

**TESTIMONY OF MARK BEHRENS, ESQ.
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ON BEHALF OF THE U.S. CHAMBER INSTITUTE FOR
LEGAL REFORM IN SUPPORT OF H.B. 1207**

Mr. Chairman and Members of the Committee, I appreciated the opportunity to testify on January 26, 2021. I would like to appear on February 1 to answer any questions the Committee may have regarding H.B. 1207 as a result of the January 29 correspondence from Cass County District Court Judge John Irby or that may be raised at the February 1 hearing by plaintiff counsel David Thompson.

The reforms in H.B. 1207 have been enacted in other states and have not resulted in the type of motion practice that is a concern of Judge Irby. Rather, requiring plaintiffs to be sick to sue will reduce congestion on the court docket by setting aside (and preserving) claims filed by the non-sick. This will allow the court to focus its resources on claimants with asbestos-related cancer and other impairing conditions.

Further, addressing the issue of over-naming will help focus the North Dakota asbestos litigation on claims that have evidentiary support, making cases more manageable. As Judge Irby points out, “asbestos cases are cumbersome to manage given the large number of ‘players’ in the game” and “there are often upwards of 100 defendants” in North Dakota asbestos actions.

H.B. 1207 will speed settlements in addition to curbing the improper naming of defendants that have no action connection to a plaintiff. Defendants would receive earlier and better information to allow them to assess the merits of a case. And, to the extent cases are mediated, that process works better when it does not involve a vast number of defendants.

Conclusion

For these reasons, the U.S. Chamber of Commerce continues to support H.B. 1207.