

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

Expected Relief

BEST PRACTICE 3A: Parties should provide information to the court showing that the expected relief of the proposed settlement to class members is adequate.

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BEST PRACTICE 3C: In determining whether the proposed method of distributing relief is effective, a court should not assume that automatically distributing benefits to all class members is superior to distributing benefits based on submitted claims.

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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.