

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
“Reflections on the Panel’s Work”
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The following reflections concern the changing nature of complex multidistrict litigation and the Panel’s response to it.

I.

Increased Filings

The Panel’s work is always changing, partly because society and the nature of disputes within it are ever changing. During the recent tough economic times, we have seen an increase in dockets concerning the financial industry, securities and fair labor standards. However, one objectively visible change is constant: a continued high level of MDL actions.

During the 1990's, the Panel annually considered a steady 40-50 motions to centralize. Between 2003 and 2006, that number increased to over 70 motions annually. In 2007 and 2008, that number reached almost 100. In 2009, over 120 motions for centralization were filed. The numbers were down in 2010 [84] and 2011 [83], but it is likely that the filings for 2012 will again exceed 100 motions.

The total number of ongoing MDL dockets has grown as well. At the conclusion of the 2000 fiscal year, only 166 MDL dockets were open; currently, 310 MDL dockets are open. Excluding the asbestos MDL cases, MDL cases now comprise more than 15% [about 18%] of all cases in the entire federal civil docket.

Most of our dockets are not mega-cases. Only ten MDL dockets currently encompass more than one thousand cases. On the other hand, about 130 MDL dockets involve ten or less actions. Most of our dockets fall somewhere between these extremes, and more than two thirds