

# The ILR Research Review

Featuring the latest of ILR's groundbreaking research on pressing legal issues

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## From the Top: The President's Perspective

This edition of the *ILR Research Review* showcases a series of reports that provide both proof-points and guideposts to support ILR's work in 2025, especially with respect to our heightened focus on state-level impact.

The adoption of Federal Rule of Civil Procedure 16.1 is a welcome step in the right direction in addressing widespread abuses of the multidistrict litigation (MDL) process. When properly applied, it should result in better vetting to identify unsupportable claims and increased judicial attention to the problems posed by those claims. Rule 16.1, and the amendments to strengthen it that ILR proposes in this research, is a crucial step in the right direction to restoring a level playing field between plaintiffs and defendants in MDLs.

Outside of Washington, several states made important progress on legal reform this year. The *ILR Brieflys* featured in this *Review* evaluated the legal environments in Georgia, Louisiana, and Oklahoma, as well as identifying key opportunities for legal reform. Shortly after these reports were published, all three states enacted

highly impactful legal reforms to improve their litigation environments for both businesses and consumers.

All in all, proactive states and our federal court system have made meaningful strides in addressing longstanding legal challenges, advancing fairness for consumers and businesses, and laying the groundwork for future reforms.

That being said, there is still plenty of work to be done, and ILR intends to keep up the momentum.

Go, fight, win.

—Stephen Waguespack

President, U.S. Chamber of Commerce  
Institute for Legal Reform and

Senior Vice President, State and Local  
Advocacy, U.S. Chamber of Commerce



U.S. Chamber of Commerce  
Institute for Legal Reform

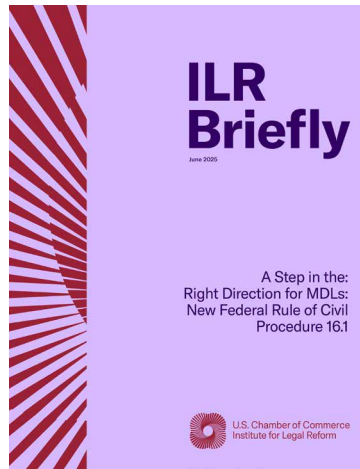
## Early Application of Rule 16.1

Even before Rule 16.1 takes effect on December 1, 2025, defendants should note that at least one MDL judge has begun applying its requirements. In the Depo-Provera MDL, Judge M. Casey Rodgers has required that each complaint specify a qualifying injury and product. BrownGreer, which Judge Rodgers has appointed as a third-party “MDL Data Administrator,” is reviewing complaints for deficiencies and is empowered to require plaintiffs to cure them on an aggressive timeline. This proactive approach to claim vetting, perhaps informed by Judge Rodgers’ prior experience with meritless filings in the 3M Combat Earplug MDL, should help ensure that only claims with evidence of product use, causation, and injury will move forward.

## Louisiana Enacts Meaningful Tort Reform

Louisiana legislators passed and the governor signed a number of ILR-backed bills this year, collectively enshrining the largest tort reform package in Louisiana history into law. These measures paralleled many of the paper’s recommendations, including a pivotal shift to align with most other states in requiring that claimants found to be 51 percent or more at fault in an accident will no longer be eligible to recover damages. Among other things, these laws also help ensure medical damage claims reflect actual costs and restore the plaintiffs’ burden to prove causation by a preponderance of evidence in auto accident claims.

## ILR Briefly: A Step in the Right Direction for MDLs: New Federal Rule of Civil Procedure 16.1



June 2025

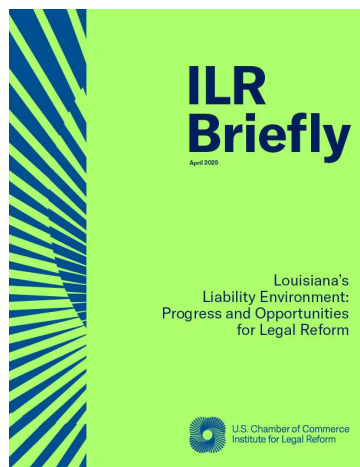
Authors: Archis A. Parasharami and Daniel E. Jones, Mayer Brown LLP

ILR’s research discusses the introduction and implications of new Federal Rule of Civil Procedure 16.1, which aims to address one of the most important, long-standing problems in the multidistrict litigation (MDL) process: the lack of meaningful early vetting of claims.

Rule 16.1, the first civil procedure rule to explicitly address MDLs, requires parties to discuss how and when they will exchange information about the factual bases of claims. ILR argues defendants should use Rule 16.1 to require plaintiffs’ firms to make early disclosures, allowing for claim vetting before costly discovery or further litigation steps.

Rule 16.1, and the amendments to strengthen it that ILR proposes in this research, is a crucial step in the right direction to reduce the number of frivolous claims in MDLs.

## ILR Briefly: Louisiana’s Liability Environment: Progress and Opportunities for Legal Reform



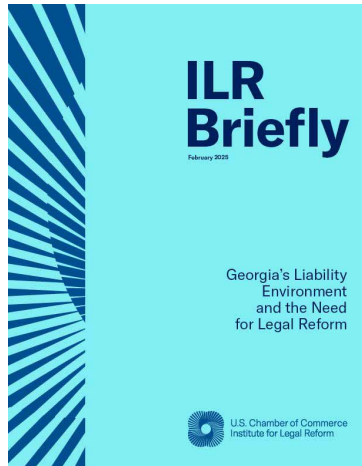
April 2025

Author: Cary Silverman, Shook, Hardy & Bacon LLP

Louisiana has made meaningful progress in improving its liability environment in recent years, though important challenges remain. This paper explores the factors behind Louisiana’s improving yet still uneven legal climate, such as the high volume of auto accident claims, the persistence of fraudulent lawsuits, practices prejudicial to defendants, and the structural incentives that encourage excessive litigation.

The paper highlights several opportunities to further enhance the state’s litigation landscape, including adopting modified comparative fault, eliminating the Housley presumption, and curbing phantom damages, among others. These reforms are intended to improve the functioning of Louisiana’s civil justice system and reduce costs for businesses and consumers alike.

# ILR Briefly: Georgia's Liability Environment and the Need for Legal Reform



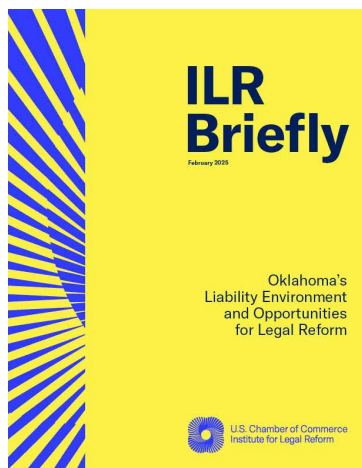
February 2025

Author: Cary Silverman, Shook, Hardy & Bacon LLP

Georgia has been recognized as a business-friendly state, but its progress has been slowed by a challenging litigation climate. This year presented a key opportunity for Georgia to enact landmark legal reforms that would correct longstanding issues in its legal system, promote fairness for consumers and businesses, and support future growth and prosperity.

ILR's paper highlights Gov. Brian Kemp's commitment to enact comprehensive legal reform legislation during the 2025 legislative session—a commitment he ultimately fulfilled. The reforms championed by Gov. Kemp, many of which parallel reforms in this paper, included measures to limit excessive liability in negligent security cases, bifurcate trials, increase transparency in litigation funding, reduce improper influence on jurors, allow seatbelt evidence in auto cases, ensure medical damages reflect actual costs, prevent double attorney fees, and curb forum shopping.

# ILR Briefly: Oklahoma's Liability Environment and Opportunities for Legal Reform



February 2025

Author: Cary Silverman, Shook, Hardy & Bacon LLP

Oklahoma has a strong legacy of legal reform, but in recent years the state has not been as proactive in tackling emerging liability issues. At the beginning of 2025, the Sooner State stood at a crossroads, with an opportunity to reaffirm its legacy of legal reform while adapting to the demands of a changing litigation landscape.

This edition of *ILR Briefly* examines Oklahoma's litigation landscape, highlighting legislative accomplishments, judicial influence, and areas for improvement. Among those opportunities, the report recommended reforms to address third-party litigation funding, nuclear verdicts, expert evidence standards, and trial lawyer advertising.

## Georgia Gov. Kemp Signs Comprehensive Legal Reform

Shortly after the release of this *Briefly*, Georgia achieved remarkable changes to its litigation landscape with the passage of a comprehensive legal reform package. On April 21, 2025, Gov. Kemp signed SB 68 and SB 69 into law, introducing the measures described to the left. These landmark reforms, effective July 1, 2025, are expected to provide substantial protections and savings for Georgians.

## Oklahoma Enacts Comprehensive Legal Reforms

Shortly after the release of this *Briefly*, Oklahoma enacted comprehensive legal reforms, including many highlighted in this research. On May 27, Gov. Kevin Stitt signed SB 453, restoring a cap on noneconomic damages that the Oklahoma Supreme Court had removed in 2019. Another key reform, HB 2619, increases transparency by making third-party litigation funding agreements discoverable and prohibits foreign adversaries from funding litigation. These landmark measures, among others, are expected to create a fairer legal system and support economic growth in Oklahoma.

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