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CLASS ACTION FAIRNESS ACT OF 2005

BY WILLIAM H. MANZ

This compilation contains reports, hearings, debates and presidential materials from 1998-2005 that relate to the efforts to enact class action legislation. One hundred and twenty documents provide a broad insight to the conflicting views of the many bills that were introduced from the 105th to 109th Congresses and Congressional Budget Office Reports on the proposed legislation. The collection contains a Legislative Chronology, Bibliography and Table of Documents, maximizing research capabilities.

The Class Action Fairness Act of 2005 was the **culmination of more than six years of efforts** by Congressional Republicans to enact legislation that would result in most class actions being tried in federal district courts, rather than in state courts. The belief behind the legislation was that federal courts are better suited for managing large actions and federal judges will more closely scrutinize such litigation.

The new law **also aims to end “forum shopping”** where class-action plaintiffs would seek out those jurisdictions most likely to produce favorable results. Similar legislation was nearly adopted in 2004, but failed when Senate Democrats attached unrelated provisions to the bill.



Supporters of the Act claim it restores the intent of the Framers of the Constitution by providing the federal courts with diversity jurisdiction for cases of national importance. Critics say it divests states of their rights, and that the expansion of diversity disrupts accepted notions of federalism. This significant work is a must-have for anyone interested in the impact of class action lawsuits and a key to any Civil Procedure or Legislative History collection. **Order yours from Hein today!**

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