

## **Multi-Party Litigation**

In 2005, the Commission published a Report on [Multi-Party Litigation](#) (LRC 76-2005), which followed its Consultation Paper on [Multi-Party Litigation](#) (LRC CP 25-2003). This deals with the procedure to be followed when numerous persons are pursuing the same cause of action against the same defendant, for example the recent army deafness claims. Under current law, subject to one exception, the 'representative action', these are all separate actions to be pursued independently of each other. The Report recommends the introduction in Rules of Court of a procedure to be called a Multi-Party Action (MPA), based on principles of procedural fairness, efficiency and access to justice. In particular, there should be active case management of such cases by the courts, in keeping with the general trend in the reform of civil procedure. The MPA would operate as a flexible tool to deal collectively with cases that are sufficiently similar. The MPA procedure should operate the basis of an opt-in system whereby individual litigants will be included in the group only where they decide to join the group action (this is very different from the US class action procedure in which individuals are deemed to be part of the class action unless they opt-out). The Report contains draft Rules of Court to give effect to these recommendations.