

Reiter Explores Solutions for Nationwide Injunction Practices in U.S. District Courts in *Law360*

In the News

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Stinson LLP Senior Counsel [Harvey Reiter](#) authored an opinion article for *Law360* titled "Address Nationwide Injunction Issues With Random Venues" in which he examines concerns about the authority of U.S. district courts to issue nationwide injunctions – and suggests a legislative solution.

Reiter discusses how the flexibility of the current system allows plaintiffs bringing claims under the Administrative Procedure Act (APA) to file in districts they believe will be more favorable. This has led to forum shopping, inconsistent rulings and overlapping lawsuits filed against the same agency action.

In his analysis he draws a comparison to the federal appellate courts, which faced similar concerns until Congress amended Section 2112(a) of Title 28 in 1988. The amendment created a lottery system, managed by the Judicial Panel on Multidistrict Litigation (JPML), to randomly assign a venue when multiple petitions for review are filed in different circuit courts. Reiter proposes a similar approach for the district courts.

"Congress should amend Section 2112 by expanding the roll of the JPML to encompass random assignments of APA complaints that challenge the same final agency action in multiple federal district courts," he writes.

In addition, Reiter recommends that Congress establish a consistent deadline for seeking review of final agency actions. He suggests adopting the standard in the Hobbs Act – 60 days from the date of the agency's final action – citing confusion and inconsistency around current statutes of limitations in APA cases.

This two-pronged solution, he explains, would help reduce forum shopping and ensure greater consistency in administrative law decisions.

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