

STATE OF MINNESOTA  
IN SUPREME COURT

AUG 25 1992

**FILED**

In re:

File No. C6-84-2134

Petition of Minnesota State  
Bar Association on the Subject of Complex  
Litigation.

**PETITION OF MINNESOTA STATE BAR ASSOCIATION**

**Background**

1. Petitioner Minnesota State Bar Association ("MSBA") is a not-for-profit corporation of attorneys authorized to practice before this Honorable Court and the other courts of this state.

2. This Honorable Court has the exclusive and inherent power and duty to administer justice and to adopt rules of practice and procedure before the courts of this state.

3. Petitioner and its members are actively involved in trials, appeals and other proceedings in the courts of this state and are interested in the fair, just, and efficient operation of the courts on their own behalf and on behalf of their clients and other litigants, and on behalf of the public at large.

4. During the late 1980's Petitioner MSBA and its leadership received requests, suggestions, and criticism of the bench, bar, and more broadly "the system" or the process of administration of justice generally in Minnesota, particularly with respect to "complex cases." In response to this public commentary, MSBA appointed its Task Force on Complex Litigation ("Task Force") in early 1991.

5. The MSBA Task Force comprised nine members, including a Reporter. The membership is reflected in the attached **Report Of The Task Force on Complex**

**Litigation**, attached to this Petition as Exhibit A, and made a part hereof. The Task Force met 12 times, and considered a wide variety of proposals and suggestions regarding the administration of justice in complex cases. The Task Force limited its focus to problems unique to complex or protracted cases, and did not address other problems in the administration of civil litigation, including overuse and abuse of discovery, the expense involved in litigating smaller and more routine cases, judicial specialization, assignment systems for all cases, differentiated caseload management rules for all cases, or other reform proposals.

6. The Task Force report was unanimously supported by the Board of Governors of Petitioner and was unanimously adopted by the House of Delegates and General Assembly of Petitioner on June 27, 1992, at its annual convention held in Rochester. This Petition to this Court was authorized and endorsed at that time.

#### **Specific Recommendations**

7. The Task Force concluded that the existing court rules generally provide adequate tools to the trial judges and court administrators to manage complex litigation. The most important single recommendation for change is that a mechanism be established so that a case likely to be complex or otherwise protracted be assigned to a single judge for all pre-trial and trial proceedings. That judge can then actively and aggressively manage that case. The MSBA respectfully requests this Court to adopt a new rule as part of the Minnesota General Rules of Practice. The proposed rule would be numbered Rule 113:

**Rule 113      Assignment of Complex Cases to Single Judge**

**113.01 Assignment.** In any case that the court or parties believe is likely to be complex, or where other reasons of efficiency or the interest of justice dictate, the court may order that all pretrial and trial proceedings shall be heard before a single judge. The court may enter such an order at any time on its own initiative or the motion of any party. In any case assigned to a single judge pursuant to this Rule that judge shall actively use enhanced judicial management techniques.

**113.02 Factors.** Factors to be considered in determining whether a case should be assigned to a single judge include the following:

- (1) The number of parties;
- (2) The nature of the claims;
- (3) The anticipated length of trial;
- (4) The likelihood of an unusually high number of pretrial court appearances;
- (5) The presence of novel discovery issues; and
- (6) The absence of effective communication between counsel.

**113.03 Motion.** A motion for assignment to a single judge shall be made to the chief judge (or his or her designee) of the District in which the case is pending.

8. The Task Force determined that judges should use special procedures to manage complex and protracted cases in order to minimize delay and expense. The Task Force considered making specific recommendations in this regard, but concluded it wiser to have the courts, and specifically the Conference of Chief Judges, prepare a bench manual of case management procedures suitable for these cases based on the collective experience of our state judges. Petitioner is available to offer whatever assistance the judiciary may request on this project.

9. The Task Force recommends that trial courts make greater use of special masters. This need not involve any rule changes, for Rule 53 of the Minnesota Rules of Civil Procedure provides adequate authority to use masters. The MSBA respectfully recommends that the Supreme Court recommend to trial courts that special masters or referees be used in those relatively few cases where issues and case management demands would make use of a master or referee helpful. The MSBA

Civil Litigation Section is embarking on a program of identifying experienced litigators who are willing to be appointed in complex cases and will make the fruits of its efforts available to this Court and the state judiciary.

10. The Task Force examined the transfer of similar, related cases that has been in the past ordered by this court. *E.g.*, In re Minnesota L-tryptophan Litigation, No. C0-91-706 (Minn. Sup. Ct., Apr. 24, 1991); In re Minnesota Asbestos Litigation, No. C4-87-2406 (Minn. Sup. Ct., Dec. 14, 1987). The procedure used in these cases was based on this Court's powers under Minn. Stat. § 480.16 & 2.724 and its inherent power. The Task Force believes this consolidation power is an important tool for managing complex litigation. The Task Force recommended, however, and Petitioner respectfully requests, that this transfer power be established with appropriate and published rules to govern the procedures associated with this transfer and consolidation.

The procedure established by the proposed rule is modeled on the multidistrict transfer statute in the federal courts. *See* 28 U.S.C. § 1407. These transfer procedures have worked well in federal multidistrict litigation. *See generally* D. Herr, Multidistrict Litigation: Handling Cases Before the Judicial Panel on Multidistrict Litigation (1986; Supp. 1989).

Petitioner respectfully requests this Court to adopt a new Rule 146 as part of the Minnesota General Rules of Practice:

**Rule 146 Consolidation of Multiple Litigation**

**Rule 146.01 Scope and Application.**

(a) **Purpose.** The purpose of this Rule is to provide a uniform system for the consolidation of multiple civil actions. Actions commenced in two or more judicial districts or two or more actions within a single district may be transferred and consolidated if:

- (1) They involve one or more common questions of fact, and
- (2) Transfer and consolidation will promote the just and efficient conduct of the actions.

(b) **Motion.** A motion for consolidation may be made by any party to a civil action by filing the original and five copies of the motion for consolidation and supporting memorandum of law with the clerk of Appellate Courts, and serving a copy of the motion and memorandum of law on all other parties or persons known to the moving party to have an interest in the issue of consolidation. A judge to whom an action subject to transfer under this rule is assigned or the Chief Judge of any district in which such an action is pending may recommend transfer by filing a notice with the Clerk of Appellate Courts and mailing a copy to all parties in any actions recommended for transfer.

(c) **Hearing.** The Supreme Court shall consider and rule on all motions for consolidation within 90 days of the date of filing of a motion for consolidation. The Supreme Court may, at its discretion, schedule a hearing to gather additional input from the parties of the district court.

(d) **Standards.** Factors to be considered in deciding whether the standard set forth in subdivision (a) is met include:

- (1) the extent to which transfer and consolidation will reduce duplicative litigation, the relative costs of individual and consolidated litigation, the likelihood of inconsistent adjudications, and the comparative burdens on the judiciary, and
- (2) whether transfer and consolidation can be accomplished in a way that is fair to the parties and does not result in undue inconvenience to the parties and witnesses.

In considering those factors the court may take account of matters such as

- a. The number of parties and actions involved;
- b. The geographic dispersion of the actions;
- c. The existence, extent and significance of local concerns;
- d. The subject matter of the dispute;
- e. The amount in controversy;
- f. The significance and number of common issues that are involved;
- g. The likelihood of additional related actions being commenced in the future; and
- h. The stages to which the actions already commenced have progressed.

(e) **Partial consolidation.** Transfer and consolidation need not be denied simply because one or more of the issues are not common so that consolidated treatment of all parts of the dispersed actions cannot be achieved. Although transfer and consolidation typically shall be ordered for entire cases, in special circumstances, one or more common issues, rather than entire cases, may be transferred for consolidation.

**Rule 146.02 Timing of Transfer and Consolidation.**

(a) **Timeliness.** The timeliness of a motion for transfer and consolidation should be determined by the Supreme Court on a case by case basis.

(b) **Action not stayed.** In order to ensure both that a motion for consolidation under this rule does not result in any unnecessary delay of the underlying proceedings and that the resolution of the motion itself is not delayed,

(1) The trial district courts will not stay any proceedings until the transfer and consolidation decision has been made; and

(2) The Supreme Court will not postpone its transfer and consolidation decision pending the resolution of motions in the transferor courts and it will not stay any of the proceedings in the trial district courts until the transfer and consolidation decision has been made.

**Rule 146.03 Standards for Determining Where to Transfer Consolidated Actions.**

(a) **Transferee district.** Cases may be transferred and consolidated in any district court in which the just and efficient resolution of the actions will be promoted and fairness to the individual litigants can be assured.

(b) **Multiple transferee districts.** When the just, efficient and fair resolution of the actions will be promoted, the Supreme Court may designate more than one transferee court. In determining which individual cases should be assigned to which districts when multiple transferee courts are designated, factors relevant to assuring convenience to the litigants should control.

**Rule 146.04 Authority of Supreme Court.**

(a) **Hearing.** The Supreme Court may, but is not required to, schedule a hearing on a motion or request for consolidation made pursuant to General rule 146.01 and may require additional notice and opportunity for response to any parties or persons who may be interested in the issue of consolidation.

(b) **Order.** When the Supreme Court determines that transfer and consolidation is justified under General Rule 146.01, it shall order transfer to take place in the most appropriate district court or district courts as provided in General Rule 146.03. In an appropriate case, transfer and consolidation may be ordered only for pretrial purposes or for such other limited purposes as is deemed by the Supreme Court to be fair and reasonable under the circumstances.

(c) **Duty to notify.** Counsel on any case that is the subject of a transfer and consolidation motion before the Supreme Court, or that already has been transferred and consolidated, are under an obligation to notify the other parties or interested persons and the court of any case involving an issue of fact or law, to their case.

**Rule 146.05 Powers of the Transferee Court.**

(a) **Scope.** Unless the Supreme Court orders otherwise, transfer and consolidation shall be for all purposes and the transferee judge shall have the full power to manage and organize the consolidated proceeding so as to promote its just, efficient and fair resolution. Among the things that the transferee court may consider are the organization of the parties into groups with like interests and the structuring of the litigation by separating the issues into those common questions that should be treated on a consolidated basis and those individual questions that should not. The transferee court also may certify classes either encompassing the entire litigation or for particular issues. Discovery and trial preparation on those issues not consolidated by the transferee court may be stayed until the close of the consolidated proceeding.

(b) **Severance and retransfer.** When the transferee court severs issues, it shall have broad discretion to order the separated issues to be retransferred for consolidated treatment in one or more retransferee districts; to return individual issues to the districts in which they originated; to retain those issues for trial; or to order any other appropriate resolution. The transferee court may order the immediate retransfer of those issues not to be determined by it, or it may postpone retransfer until a later stage of the proceedings. When damage issues are severed, the discretion of the transferee court includes the retransfer of the damage issue prior to the trial of liability for consolidated trial in one or more retransferee districts, and the retransfer of the damage issue for consolidated trial in one of more districts after the determination of liability.

**Rule 146.06 Review.**

(a) **Review of transfer decisions.** Decisions regarding transfer and consolidation by the Supreme Court will not be subject to review by any court.

(b) **Review of decisions in transferee court.** Review of decisions of the transferee court shall be governed by the Minnesota Rules of Civil Appellate Procedure or Minnesota Statutes.

**Conclusion**

11. Petitioner respectfully requests this Honorable Court to adopt the recommendations of the MSBA Task Force by:

1. Adopting the proposed Rule 113 of the Minnesota Rules of General Practice as set forth above;
2. Requesting an appropriate group to consider and prepare a manual of special procedures to be used to manage protracted cases in

order to minimize delay and expense and making that manual available to trial judges;

3. Adopting the MSBA Task Force recommendation encouraging greater use of special masters or referees in complex litigation; and

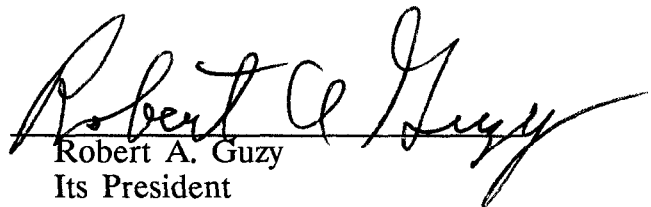
4. Adopting the proposed Rule 146 of the Minnesota Rules of General Practice as set forth above.

Dated: This \_\_ day of August, 1992.

Respectfully submitted,

MINNESOTA STATE BAR ASSOCIATION

By

  
Robert A. Guzy  
Its President



**MINNESOTA STATE BAR ASSOCIATION**  
**REPORT OF THE TASK FORCE ON COMPLEX LITIGATION**

**INTRODUCTION**

The Task Force was appointed by then-MSBA President Tom Tinkham to consider various means to promote the efficient, meritorious disposition of complex cases. The Task Force considered and rejected, among other things, the implementation of a statewide differentiated case management system, the use of attorneys as judges pro tem, the modification of various discovery rules, and the implementation of a fee-shifting mechanism to modify the traditional American Rule. It decided instead to make more narrowly tailored recommendations that it believes will encourage and enhance the management of complex cases. The overarching goal of these recommendations is to create a system that ensures early identification of complex cases and requires judges and attorneys to use available tools to foster better case management.

Final Draft  
April 15, 1992  
Page 1

## RECOMMENDATIONS

1. **A case likely to be complex or otherwise protracted should be assigned to a single judge, who should actively and aggressively manage that case.**

Recommendation: The MSBA should recommend to the Minnesota Supreme Court that a new Rule 113 of the General Rules of Practice be adopted to provide for assignment of these cases to a single judge.

### **Rule 113      Assignment of Complex Cases to Single Judge**

**113.01 Assignment.** In any case that the court or parties believe is likely to be complex, or where other reasons of efficiency or the interest of justice dictate, the court may order that all pretrial and trial proceedings shall be heard before a single judge. The court may enter such an order at any time on its own initiative or the motion of any party. In any case assigned to a single judge pursuant to this Rule that judge shall actively use enhanced judicial management techniques.

**113.02 Factors.** Factors to be considered in determining whether a case should be assigned to a single judge include the following:

- (1) The number of parties;
- (2) The nature of the claims;
- (3) The anticipated length of trial;
- (4) The likelihood of an unusually high number of pretrial court appearances;
- (5) The presence of novel discovery issues; and
- (6) The absence of effective communication between counsel.

**113.03 Motion.** A motion for assignment to a single judge shall be made to the chief judge (or his or her designee) of the District in which the case is pending.

### Task Force Comments

The Task Force believes that the use of an individual calendar system is essential to the proper management and effective disposition of complex cases. The assignment of complex or otherwise protracted cases to a single judge will increase accountability on all sides, facilitate early attention to case management issues, and

foster continuing efficiencies in the handling of the case. A single judge will be better able to make effective use of available judicial management techniques.

The Task Force makes this recommendation only for complex cases, as liberally defined in the Rule, and the Task Force does not take any position, one way or another, on the appropriateness of an individual calendar system for all cases. Nor does the Task Force make any specific recommendation regarding the manner in which the Chief Judge assigns a single judge to a complex case.

The Task Force also considered a recommendation that the Supreme Court appoint a special panel of judges to be available to preside over complex cases and to which all such cases would be referred. The Task Force concluded, however, that the concept should be studied further and likely addressed by, among others, the MSBA Judicial Administration Committee and the Conference of Chief Judges.

2. **Judges should use various special procedures to facilitate enhanced management of complex cases.**

Recommendation: The MSBA should recommend to the Minnesota Supreme Court that a bench manual of case management procedures be developed by the Conference of Chief Judges with the substantial assistance of the MSBA.

### Task Force Comments

The Task Force believes that a single judge presiding over a complex case will best be able to exercise enhanced judicial management techniques if a flexible series of meaningful requirements for counsel exists during the pleading, discovery and final pretrial stages. Written reports to and conferences with the judge during the course of the case, such as those in place in Ramsey County's DCM system, can provide the framework for the kind of collaborative effort that leads to earlier settlement of cases that can be settled and more certain trial dates for those that cannot. These and other case management procedures should facilitate the early establishment of a firm discovery schedule, should ensure attorney initiative and accountability in preparing the case and should foster recourse to meaningful ADR procedures. With the assistance of the MSBA a committee appointed by the Conference of Chief Judges could draft a manual specifying such procedures and encouraging their use so that they would be more widely used by judges and attorneys. One option would be for the MSBA to make available a person, perhaps from Minnesota CLE's scholar-in-residence program, who could undertake the research and drafting of a manual, with appropriate guidance from the Conference of Chief Judges, similar to the Federal Manual for Complex Litigation 2d.

The Task Force considered and rejected various modifications of the discovery rules as premature and likely to engender confusion in view of pending efforts to revise the Federal Rules. It also rejected the use of attorneys as judges pro tem -- in large part because available studies have found such a program useful only as a backlog reduction tool rather than as an ongoing case management device. Finally, the Task Force considered but rejected various fee-shifting mechanisms as divisively controversial and, in any event, as not specific to complex cases and therefore beyond the scope of the Task Force's mission.

3. A panel of experienced attorneys should be available to serve as Rule 52 special masters.

Recommendation: The MSBA should establish a program to make available to the courts a panel of experienced lawyers who are willing to serve as special masters for varying roles in resolving disputes in specific types of cases.

#### Task Force Comments

The Task Force believes that Rule 52 is underused and that, particularly in complex cases, it provides an effective tool for enhanced management which judges ought to use far more frequently than they presently do. A judge overseeing a complex case should make ready use of attorneys with litigation expertise as special masters to manage pretrial proceedings and other complimentary roles. The Task Force also believes that Rule 52 should be used to designate experienced litigation attorneys to serve as informal mediators for the resolution of disputes involving relations between counsel. The availability to a judge of experienced litigation attorneys to act as informal mediators to resolve breaches of communication would foster increased civility among the Bar and greater efficiencies in the progression of a complex case toward trial.

Although matters of compensation often present thorny issues, the Task Force believes that a special master generally should be compensated at her normal hourly rate, with the parties sharing such costs equally, but that a judge should be able to specify an unequal split in appropriate circumstances.

4. **A formal mechanism should exist for the transfer and consolidation of multiple related civil actions.**

Recommendation: The MSBA should recommend to the Minnesota Supreme Court that a new Rule 146 of the General Rules of Practice be adopted to provide for consolidation of multiple related cases.

**Rule 146 Consolidation of Multiple Litigation**

**Rule 146.01 Scope and Application.**

(a) **Purpose.** The purpose of this Rule is to provide a uniform system for the consolidation of multiple civil actions. Actions commenced in two or more judicial districts or two or more actions within a single district may be transferred and consolidated if:

- (1) They involve one or more common questions of fact, and
- (2) Transfer and consolidation will promote the just and efficient conduct of the actions.

(b) **Motion.** A motion for consolidation may be made by any party to a civil action by filing the original and five copies of the motion for consolidation and supporting memorandum of law with the clerk of Appellate Courts, and serving a copy of the motion and memorandum of law on all other parties or persons known to the moving party to have an interest in the issue of consolidation. A judge to whom an action subject to transfer under this rule is assigned or the Chief Judge of any district in which such an action is pending may recommend transfer by filing a notice with the Clerk of Appellate Courts and mailing a copy to all parties in any actions recommended for transfer.

(c) **Hearing.** The Supreme Court shall consider and rule on all motions for consolidation within 90 days of the date of filing of a motion for consolidation. The Supreme Court may, at its discretion, schedule a hearing to gather additional input from the parties of the district court.

(d) **Standards.** Factors to be considered in deciding whether the standard set forth in subdivision (a) is met include:

- (1) the extent to which transfer and consolidation will reduce duplicative litigation, the relative costs of individual and consolidated litigation, the likelihood of inconsistent adjudications, and the comparative burdens on the judiciary, and
- (2) whether transfer and consolidation can be accomplished in a way that is fair to the parties and does not result in undue inconvenience to the parties and witnesses.

In considering those factors the court may take account of matters such as

- a. The number of parties and actions involved;
- b. The geographic dispersion of the actions;
- c. The existence, extent and significance of local concerns;
- d. The subject matter of the dispute;
- e. The amount in controversy;
- f. The significance and number of common issues that are involved;
- g. The likelihood of additional related actions being commenced in the future; and
- h. The stages to which the actions already commenced have progressed.

(e) **Partial consolidation.** Transfer and consolidation need not be denied simply because one or more of the issues are not common so that consolidated treatment of all parts of the dispersed actions cannot be achieved. Although transfer and consolidation typically shall be ordered for entire cases, in special circumstances, one or more common issues, rather than entire cases, may be transferred for consolidation.

**Rule 146.02 Timing of Transfer and Consolidation.**

(a) **Timeliness.** The timeliness of a motion for transfer and consolidation should be determined by the Supreme Court on a case by case basis.

(b) **Action not stayed.** In order to ensure both that a motion for consolidation under this rule does not result in any unnecessary delay of the underlying proceedings and that the resolution of the motion itself is not delayed,

(1) The trial district courts will not stay any proceedings until the transfer and consolidation decision has been made; and

(2) The Supreme Court will not postpone its transfer and consolidation decision pending the resolution of motions in the transferor courts and it will not stay any of the proceedings in the trial district courts until the transfer and consolidation decision has been made.

**Rule 146.03 Standards for Determining Where to Transfer Consolidated Actions.**

(a) **Transferee district.** Cases may be transferred and consolidated in any district court in which the just and efficient resolution of the actions will be promoted and fairness to the individual litigants can be assured.

(b) **Multiple transferee districts.** When the just, efficient and fair resolution of the actions will be promoted, the Supreme Court may designate more than one transferee court. In determining which individual cases should be assigned to which districts when multiple transferee courts are designated, factors relevant to assuring convenience to the litigants should control.

**Rule 146.04 Authority of Supreme Court.**

(a) **Hearing.** The Supreme Court may, but is not required to, schedule a hearing on a motion or request for consolidation made pursuant to General rule 146.01 and may require additional notice and opportunity for response to any parties or persons who may be interested in the issue of consolidation.

(b) **Order.** When the Supreme Court determines that transfer and consolidation is justified under General Rule 146.01, it shall order transfer to take place in the most appropriate district court or district courts as provided in General Rule 146.03. In an appropriate case, transfer and consolidation may be ordered only for pretrial purposes or for such other limited purposes as is deemed by the Supreme Court to be fair and reasonable under the circumstances.

(c) **Duty to notify.** Counsel on any case that is the subject of a transfer and consolidation motion before the Supreme Court, or that already has been transferred and consolidated, are under an obligation to notify the other parties or interested persons and the court of any case involving an issue of fact or law, to their case.

**Rule 146.05 Powers of the Transferee Court.**

(a) **Scope.** Unless the Supreme Court orders otherwise, transfer and consolidation shall be for all purposes and the transferee judge shall have the full power to manage and organize the

consolidated proceeding so as to promote its just, efficient and fair resolution. Among the things that the transferee court may consider are the organization of the parties into groups with like interests and the structuring of the litigation by separating the issues into those common questions that should be treated on a consolidated basis and those individual questions that should not. The transferee court also may certify classes either encompassing the entire litigation or for particular issues. Discovery and trial preparation on those issues not consolidated by the transferee court may be stayed until the close of the consolidated proceeding.

(b) **Severance and retransfer.** When the transferee court severs issues, it shall have broad discretion to order the separated issues to be retransferred for consolidated treatment in one or more retransfer districts; to return individual issues to the districts in which they originated; to retain those issues for trial; or to order any other appropriate resolution. The transferee court may order the immediate retransfer of those issues not to be determined by it, or it may postpone retransfer until a later stage of the proceedings. When damage issues are severed, the discretion of the transferee court includes the retransfer of the damage issue prior to the trial of liability for consolidated trial in one or more retransfer districts, and the retransfer of the damage issue for consolidated trial in one of more districts after the determination of liability.

**Rule 146.06 Review.**

(a) **Review of transfer decisions.** Decisions regarding transfer and consolidation by the Supreme Court will not be subject to review by any court.

(b) **Review of decisions in transferee court.** Review of decisions of the transferee court shall be governed by the Minnesota Rules of Civil Appellate Procedure or Minnesota Statutes.

Task Force Comments

The Rule would address the increasingly common situation in which multiple civil actions involving common issues are filed in various districts throughout the state. Separate trials of such cases often lead to substantial inefficiencies for the parties and the court system.

The Minnesota Supreme Court has recognized the appropriateness of transferring and consolidating related cases before a single judge. On at least two occasions, the court has transferred all pending cases involving multiple products liability involving a single product of class of similar products. See In re Minnesota L-tryptophan Litigation, No. C0-91-706 (Minn. Sup. Ct., Apr. 24, 1991); In re Minnesota Asbestos Litigation, No. C4-87-2406 (Dec. 14, 1987). In these cases, however, the court acted on its own initiative and without any procedure for obtaining the positions and views of the parties regarding the transfer. The Task Force believes the bench and bar should have available a formal procedure, with specifically enumerated standards, by which such cases can be transferred and, perhaps, consolidated in appropriate circumstances. It is important as well that the parties have notice of these proceedings.



The procedure established by this rule is modeled on the multidistrict transfer statute in the federal courts. *See* 28 U.S.C. § 1407. These transfer procedures have worked well in federal multidistrict litigation. See generally David F. Herr, Multidistrict Litigation: Handling Cases Before the Judicial Panel on Multidistrict Litigation (1986 and Supp. 1989). The procedure recommended is somewhat more streamlined, however, to reflect the fact that substantially fewer cases are likely to be considered compared to the multitude of cases considered in the federal courts by the Judicial Panel on Multidistrict Litigation.

## CONCLUSION

The Task Force believes these recommendations, if supported by the MSBA and adopted by the Supreme Court, will substantially promote the efficient, meritorious disposition of complex cases.

Respectfully submitted,

David F. Herr, Chair  
Phillip A. Cole  
Thomas S. Fraser  
Mark A. Hallberg  
Catharine F. Haukedahl  
Heidi M. Hoard  
Richard L. Pemberton  
Janice M. Symchych  
James K. Langdon II, Reporter