

## Class Action Litigation and the Editor-in-Chief's Holiday Reading

CHRISTOPHER P. BUSSERT

One of my holiday traditions for years has been to read from cover to cover between Christmas and New Year's Day one of the many "must read" books gathering dust on my bookshelf at home. This year, I decided to read John Grisham's *King of Torts*, an exciting story about a lawyer's meteoric rise and fall in pursuing class action litigation. Until recently, the sum total of my knowledge of class action litigation was gleaned from the combination of Mr. Grisham's novel, what I remembered from civil procedure class in law school and the bar exam, occasional news stories on massive class action monetary recoveries and settlements, and, finally, late-night television advertising in which class action law firms routinely troll for clients who claim injury from allegedly defective pharmaceuticals or medical devices.

Franchise lawyers no longer have the luxury of relegating class action litigation to their dusty bookshelves. Indeed, as recent advance sheets have demonstrated, a number of franchise systems have been subjected to class action litigation in which a wide variety of operational issues have been challenged with varying levels of success. Franchisors have not been taken totally unaware by this development. Many have



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sought to derail class actions through various means, most commonly by including language in their franchise agreements prohibiting franchisees from pursuing class actions. For those who are interested in learning more on this subject, this issue should serve as an excellent resource. Fresh from their involvement in class action litigation involving the Quizno's system, Mark Leitner and Joseph Goode provide an excellent overview of the basics of class action litigation, the pitfalls faced by both franchisors and franchisees, and recent developments involving class action prohibitions in franchise agreements. Joel Rosen and James Shrimp then examine class action litigation from a different perspective, namely, the extent to which franchisors can be compelled to participate in class action and consolidated arbitration proceedings.

This issue is by no means limited to class action litigation; a number of other interesting and timely topics are covered as well. Having been the recipient (and giver) of a number of gift cards, I am particularly intrigued by Craig Knobbe, Nathan Cook, and Lynne Hanson's piece that navigates the complex world of gift cards including expiration dates, service fees, and dormancy charges. Carman Caruso provides a thoughtful response to an article published in the Fall 2010 issue (see Robert Kry, *Mac's Shell and the Future of Constructive Termination*, 30:2 FRANCHISE L.J. 67). Nicole Liguori Micklich and Michael Pepe analyze statutory prohibitions on franchisors requiring franchisees to release claims as part of a settlement of a dispute. Finally, Bethany Appleby, Marcus Banks, and Amy Cheng review recent franchisee and distribution cases.

Ring in the New Year by taking advantage of everything that the *Franchise Law Journal* and the Forum offer.

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*Christopher P. Bussert is a partner in the Atlanta office of Kilpatrick Townsend & Stockton LLP in Atlanta. He welcomes comments from readers at [cbussert@kilpatricktownsend.com](mailto:cbussert@kilpatricktownsend.com).*