

ALBERTA LAW REFORM INSTITUTE

EDMONTON, ALBERTA

CLASS ACTIONS

Consultation Memorandum No. 9

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ALBERTA LAW REFORM INSTITUTE

The Alberta Law Reform Institute was established on January 1, 1968, by the Government of Alberta, the University of Alberta and the Law Society of Alberta for the purposes, among others, of conducting legal research and recommending reforms in the law. Funding of the Institute's operations is provided by the Government of Alberta, the University of Alberta, and the Alberta Law Foundation.

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PREFACE AND INVITATION TO COMMENT

In this project, we will examine the existing law and procedures that govern proceedings in which a number of plaintiffs have the same or similar claims against a defendant, assess the problems in the operation of that law, and, if appropriate, make recommendations for improvements that will alleviate those problems. In so doing, we will consider whether it is necessary, or possible, to provide a more satisfactory procedural framework in which to meet the multiple plaintiff litigation demands of modern Alberta. Ancillary to this, we will examine whether the law requires any changes where a number of defendants are in the same or a similar position in relation to claims brought against them.

The Institute's purpose in issuing a Consultation Memorandum at this time is to allow interested persons the opportunity to consider whether there is any need for reform. If there is a need, we welcome comments on what direction reform should take. Any comments sent to the Institute will be considered when the Institute determines what final recommendations, if any, it will make to the Alberta Minister of Justice.

The Memorandum consists of three chapters and an Appendix containing the *Class Proceedings Act* adopted by the Uniform Law Conference of Canada in 1996 (the ULCC). Chapter 1 introduces the project and its purpose. Chapter 2 describes the procedures available for dealing with class actions under the existing law in Alberta and elsewhere. Chapter 3 raises issues relating to the possible reform of the existing Alberta law. It is being circulated for the purpose of obtaining the views of members of various sectors of the Alberta public.

We would like to hear from as many people as possible in response to the questions we have raised. To this end, in addition to distributing the Memorandum to the large number of people on our mailing list, we will also be posting it on our Internet Website which is open to the public and allows for easy downloading. We may arrange further consultation or host further discussion, once the initial round of comments is obtained.

Comments on the issues raised in this Memorandum should reach the Institute on or before May 31st, 2000.

Comments should be addressed to:

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