

**GUIDELINES AND BEST PRACTICES**  
**IMPLEMENTING 2018 AMENDMENTS TO**  
**RULE 23 CLASS ACTION SETTLEMENT PROVISIONS**  
**BOLCH JUDICIAL INSTITUTE, DUKE LAW SCHOOL**

**EXECUTIVE SUMMARY**

DUKE LAW SCHOOL  
AUGUST 2018

\* \* \* \* \*

**GUIDELINE 4:** The parties should provide information on the proposed attorney’s fees, including timing of payments, in assessing whether relief provided for the class is adequate.

**GUIDELINE 5:** At the final approval stage, the court should consider relief delivered to class members in determining the appropriate award of attorney’s fees in accordance with Rule 23(h). In appropriate cases, a court may consider non-monetary benefits as part of the total relief in relation to the proposed award of attorney’s fees in evaluating whether the proposed settlement is fair, reasonable, and adequate.

**BEST PRACTICE 5A:** In an appropriate case, a court may consider awarding attorney’s fees in a class action settlement based on a percentage of the total monetary awards made available to the class, as opposed to the actual claimed value of the settlement.

**BEST PRACTICE 5B:** The parties should provide information on any agreement made in connection with the proposed settlement in accordance with Rule 23(e)(3).

\* \* \* \* \*