

# THE MYTH OF MDL DIVERSITY

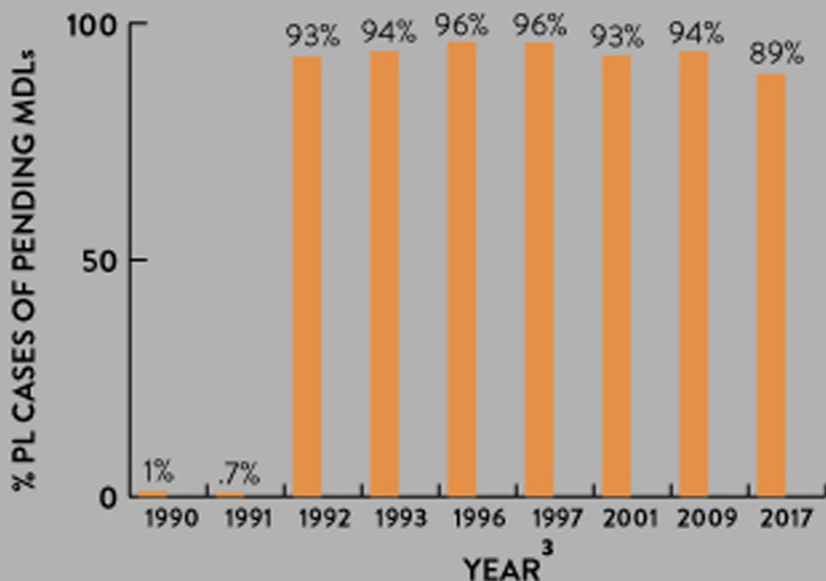


At the end of FY 2017, nearly **90%** of all pending cases in 256 MDLs were classified as products liability, according to the JPML <sup>1</sup>

Products liability cases have dominated MDLs since 1992 <sup>2</sup>

Before 1992, products liability cases were only a fraction of all MDL cases

Turning point was the asbestos and silicon breast implant litigation in 1991 and 1992, respectively



At the end of FY 2017, products liability cases in MDLs represented **42%** of the entire civil docket <sup>4</sup>

## Why This Matters

The FRCP are supposed to apply to all cases. That's why parties involved in MDL cases — 90% of which are products liability cases — believe FRCP changes are necessary to cover procedures such as *discovery*, *dismissal of frivolous claims*, *joinder*, *bellwether trials*, and *interlocutory appeal*, which would benefit all MDL cases.



1) [http://www.jpml.uscourts.gov/sites/jpml/files/JPML\\_Statistical\\_Analysis\\_of\\_Multidistrict\\_Litigation-FY-2017.pdf](http://www.jpml.uscourts.gov/sites/jpml/files/JPML_Statistical_Analysis_of_Multidistrict_Litigation-FY-2017.pdf)

2) <http://www.jpml.uscourts.gov/statistics-info>

3) JPML data end date before 1992 is 6/30; after 1992 is fiscal year 9/30. JPML's 1991 data does not include the asbestos MDL transferred in July 1991.

4) Based on Duke Law Center methodology. Civil cases include all cases minus Social Security and prisoner cases, except death penalty cases.

[http://www.uscourts.gov/sites/default/files/data\\_tables/fcms\\_na\\_distprofile0930.2017.pdf](http://www.uscourts.gov/sites/default/files/data_tables/fcms_na_distprofile0930.2017.pdf)