

Law Department Strategic Initiatives Program

Knowledge to Help You Generate Better Results More Efficiently

LDSI Best Practice Series

Strategies for Settling Class Actions and Complex Litigation

The Class Action Lawsuit: Litigate It or End It?

Major defendants in class action litigation have been retaining separate counsel to explore settlement efforts while litigation counsel continues to aggressively defend the litigation.

In this interview with LDSI Lew Goldfarb, right, former litigation partner at Hogan & Hartson and Associate General Counsel for DaimlerChrysler, makes the case for the use of settlement counsel as the most cost-effective means of controlling complex litigation.



According to Goldfarb, "Litigation counsel lacks the incentives and the mindset to aggressively and creatively pursue alternatives to what frequently becomes protracted and costly litigation. They are often so invested in a 'litigated' solution to the problem that they fail to consider the quicker, less costly options."

But, does the strategy of using separate settlement counsel get good results or just confuse the management of the case? According to Goldfarb, "There has only been one instance in which I was retained as settlement counsel that did not result in a favorable settlement. In that case, the client decided that it did not wish to settle with the class and chose instead to resolve the individual claims."

And how many has he settled favorably? "More than three dozen," Goldfarb told us. "Since more than 90% of class actions settle before class certification is determined, why not introduce the settlement possibility before enormous resources are expended?"

That's the right question. For more answers, read our entire interview by clicking below.

[Read - Download Interview](#)

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