

The Role of the Lead or Named Plaintiff in an Employment Class Action
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A class action often starts out with just a few people, or even one person, who approach a lawyer for assistance. After reviewing and investigating the case, if the attorney believes there are other people with the same problem or injury, the attorney will work to have the class certified by a judge. If you believe you've been injured by an employer's policy or procedure, and others are similarly affected, you should contact an attorney who has experience in employment class action lawsuits.

Who Can be a Lead Plaintiff?

Usually the person who initiates the lawsuit will be the "lead plaintiff," "named plaintiff," or "class representative" in the class action. These titles are used interchangeably. Anyone can offer to be the lead plaintiff, but the role must be officially appointed by the court. Also, depending on the circumstances, the court may appoint several individuals to serve together as lead plaintiffs.

The named plaintiff also must meet specific criteria under the facts of the particular case and the applicable law. The issues and injury presented by the named plaintiff must be representative of those of the entire class, and the judge must believe that the lead plaintiff will adequately represent the interests of the class. For example, if the case involves a company policy which causes a failure to pay overtime wages, the lead plaintiff must be someone who the defendant failed to pay overtime, pursuant to that policy. A person with no such connection to the subject of the lawsuit can't be the class representative.

A Named Plaintiff's Responsibilities

After obtaining the court's permission to go forward as a class action, the attorneys and the lead plaintiff work with the court to determine who will be considered a class member and send notice to the class. As the case progresses, the lead plaintiff also has input with the attorneys, over the direction the litigation will take. The named plaintiff works with the class counsel and often appears at depositions, pre-trial conferences, settlement conferences and in court. Unlike the other members of the class, the named plaintiff undertakes to represent and serve the interests of the class when he or she agrees to serve as the class representative.

After the lawsuit has been successful, the court often approves a class representative fee to the named plaintiff as compensation for stepping forward and representing the class.

Conclusion

Class actions are sometimes called "representative actions." This is because one person or a few people are named as plaintiffs in the lawsuit, and they act in the interest of an entire class of people who were similarly injured by the defendant. The class representative is named in the lawsuit, takes the lead in working with the attorneys, and must have a claim that is representative or typical of the claims of the rest of the class. An experienced attorney can help you determine if you are suitable to be a class representative.