New Developments In International Representative, Consumer and Class Action

Sponsoring Entity: Section of Litigation

Unique Aspect of and Description of Program: This program will discuss new developments in International Representative Consumer and Class Action litigation. Recent record civil consumer settlements in the United States arising out of the VW emissions case are readily contrasted with European consumers’ struggle to obtain relief under laws and procedures historically less advantageous to consumers than those in the U.S. Novel efforts in the Netherlands, Germany, U.K. and France to obtain relief for European VW emission victims may lead to changes which will affect consumer rights in Europe. Collective actions are relatively new and historically underutilized in Europe, with European consumers often unable to obtain relief. In an effort to give access to justice while avoiding abusive litigation, in June 2013 the European Commission adopted a non-binding “recommendation” to the effect that within two years, all member states would adopt mechanisms for “collective redress” which allow multiple claimants to seek relief on a collective basis and/or through a representative plaintiff. Speakers will discuss the current status of such efforts. In October, 2014, for example, new consumer protection laws deployed in France theoretically allowed consumers new means to seek and obtain relief on a class-wide basis. Though these provisions have been in force for almost three years, the class action mechanism has not yet broadly succeeded and at least two new bills have been made seeking to expand the scope of the original class action bill, and further revisions seem likely. Speakers will address unique challenges consumers face in England in light of its loser pays rules and Brexit. And speakers will compare and contrast VW claims in U.S., Germany, Italy and the Netherlands.