, those various lawsuits are assigned by the five-judge MDL Panel to one judge for pre-trial handling. This not only adds efficiency, but also prevents conflicting rulings on the same matters by various judges.

Parties to lawsuits save time and expense because repetitive document requests, duplicate depositions and repetitive examination of fact and expert witnesses are avoided. Legal costs are reduced for both plaintiffs and defendants because there is less time spent in depositions, interrogatories, document retrieval and perusal, and development of expert testimony.

The MDL judge can devote sufficient time to become fully knowledgeable about the law concerning a particular set of cases and can give the cases the necessary attention that allows the lawsuits to proceed as rapidly as possible.

The MDL judge can make consistent rulings on discovery disputes and issues of law common to the cases. This consistency not only adds efficiency but also promotes settlement by giving all parties a clear and realistic basis on which to evaluate the liability and damages issues. For example, the MDL Panel assigned to Judge Rose Reyna of Hidalgo County cases related to 23 deaths caused by a fire in a bus in the Hurricane Rita evacuation. Within nine months, all of those cases were settled.

Some trial lawyers have complained about the *Delta Lloyds* decision by the MDL Panel, which consolidated several Hurricane Rita cases in which the plaintiffs’ lawyers claimed a uniform conspiracy to cheat homeowners. The cases that were consolidated involved identical claims and discovery requests, which a single MDL judge can coordinate efficiently, eliminating duplicate discovery and pre-trial motions in several separate courts. The MDL Panel, however, explicitly rejected the notion that all cases from a single hurricane should be consolidated under MDL.

The proponents of changes to the MDL should bear a heavy burden of persuasion before changes are made to a system that adds efficiency to litigation. Most people who are plaintiffs or defendants complain that lawsuits cost too much and take too much time. The MDL is designed to make litigation cost less and take less time.