

Class Action Litigation in the United States and some European Countries with an emphasis on Finland, an experience for Iran

Abstract

The United States has adopted the Class Action litigation (CAL) on a wide range of issues and has preferred private enforcement with court supervision over public enforcement, and has applied the Opt-out system on the CAL without the right for the members to leave the group, except for litigation on any damages claims. Some European countries with civil law systems, including Finland have had a pessimistic and critical view towards the American version of the CAL. They have tried to enact the CAL, to the extent possible, to the limited issues and scope of the application. On the other hand, some of these countries have adopted the Opt-in system and have a preference for public enforcement rather than private enforcement. On the contrary, supporters of the American version believe that the opponents have not provided any empirical and practical arguments for their pessimism. The supporters of the American model believe that the main reason for not accepting this model is because of the lobbying and the compromises made by the potential defendants, namely the owners of large corporations and industries on one hand and government officials and legislators on the other. Statistics show only a small number of such claims filed in these European countries' courts. The outcome of these limited requests show the ineffectiveness of the chosen method.