

THE LAW OF
CLASS ACTIONS
AND OTHER
AGGREGATE LITIGATION

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THE LAW OF CLASS ACTIONS AND OTHER AGGREGATE LITIGATION

by

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PREFACE

This casebook simply would not have been written but for the superbly talented and intellectually engaged students of Vanderbilt University Law School, who used successive draft versions of these materials during the process of refinement. Two dynamic deans with an abiding commitment to innovative legal education—Kent Syverud and, now, Edward Rubin—nurtured the faculty environment that made my work on this casebook possible. I also benefited from the presence, literally in the back row of my classroom in successive years, of three exceptional faculty colleagues whom I am fortunate also to count as friends: Brian Fitzpatrick, Tracey George, and Suzanna Sherry. What a privilege it is to be at a place where those who have so much to teach everyone else share a passion to learn new things from others.

I am especially grateful, in addition, to several scholars and teachers at other institutions who took a chance to try a new, untested, and unpublished set of teaching materials in their own counterpart courses. Samuel Issacharoff and Arthur Miller, in particular, enabled me to draw upon their vast experience in both classroom teaching and the real world of complex litigation in order to improve the final product. I gained many additional insights from three scholars and teachers whose emergence in the academy makes me confident of the vitality that this field of study will enjoy in the future: Elizabeth Chamblee Burch, Alexandra Lahav, and David Marcus.

I also owe a considerable debt of gratitude to my co-reporters on the American Law Institute's project *Principles of the Law of Aggregate Litigation*: Robert Klonoff (author of an impressive casebook of his own on the subject) and Charles Silver, as well as the previously-mentioned Samuel Issacharoff. Our multi-year collaboration on the *Aggregate Litigation* project illuminates the legal issues addressed in this casebook in more ways than I can count.

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Nashville, Tennessee
October, 2008

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THE LAW OF CLASS ACTIONS AND OTHER AGGREGATE LITIGATION

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