

## **BILL ANALYSIS**

Senate Research Center

S.B. 220  
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Economic Development  
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As Filed

### **DIGEST**

Currently, the Texas common law *forum non conveniens* doctrine, similar to federal and most other states' courts, gives judges broad discretion to dismiss lawsuits if in the interest of justice and convenience of the parties, an alternate jurisdiction is a more appropriate forum for the lawsuit. However, the Texas statutory *forum non conveniens* doctrine requires Texas judges to apply a different set of criteria to lawsuits filed by foreign plaintiffs and residents of other states. It exempts, from the *forum non conveniens* doctrine, claims based on any violation of federal law; exempts claims related to air transportation, railroad companies, and asbestos; requires all defendants to unanimously consent to the jurisdiction of the alternate forum; and requires all defendants to waive all statutes of limitations defenses. S.B. 220 would eliminate these exemptions and assign priorities to certain suits.

### **PURPOSE**

As proposed, S.B. 220 authorizes a court in this state, under certain conditions, to decline to exercise jurisdiction under the doctrine of *forum non conveniens*, and to stay or dismiss the claim, and assign priorities to certain suits.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Supreme Court under SECTION 3 (Section 23.105, Government Code), of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 71.051, Civil Practice and Remedies Code, to provide that if a court of this state, on written notice of a party, finds that in the interest of justice a claim, rather than an action, to which this section applies would be more properly heard in a forum outside this state, the court may decline to exercise jurisdiction under the doctrine of forum non conveniens and may stay or dismiss the claim, rather than action in whole or part, on any conditions that may be just. Deletes existing Subsections (b)-(i) regarding procedures for dismissal of cases based on forum non conveniens. Deletes definitions of "legal resident" and "claimant." Provides that this section does not affect the application of the common law doctrine of forum non conveniens to an action other than an action for personal injury or wrongful death.

SECTION 2. Amends Sections 71.031(a) and (b), Civil Practice and Remedies Code, to authorize the enforcement of an action for damages for the death or personal injury of a citizen of this state, of the United States, or of a foreign country, in the courts of this state, although the wrongful act, neglect, or default causing the death or injury takes place in a foreign state or country, if for a citizen of a foreign state or country, the action is begun in this state within the time provided by the laws of the foreign state or county in which the wrongful act, neglect, or default took place. Makes conforming changes.

SECTION 3. Amends Chapter 23B, Government Code, as follows:

Sec. 23.101. PRIMARY PRIORITIES. Requires the trial courts of this state to regularly and frequently set hearings and trials of pending matters, giving preference to the appeals of final ruling and decisions of the Texas Workers' Compensation Commission and claims arising in

this state under the Federal Employers' Liability Act and the Jones Act.

Sec. 23.1015. PRIORITIES RELATING TO CERTAIN SUITS FILED BY NONRESIDENTS. Requires the courts of the county, if a civil claim that arose in this state or that was filed by a plaintiff who resides in this state has been pending in a county for more than 18 months, to try that matter before the trial of a civil claim in which certain conditions are met. Requires a court to determine whether a claim is filed by a resident or nonresident of this state from facts existing at the time the claim accrued. Requires a court, in order to comply with this section regarding an action that involves a certain claim, to consider each claimant individually and to sever from the action a claim by a nonresident that arose outside of this state.

Sec. 23.102. SECONDARY PRIORITIES. Requires a matter not included in Section 23.101 to be set, subsection to Section 23.1015, at the discretion of the trial court, observing certain priorities.

Sec. 23.103. EFFECT ON OTHER LAWS. Makes conforming changes.

Sec. 23.104. PLACE IN WHICH CLAIM AROSE. Requires a court to determine that a claim arose in the state or jurisdiction in which the claimant was located at the time the claimant is alleged to have suffered the physical harm.

Sec. 23.105. RULES. Authorizes the supreme court to adopt rules to administer and enforce this subchapter.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Emergency clause.

Effective date: upon passage.