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## FACT SHEET

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# Study of California Class Action Litigation

Class action lawsuits—though only a fraction of all civil filings in the trial courts—have a disproportionate impact on the workload of the courts and are often the focus of conflicting public perceptions of the civil justice system itself. In a class action lawsuit, one or more plaintiffs sue on behalf of a large group of others with similar claims. While organizing civil litigation in this way offers many potential benefits to the parties and the courts—in particular the efficiency of resolving the same questions of law and fact once for a large group rather than individually for each class member, the practice of bundling a large number of claims into a single lawsuit has also drawn criticism of the “fairness” of the eventual case outcomes. Unfortunately, very little information currently is available on class action filings in California because case management systems in the trial courts do not uniformly track or report these cases. Before the inception of this study, it was impossible even to say with certainty how many class action cases are filed each year, let alone detail the nature of the cases, analyze certification information, or accurately describe eventual case outcomes.

In addition, in 2005 the U.S. Congress passed the Class Action Fairness Act (CAFA; Pub.L. No. 109-2 (Feb. 18, 2005) 119 Stat. 4), pointing to abuses of class action filings in state courts that harmed both class members and defendants, “adversely affected interstate commerce[,] and undermined respect for our judicial system.” (*Id.*, § 2(a)(2).) The impact that this legislation has had in state courts has been widely debated, but prior to this study no data was available to assess CAFA’s effect on California courts.

The Study of California Class Action Litigation was undertaken to answer basic questions about class action litigation in the state, as well as to promote more informed policy and practice discussions about this often controversial litigation tool.

### Study Methodology

To better understand the impact of class action filings on the court system and litigants in these important cases, the AOC Office of Court Research (OCR) initiated the Study of California Class Action Litigation in collaboration with the AOC Office of the General Counsel and the University of California, Hastings College of the Law (Hastings). This study established baseline data on the prevalence and nature of class action lawsuits in California from 2000 to 2006.

To overcome the obstacle of incompatible case management systems, the study relied on case file reviews of a large sample of class action cases across the state. Student interns from Hastings, under the guidance of Professor Richard Marcus and OCR staff, used a standardized data collection instrument developed by the OCR to review case files and report relevant information into a centralized database.

Specific information collected during the reviews included:

- The number of class action cases filed;
- The types of cases and causes of action, allowing for analysis of trends in filing behavior over time;
- The size of each class and the class definition;
- Class certification information including motions for certification, objections, and court rulings;
- The date of disposition for case duration analysis;
- The type of disposition, including settlement, verdict, and dismissal, as well as interim disposition such as consolidation or removal to federal court;
- Details of settlements and verdicts; and
- The fees charged by the attorneys.

The compiled case database is currently being used by the OCR to produce a series of reports describing California class action litigation.

#### Project Status

Case file review has been completed on over 2,000 cases filed as class actions in 11 California courts between 2000 and 2006. These courts represent 75 percent of all unlimited civil filings in California. Analysis of the compiled data set containing all case file review data is currently in progress.

The OCR released the first in a series of reports, titled *Findings of the Study of California Class Action Litigation, 2000–2006*, in March 2009 and a second report, titled *Class Certification in California*, in February 2010. The next report will focus on case outcome analyses. In addition, the OCR plans to update the case database to include cases filed through 2008. This update is scheduled to begin in June 2010.

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