

10th Anniversary Edition

# 2021

## **CARLTON FIELDS CLASS ACTION SURVEY**

---

**BEST PRACTICES IN REDUCING COST AND  
MANAGING RISK IN CLASS ACTION LITIGATION**

**CARLTON  
FIELDS**

# Table of Contents

Introduction .....	3
Executive Summary .....	4
Class Action Spending and Budgets .....	6
The First Full Year: COVID-19 Class Action Developments .....	8
Frequency and Type of Class Actions .....	15
How Companies Approach Class Action Defense .....	24
How Companies Manage Class Action Defense Costs .....	28
Improving the Partnership with Outside Counsel .....	37
Methodology and Approach .....	39
About Carlton Fields .....	39



## Introduction

We are pleased to share this 10th anniversary edition of the Carlton Fields Class Action Survey. When we began this annual undertaking and published the first results, our goal was to report the latest information about class action best practices and trends from the perspective of the companies that routinely face these costly matters, with a focus on managing risk and controlling expense. Drawing on hundreds of interviews each year, this publication is the only annual survey of its kind. This year's report summarizes historical data, describes current perspectives on class action management, and identifies today's emerging issues in class action litigation and defense.

Class action spending has increased for six consecutive years, and it likely will continue to rise in 2021. The COVID-19 pandemic resulted in a groundswell of new litigation affecting many industries. More than one-quarter of companies surveyed this year have faced at least one COVID-19 class action. As this crisis passes the one-year mark, companies are taking strong steps to adapt to the reality of pandemic-related risk, while navigating the overall disruption and change to their businesses. These companies need litigation partners with a deep understanding of their products and services, as well as an appreciation for their risk tolerance and the impact that class actions may have on their business goals and the bottom line.

The 2021 Carlton Fields Class Action Survey is based on interviews with general counsel or senior legal officers at more than 400 *Fortune* 1000 and other large companies across a variety of industries. We thank you for taking the time to review our report. As always, we aspire to provide valuable information that will assist your company and its legal department in managing class litigation both effectively and efficiently.

Copyright © 2021 by Carlton Fields, P.A. All rights reserved.

This Carlton Fields publication should not be construed as legal advice on any specific facts or circumstances. The content is intended for general information purposes only and may be quoted or referred to in any other publication or proceeding only with proper citation (*The 2021 Carlton Fields Class Action Survey*, available at <https://ClassActionSurvey.com/>) or by linking to the firm's Class Action Survey website (<https://ClassActionSurvey.com/>). The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship.

## Executive Summary

In 2020, class action defense spending reached a new high of \$2.9 billion, which is expected to exceed \$3 billion in 2021. By the end of April 2021, more than 1,600 COVID-19-related class actions had been filed, and a majority of companies reported that they are changing their business practices as a result. The average number of class actions per company is 9.3 in this year's report, compared to just 4.4 matters per company in 2011. More companies reported facing class actions than in any prior year of the survey, and a substantial increase in the number of class action matters is expected in 2021.

Complexity and exposure also changed in 2020. Companies classified only 14.9 percent of their class actions as "lower exposure" matters, the lowest since 2015. By contrast, the percentage of companies reporting one or more bet-the-company class actions increased from 10.6 in 2019 to 21.9 in 2020. Those companies estimated that, on average, 8.8 percent of their class actions can be categorized as bet-the-company, almost double the percentage of such matters reported in last year's survey.

Labor and employment and consumer fraud matters have been the leading categories of class actions for many years, and are reported as near equals as a percentage of both matters and spending this year. Consumer fraud class actions increased to 21.1 percent of matters and 20.1 percent of spending. Labor and employment cases remain the most frequent and expensive category of class/collective actions, accounting for 22.5 percent of matters and 22.7 percent of spending.

The current wave of class actions consists of a high percentage of pandemic-based claims, and 32.7 percent of companies see that trend continuing this year. Still, data privacy and security issues are top of mind, and 42.9 percent of companies see an influx of those matters on the horizon. Companies report that their highest level of concern over data privacy lawsuits is based on recently enacted or forthcoming state privacy statutes. The overwhelming majority of companies, 93.7 percent, have not faced a class action lawsuit related to an actual data breach or hack.

Companies have altered their approach to class action defense over the years as a result of changes in the law from a variety of sources, including the Supreme Court, federal and state legislatures, regulators, and the civil rules. More than 83 percent of companies reported using commonality and predominance defenses with success, and 78.4 percent have successfully invoked an arbitration clause. Similarly, 79.6 percent of companies have successfully defeated a class action for simply failing to state a valid claim for relief. Despite these successes, most cases filed as class actions are ultimately settled. Companies stated that 58.5 percent of their class actions were settled, and 78.5 percent of companies surveyed used a mix of both individual and classwide settlements to resolve those matters.

When cases are settled classwide, most companies use claims-made settlement procedures. Only one-third of companies stated that their settlements included multiple types of relief based on the varying circumstances of the class members. Charitable distributions were used by less than one-quarter of the companies surveyed.



Our respondents have attempted to manage their class action defense costs both internally and externally over the years. Internal staffing for class actions declined for the second consecutive year. The number of in-house lawyers dedicated to managing class action litigation was reduced to an average of 3.6 attorneys per company.

Externally, more companies have attempted to reduce litigation expenses by including arbitration provisions and class action waivers in their contracts. As the late Justice Ginsburg observed in a 2018 citation to this report, the increased use of mandatory, individualized alternative dispute resolution is not surprising, because class action waivers in arbitration clauses have been approved by the Supreme Court in a series of arbitration-friendly opinions. In 2020, the percentage of companies that used class action waivers in contractual arbitration clauses increased nearly 20 percentage points to 74.4 percent.

The percentage of companies using alternative fee arrangements (AFAs) to control class action defense costs decreased 5 percentage points this year after reaching a high of 54.1 percent in 2019. Fixed and phased fees remain the preferred type of AFA in these complex cases. Companies also continue to employ a variety of cost-management tools to limit discovery expenses, but fewer companies than in prior years use a single e-discovery vendor for all cases and fewer chose to litigate cost-shifting motions. Insurance coverage for class litigation increased this year, with 41.9 percent of companies reporting that some portion of their class action defense costs were covered by insurance. Our respondents carrying insurance reported that matured claims with increased accumulated spending brought matters within coverage layers.

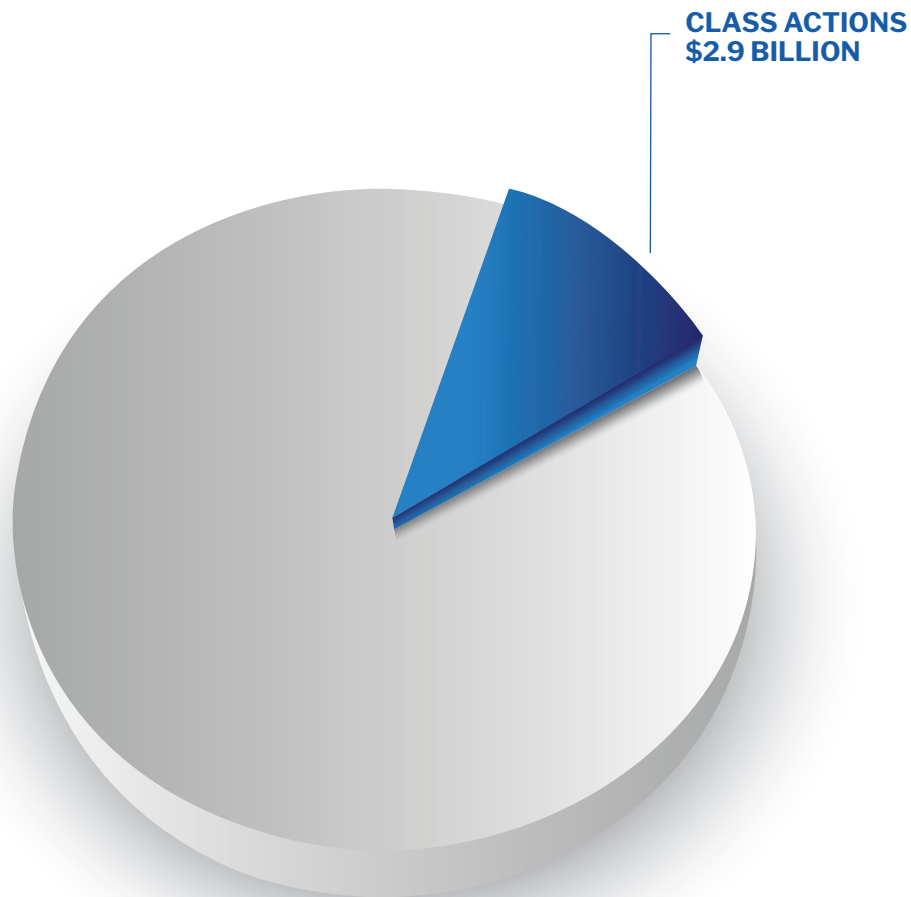
We asked companies participating in this year's survey to rank the effectiveness of their cost reduction policies and practices. The most highly effective practices were early case assessments, partnering with trusted outside counsel, closely supervising budgets, and bundling similar actions. Moderately effective practices included accepting cost-benefit trade-offs when formulating a defense strategy, and reducing the number of outside law firms handling these matters. Internal staffing limits, AFAs, and requests for proposal were less effective than other cost reduction practices. We close this year's report with the five keys that companies identified for achieving a successful partnership between in-house and outside counsel, and a summary of the newest initiatives for improving class action management in the future.

# Class Action Spending and Budgets

## Class Actions Represent Higher Share Of Litigation Spending

Spending on class action defense now accounts for 13 percent of the overall market for litigation services in the United States, the highest percentage in the history of the survey.

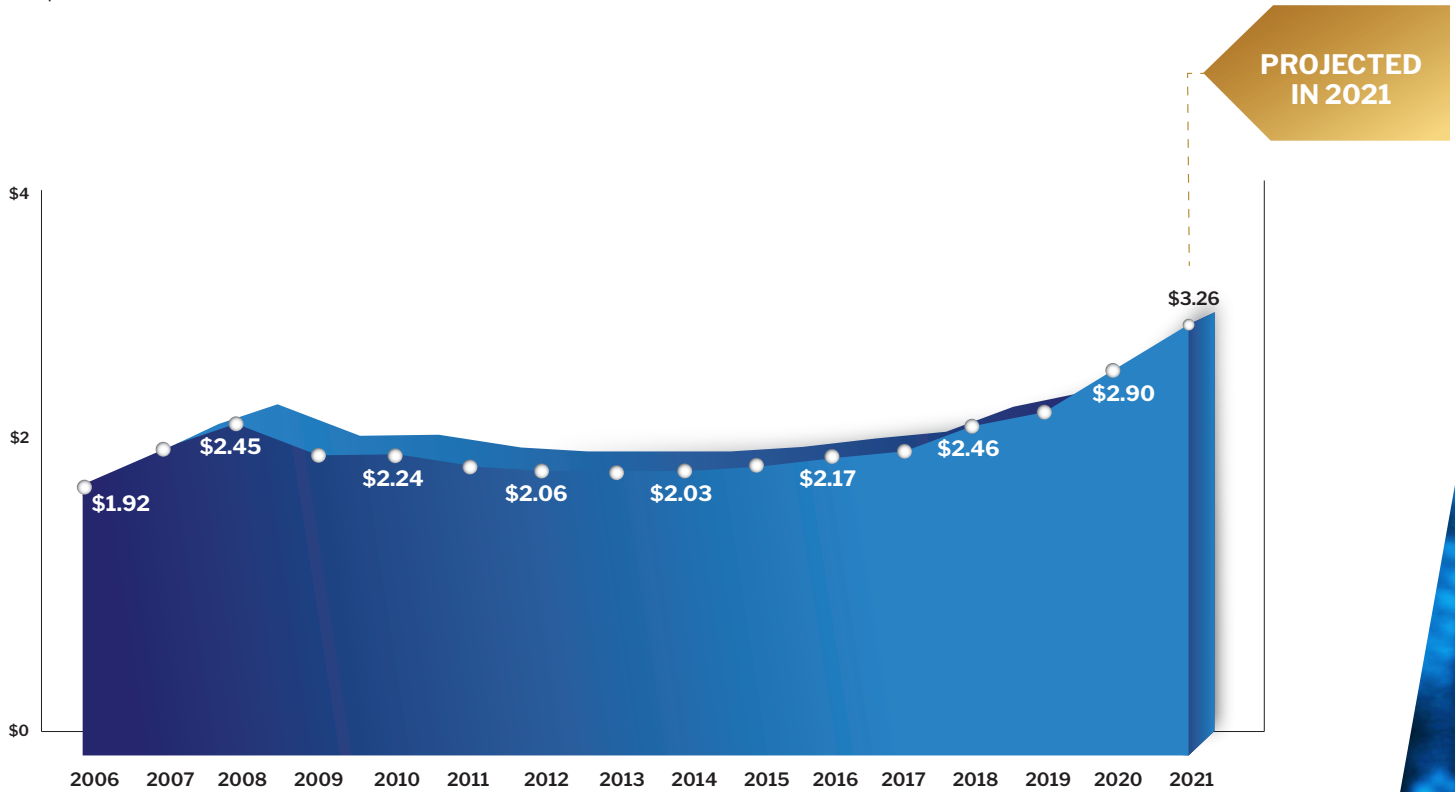
### \$22.8 Billion Market for Legal Services in Litigation



## Class Action Spending Reaches New High

Our 2020 report anticipated that corporate spending on class actions might reach \$2.73 billion in 2020. Instead, spending increased by approximately 10 percent to \$2.9 billion, its highest level in 15 years. Class action spending is growing at more than twice the rate of other litigation spending and is expected to climb even further in 2021.

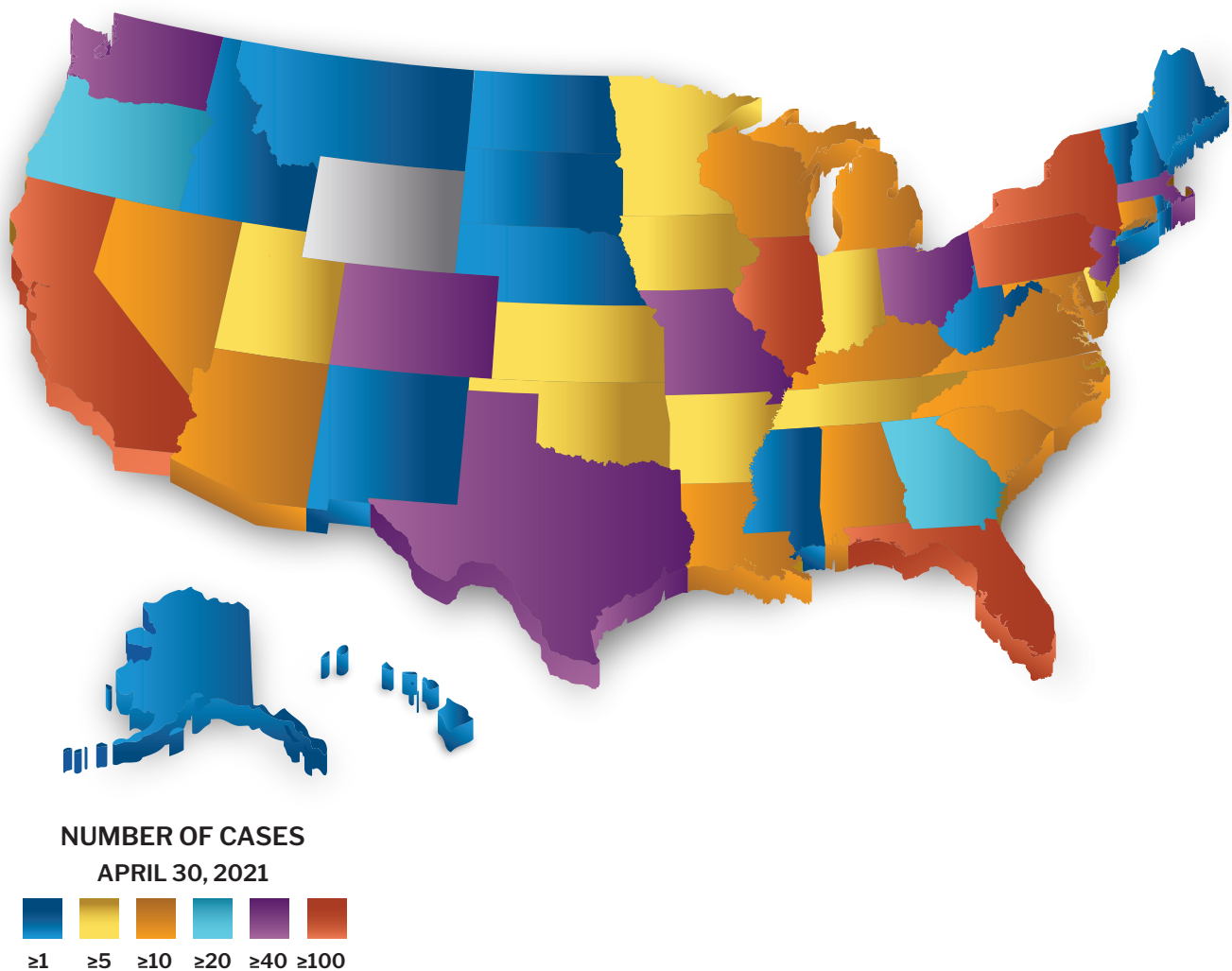
### U.S. Corporate Legal Spending on Class Actions \$ Billions



# The First Full Year: COVID-19 Class Action Developments

## COVID-19 Class Actions By State

By April 30, 2021, more than 1,600 COVID-19 class actions had been filed nationwide. California and New York filings exceeded 350. Florida, Illinois, and Pennsylvania each had more than 100 cases.



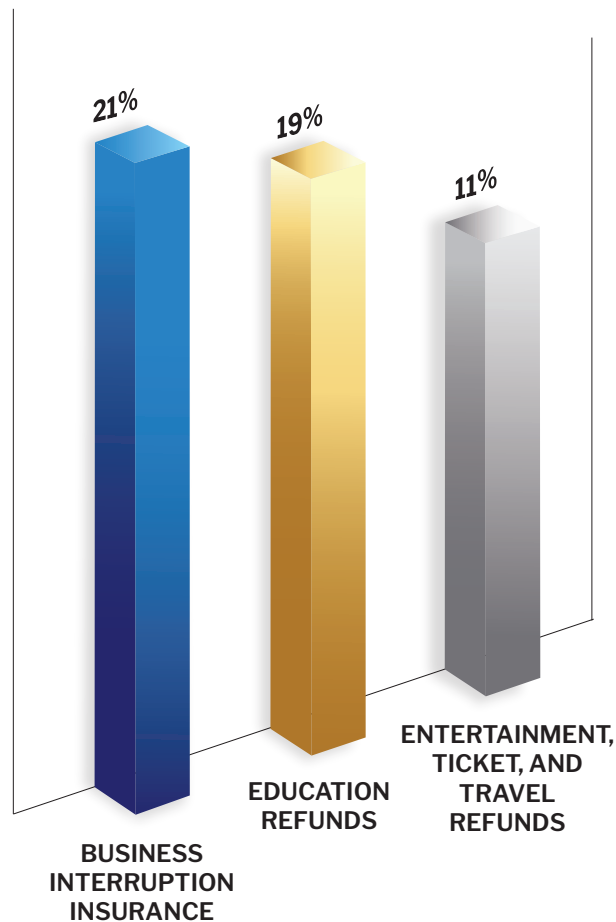
Copyright © 2021 Carlton Fields



## Business Interruption Claims And Consumer Refund Demands Dominate COVID-19 Litigation Landscape

The three largest categories of COVID-19 class actions relate to insurance coverage for business interruption, higher education refunds, and demands for entertainment, ticket, and travel refunds. These categories account for more than half of the class actions filed as a result of the pandemic. Other matters involve labor and employment issues, government action, CARES Act disputes, cruise line negligence claims, and a variety of smaller categories.

### COVID-19 Class Actions by Category

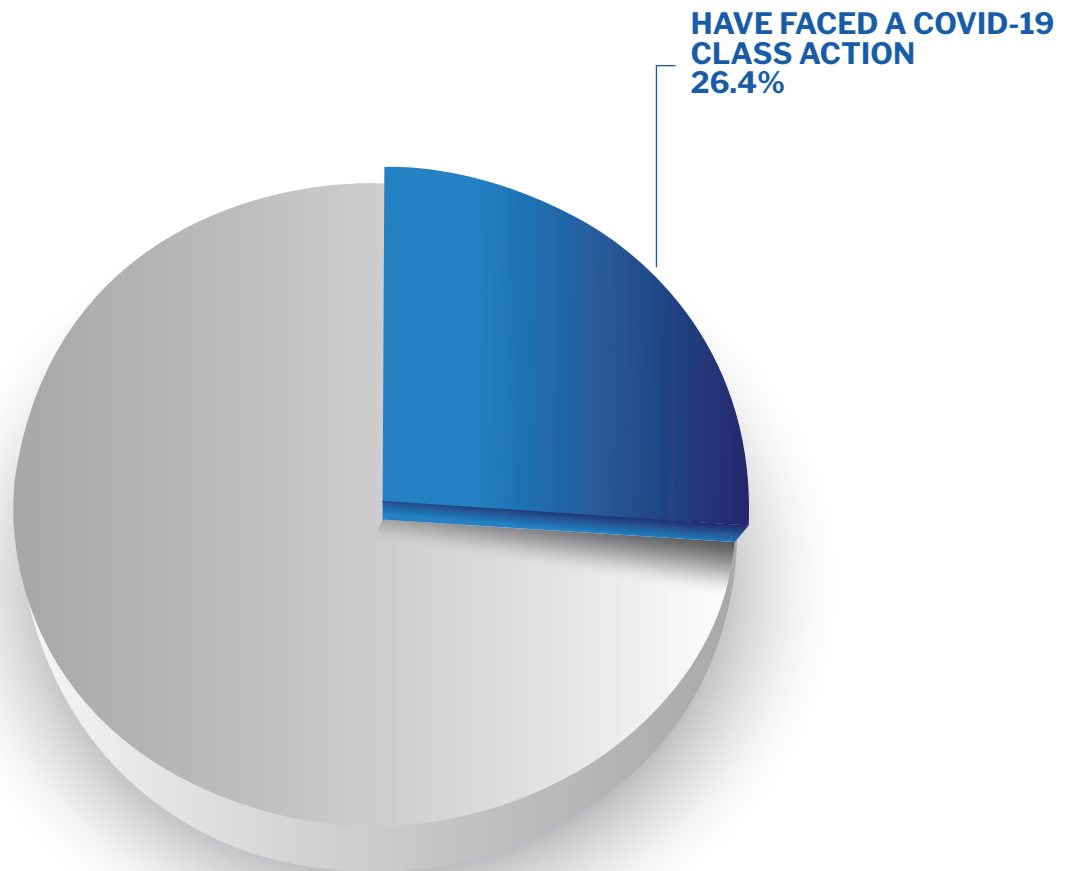


Copyright © 2021 Carlton Fields

## More Than One-Quarter Of Companies Confront COVID-19 Class Actions

In 2020, more than one-quarter of companies surveyed had already faced at least one class action as a result of the coronavirus pandemic. These companies operate across a variety of industries, including banking, insurance, education, manufacturing, and more.

### Defending COVID-19 Class Actions Percent of Companies



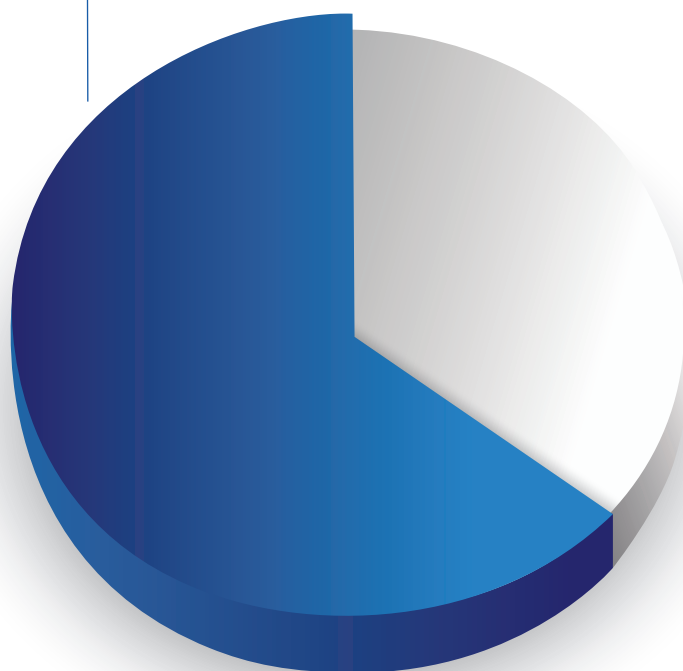
Copyright © 2021 Carlton Fields

## Companies Change Business Practices As A Result Of COVID-19

Sixty percent of companies have changed one or more business practices during the pandemic to limit class action risk, including potential litigation related to employment issues, health and safety, and data security.

### Avoiding Possible COVID-19 Class Actions Percent of Companies

**CHANGED BUSINESS  
PRACTICES  
60.4%**



Copyright © 2021 Carlton Fields

**“We’ve had to change the entire health and safety landscape to mitigate risk to employees. On the data side, we’ve had to create protocols and training for employees using personal computers to work remotely.”**

*—Vice President, Chief Litigation & Compliance Counsel  
Industrial Manufacturer*

## Mixed Reactions To Remote Depositions

Sixty-four percent of companies report that taking remote depositions during the pandemic has not adversely impacted their defense of class actions. Other companies report a preference for in-person depositions to observe body language, monitor the deponent's interactions with counsel, and assess credibility.

### Effectiveness of Remote Depositions Percent of Companies



Approve of Remote Depositions  
64.2%



Prefer In-Person Depositions  
35.8%

Copyright © 2021 Carlton Fields

**“My subjective experience has been that depositions over Zoom are more efficient. No one wants to spend all that extra time in counsel offices.”**

*—Vice President, Litigation  
Insurance Company*

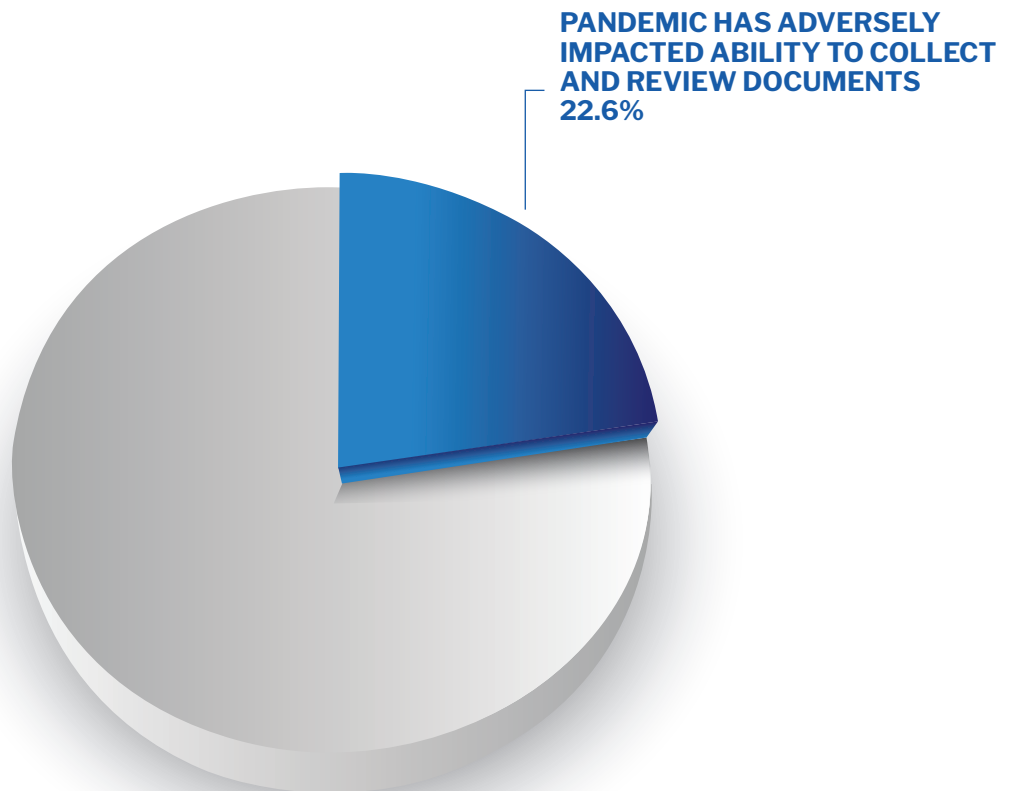
**“It’s a bit more challenging with the witness in one room, the plaintiffs’ lawyer in another, and I’m in another. We are all experiencing it differently. You don’t get the same feeling of connectedness.”**

*—Senior Corporate Counsel  
Retailer*

## Pandemic Impacts Document Discovery For Some Companies

Companies report using more third-party technology providers, automation, and secure data facilities to collect, review, and produce documents. Approximately 23 percent of companies, however, cited difficulty accessing documents as an adverse impact on document review resulting from the pandemic.

### Ability to Collect and Review Documents Percent of Companies



Copyright © 2021 Carlton Fields

**“We still operate from hard copy documents and don’t have access to the sites where they are stored. People who need hard copy files can’t travel so some interactions just can’t be completed.”**

*— Assistant General Counsel, Litigation  
Pharmaceutical Company*

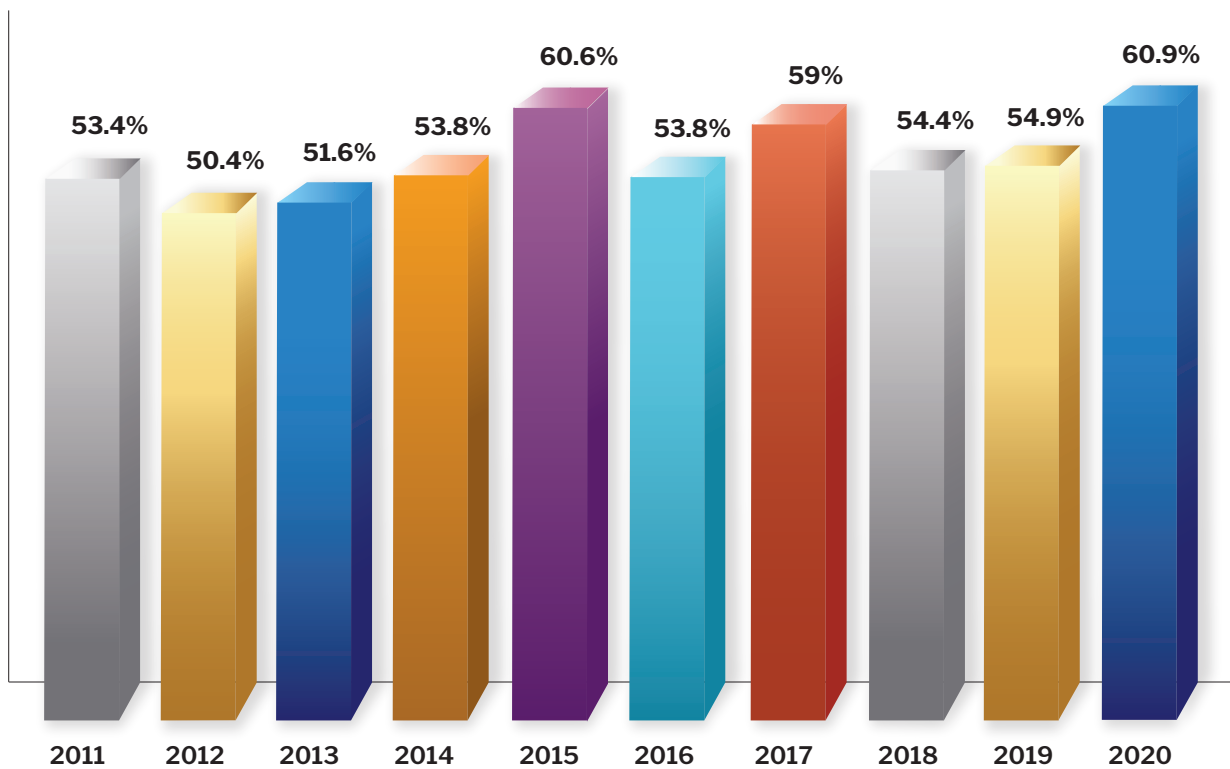


# Frequency and Type of Class Actions

## Percentage Of Companies Facing Class Actions Reaches New High

In 2020, 60.9 percent of surveyed companies faced class actions, up six percentage points from the prior year.

**Companies with Class Actions**  
Percent of Companies

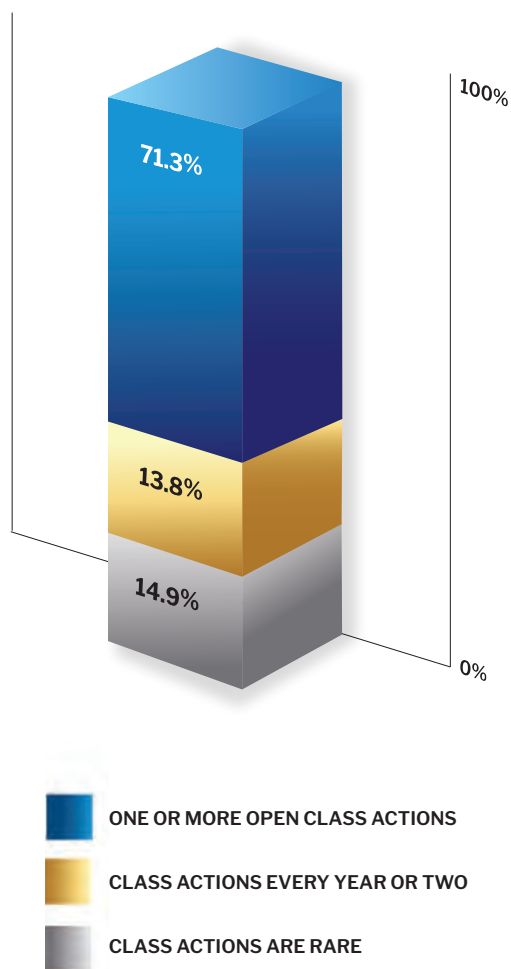


## Class Actions Are Rarely “Rare” For Most Companies

In this year’s survey, approximately 15 percent of companies report that class actions are a rare occurrence. More than 70 percent of the companies managing class actions had one or more on an ongoing basis in 2020. The percentage of companies facing a class action “every year or two” stayed relatively the same as the prior year, at 13.8 percent.

### Class Action Experience – 2020

Percent of Companies



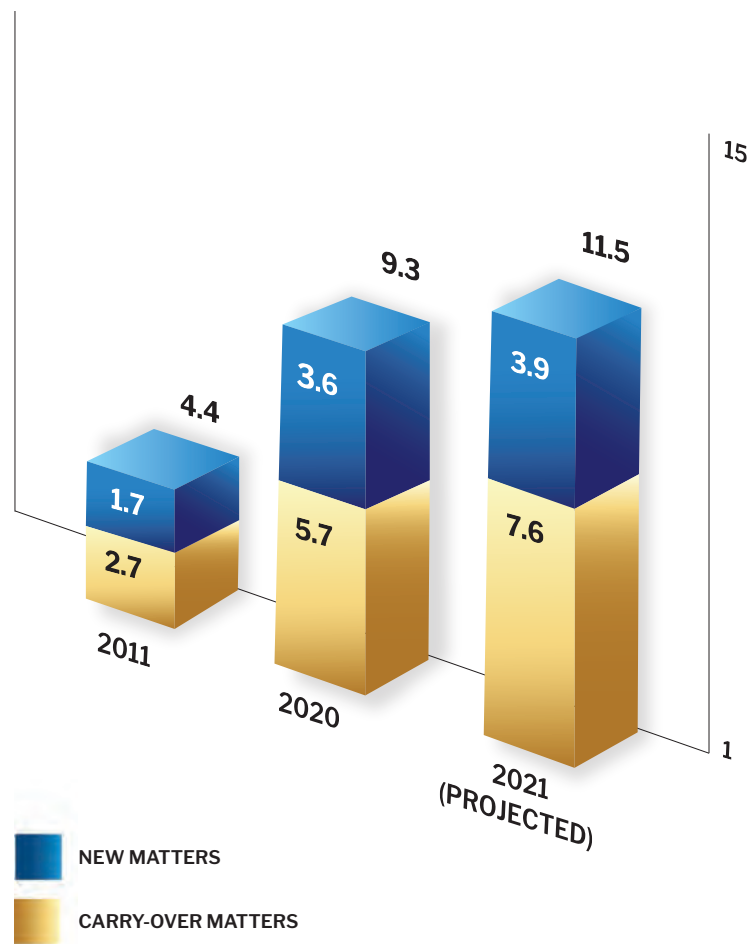
Copyright © 2021 Carlton Fields



## Companies Are Managing More New Class Actions Than Ever Before

Over the 10 years of our survey, the number of ongoing class actions managed by our respondents has more than doubled. In 2020, on average, companies reported facing 3.6 new class actions and 5.7 carry-over matters. By comparison, in 2011, companies reported that they faced just 1.7 new class actions and 2.7 carry-over matters. Companies expect their total number of class actions to increase again in 2021.

### Current and Future Class Actions Matters per Company

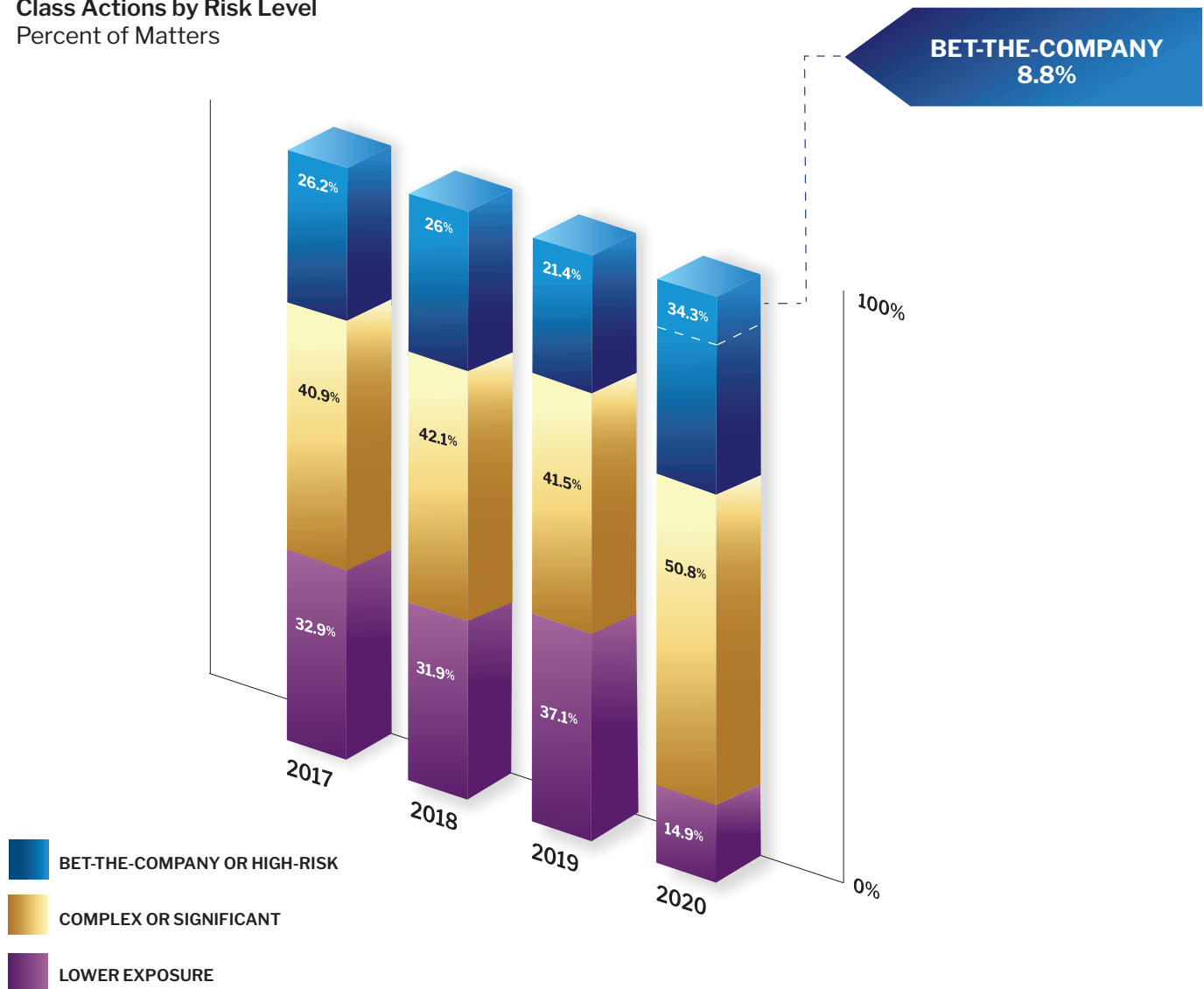


Copyright © 2021 Carlton Fields

## Complex And High-Risk Class Actions Grow, While Lower Exposure Matters Drop

The percentage of class actions that companies classify as having lower exposure decreased to 14.9 percent, the lowest point since 2015. Companies reported that 34.3 percent of their current class actions fall into the bet-the-company and high-risk exposure categories, with bet-the-company cases nearly doubling from 2019, to 8.8 percent. Matters categorized as complex or significant increased from 41.5 percent in 2019 to 50.8 percent in 2020.

**Class Actions by Risk Level**  
Percent of Matters

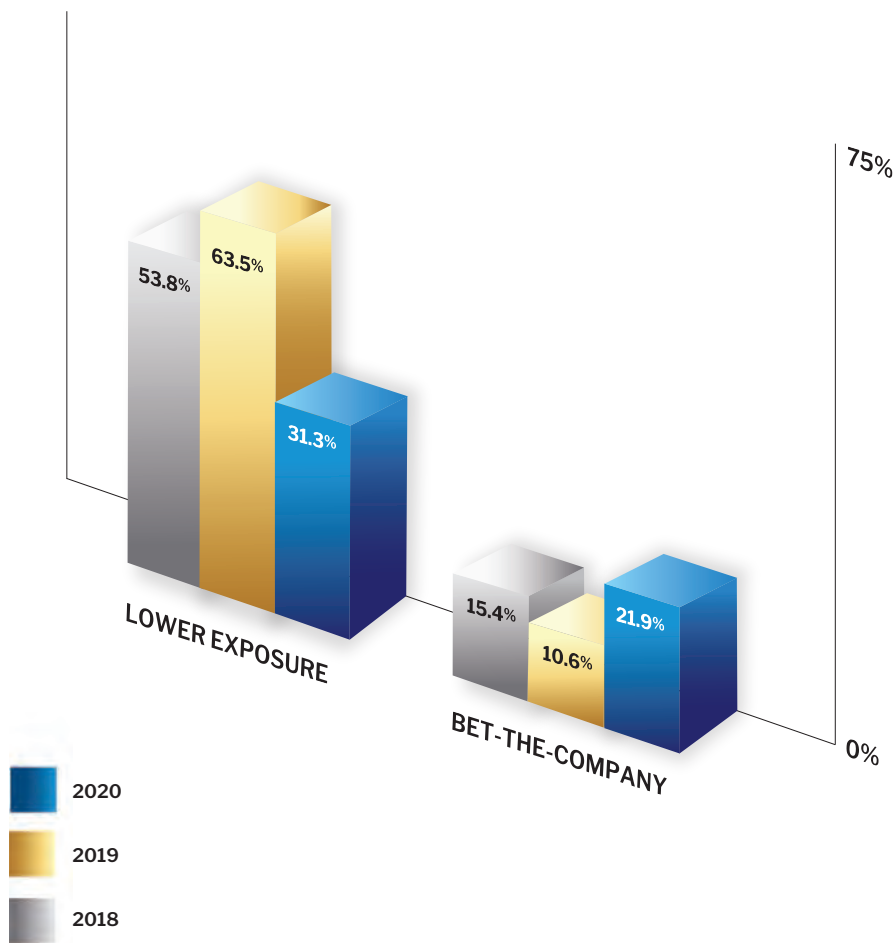


Copyright © 2021 Carlton Fields

## More Companies Face Bet-The-Company Matters

The percentage of companies facing one or more class actions categorized as “bet-the-company” increased to 21.9 percent, while those companies that reported facing lower exposure class actions decreased to 31.3 percent.

### Companies Handling One or More Cases by Risk Level Percent of Companies






Copyright © 2021 Carlton Fields

## Labor & Employment And Consumer Fraud Lead Class Action Matters and Spending

Labor and employment and consumer fraud have consistently been the leading categories of class actions managed by companies participating in our survey. In 2020, each category accounts for more than 20 percent of class action matters and spending. After a slight drop in 2019, cases and spending in the consumer fraud category increased by almost one-third, while labor and employment decreased by about one-quarter. In the earliest version of our survey 10 years ago, technical statutory violations were not on the radar. Insurance matters increased for the second consecutive year, and virtually every category on this list includes COVID-19 matters.

### Class Actions and Spending – Breakdown by Type Percent of Matters and Spending

 <b>PRACTICE</b>	 <b>MATTERS</b>	 <b>SPENDING</b>
LABOR & EMPLOYMENT	22.5%	22.7%
CONSUMER FRAUD	21.1%	20.1%
INSURANCE	13.4%	13.7%
SECURITIES	9.1%	10.1%
PRODUCT LIABILITY	8.3%	7.9%
ANTITRUST	7.3%	8.1%
TECHNICAL STATUTORY VIOLATIONS	7.2%	6.3%
OTHER*	11.1%	11.1%

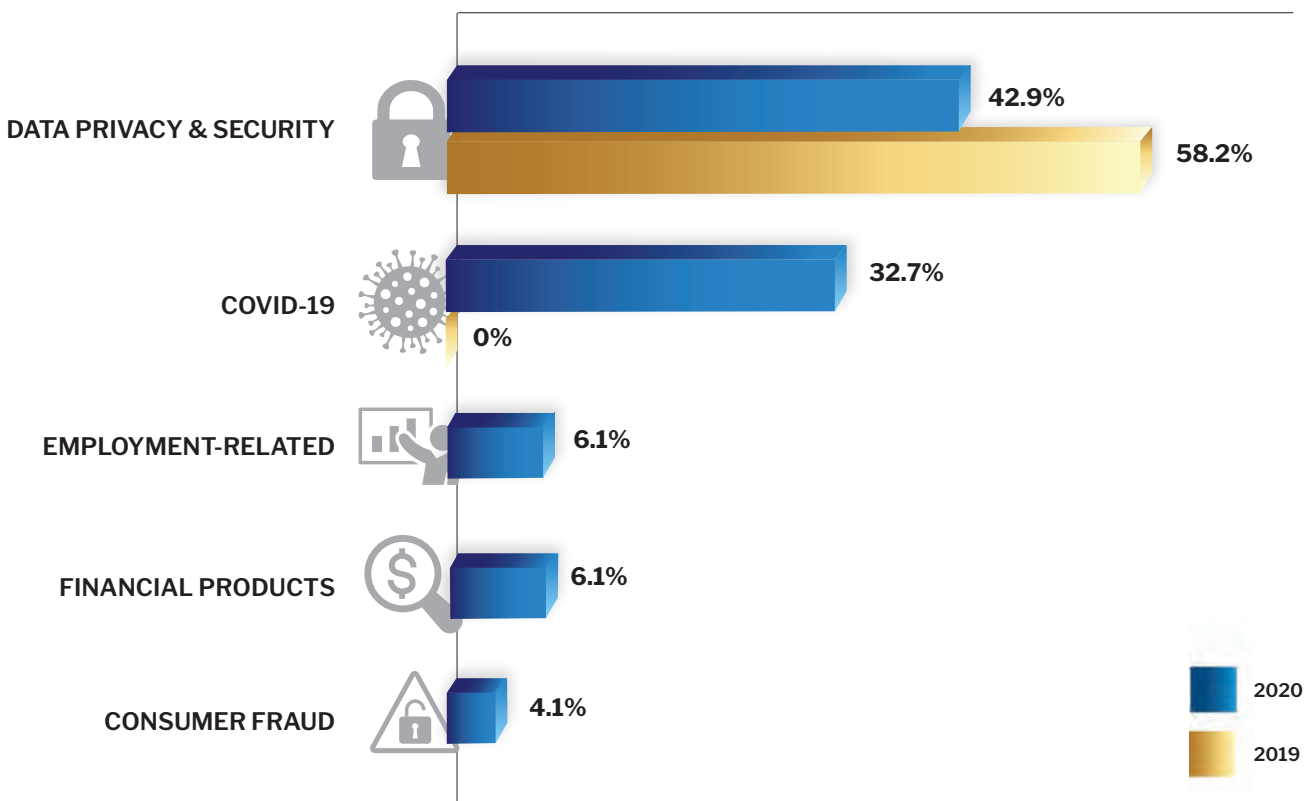
\*Note: Other category includes data privacy and security, environmental, Americans with Disabilities Act, etc.

Copyright © 2021 Carlton Fields

## No Change During The Pandemic – Data Privacy Matters Are Predicted To Lead The Next Wave Of Class Actions

As has been the case for several years, companies remain focused on cybersecurity issues and data privacy statutes as the predicted next wave of class action litigation. In 2019, 58.2 percent of companies reported data privacy and cybersecurity issues as the next wave. In 2020, however, the COVID-19 crisis struck, and a groundswell of class litigation arose related to the pandemic. Still, 42.9 percent of companies remain concerned about data privacy and cybersecurity as the greatest future threat. Less than 10 percent of companies reported labor and employment, consumer fraud, or financial products unrelated to COVID-19 as the predicted next wave.

### Predicted Next Wave of Class Actions Percent of Companies



\*Note: Chart does not add up to 100%. Excludes responses under 4%.  
Copyright © 2021 Carlton Fields

**“We are just beginning to see the tip of the iceberg with privacy class actions.”**

— Senior Vice President, General Counsel and Secretary  
Life Insurance Company

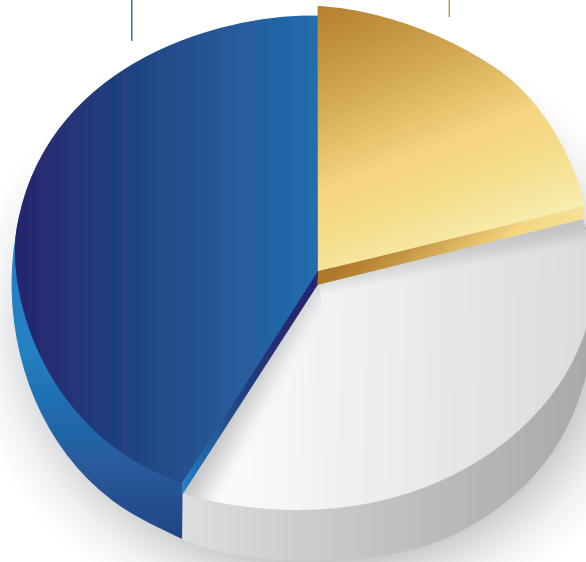
## Consumer Data Privacy Statutes Are The Most Prevalent Concern

Companies are more concerned about class action litigation arising from alleged violations of consumer data privacy statutes than from data breaches caused by hackers. Nearly 43 percent of surveyed companies express the most concern about state privacy laws like the California Consumer Privacy Act, while 36.2 percent report the highest concern arises out of a potential data breach. The remaining 21.2 percent are equally concerned about data breach and data privacy class actions.

### Highest Level of Concern Percent of Companies

**CONSUMER DATA PRIVACY LAW  
CLASS ACTIONS (e.g., CCPA)  
42.6%**

**BOTH TYPES ARE EQUALLY  
CONCERNING  
21.2%**



**DATA BREACH CLASS ACTIONS  
36.2%**

Copyright © 2021 Carlton Fields

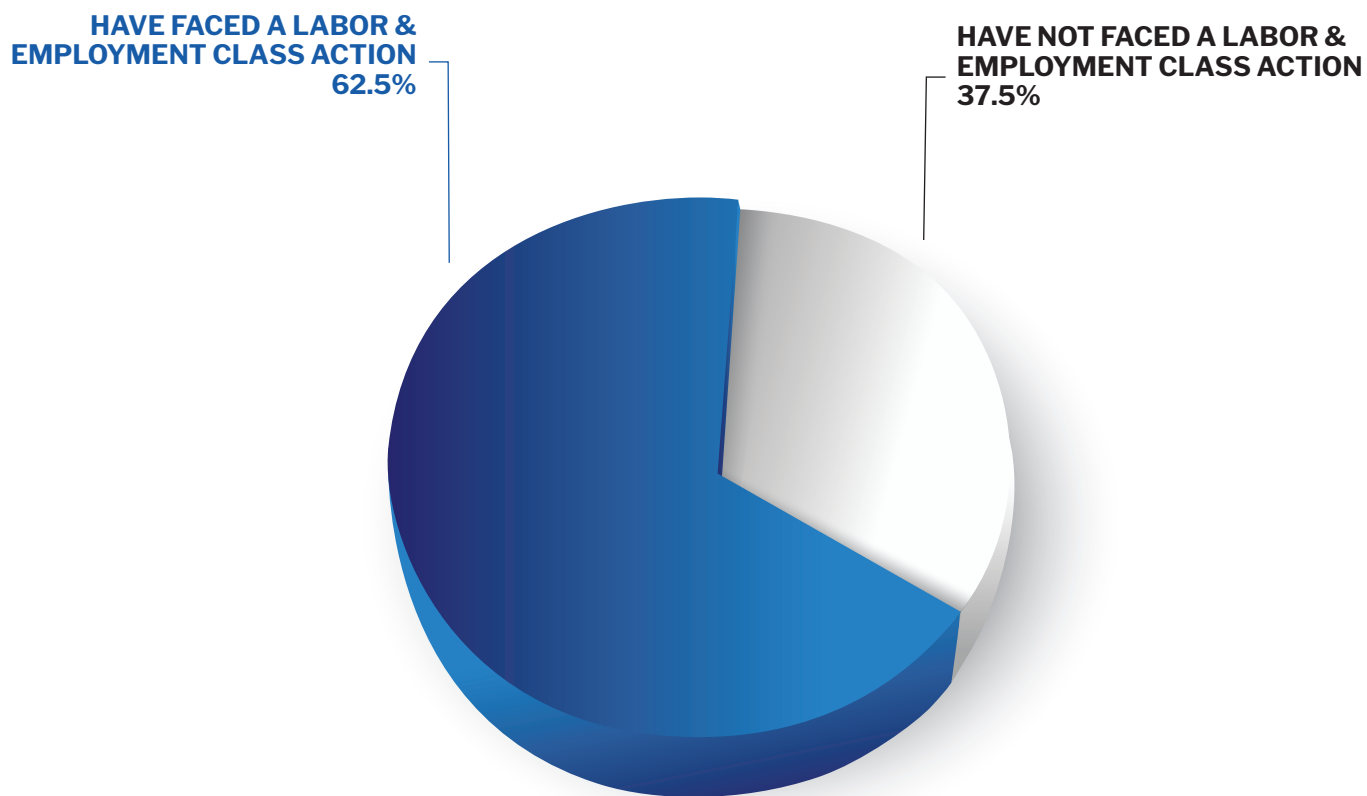
**“I believe more states will follow the ... California law, so I’m starting to become more concerned with consumer data privacy laws.”**

*— Senior Corporate Counsel  
Energy Services Company*

## Labor & Employment Class Actions: Five-Year Experience Shows Moderate Decline

Sixty-three percent of companies report that they faced at least one labor and employment class action within the last five years, down from 67.3 percent in 2019. Companies attribute the slight decline to court closures and delays during the pandemic.

### Labor & Employment Class Actions in the Last Five Years Percent of Companies



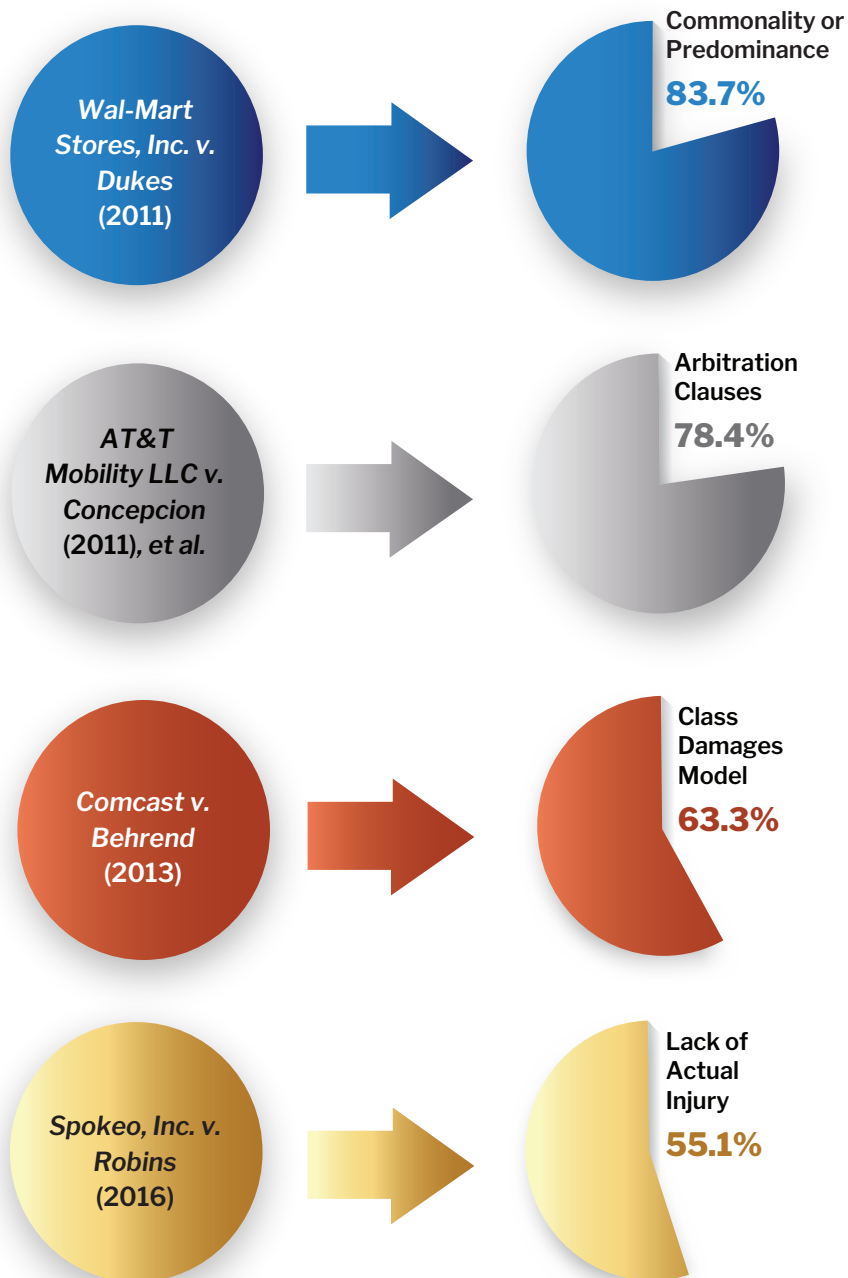
Copyright © 2021 Carlton Fields

# How Companies Approach Class Action Defense

## Supreme Court Decisions Have Impacted Class Action Defense

Over the last decade, several key Supreme Court decisions have shaped class action defense strategies, to varying degrees. In this year's survey, companies reported the successful use of several such defense strategies.

### Supreme Court Decisions and Supporting Defenses Percent of Companies Reporting Success



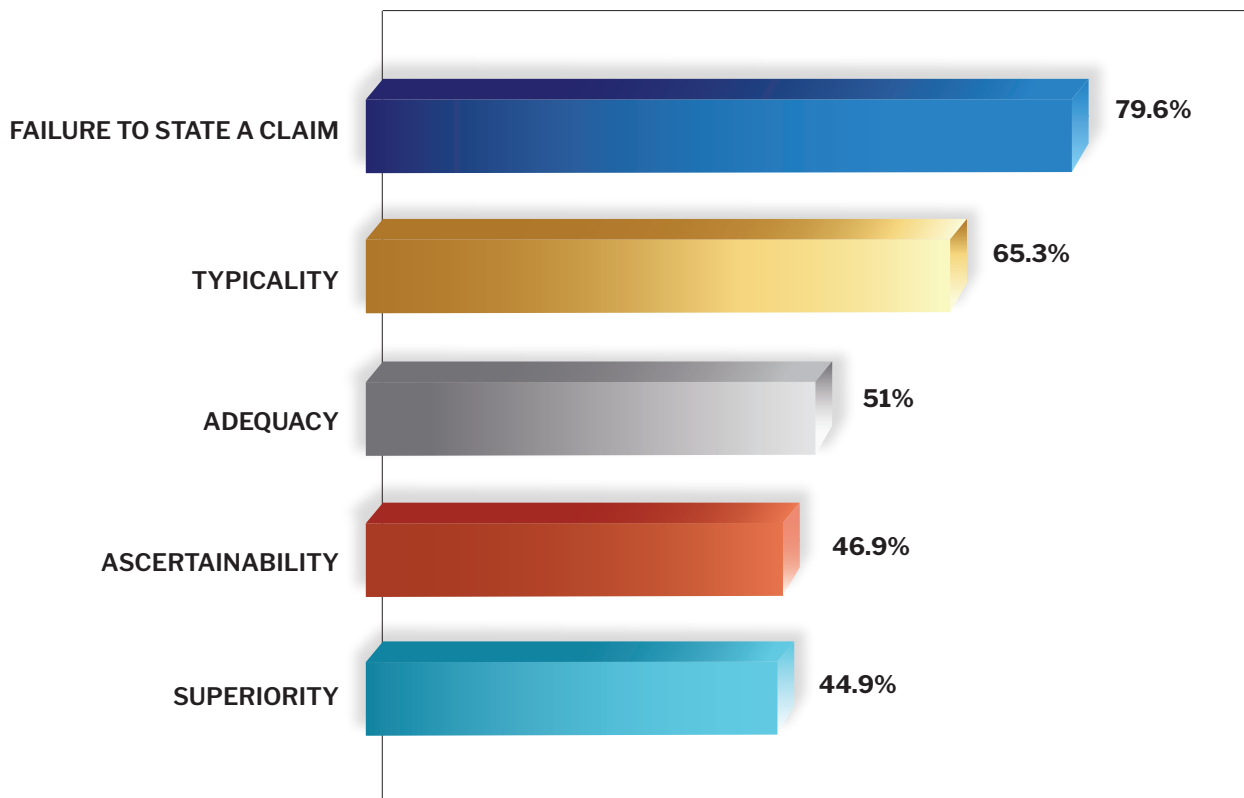
Copyright © 2021 Carlton Fields



## Companies Report Other Successful Defenses

Companies often find success by attacking the merits of class claims at the pleading stage, with 79.6 percent reporting that they have successfully moved to dismiss a class action early for failure to adequately state a claim. Companies also challenge the ability of class plaintiffs to establish the various prerequisites for certification under federal rule 23. More than half of companies have defeated class certification on typicality and adequacy grounds, whereas only 44.9 percent report that they have used a superiority defense with success. Although courts are split on the application and meaning of “ascertainability,” 46.9 percent of companies report that they achieved favorable results opposing certification on ascertainability grounds.

### Successful Defenses Under Rules 12 and 23 Percent of Companies Reporting Success

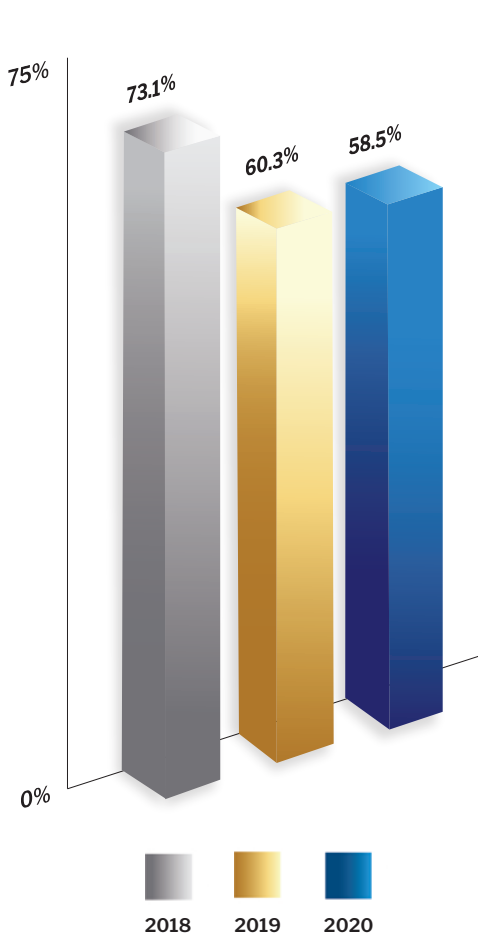


Copyright © 2021 Carlton Fields

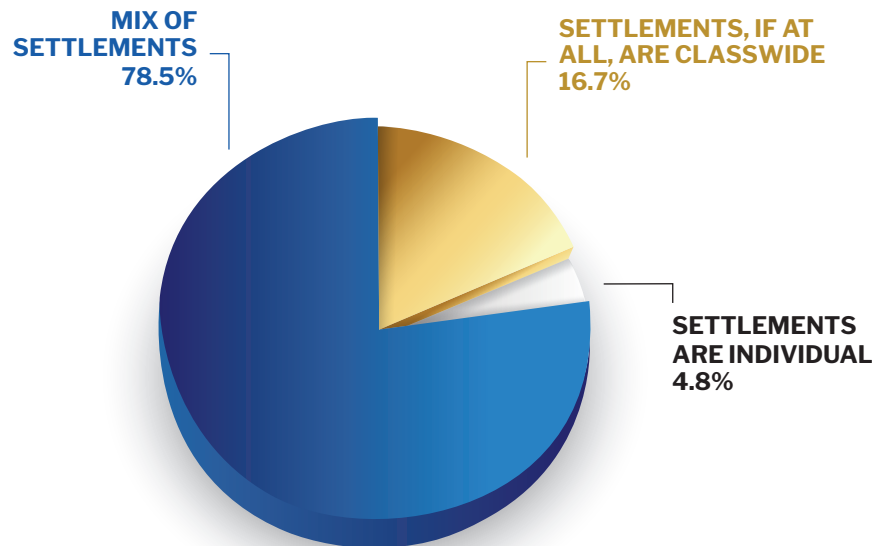
## Settlement Rates Are Down, But Companies Report More Flexibility

For the second consecutive year, settlement rates for class actions declined and were down to 58.5 percent in 2020. Companies reporting a mix of classwide and individual settlements increased from 66 percent in last year's survey to 78.5 percent this year. By contrast, only 16.7 percent of companies now report that they exclusively settle cases on a classwide basis, and only 4.8 percent reported exclusively settling on an individual basis, down from 20.8 percent and 13.2 percent, respectively, in 2019.

### Class Actions Settled Percent of Matters



### Individual vs. Classwide Settlements Percent of Companies

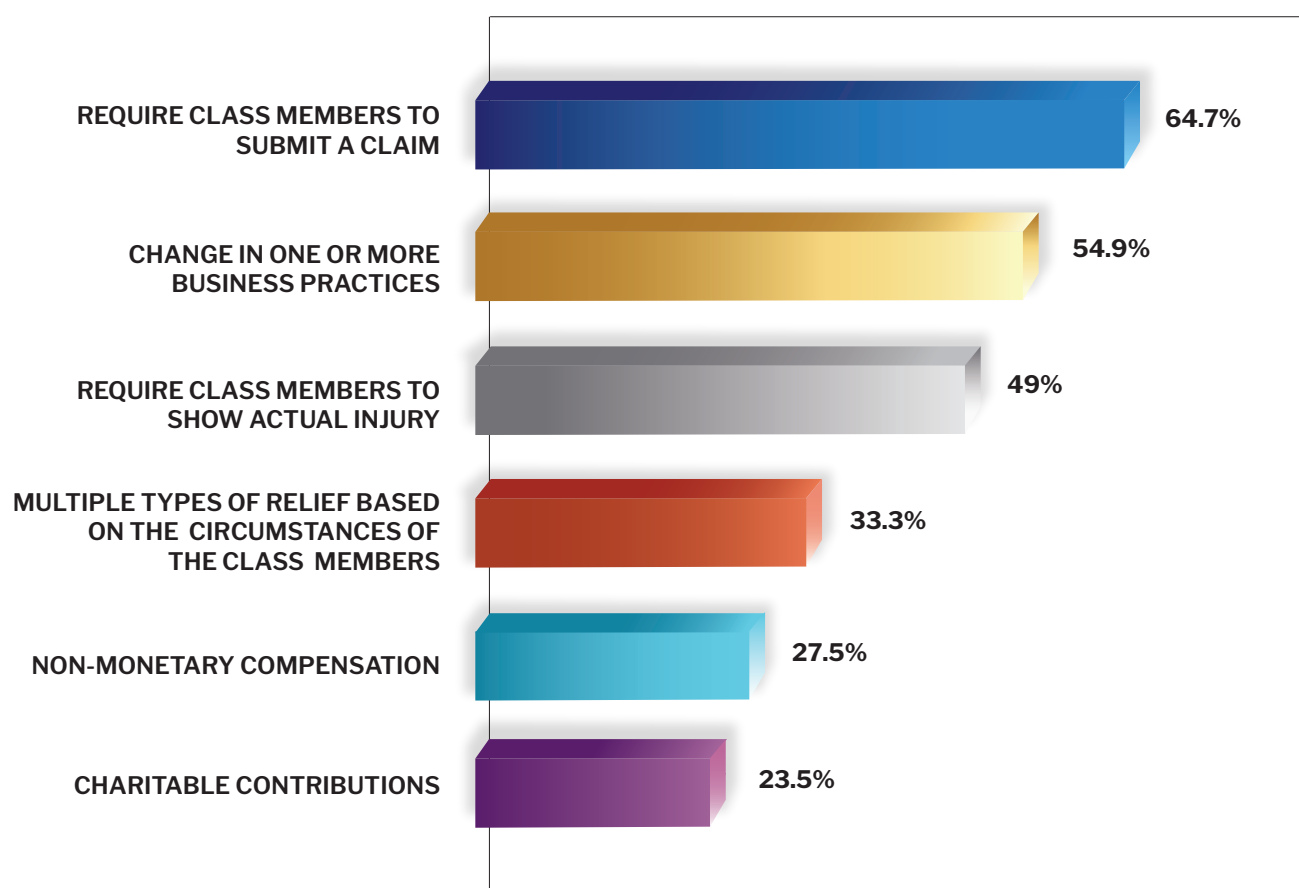


Copyright © 2021 Carlton Fields

## Claims-Made Processes Are A Favored Component In Class Action Settlements

As in previous years, companies report that requiring class members to make an affirmative claim for payment leads all other class action settlement conditions. Only one-third of companies report entering into settlements that include multiple types of relief based on the varying circumstances of class members and, down significantly from the past several years, only 27.5 percent of companies report that non-monetary or injunctive relief is used as a settlement component.

### Settlement Conditions Percent of Companies



\*Note: Chart adds up to more than 100%. Multiple responses allowed.  
Copyright © 2021 Carlton Fields

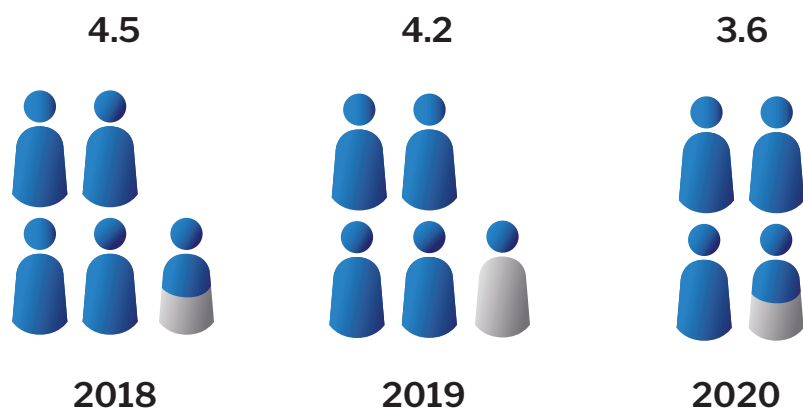
# How Companies Manage Class Action Defense Costs

## For A Second Straight Year, Companies Reduce In-House Staffing For Class Actions

Legal departments have reduced in-house staffing for class actions for the second straight year, with companies reporting fewer than four attorneys, on average, who are at least partially dedicated to managing class actions. As a result, the number of hours per week that each in-house attorney dedicates to class action litigation has increased from 12.2 hours in 2019 to 15.4 hours in 2020.

### In-House Attorneys Dedicated to Class Actions

Average Number of Lawyers

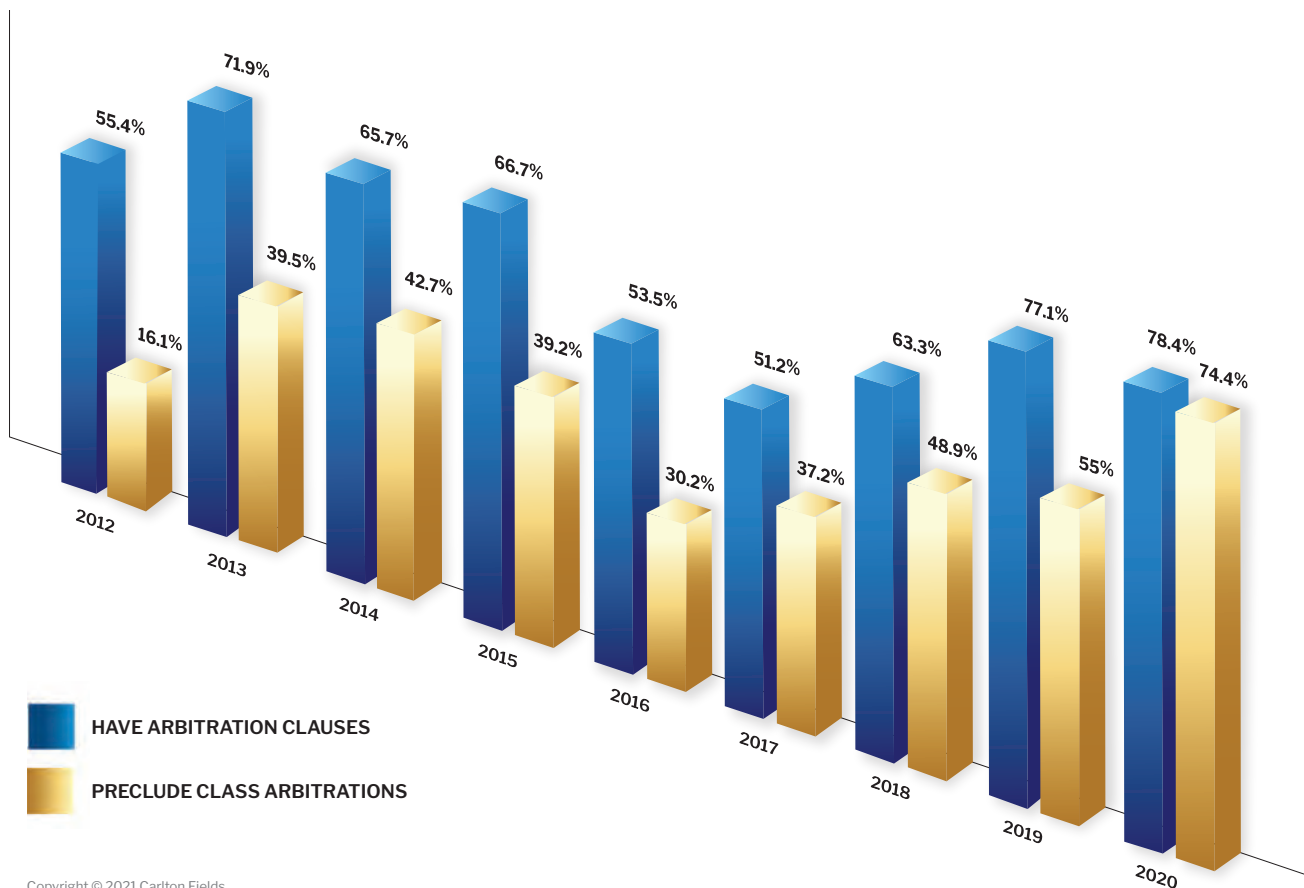


Copyright © 2021 Carlton Fields

## More Companies Use Mandatory Arbitration Clauses With Class Action Waivers

Seventy-eight percent of companies now report that they include mandatory arbitration clauses in their contracts, the highest percentage since the inception of the survey. This year, the percentage of companies using arbitration clauses that include class action waivers rose from 55 percent to 74.4 percent. Between 2015 and 2016, arbitration clauses with class waivers trended downward, based on a Consumer Financial Protection Bureau rule that would have banned such clauses. That rule, however, was ultimately repealed and the Supreme Court has consistently held that such clauses are enforceable.

### Arbitration Clause Usage Percent of Companies



## In Her Own Words: Justice Ginsburg On Class Action Waivers In Arbitration Agreements



---

In [*Concepcion and Italian Colors*], the Court held enforceable class-action waivers in the arbitration agreements at issue in those cases. No surprise, the number of companies incorporating express class-action waivers in consumer and employee arbitration agreements spiked.

---

— Justice Ruth Bader Ginsburg<sup>1</sup>



---

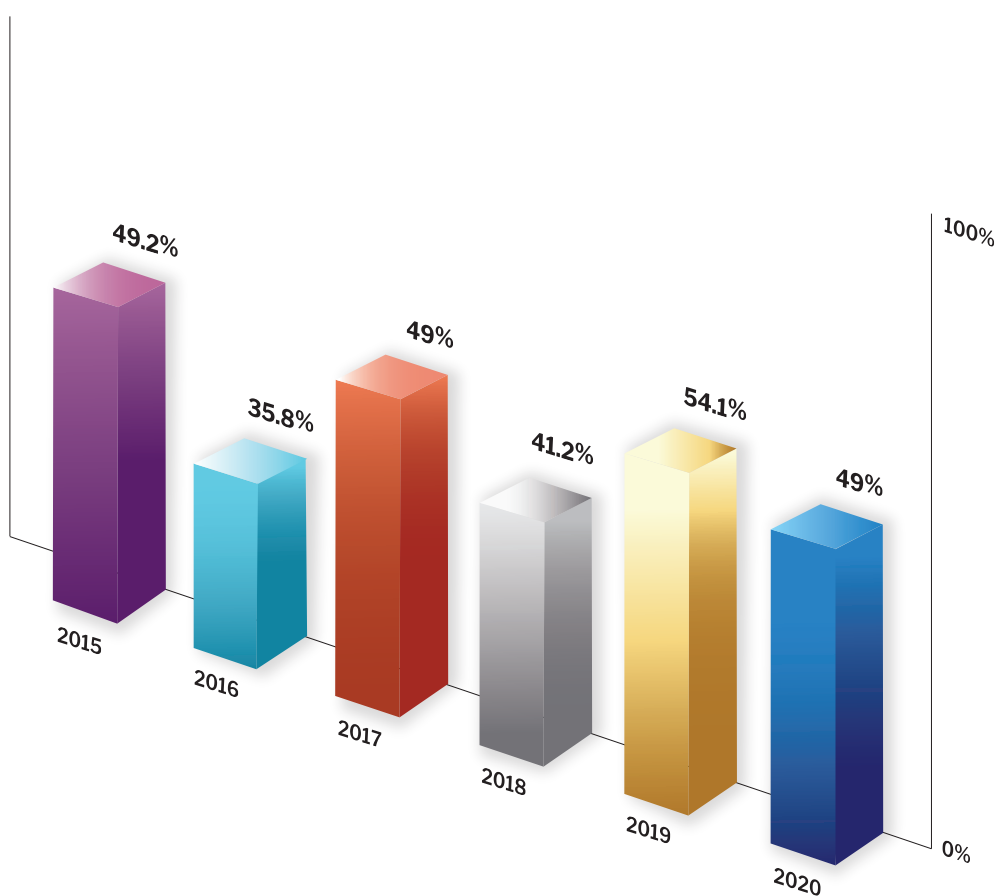
<sup>1</sup>*Epic Sys. Corp. v. Lewis*, 138 S. Ct. 1612, 1644 n.12 (2018) (Ginsburg, J. dissenting) (citing 2017 Carlton Fields Class Action Survey; observing that “16.1% of surveyed companies’ arbitration agreements expressly precluded class actions in 2012, but 30.2% did so in 2016”).



## The Use Of Alternative Fee Arrangements In Class Action Matters

After reaching a high of 54.1 percent last year, the percentage of companies relying on alternative fee arrangements as a class action management tool decreased slightly to 49 percent in 2020.

### Alternative Fee Arrangement Use in Class Actions Percent of Companies



Copyright © 2021 Carlton Fields

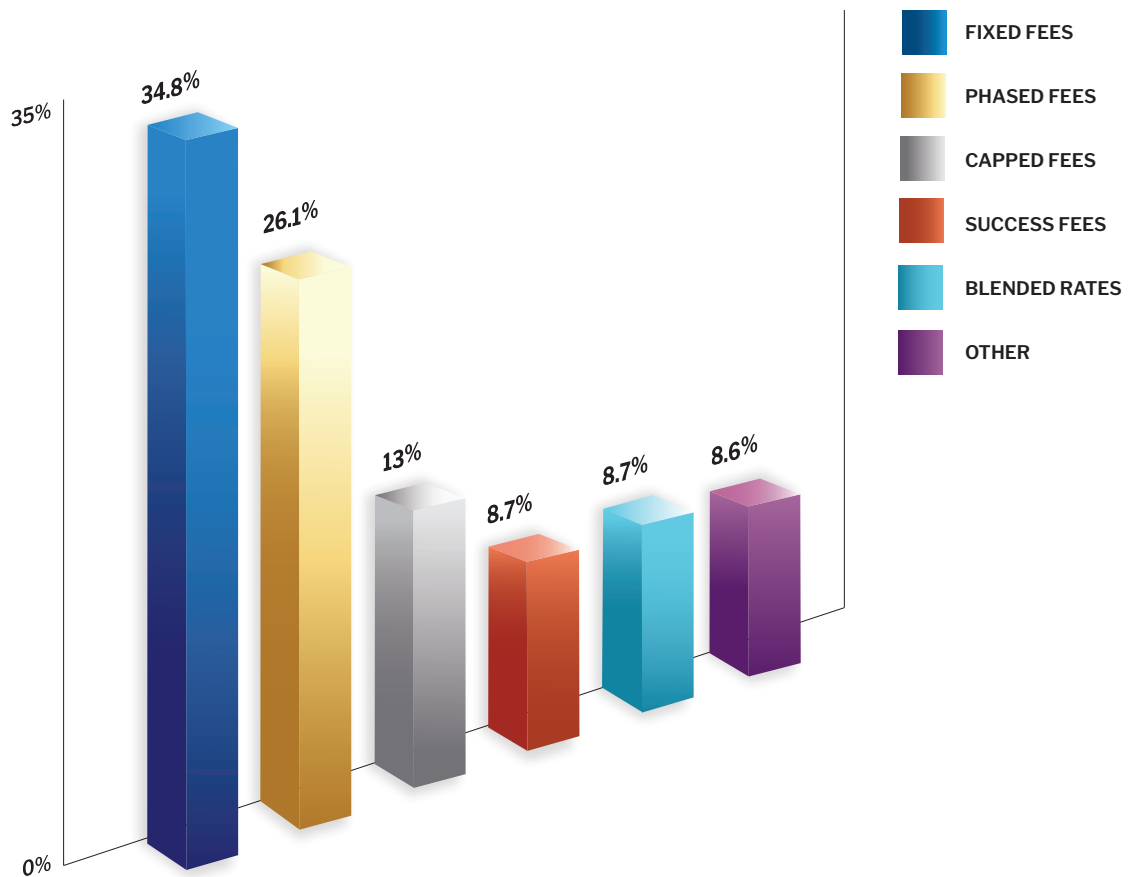


## Fixed And Phased Fees Remain The Most Successful Alternative Fee Arrangements

More than one-third of companies indicate that they have successfully used fixed fee arrangements to manage class action costs, and more than one-quarter have relied on a phased fee approach. Both of these alternative fee arrangements offer budget predictability, while the phased fee approach is more nuanced and allows for repricing as a matter develops. Other effective fee arrangements include caps, success fees, and blended hourly rates.

### Alternative Fee Arrangement Types

Percent of Companies

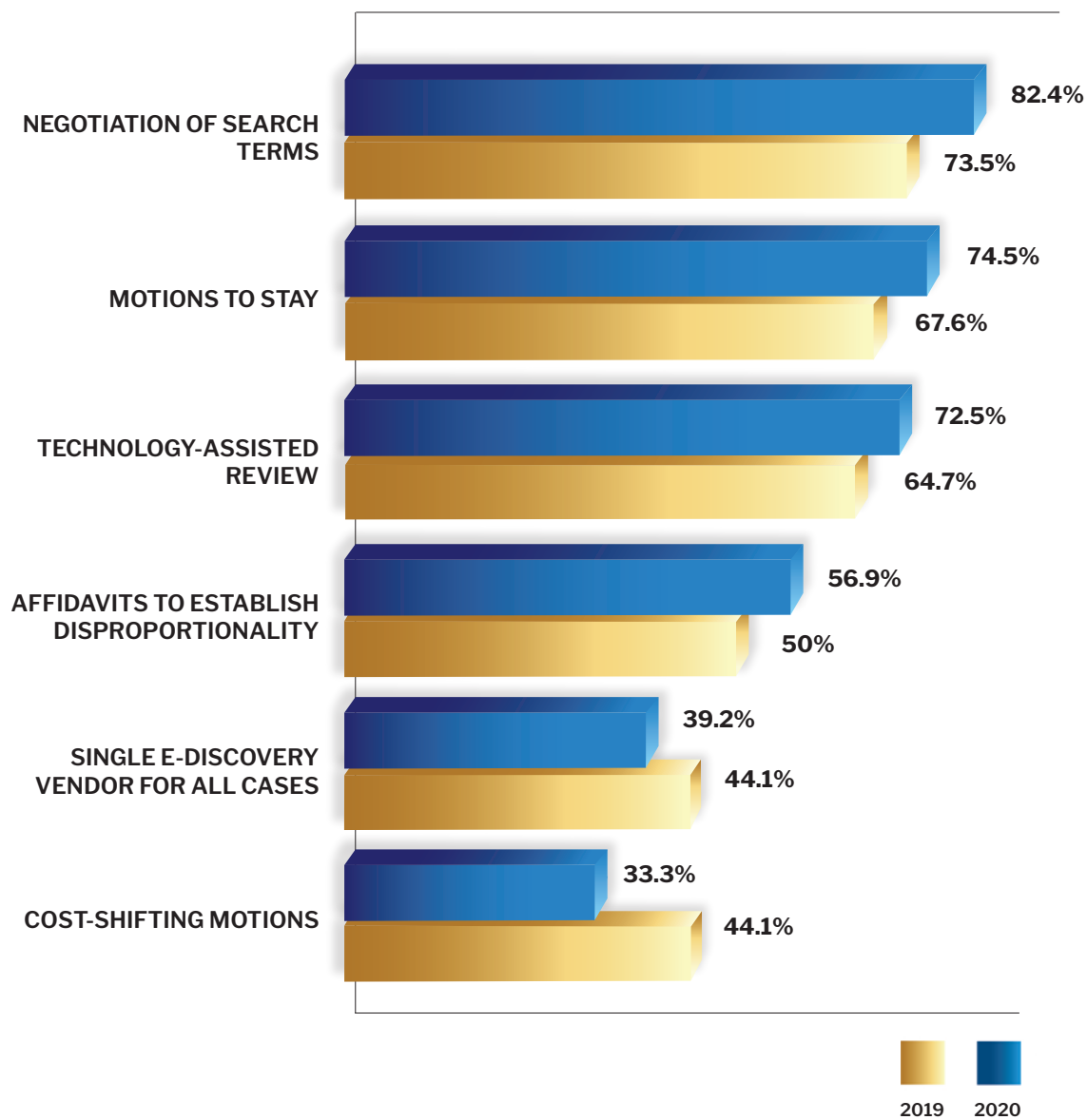


\*Note: Chart adds up to less than 100%; reports the percentage of companies responding affirmatively in each category.  
Copyright © 2021 Carlton Fields

## Strategies For Managing E-Discovery Costs

Companies use a variety of tools to manage and reduce the cost of e-discovery in their defense of class actions. Fewer companies, 39.2 percent, reported that they relied on a single e-discovery vendor as a cost-management tool in 2020, down from 44.1 percent in 2019. The use of cost-shifting motions also declined, with only one-third of companies reporting that they used such motions in 2020.

### Strategies Used Percent of Companies

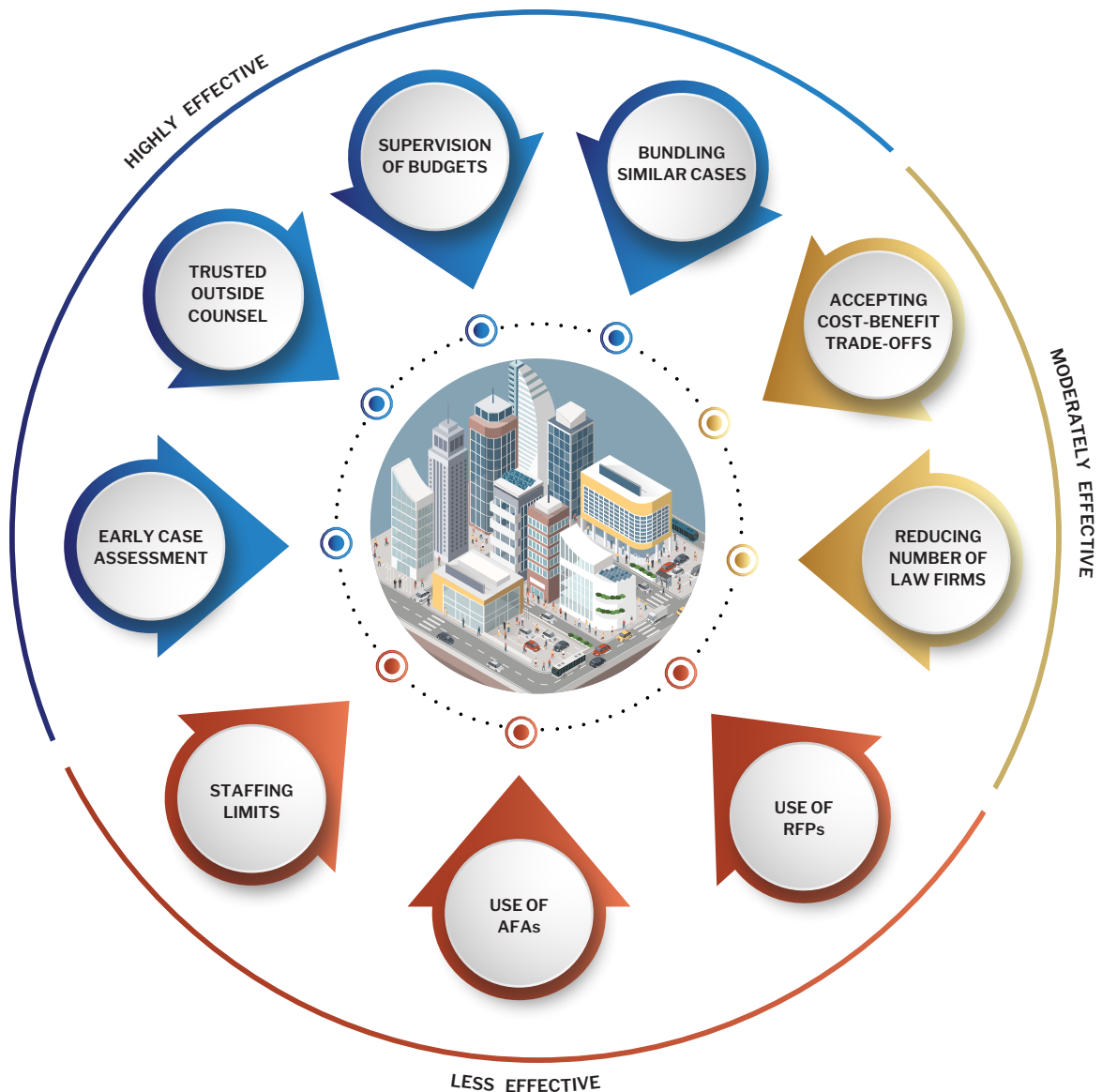


\*Note: Chart adds up to more than 100%. Multiple responses allowed.  
Copyright © 2021 Carlton Fields

## The Most Effective Tools To Reduce Class Action Defense Costs

Companies recognize four highly effective tools to reduce class action defense costs. One such tool, the close supervision of budgets, bears a direct relationship to spending. Another, early case assessment, has been reported as a cost-containment strategy by more than 90 percent of companies in our survey every year since 2016. Maintaining a relationship with trusted outside counsel, and bundling class action matters with one or more law firms, are also described as highly effective. Requests for proposal, AFAs, and reducing in-house staff, by comparison, were reported as less effective. Companies recognize as moderately effective, limiting the number of their outside class action defense firms and employing a cost-benefit analysis in each case to inform litigation strategy.

### Cost Reduction Practices

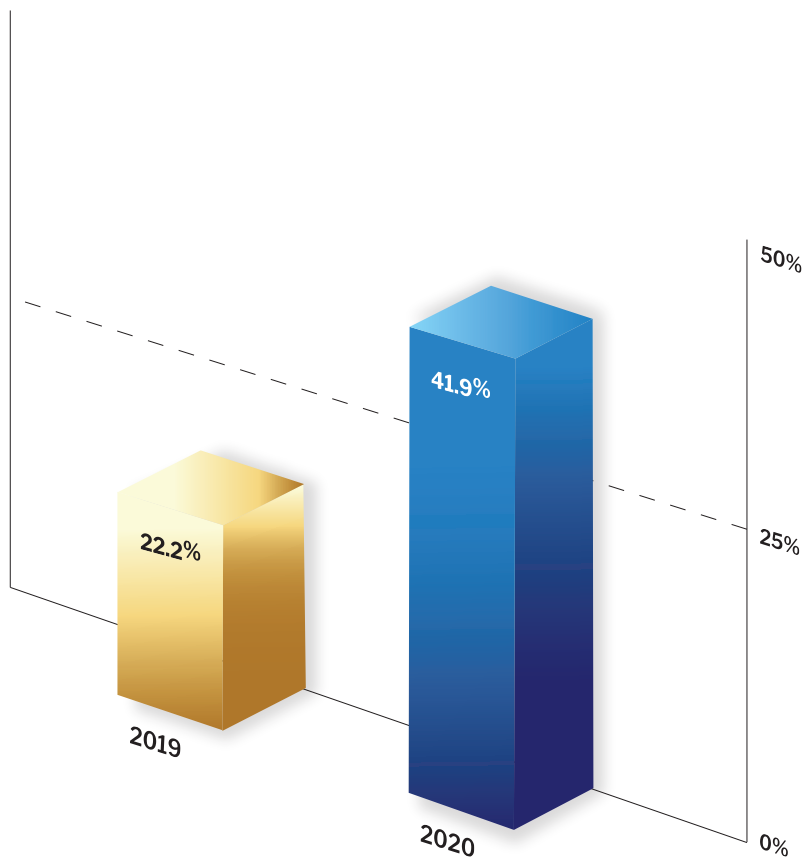


Copyright © 2021 Carlton Fields

## Insurance Covers More Class Action Defense Costs

In 2020, 41.9 percent of companies had a portion of their class action defense costs covered by insurance, which is a significant increase from the 22.2 percent of companies reporting that costs were covered last year. Some companies report that maturing claims brought matters within their coverage layers. Companies report that approximately 26.4 percent of their class action defense costs are covered.

### Defense Costs Covered by Insurance Percent of Companies



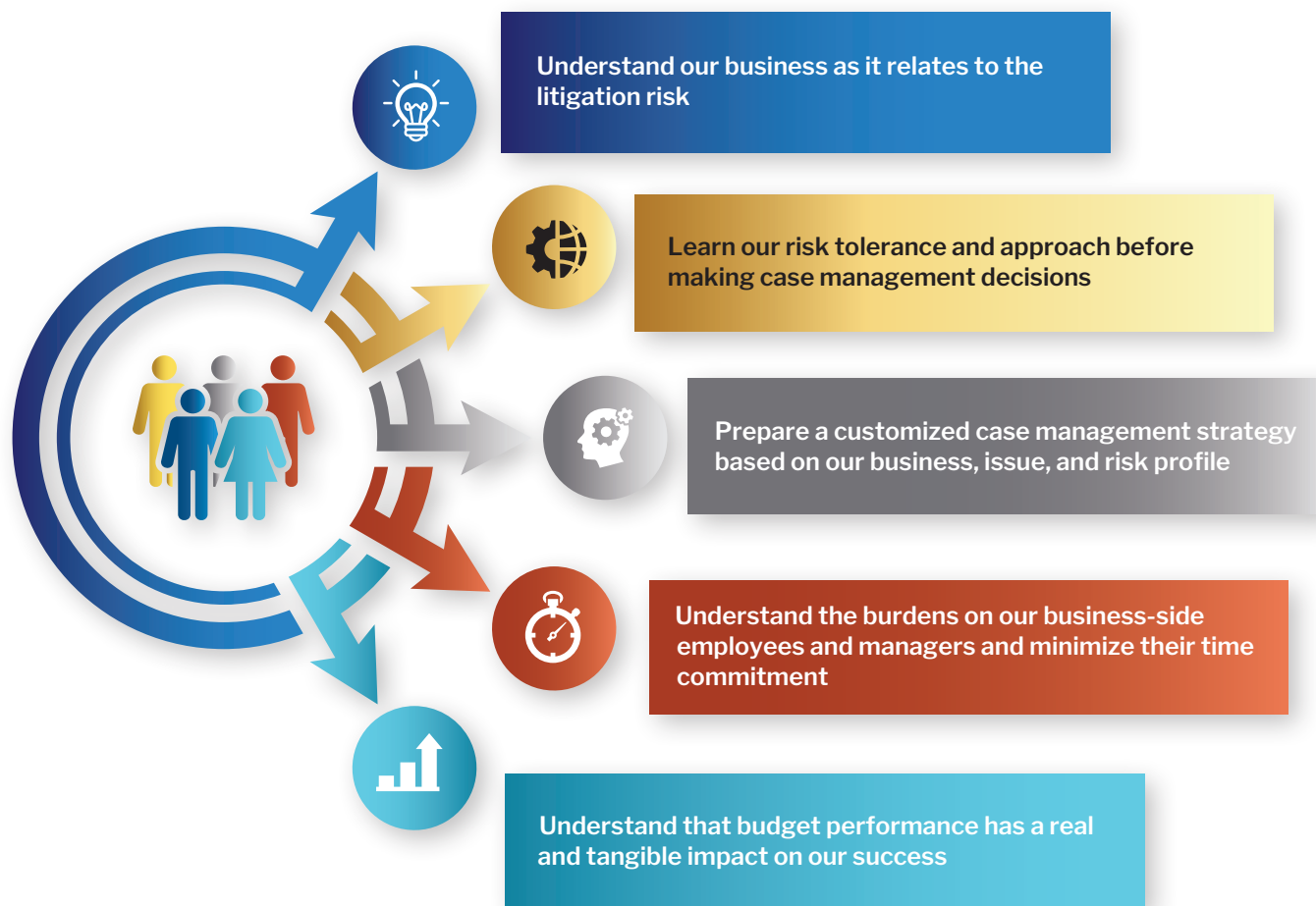
Copyright © 2021 Carlton Fields

# Improving the Partnership with Outside Counsel

## Companies Identify Keys To A Successful Partnership With Outside Counsel

Companies' expectations for a successful partnership with outside counsel are built around communication and an understanding of their business objectives and risk tolerance. Top decision-makers report that outside class action defense counsel should appreciate five important factors.

### Five Keys to a Successful Partnership



Copyright © 2021 Carlton Fields

## Implementing New Initiatives In Class Action Management

As companies manage more class actions and higher exposure matters, they expect to engage outside counsel in a variety of new or revamped initiatives.

### Class Action Management Initiatives Percent of Companies



MODIFY BUSINESS PRACTICES TO FORESTALL FUTURE PROBLEMS	83.0%
COORDINATE DEVELOPMENT OF LITIGATION STRATEGY FOR ALL NEW CLASS ACTIONS	82.3%
CONDUCT POST-MATTER REVIEW WHEN CLASS ACTIONS CONCLUDE	69.8%
SETTLE AS MANY CLASS ACTIONS AS WE CAN	61.5%
USE MORE FIXED AND PHASED FEE ARRANGEMENTS	60.4%
UTILIZE OUTSIDE COUNSEL FOR EARLY TRIAGE OF MATTERS	58.5%
INCREASE EFFECTIVE USE OF ASSOCIATES	50.9%

# Methodology and Approach

The 2021 Carlton Fields Class Action Survey results were compiled from 415 interviews with general counsel, chief legal officers, and direct reports to general counsel. Consistent with the approach used in past years, to control for bias and assure objectivity, Carlton Fields retained an independent consulting firm to select the companies and conduct the interviews. The consulting firm provides only aggregate data to Carlton Fields. Individual responses and company names are kept confidential and excluded from the survey results.

Surveyed companies had an average annual revenue of \$23.4 billion and a median annual revenue of \$7.1 billion. They operate in more than 25 industries, including banking and financial services, consumer goods, energy, high tech, insurance, manufacturing, and others.

## About Carlton Fields

Carlton Fields has litigated and counseled clients in hundreds of class actions for more than 35 years in federal and state courts across the nation. These cases present unique challenges due to their different rules, enhanced scope, and higher stakes. The firm understands the potential impacts, costs, and risks associated with class actions and is a leader in developing legal approaches and strategies for managing class action litigation.

If you would like to learn about the survey and how these results may impact you, please contact **Julianna Thomas McCabe** at 305.347.6870, [jtmccabe@carltonfields.com](mailto:jtmccabe@carltonfields.com), or **Michael Wolgin** at 305.347.6880, [mwolgin@carltonfields.com](mailto:mwolgin@carltonfields.com).

To obtain additional copies of this report, visit <https://ClassActionSurvey.com>.



Scan this QR code to view  
*Classified: The Class Action Blog.*



Scan this QR code for more  
class action resources.

\* Pages 6–7 and 15 also contain, with permission, information published or separately collected by BTI Consulting Group.

#### Atlanta

##### **One Atlantic Center**

1201 W. Peachtree Street | Suite 3000  
Atlanta, Georgia 30309-3455  
404.815.3400 | fax 404.815.3415

#### Hartford

One State Street | Suite 1800  
Hartford, Connecticut 06103-3102  
860.392.5000 | fax 860.392.5058

#### Los Angeles

2029 Century Park East | Suite 1200  
Los Angeles, California 90067-2913  
310.843.6300 | fax 310.843.6301

#### Miami

##### **2 MiamiCentral**

700 N.W. 1st Avenue | Suite 1200  
Miami, Florida 33136-4118  
305.530.0050 | fax 305.530.0055

#### New Jersey

180 Park Avenue | Suite 106  
Florham Park, New Jersey 07932-1054  
973.828.2600 | fax 973.828.2601

#### New York

##### **Chrysler Building**

405 Lexington Avenue | 36th Floor  
New York, New York 10174-0002  
212.785.2577 | fax 212.785.5203

#### Orlando

200 South Orange Avenue  
Suite 1000 (10th Floor)  
Orlando, Florida 32801-3410  
407.849.0300 | fax 407.648.9099

#### Tallahassee

215 S. Monroe Street | Suite 500  
Tallahassee, Florida 32301-1866  
850.224.1585 | fax 850.222.0398

#### Tampa

##### **Corporate Center Three at International Plaza**

4221 W. Boy Scout Boulevard | Suite 1000  
Tampa, Florida 33607-5780  
813.223.7000 | fax 813.229.4133

#### Washington, DC

1025 Thomas Jefferson Street, NW  
Suite 400 West  
Washington, DC 20007-5208  
202.965.8100 | fax 202.965.8104

#### West Palm Beach

##### **CityPlace Tower**

525 Okeechobee Boulevard | Suite 1200  
West Palm Beach, Florida 33401-6350  
561.659.7070 | fax 561.659.7368

Carlton Fields practices law in California through  
Carlton Fields, LLP.