Intrastate Forum Shopping Abuse Reform Act

Summary
Forum shopping has become a significant problem in civil litigation. Certain counties have become magnets for attracting claims with little or no connection to that county. The burdens placed on these magnets courts are unfair to the residents of those counties, who are forced to wait in line behind claims that would more appropriately be heard elsewhere. For residents of those counties, justice delayed is justice denied. Venue rules exist to ensure that claims are brought in the proper county within a state. This legislation will reform existing venue rules to ensure that claims have a direct relationship with the county in which they are filed.

Model Legislation
Section 1. (Title) This Act shall be called and may be cited as the “[Intrastate Forum Shopping Abuse Reform Act]”.

Section 2. (Venue) [Section _____ ] shall be amended to read as follows:

A.) A claim in tort or alleging personal injury or death shall be brought in either:

(1) the county where the plaintiff resides,

(2) the county where all or a substantial part of the events or omissions giving rise to the claim occurred, or

(3) a. if the defendant is a natural person, the county where the defendant resides,

b. if the defendant is not a natural person, the county where the defendant’s principal office in this state is located, or

c. if the defendant does not maintain an office in this state, the county where the defendant’s agent for service of process is located.

B.) In actions involving multiple plaintiffs, venue must be proper as to each plaintiff independently joined or consolidated in the action. Any person who is unable to establish proper venue may not be joined or consolidated in the case unless the plaintiff establishes that:

(1) joinder or intervention is proper under the [State] Rules of Civil Procedure;

(2) maintaining venue in the county of the suit does not unfairly prejudice another party to the suit;

(3) there is an essential need to have the person's claim tried in the county where the suit is pending; and

(4) the county in which the suit is pending is a fair and convenient venue for the person seeking to join in or maintain venue for the suit and the persons against whom the suit is brought.

Section 3. (Repealer clause.)

Section 4. (Effective date.)