

Wandering Tasting  
Therapeutic Stories  
Distilling

ERISA Pre-emption

Supplemental Jurisdiction

**Southern Conference of Bar Presidents  
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Key - Basketball  
Key - Scott/Tom

It is an honor to speak with you, even though most of you are no doubt waiting for the next speaker who will give you information you can use. I believe his topic is "Everything you need to know about how to bet on a horse." No doubt with this advice, you will make lots of money at the track. Of course, there is an old Kentucky adage about how easy it is to become a millionaire in the horse business, you start with 3 million dollars and enter the horse business.

The topic of multidistrict litigation and the federal Judicial Panel on Multidistrict Litigation resembles horse racing in that, like a handicap race, one seeks to have all horses of similar qualities, gather in the same race. Think of the Judicial Panel on Multidistrict Litigation as the handicap committee for federal cases.

I am currently about four years into a seven year appointment as Chair of the Panel, which I handle in addition to my regular caseload. It is a wonderful and interesting assignment, which Justice Roberts bestowed upon me after having served for nine years of hard time as Chair of the Federal Judiciary Budget Committee. After dealing with Congress for all those years, he rightly thought that I deserved some sort of reward.

The Panel traces its origins to the 1960's when more than 1800 related anti-trust actions concerning electrical equipment companies flooded the federal courts. To coordinate the discovery in all these cases, Chief Justice Earl Warren created the Coordinating Committee for Multiple Litigation of the United States District Courts. At the end of its work, the Committee recommended a more formalized procedure for handling such cases. In response, in 1968 Congress enacted 28 U.S.C. § 1407, the statute to which the Panel owes its existence.