

# 5 KEY TRENDS IN CLASS ACTION LITIGATION

From a stunning, billion-dollar fall in settlement values to the Me Too movement to high-impact Supreme Court rulings, 2018 brought a flood of unprecedented change to the workplace class action landscape.

Source: Seyfarth Shaw | Workplace Class Action Litigation Report | 2019 Edition

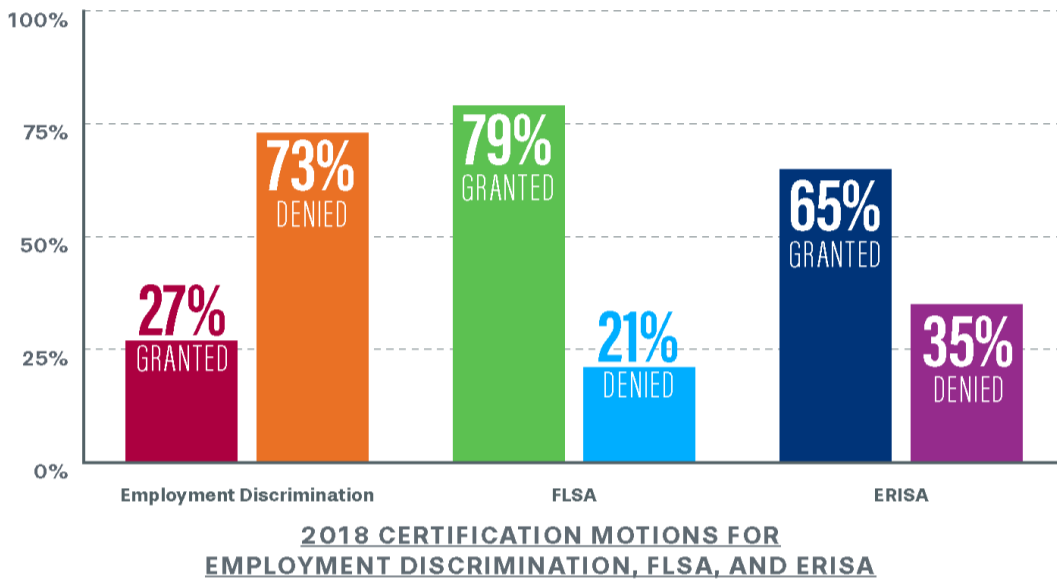
## 1 HIGH-IMPACT RULINGS

The U.S. Supreme Court continued to play an unusually active role in reshaping employment law and class action dynamics. The Epic Systems ruling, which upheld the legality of class action waivers in mandatory arbitration agreements, marks the most important SCOTUS decision for employers in nearly two decades. Following the appointments of Justices Neil Gorsuch and Brett Kavanaugh, the class action playing field for employers may shift even further in 2019.



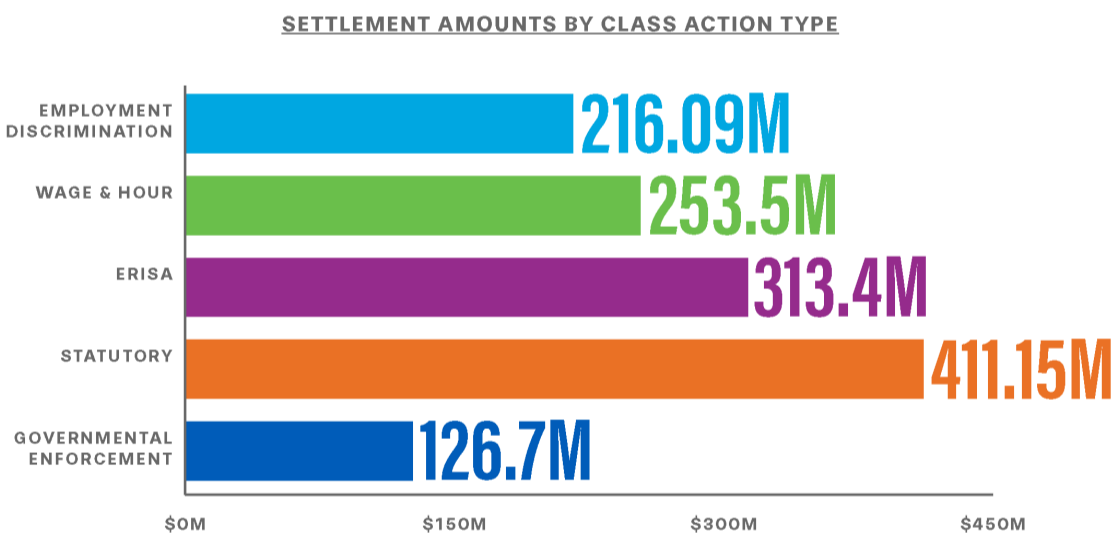
## 2 RECORD-HIGH CERTIFICATIONS

For the first time in the report's 15-year history, the plaintiffs' bar posted a record high certification success rate in 2018 of 79% in the largest category of workplace litigation of wage & hour litigation. Employer efforts to successfully decertify these cases also dropped by 11% as employers won only 52% of "second stage" decertification rulings, down from 63% in 2017.



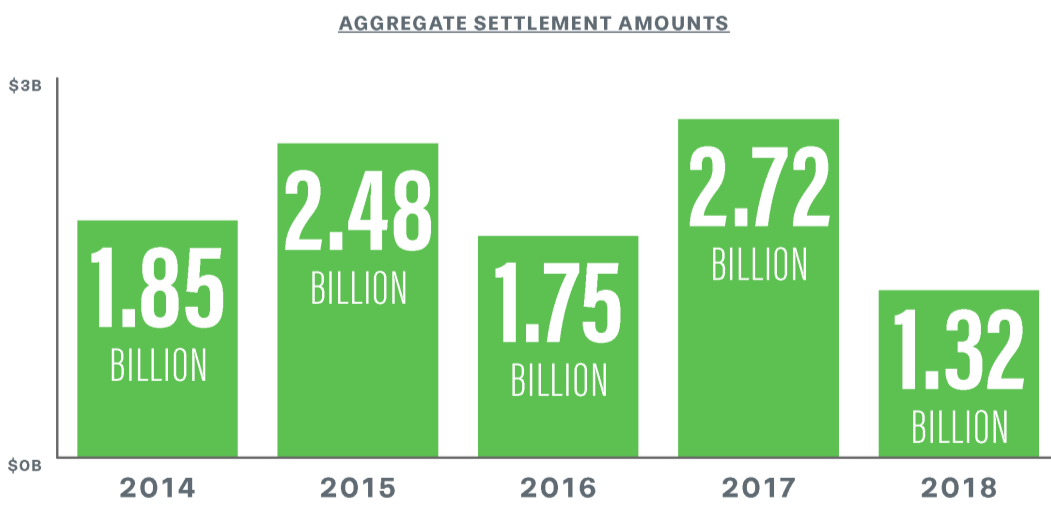
## 3 ENFORCEMENT UP, VALUES DOWN

Despite the transition to a more business-friendly Trump Administration, government enforcement litigation rose again to a new three-year high in 2018. The EEOC filed 199 lawsuits last year, up from 184 in 2017, but the value of the top government settlements cratered, dropping from \$485.25 million in 2017 to \$126.7 million in 2018.



## 4 BILLION-DOLLAR DOWNTURN

After reaching an all-time record high of \$2.72 billion in 2017, the monetary value of the top workplace class action settlements decreased by more than 50% in 2018. Settlements sank to a five-year low of \$1.32 billion in 2018, experiencing a record one-year drop of \$1.4 billion. Even with a better success rate in 2018, settlements shrank across the board as plaintiffs failed to monetize class action victories at the same rate as 2017.



## 5 THE ME TOO EFFECT

2018 offered the first annual look at the Me Too movement's impact on workplace litigation; in particular, 74% of the EEOC's Title VII filings targeted sex-based discrimination, up from 65% in 2017. Also rising were the EEOC's 2018 sex discrimination lawsuits including claims of sexual harassment, which grew to 41 lawsuits, up from 33 in 2017.

