

## Massive Overhaul Proposed for Federal Mass Tort Cases - Is the US Judicial System Changing Forever?



A new rule proposed by a U.S. judicial panel could have an impact on hundreds and thousands of federal mass torts cases across the country. On Tuesday, the Advisory Committee on Civil Rules voted in favor of publishing a draft rule for public comment that would apply to multidistrict litigations (MDLs). By 2021, MDLs had grown to comprise over 70% of the federal civil caseload.

The proposed rule was years in the making, with a subcommittee initially assigned to study the need for specific MDL rules back in 2017. U.S. District Judge R. David Proctor, who chaired this subcommittee, noted that such a rule would provide much needed guidance to judges tasked with managing the most complex cases in US courts.

The draft rule encourages parties to exchange information about their claims and defenses early on, which could help screen out meritless claims quickly. The presence of numerous uninvestigated claims can lead to real problems for judges as well as parties trying to resolve litigation, as noted by Alex Dahl, the general counsel of Lawyers for Civil Justice.

The proposed rule also seeks to formalize practices that have become common in MDLs and encourages judges to hold initial hearings for developing management plans after they are assigned MDL cases by the Judicial Panel on Multidistrict Litigation. This can be beneficial in getting a case off the runway and making it easier for all parties involved.

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The American Association for Justice, the plaintiffs' bar main advocacy group, also commented on the proposed rule and said that they will continue to engage in this rulemaking process. Business groups have urged the judiciary to adopt such measures as they can benefit companies facing thousands of lawsuits over products like combat earplugs and talc-containing powders.

The proposed rule has far reaching implications for MDL litigations, and it remains to be seen if it can help streamline case management and provide more clarity to all involved parties. Hopefully, with this proposed rule in place, resolution of such cases will become simpler and more efficient.