

April 23, 2025

Honorable Mike Johnson
Speaker, United States House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

I have the honor to submit to the Congress amendments and an addition to the Federal Rules of Civil Procedure that has been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying the amended and additional rules are the following materials that were submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code: a transmittal letter to the Court dated October 17, 2024; a blackline version of the rule with committee note; an excerpt from the September 2024 report of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States; and an excerpt from the May 2024 report of the Advisory Committee on Civil Rules.

Sincerely,

/s/ John G. Roberts, Jr.

April 23, 2025

Honorable James D. Vance
President, United States Senate
Washington, DC 20510

Dear Mr. President:

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Sincerely,

/s/ John G. Roberts, Jr.

April 23, 2025

SUPREME COURT OF THE UNITED STATES

ORDERED:

1. The Federal Rules of Civil Procedure are amended to include amendments to Rules 16 and 26, and new Rule 16.1.

[*See infra* pp. __ __ __.]

2. The foregoing amendments and addition to the Federal Rules of Civil Procedure shall take effect on December 1, 2025, and shall govern in all proceedings thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. THE CHIEF JUSTICE is authorized to transmit to the Congress the foregoing amendment to the Federal Rules of Civil Procedure in accordance with the provisions of Section 2074 of Title 28, United States Code.

**PROPOSED AMENDMENTS TO THE
FEDERAL RULES OF CIVIL PROCEDURE**

**Rule 16. Pretrial Conferences; Scheduling;
Management**

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(b) Scheduling and Management.

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(3) *Contents of the Order.*

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(B) *Permitted Contents.*

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- (iv)** include the timing and method for complying with Rule 26(b)(5)(A) and any agreements the parties reach for asserting claims of privilege or of protection as trial-preparation material after

information is produced,
including agreements reached
under Federal Rule of
Evidence 502;

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**PROPOSED AMENDMENTS TO THE
FEDERAL RULES OF CIVIL PROCEDURE**

Rule 16.1. Multidistrict Litigation

- (a) **Initial Management Conference.** After the Judicial Panel on Multidistrict Litigation transfers actions, the transferee court should schedule an initial management conference to develop an initial plan for orderly pretrial activity in the MDL proceedings.
- (b) **Report for the Conference.**
- (1) *Submitting a Report.* The transferee court should order the parties to meet and to submit a report to the court before the conference.
- (2) *Required Content: the Parties' Views on Leadership Counsel and Other Matters.* The report must address any matter the court designates—which may include any matter in Rule 16—and, unless the court orders otherwise, the parties' views on:

- (A) whether leadership counsel should be appointed and, if so:
 - (i) the timing of the appointments;
 - (ii) the structure of leadership counsel;
 - (iii) the procedure for selecting leadership and whether the appointments should be reviewed periodically;
 - (iv) their responsibilities and authority in conducting pretrial activities and any role in facilitating resolution of the MDL proceedings;
 - (v) the proposed methods for regularly communicating with

- and reporting to the court and nonleadership counsel;
 - (vi) any limits on activity by nonleadership counsel; and
 - (vii) whether and when to establish a means for compensating leadership counsel;
- (B) any previously entered scheduling or other orders that should be vacated or modified;
- (C) a schedule for additional management conferences with the court;
- (D) how to manage the direct filing of new actions in the MDL proceedings; and
- (E) whether related actions have been— or are expected to be—filed in other

courts, and whether to adopt methods for coordinating with them.

(3) *Additional Required Content: the Parties'*

Initial Views on Various Matters. Unless the court orders otherwise, the report also must address the parties' initial views on:

- (A)** whether consolidated pleadings should be prepared;
- (B)** how and when the parties will exchange information about the factual bases for their claims and defenses;
- (C)** discovery, including any difficult issues that may arise;
- (D)** any likely pretrial motions;
- (E)** whether the court should consider any measures to facilitate resolving some or all actions before the court;

- (F) whether any matters should be referred to a magistrate judge or a master; and
 - (G) the principal factual and legal issues likely to be presented.
- (4) ***Permitted Content.*** The report may include any other matter that the parties wish to bring to the court's attention.
- (c) **Initial Management Order.** After the conference, the court should enter an initial management order addressing the matters in Rule 16.1(b) and, in the court's discretion, any other matters. This order controls the course of the proceedings unless the court modifies it.

**PROPOSED AMENDMENTS TO THE
FEDERAL RULES OF CIVIL PROCEDURE**

**Rule 26. Duty to Disclose; General Provisions
Governing Discovery**

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**(f) Conference of the Parties; Planning for
Discovery.**

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(3) *Discovery Plan.* A discovery plan must state
the parties' views and proposals on:

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(D) any issues about claims of privilege
or of protection as trial-preparation
materials, including the timing and
method for complying with
Rule 26(b)(5)(A) and—if the parties
agree on a procedure to assert these
claims after production—whether to

ask the court to include their
agreement in an order under Federal
Rule of Evidence 502;

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