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Partner, Christa & Jackson – November 1994 to Present.

Christa & Jackson is a business litigation firm representing domestic and international clients in complex and class action litigation, including consumer fraud, intellectual property, securities, real property, insurance, general contract and related business disputes.

Laura Christa is the managing partner of Christa & Jackson. The firm has received national attention in the *Los Angeles Times*, *The Wall Street Journal* and other publications on cases in which the firm acted as lead counsel. The firm represents a wide range of business clients, many engaged in national and international business transactions and often including foreign entities seeking U.S. representation. Prior to forming Christa & Jackson, Laura Christa was a trial attorney practicing with two national law firms where she assumed lead counsel responsibilities in numerous litigation matters.

Previous Practice 1980 – 1994

Los Angeles law firms, including Irell & Manella and Finley, Kumble, Wagner.

LEGAL AND COMMUNITY INVOLVEMENT:

International Bar Association

Chair, Section on Travel, Tourism and Hospitality Law, 2003-2005, Vice-Chair 2001-2003; Publications Officer 1999-2001.

Member Firm, LAWorld

Christa & Jackson is a member of the LAWorld international network of high quality, technology-oriented law firms.

California Women's Law Center

Member, Board of Directors, 1999-; President, 2004-2005; Vice-President, 2003-2004; Secretary, 2002-2003.

Los Angeles County Bar Association

Executive Committee, International Law Section 2001-Present

University of Pennsylvania Law School

Alumni Board 2002-Present

State Bar of California

Committee on Administration of Justice, 1994-2000; Chair, 1998-2000; Vice-Chair, 1997-1998

Los Angeles Copyright Society Elected to Membership, 1995

Judge Pro Tem Los Angeles County Municipal Court, 1986-1995

Judicial Settlement Officer Los Angeles County Superior Court, 1992-1998

Women Lawyers Association of Los Angeles

Board of Governors, 1992-1997

American Youth Soccer Organization

Regular season and tournament coach. 1998-2002

PUBLICATIONS/PRESENTATIONS:

Future Developments in Global Class Action Procedures, LAWorld Conference, Amsterdam, May 2005

“Defending Against California Business and Professions Code Section 17200 Claims: A Discussion of Defenses and Procedural Challenges”; Practising Law Institute, Unfair Competition Claims 2004, San Francisco.

Co-Chair, Conference Session on Unfair Competition Law Around the Globe, San Francisco Conference, September 2004.

Speaker, International Contracting Issues Over the Internet, Durban, South Africa, October 2002.

Chair, Conference Session on Websites and E-Commerce, Cancun Conference, October, 2001.

“Applying Traditional Rules of Jurisdiction to Cyberspace Activities,” International Bar Association Committee 12 Newsletter (Civil Litigation), September 1997

EDUCATION:

The University of Pennsylvania Law School -- Philadelphia, Pennsylvania
J.D., May 1980

Brandeis University -- Waltham, Massachusetts

B.A., summa cum laude, May 1976

Phi Beta Kappa

Highest Honors in English and American Literature

High Honors in Philosophy

International Developments in Class Action Procedures

Fourth Annual
Hospitality Law
Conference

February 2-3, 2006
Intercontinental Hotel – Houston, Texas
Laura Christa
Christa & Jackson, Los Angeles, California



What scares foreigners about the U.S. legal system?

- Runaway juries
- Punitive damages
- Contingency fees / opportunistic lawyers
- No “loser pays”
- Class Actions



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Which of those five are other countries nevertheless starting to embrace?

Something approaching class actions



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Why? Relief through traditional litigation is often unworkable:

- Consumer Claims
- Securities Claims
- Environmental Claims
- Mass Torts



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Existing Regimes:

- Australia, Brazil, Canada, Spain and Sweden, with different exceptions, permit U.S.-style class action proceedings
- Most other jurisdictions limit “collective actions” to those brought by non-profit type organizations who bring claims on behalf of an existing group of identifiable individuals

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Canada

- Closely mirrors U.S. procedures
- Permits contingency fees, but awards not always at U.S. levels
- Follows “loser pays” practice, but only the actual representative plaintiff is potentially liable

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Australia

- Generally no jury trials
- Punitive damages very difficult to recover
- Does not permit contingency fees, but permits “success” fees of up to 25% of hourly rates
- Loser pays, but only the named plaintiff is liable

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Spain

- Requires a consumer organization to bring the action if there are unidentified class members
- Does not permit trial by jury or punitive damages
- Permits contingent fee agreements

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Sweden

- In 2002 Sweden passed its “Act on Group Actions”
- Includes provision for an individual to initiate representative actions with requirements very similar to FRCP 23 (broader than Spain)
- Does not require predominance or formal certification
- Disincentives: loser pays, “opt-in”

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Emerging trends in other countries:

- Procedures for judicial resolution of particular facts or law, which would then be binding in the resolution of individual claims

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Examples

- United Kingdom – as of 1999, Group Litigation Orders (GLOs)
 - Claims can be brought as a group if they “give rise to a common or related issues of fact or law.”
 - Claimants must “opt-in” to a “group register”
 - Judgment binds all claimants on the group register
 - Non-GLO issues, such as damages, are determined in individual cases
 - E.g. product liability against McDonald’s Hot Drinks

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Germany

- As of November 1, 2005, KapMuG in effect
 - Affects only securities actions
 - Once at least ten individual actions filed, a lead case can be heard by a court of appeal, which decides common questions
 - Decision is binding on all other claimants, no “opt-out” provision
 - Stayed actions are then resumed to resolve remaining issues

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Germany (continued)

- KapMuG apparently targeted at U.S. securities class actions against German companies
- It provides Germany is the exclusive jurisdiction for claims against German companies. Judgments rendered outside Germany may not be enforced in Germany
- Effect on forum choices

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Korea

- 2003 and 2005 legislation permits a form of class action for minority shareholders
 - Accounting or price manipulation, insider trading or failures to disclose, corporate corruption and illegal share transactions
 - Similar to U.S. derivative actions
 - Plaintiff and attorneys – no more than three claims in three years

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Pending legislation

- France
- Italy
- South Africa

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France

- Jacques Chirac has asked for classic action legislation for consumers to prevent “abusive practices”
- Significant opposition, outcome of Chirac’s proposal unknown

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Italy

- Has proposed legislation permitting more U.S.-type representative action for Italian investors and consumers
- Legislation will expire if not adopted by mid-2006

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South Africa

- 1998 South Africa Law Commission recommends class action procedures
- No law yet passed implementing the class action procedure

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Future Trends

- The Canadian example – U.S. lawyers will bring additional actions in jurisdictions when it makes economic sense
- Defendants may want to consider strategizing forum choice as well

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Forum shopping considerations:

- Disincentives:
 - Absence of jury
 - Absence of contingency fee(s)
 - Absence of punitive damages
 - Absence of pretrial discovery
 - Loser pays
 - Opt-in

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Factors U.S. lawyers will consider before bringing actions abroad:

- Need greater certainty of recovery in jurisdictions where loser pays
- Devise alternative fee arrangements where contingency fees not permitted
- Determine economic viability of "success fees"
- Determine permissibility of agreements with class members that, "if no win, no fees"
- Availability of existing proof where no pretrial discovery

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Situations defendants may find palatable:

- A forum that permits an individual to bring an action, which includes unnamed class members, and achieves wide collateral estoppel through an "opt-out" procedure

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But which also does not permit:

- Juries
- Punitive damages
- No penalty by loser
- Pretrial discovery

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Some Conclusions

- Growing consensus that group adjudication necessary to efficiently adjudicate many types of claims
- Potential for U.S. lawyers to bring "copycat" actions in more countries
- Potential for defendants to have claims heard in "friendlier" jurisdictions
- Potential for U.S. companies to be subject to concurrent actions in several jurisdictions
- A new chess game for forum shopping

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