Notes

Article III Jurisdiction: Standing and the Class Action

I. Introduction

Under rule 23(b)(3) of the Federal Rules of Civil Procedure, a class action is a representative case in which the court may determine to permit the representative case to proceed as a class action. Rather than filing a suit on behalf of all those similarly situated, the named party to the suit agrees to represent all the other members of the class. By placing the burden of proof on the named party in the form of a special trial to determine whether the defendant is liable or not, the class action enables each member of the class to sue the defendant without the benefit of a class representative. The named party is not a party to the case on behalf of all the members of the class, but rather as an individual possessing a claim or interest common to all the members of the class.

These well-known class actions are governed by Article III of the United States Constitution, which requires a federal court to possess subject matter jurisdiction over disputes that involve a controversy or actual controversy between parties of adverse legal interest. The defendant in a class action is therefore bound by the judgment to all the members of the class, and the court's determination of the existence of a common question of law or fact will be binding on all members of the class.

1. See United States v. Monaghan, Constitution.