

MULTIDISTRICT LITIGATION MANUAL 2025

The Judicial Panel on Multidistrict Litigation exists to determine whether cases pending in more than one district should be transferred to a single district for coordinated or consolidated pretrial proceedings before a single judge and, if so, to whom the transfer should be made. The *Multidistrict Litigation Manual: Practice Before the Judicial Panel on Multidistrict Litigation 2025* exists to illuminate the precise procedures involved and how various factors weight in the consideration of transfer. The Panel publishes many of its decisions, which are reviewed here.

Since practice before the Panel is unlike practice before most federal courts, and since the Panel decides each matter of transfer based on the unique facts of the many cases before it at any given time, how to employ the lessons of past decisions of the Panel in practically preparing for and representing your cases is a matter to be undertaken with care. All the better prepared you are for having this Manual at hand.

As the Panel's approach to transfer decisions evolves every year, this year's changes include:

- Analysis of dozens of additional Panel decisions.
- Review of factors bearing on the determination of whether centralization and transfer of litigation are appropriate.
- Additional discussion of the exemption of state antitrust enforcement actions arising under federal antitrust law from multidistrict litigation.
- Consideration of the Panel's rejection of various arguments for alternatives to transfer and centralization.
- The Panel's increased focus on whether industry-wide centralization is feasible.
- A perceptible tendency of the Panel to assess if alternatives to transfer would better serve the purposes of efficient management of litigation, including coverage of decisions where the Panel has articulated reasons for denying transfer (and hundreds of decisions and secondary authorities since the Federal Judicial Center revised the Manual in 2004).
- A growing tendency of the Panel to explain its transfer decisions in terms of decisions in similar dockets in prior years.
- Continuing recognition by the Panel that dockets where the same counsel appear in the cases are inherently less complex, and possibly less likely to be centralized.
- Elaboration on the Panel's concerns that transfer would, in some cases, increase the complexity of the litigation rather than ease it.
- Considerations relating to selection of a transferee district and judge, including experience in similar cases, pendency of current and earlier cases, and even private practice experience of the

judge.

The Panel continues to consider a wide variety of factors in deciding whether to transfer and where to transfer, and several decisions illustrate the Panel's willingness to transfer to experienced judges who have not or who are not currently presiding over an MDL docket.