PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 167, had I been present, I would have voted ''yea.''

RECOGNIZING THE EFFORTS OF THE EMPLOYEES OF ROCKLAND COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to recognize the efforts of the employees of the Rockland County Environmental Management Council for their work and dedication in serving the people and communities of Rockland County.

In this spirit, the employees of the Rockland County Environmental Management Council will be celebrating their 25th anniversary on June 16, 1999. Over the past 25 years, they have received 16 awards, including 12 from the New York State Association of Environmental Management Councils, and 4 from the National Association of Counties. In 1997, the Council won the first place New York State Project/Plan Award for ''outstanding accomplishments in enhancing the quality of the environment in their community.''

For the past 25 years, the employees of the Rockland County Environmental Management Council have achieved many goals, ranging from sponsoring a public forum on water conservation to collaborating with the Rockland County Health Department on implementing a county noise ordinance. Their efforts to protect and preserve the environment include sponsoring a ''Sun Day'' (a regional conference on solar energy), coordinating the household hazardous waste collection project, serving on a county legislative subcommittee on recycling, and helping to prepare Rockland County's solid waste management plan.

The employees of the Rockland County Management Environmental Council have dedicated their lives to improving life within the Hudson Valley, and are to be commended for their outstanding efforts.

Accordingly, I invite my colleagues to join with me in thanking the employees of the Rockland County Environmental Management Council for their hard work and continued dedication to improving our quality of life.

COMMEMORATING THE 30TH ANNIVERSARY OF THE NEW JERSEY TENANTS ORGANIZATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to celebrate the 30th Anniversary of the New Jersey Tenants Organization (NJTO).

The NJTO was founded 30 years ago during an extreme housing shortage. Tenants in New Jersey faced unconscionable rent increases and had little protection from landlord abuse. Landlord-tenant laws at that time were very primitive and gave practically no protection to tenants. In fact, the only right afforded to tenants was the right of pay.

This situation compelled a group of concerned citizens to come together to form the NJTO to combat these conditions. Using strategies ranging from rent strikes to legal battles, the NJTO succeeded in getting the State of New Jersey to enact the State Retaliatory Eviction Law in its first year of existence. This crucial triumph was responsible for paving the way for a massive wave of state-wide tenant mobilization.

Over the past 30 years, the NJTO has grown into the oldest statewide tenants organization in the United States and can boast of being the driving force behind 18 major landlord-tenant laws. During this time, the NJTO's advocacy on behalf of New Jerseyans has resulted in the strongest legal protections for tenants throughout the entire country.

This year, the NJTO is counting among its honorees Arlene Glassman, a neighbor of mine from Fair Lawn, New Jersey and Bob Ryley of Jackson Township, New Jersey. Arlene has been a committed member of the NJTO for the past 20 years and has served on the Board of Directors since 1995. In Fair Lawn, she made a name for herself by successfully leading the effort to reduce the allowable rent and revise the rent ordinance. Thanks to her leadership, Fair Lawn's leaders and elected officials have a greater appreciation of the needs of the tenants in the town.

Bob Ryley will also be recognized for his work with the Mobil Home Owners Association of New Jersey (MHOA). Since joining the group in 1984, Bob obtained mobile home tenants the right of first refusal should the landlord decide to sell their park. In this era of political apathy, Bob has succeeded in his efforts to keep the MHOA's members actively involved on issues of concern to them.

Both Arlene and Bob will receive the NJTO's Ronald B. Atlas Award on June 27 for their years of service on behalf of New Jersey tenants. This prestigious award is the NJTO's way of articulating the organization's gratitude for all of the time and energy that Arlene and Bob have given to the group and I am proud to extend my congratulations to them today on the floor of the U.S. House of Representatives.

THE MULTIDISTRICT, MULTIPARTY, MULTIFORUM JURISDICTION ACT OF 1999

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. SENSENBRENNER. Mr. Speaker, I rise to introduce the ''Multidistrict, Multiparty, Multiforum Jurisdiction Act of 1999.'' The bill synthesizes the contents of two other measures I have authored, H.R. 1852 and H.R. 967.

Section 2 of my bill is identical to H.R. 1852, the ''Multidistrict Trial Jurisdiction Act of 1999,'' which I introduced on May 18 at the behest of the Administrative Office of the U.S. Courts, or the ''AO.'' The AO is concerned over a Supreme Court opinion, the so-called Lexecon case, pertaining to Section 1407 of Title 28 of the U.S. Code. This statute governs federal multidistrict litigation.

Under Section 1407, a Multidistrict Litigation Panel—a select group of seven federal judges picked by the Chief Justice—helps to consolidate lawsuits which share common questions of fact filed in more than one judicial district nationwide. Typically, these suits involve mass torts—a plane crash, for example—in which the plaintiffs are from many different states. All things considered, the panel attempts to identify the one district court nationwide which is best adept at adjudicating pretrial matters. The panel then remands individual cases back to the district where they were originally filed for trial unless they have been previously terminated.

For approximately 30 years, however, the district court selected by the panel to hear pretrial matters (the ''transferee court'') often invoked Section 1404(a) of Title 28 to retain jurisdiction for trial over all of the suits. This is a general venue statute that allows a district court to transfer a civil action to any other district or division where it may have been brought; in effect, the court selected by the panel simply transferred all of the cases to itself.

According to the AO, this process has worked well, since the transferee court was versed in the facts and law of the consolidated litigation. This is also the one court which could compel all parties to settle when appropriate.

The Lexecon decision alters the Section 1407 landscape. This was a 1998 defamation case brought by a consulting entity (Lexecon) against a law firm that had represented a plaintiff class in the Lincoln Savings and Loan litigation in Arizona. Lexecon had been joined as a defendant to the class action, which the Multidistrict Litigation Panel transferred to the District of Arizona. Before the pretrial proceedings were concluded, Lexecon reached a ''resolution'' with the plaintiffs, and the claims against the consulting entity were dismissed.

Lexecon then brought a defamation suit against the law firm in the Northern District for Illinois. The law firm moved under Section 1407 that the Multidistrict Litigation Panel empower the Arizona court which adjudicated the original S&L litigation to preside over the defamation suit. The panel agreed, and the Arizona transferee court subsequently invoked its jurisdiction pursuant to Section 104 to preside over a trial that the law firm eventually won. Lexecon appealed, but the Ninth Circuit affirmed the lower court decision.

The Supreme Court reversed, however, holding that Section 1407 explicitly requires a transferee court to remand all cases for trial back to the respective jurisdictions from which they were originally referred. In his opinion, Justice Souter observed that ''the floor of Congress'' was the proper venue to determine whether the practice of self-assignment under these conditions should continue.

Mr. Speaker, Section 2 of this legislation responds to Justice Souter's admonition. It would simply amend Section 1407 by explicitly allowing a transferee court to retain jurisdiction over referred cases for trial, or refer them to other districts, as it sees fit. This change makes sense in light of past judicial practice