

Resolution 2

Directing the National Center for State Courts to Promote Communication and Best Practices for the Management of Like-Kind Litigation That Spans Multiple State Jurisdictions and Federal Districts

WHEREAS, the globalization of communications, business, and commerce has resulted in a significant amount of complex, repetitive litigation in multiple jurisdictions, both state and federal; and

WHEREAS, multi-jurisdiction litigation, such as mass torts, can challenge the resources and ingenuity of both federal and state judiciaries because there are often different categories of potential claimants, overlapping jurisdiction of state and federal courts, daunting amounts of information and documents, and differing laws on subjects such as discovery and the qualification of experts; and

WHEREAS, the judicial management of the In Re: Phenylpropanolamine (PPA) Products Liability Litigation [MDL-1407 (D.W. Wa.)], an example of effective and efficient coordination between state and federal courts, included the establishment of joint committees to encourage parties to reach consensus on trial management issues, master written discovery lists, document depositories, cross notices, joint hearings, and Daubert hearings in which interested state judges were invited to participate;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices directs the National Center for State Courts to take all available and reasonable steps to promote communication between state and federal courts for the purpose of establishing best practices for the management of like-kind litigation that spans multiple state jurisdictions and federal districts.

Adopted as proposed by the Civil Justice Committee at the CCJ Midyear Meeting, January 26, 2011.