

**The Judicial Panel on Multidistrict Litigation:
Where We've Been and Where We're Going**

John G. Heyburn II
Chair
Judicial Panel on Multidistrict Litigation
December 9, 2013

As I approach the end of my term as Chair of the Judicial Panel on Multidistrict Litigation, I often reflect on how the Panel has met the evolving challenges in complex litigation in American courts over the past six years. The opportunity to speak to you today gives me an occasion to share some of those reflections.

I. The Ever-Changing Docket

The sheer numbers on our docket reflects one of the most significant developments over the past six years.

During the 1990's, the Panel annually considered a steady 40-50 motions to centralize. In 2007, the year I joined the Panel, we received 98 motions, an all-time record. Only two years later the number reached over 120 motions. In 2011, motions for centralization again topped 100. For this year, we expect to receive over 90 MDL motions. So, the new high level of motions is not an aberration at this point.

The total number of existing dockets has also increased. In October 2000, only 166 MDL dockets were open. Six years later, immediately before I came on the Panel, that number reached 247. At one point, we counted 315 open dockets. The number has now stabilized at about 285. These MDLs comprise over 90,000 individual cases, which constitutes between 15 and 20 percent of all cases in the federal courts.

So, what are these cases that are now being litigated as MDLs? Drug and medical device-related product liability actions comprise the largest and growing part of the MDL docket.