

BIICL event: Group Actions, including Class Actions: Cross-border Aspects

As part of the BIICL's 2007-2008 Seminar Series on Private International Law the BIICL organizes on Monday 23 June 2008 17:30 to 19:30 (British Institute of International and Comparative Law, Charles Clore House, 17 Russell Square, London, WC1B 5JP) a seminar titled "Group Actions, including Class Actions: Cross-border Aspects". The BIICL website informs:

This seminar focuses on particular issues involved in the commencement, conduct and effect of cross-border group actions, including: (1) Standing and Certification; (2) Jurisdiction; (3) Notification; (4) Applicable Law; (5) Evidence; (6) Case management; (7) Transnational Cooperation; (8) Costs/Lawyers Fees; and (9) Res Judicata Effect and Recognition of Foreign Judgments.

The identified issues will be discussed in light of the work of the ILA Committee on International Civil Litigation and The Interests of the Public, chaired by Prof Catherine Kessedjian, which has prepared a report and resolution on transnational group actions. This work of the committee will be presented at the upcoming ILA Biennial Conference in Rio De Janeiro, 17-21 August this year.

The expression "transnational group actions" encompasses US-style "class actions", but is more inclusive, extending also to procedures involving groups in countries that have not enacted formal class action legislation on the United States model but nevertheless recognize in certain circumstances the rights of groups of individuals or bodies to bring collective claims.

The main objective of the ILA Committee was to identify general principles and common themes or approaches across the various models of group action currently employed in the world. At times, however, it must be admitted that uniformity does not exist, even between countries which have adopted the same generic model (e.g., the US class action procedure).

Moreover, the committee set out to consider some of the uniquely cross-border and transnational aspects of group actions. While the transnational context is relevant to all aspects of group actions covered in

this report, an examination of the topics of jurisdiction, applicable law and recognition and enforcement of foreign judgments will be made with a focus on whether the principles applied to ordinary suits need modification in the context of group actions.

The BIICL has invited Prof Kessedjian, as well as the rapporteurs and members of her committee, for a preliminary public discussion of the committee's draft resolution. During the seminar, the findings of the committee and the preliminary conclusions of its report will be presented and discussed by a panel of experts in the area of class actions and cross-border litigation.

For more information about the seminar, its Chair, speakers and sponsor, have a look at the website.