

MULTIDISTRICT LITIGATION MANUAL 2026

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 2026* exists to illuminate the precise procedures involved and how various factors weigh 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 because 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:

- Discussion of procedural changes, including new Federal Rule of Civil Procedure 16.1, which applies to multidistrict litigation proceedings in the transferee court.
- Analysis of dozens of additional Panel decisions in areas including antitrust, contract, patent, products liability, and class actions in developing areas like cybersecurity and artificial intelligence.
- Reemphasis of centralization as a last solution to be employed after all other alternatives have been explored, preferring transfer where a reasonable prospect exists that resolution of motions for venue transfers could eliminate the multidistrict character of a litigation.
- Additional decisions showing the Panel's desire to avoid duplicative discovery where the discovery process is still in early stages and is particularly complex.
- Consideration of the Panel's continued propensity to take into account the experience and knowledge of the transferee judge.
- Examples of the Panel's tendency to centralize even small numbers of antitrust or patent actions.
- Discussion of factors that bear on the transfer of actions, selection of transferee district, and centralization for convenience and just and efficient conduct of litigation.
- Elaboration on the type, complexity, and predominance of facts that factor into the Panel's determination of commonality.
- Cases on a range of additional topics such as tag-along actions, conditional transfer orders, stay, and the powers and duties of the Panel.