

An Introduction to the Judicial Panel on Multidistrict Litigation



For additional information,
please contact the Clerk's Office:

Judicial Panel on Multidistrict Litigation
One Columbus Circle, N.E.
North Lobby, Room G-255
Washington, DC 20002-8004

<http://www.jpml.uscourts.gov>

(202) 502-2800

(202) 502-2888 (Fax)

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Origin and Purposes



The Judicial Panel on Multidistrict Litigation, known informally as the MDL Panel, was created by an Act of Congress in 1968 – 28 U.S.C. §1407. The job of the Panel is to 1) determine whether civil actions pending in different federal districts involve one or more common questions of fact such that the actions should be transferred to one federal district for coordinated or consolidated pretrial proceedings; and 2) select the judge or judges and court assigned to conduct such proceedings. The purposes of this transfer or “centralization” process are to avoid duplication of discovery, to prevent inconsistent pretrial rulings, and to conserve the resources of the parties, their counsel and the judiciary. Transferred actions not terminated in the transferee district are remanded to their originating transferor districts by the Panel at or before the conclusion of centralized pretrial proceedings.

Historical Summary



Since its inception, the Panel has considered motions for centralization in over 1,600 dockets involving more than 200,000 cases and millions of claims therein. These dockets encompass litigation categories as diverse as airplane crashes, such as the SwissAir crash in Nova Scotia in 1998 and the TWA crash off Long Island, New York, in 1996; other single accidents such as train wrecks or hotel fires; mass torts, such as those involving asbestos, fen/phen diet drugs and hormone replacement therapy; patent validity and infringement; antitrust price fixing; securities fraud; and employment practices.

Membership of the MDL Panel



The MDL Panel consists of seven sitting federal judges, who are appointed to serve on the Panel by the Chief Justice of the United States. The multidistrict litigation statute provides that no two Panel members may be from the same federal judicial circuit. The current Chairman of the Panel is Judge John G. Heyburn II, who sits in the Western District of Kentucky. The remaining Panel members, in order of seniority on the Panel, are Judges D. Lowell Jensen (N.D. California), J. Frederick Motz (D. Maryland), Robert L. Miller, Jr. (N.D. Indiana), Kathryn H. Vratil (D. Kansas), David R. Hansen (C.A. Eighth Circuit) and Anthony J. Scirica (C.A. Third Circuit).