Appendix A [1], infra, reprints the Federal Rule of Civil Procedure 23 and the Advisory Committee Notes on the rules from 1937 to the present. Appendix B [2], infra, reprints federal statutes affecting class actions procedures, such as the Class Action Fairness Act of 2005.

State court class actions are guided by state court rules, which are often quite similar to the federal rule but in some cases may vary significantly. State court rules are reprinted at Appendix C [3], infra, in conjunction with a summary of case law under each state’s class action rules.

Appendix D [4], infra, reprints the National Association of Consumer Advocates (NACA) Standards and Guidelines for Litigating and Settling Consumer Class Actions (hereafter NACA guidelines). These guidelines provide not only recommended best practices by the leading association of consumer attorneys but they also contain useful analyses of current issues and ethical considerations. Appendix E [5], infra, contains a sample retainer agreement, a named plaintiff’s acknowledgment of their duties to the class, and a sample co-counsel agreement.

The digital version of the treatise also includes pleadings and discovery, practice tools, and primary sources that can easily be downloaded, emailed, and copied and pasted into documents, using a desktop, tablet, or smartphone. These companion materials are listed at the bottom of the table of contents, found in the left pane of the digital version, and are fully searchable. Search filters allow users to search only for pleadings, only for primary sources, or only for practice tools.

Searching for pleadings is recommended using the Advanced Pleadings Search tool, found above the search box. On the Advanced Pleading Search page, select “Class” under “Filter by Pleading Type”; this allows the user to locate class pleadings of different types. To narrow the search criteria, further select items under “Filter by Subject” or “Filter by Legal Claim.” Alternatively, users can search using the standard search box and then narrow the search to only pleadings.

The digital library includes hundreds of sample pleadings and documents to use at every stage of a class action: complaints; remand motions; class discovery; class certification; class notices; trial plan; jury voir dire, jury instructions; verdict forms; settlements; objections to settlements; judgments; offers of judgment pleadings; and class attorney fee documents. Most pleadings are available in Microsoft Word format. Over 2000 additional pleadings are available online in NCLC’s Consumer Law Pleadings [6].

Primary sources include a wide range of documents, such as an IRS letter on attorney fees as income and all the Advisory Committee Notes on Rule 23 going back to 1937. Practice tools include Word versions of retainer agreements, named plaintiff’s statement of duty to the class, and sample co-counsel agreements.

Footnotes


Source: National Consumer Law Center, Consumer Class Actions [10th Ed.], updated at www.nclc.org/library

Source URL: https://library.nclc.org/class/010105-0

Links

[1] https://library.nclc.org/nclc/link/Class.AA
[3] https://library.nclc.org/nclc/link/Class.AC