

Are Class Action Changes Coming to New Jersey?

by CJ Griffin on June 5, 2012

Changes to New Jersey's laws governing class action lawsuits could be on the horizon. Last month, the New Jersey Assembly Judiciary Committee unanimously approved a bill that would alter the way these cases are litigated by speeding up the appeal process.

Specifically, A894 establishes the right to immediate interlocutory appeal from determinations as to class certification in class action lawsuits. Under current rules, parties who wish to challenge a determination as to class certification must either request leave to file an interlocutory appeal or litigate the matter to a final judgment.

As the proponents of the bill argue, "If a motion for leave to file an interlocutory appeal is not granted, the litigant is generally left with a choice between incurring the expense of litigating the matter to a final judgment or settling the case without the benefit of a judicial ruling."

The bill also highlights that several other states, including Connecticut, Florida, Ohio, Oklahoma, and Texas, currently permit interlocutory appeals as of right of determinations as to class certification.

Not surprisingly, the measure is favored by defense attorneys and opposed by plaintiffs' lawyers. Other critics of the bill, such as Daniel Phillips, legislative liaison for the Administrative Office of the Courts, have questioned whether the bill requires a court rule amendment. Under the current rules, an action cannot be stayed without a motion.

Despite the unanimous vote of the Assembly committee, the future of the bill is still largely uncertain. A similar bill was introduced in June 2011, but never came up for a vote. There is no currently no Senate version.

Given the potential impact on our clients, Scarinci Hollenbeck's Litigation Group will be closely monitoring this legislation. Please stay tuned for updates.