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Friday, May 13, 2011

Texas House passes loser pays; lawsuit reform

Texas Public Policy
May 9, 2011 | [Comment on this blog entry](#)

By Ryan Brannan

Today's House passage of HB 274 is a great step forward for Texas -- and another step toward getting rid of many frivolous lawsuits that are clogging our courts.

This loser-pays statute will ensure that all tort plaintiffs with meritorious claims have access to the judicial system. Such a statute would cut litigation costs and reduce the current backlog of cases by reducing the number of fraudulent and abusive lawsuits.

We know that tort reform is necessary, and we know that it works. Texas's previous tort reform initiatives have brought back thousands of doctors to our state, improved access to the court system, and helped our state's economy.

The procedural protections in HB 274 will further cut the costs of litigation, allow quicker access to the courts, and create a more efficient judicial system. In particular, the rulemaking authority given to the Supreme Court to allow a motion to dismiss for filing a frivolous lawsuit -- something already done in federal courts -- would be a great step forward. The procedural protections in this bill would go a long way toward ensuring that our judicial system dispenses justice according to the merits of the case rather than the size of the wallet.

Ryan Brannan is the economic freedom policy analyst at the Texas Public Policy Foundation.

The Texas Public Policy Foundation is a non-profit, free-market research institute based in Austin.

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