



Ankin Law Office LLC

Protecting the Rights of Injured Workers

162 W Grand Ave
Chicago, Illinois 60654, United States
Tel: 312-346-8780 or 800-442-6546
Fax: 312-346-8781
Email: howard@ankinlaw.com
Website: www.ankinlaw.com
Blog: www.thechicago-injury-lawyer.com

What is a Class Action Law Suit?

August 29th, 2011 by Admin - LB

You may have heard on the news a number of times that a group of people are bringing a class action suit against a corporation, but most people do not know what a class action suit actually is. Basically, a class action suit is when a group of people who have the same kind of harm (i.e. side effects from a drug) come together and file a suit against a corporation. However, unlike in common civil law suits where one person files a suit against another party or corporation for some harm that has been done, the representative in a class action suit represents the whole class that has been harmed by the defendant. Additionally, class action suits can be brought in federal court, or in state courts.

Can I be part of a class action law suit?

Yes. Ordinarily, once a court certifies the class—allows the class action suit against the defendant—the attorney(s) who are representing the class will send opt-out forms to the members of the class. These opt-out forms are what potential members of a class action suit may receive in the mail. Basically, if you receive an opt-out form, you can choose not to be part of the class action suit. If you decide to opt-out, you are not bound by the decision the court reaches in the class action suit. Therefore, if the decision comes out against the classes favor or vice versa, you may still bring your own suit against the defendant at a later time. However, if you choose to be a part of the class action suit, you are bound by any decision the court reaches regardless of whose favor it is in. Therefore, a single plaintiff may no longer bring a separate case against the defendant if he/she was already part of a class action suit against the same defendant for the same harm. In a small number of rare cases, members of a class action suit must opt-in to the suit. However, these are few and far between, usually, members of the class must opt out of the suit so as not to be bound by the court's judgment.

What are the advantages and disadvantages of a class action law suit?

There are many advantages and disadvantages to taking part in a class action lawsuit. As mentioned above, if you are part of a class action suit and the court decides against the class, you are bound to that judgment. As a result you can no longer bring your own case against that Defendant. However, there are advantages as well.

Class actions are beneficial in that they allow a class of people to combine forces against what is usually a defendant that is capable to hire more expensive and experienced legal counsel. In a class action suit since attorneys are representing a large amount of plaintiffs the potential recovery amount is higher, thus attorneys are more willing to take on a potentially expensive case. Therefore, a single plaintiff does not have to bear the burden of hiring legal counsel on his/her own. As a result, the chances of success are higher. However, because the vast number of people in a class the actual recovery each person receives is usually small. Therefore, it is important to weigh these options when choosing whether to opt-in or out of a class action suit.

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