

**THE FUTURE OF CLASS ACTION LITIGATION:  
AN EXPLORATION OF THREE CRITICAL CASES**

In its January magazine, the Advocate, a Journal of Consumer Attorneys Associations for Southern California, published an article by Brian Kabateck and Ronald Karz of Kabateck Brown Kellner. The article explores three decisions that could have a lasting effect on class actions in the United States. The cases, *AT&T Mobility v. Concepcion*, *Smith v. Bayer Corp.*, and *Dukes v. Walmart Stores*, each involve questions about class action procedures. *AT&T* concerns class action waivers in arbitration clauses, while *Smith* involves the interplay between state and federal courts, and *Dukes* asks key questions about the size, certification and makeup of classes.

"Of the cases examined, a potential Supreme Court adverse decision in *Concepcion* would likely have the most widespread effect in limiting the filing of class actions where a well crafted arbitration and class action waiver clause is included in consumer contracts," Kabateck and Karz write.