

Old rivals, hungry new players power class action market

💡 Business of Law



🕒 August 12, 2019

✍️ Christine Caulfield

📍 Melbourne

Lawyerly's inaugural class action report shows one plaintiffs firm dominating the field, running more than twice the active class actions as its nearest rivals. But a group of capable and ambitious firms are nipping at its heels.

With 26 active class actions in Australia, from a new case filed on behalf of taxi drivers against ride-sharing giant Uber, to three long-running consumer law proceedings over Volkswagen's Dieselgate, Maurice Blackburn is leading the plaintiffs pack.

But competition is heating up, with three established class action firms-- Shine Lawyers, Slater and Gordon, and Quinn Emanuel Urquhart & Sullivan -- looking to close the gap, and new players, most notably class action specialist firm Phi Finney McDonald, getting in on the action.

The report also shows bushfire class action work has kept boutique firm Maddens busy, Adero Law is carving out an employment class action niche, and litigation shops Corrs Chambers Westgarth and Johnson Winter & Slattery are as active in bringing class actions as they are in defending them. In total, 42 law firms have a share of the class action pie.

Top Class Action Plaintiffs Firms, 2019

Source: **LAWYERLY**

<i>Ranking</i>	<i>Law Firm</i>	<i>No of Class Actions, Plaintiffs</i>
1	Maurice Blackburn	26
2	Quinn Emanuel	11
2	Shine Lawyers	11
2	Slater & Gordon	11
5	Phi Finney McDonald	9
6	Maddens Lawyers	8
7	Adero Law	7
8	Johnson Winter & Slattery	6
8	Corrs Chambers Westgarth	6
8	Levitt Robinson	6
11	William Roberts Lawyers	5
12	Piper Alderman	4

With 51 lawyers working on class actions, and a history of bringing representative proceedings that goes back more than 20 years, **Maurice Blackburn** currently reigns undisputed as the class action king.

Andrew Watson, the firm's national head of class actions, says Maurice Blackburn has recovered in excess of \$2.6 billion for class members since it launched its class actions practice in 1998, accounting for two-thirds of all Australian class action recoveries.

"While the market continues to experience unprecedented competition, Maurice Blackburn remains Australia's leading class action law firm," Watson said.

The firm is the only one to secure a settlement of over \$100 million in shareholder and listed securities actions, and has done so in seven cases.

Maurice Blackburn Class Action Group



Andrew Watson



Brooke Dellavedova



Ben Slade



Rebecca Gilsenan



Vavaa Mawuli

Class Action
Group Size **51**

Class Action
Partners **09**

Class
Actions **26**

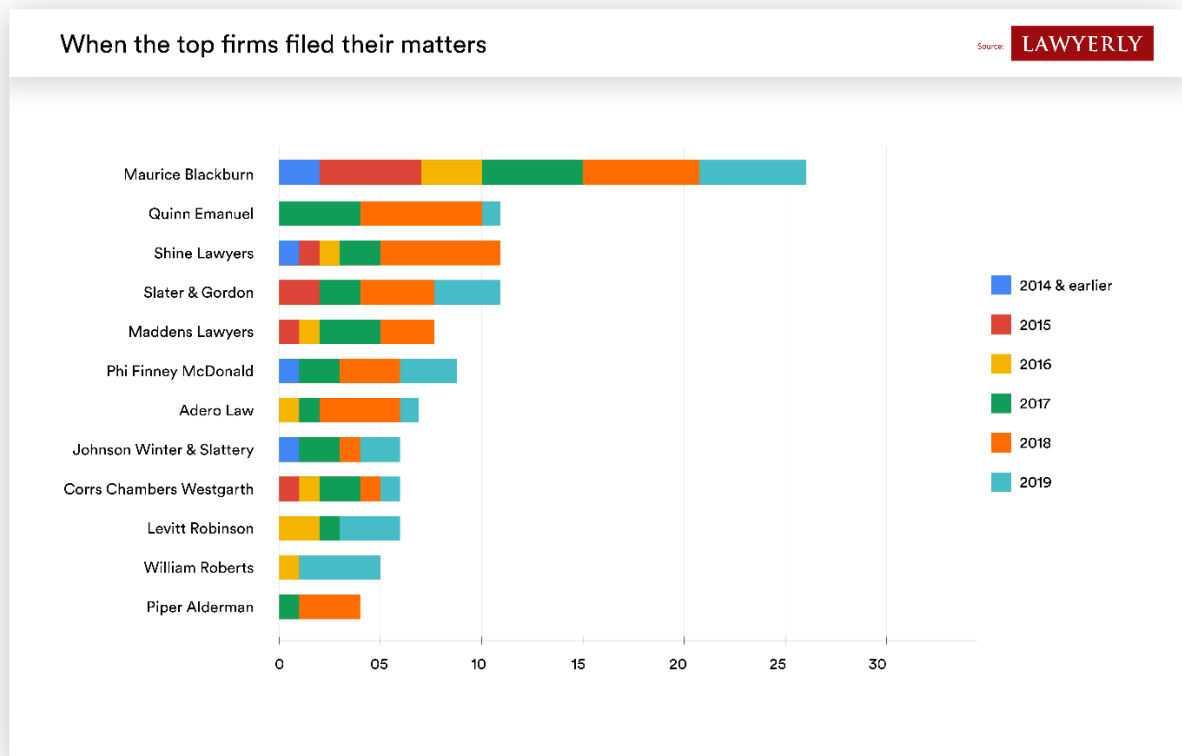
Notable Matters:

- ⊗ Class action by taxi drivers against Uber
- ⊗ Royal commission-related class actions against AMP

"Our team works hard, we work smart and we care and that is reflected in our cases," he said.

Sharing the second spot on Lawyerly's list of top class action plaintiffs firms is Brisbane-based Shine Lawyers, Melbourne-based Slater and Gordon and Sydney-based Quinn Emanuel, with 11 active class actions for plaintiffs apiece.

And while Maurice Blackburn has more than double on its plate, the past two years has shown the work has been more evenly spread across the field of firms, with Maurice Blackburn, Shine and Quinn Emanuel each filing six of its still active cases last year, and Slater and Gordon not far behind with four. This year so far Maurice Blackburn has filed five new cases, while Slater and Gordon has launched three. Newcomers Phi Finney McDonald and William Roberts have filed three and four respectively.



With **Shine Lawyers'** acquisition last year of class action boutique ACA Lawyers, the firm is the second largest plaintiffs law firm in Australia. Its caseload includes the vaginal mesh case against Johnson & Johnson's Ethicon and a consumer class action over life insurance premiums against Westpac.

While the firm has not brought a single new class action this year so far, the firm's head of class actions, Jan Saddler, says six actions are in the pipeline for the remainder of 2019.

"Shine Lawyers class actions practice will continue to grow for as long as we are asked to represent clients who need our expertise, experience and assistance to right wrongs committed against them," Saddler said. "We have 11 actions currently filed and progressing in various courts and we expect at least another half a dozen cases across different sectors to be filed in the next 5 to 6 months, which will seek justice for upwards of 100,000 everyday Australians."

Shine Lawyers Class Action Group



Jan Saddler



Vicky Antzoulatos



Craig Allsopp



Joshua Aylward



Rebecca Jancauskas

Class Action
Group Size **20**

Class Action
Partners **05**

Class
Actions **11**

Notable Matters:

- ☑ Vaginal mesh class action against J&J's Ethicon
- ☑ Westpac life insurance class action

What sets Shine apart from its competitors is a "large dose of humility and authenticity", Saddler said.

"Shine Lawyers is a highly experienced, top-tier class actions firm delivering legal services of exceptional quality. We are able to do this because at all times we remain genuine, authentic and humble – never losing sight of those who we act for and the suffering they have to deal with daily and have endured because of the wrongdoing of others. It is a unique area of practice and requires specialist skills that very few other firms possess," Saddler said.





Shine has 40 offices nationally, but its origins are proudly regional Australia and the firm, Saddler said, remains "strongly connected with those Australians who live away from the coast".

"Shine Lawyers truly believes that we have an critical role to play in helping everyday Australians to hold national and international corporates and governments to account for their wrongdoing. Shine is one of the oldest, most prominent and experienced firms in the class actions space, and is among the top two class action firms in the country. We focus on ensuring we provide access to justice to all people, no matter their standing in society. We proudly aim to 'Right Wrong' in every case for every client."

Slater and Gordon, which is picking up steam after coming back from the brink of bankruptcy, has filed seven class actions in the past two years, notably a product liability class action over Bayer's contraceptive device Essure and two cases as part of its royal commission-related Get Your Super Back campaign.

The firm, which has a 30-strong class action team and plans to grow to 40 lawyers within 24 months, is also preparing a class action on behalf of Silicosis sufferers and is set to launch its first ever wage underpayment class action.

Slater & Gordon Class Action Group



Ben Hardwick

Andrew Baker

Emma Pelka-Caven

Rory Walsh

Class Action Group Size

30

Class Action Partners

07

Class Actions

11

Notable Matters:

- ✔ Product liability class action over Bayer's Essure
- ✔ Get Your Super Back class actions against AMP, CBA

Head of class actions Ben Hardwick said Slater and Gordon was a premium plaintiff class action firm with an experienced and diverse class action practice, and a proud history of delivering high returns to group members.

"On average Slater and Gordon class action group members have received 75 cents for every dollar of compensation obtained - a measure of which we are extremely proud. We run cases efficiently; paying careful attention to supervision structures and right sizing tasks to suitably qualified members of our legal or paralegal teams," Hardwick said.

"We also see ourselves as the market leaders in settlement scheme administration, best illustrated in how we distributed almost all of the \$70 m in compensation to Manus Island settlement recipients within about six months, with a minimum of fuss, despite the complex features of that class."

The firm's recipe for success, Hardwick said, was to run matters strategically, dedicating resources to game-changing aspects of litigation while avoiding distractions that don't advance the case.

Employing innovative lawyers from a range of backgrounds and interests was also key.

"A range of thinking styles allows our team to collectively tackle issues in a creative way, without falling into a cookie-cutter approach to the law," he said.


Quinn Emanuel, in the top five firms on Lawyerly's list of class action powerhouses, has 14 class actions, 11 of which it is running for plaintiffs, including seven class actions against car makers over Takata airbags.

The firm, a global outfit with headquarters in the US, focuses both locally and internationally on litigation.

"This gives us a distinct advantage through knowledge of tactics, strategies and approach," said managing partner in Australia, Michael Mills.


"The practice is also led by partners, on both sides of the bar table, who are consistently rated by their peers as being amongst Australia's leading litigation and class action lawyers, and we seek to recruit the best lawyers who are passionate about solely practicing litigation"

Quinn Emanuel Class Action Group




Michelle Fox

Class Action Group Size **11**



Michael Mills

Class Action Partners **03**



Damian Scattini

Class Actions **14**

Notable Matters:

- ✓ Consumer class actions against auto giants over Takata airbags
- ✓ IOOF shareholder class action

Quinn Emanuel's leading partner on the plaintiffs side, Damian Scattini, joined Quinn Emanuel from Maurice Blackburn in March 2016.

The firm has been at the centre of recent precedent-setting cases, including as GetSwift's counsel through the landmark ruling staying two competing class actions and the associated appeals, and as counsel for the plaintiffs in BMW's challenge to the legality of common fund orders in representative proceedings, which is before the High Court Tuesday.

Phi Finney McDonald, which has nine active class action, is the new kid on the block. Launched two years ago by three former Slater & Gordon lawyers, the firm is already a force to be reckoned with, having won two high stakes class action beauty parades in the past two years.

Phi Finney McDonald Class Action Group



Odette McDonald



Brett Spiegel



Tim Finney



Ben Phi

Class Action
Group Size

25

Class Action
Partners

06

Class
Actions

09

Notable Matters:

- ☑ BHP shareholder class action over Brazil dam collapse
- ☑ Shareholder class actions against GetSwift

"We are a specialist class actions firm with a great culture, and a strong desire to make a difference. We understand that we are agents, not principals, and we put group members first. We are proud to have received judicial praise for putting forward innovative funding models that will increase our clients' net recoveries," said Ben Phi, the firm's managing director.

"The market is evolving at a rapid rate, and we are a driving force behind that. And we like where it's heading.

"While many complain about 'multiplicity', the reality is that the courts are dealing with it pragmatically and efficiently. And the effect has been that our clients are paying far less today than they did 18 months ago, which is a good thing."

Phi Finney McDonald's standout matters include running a shareholder class action against logistics company GetSwift, after winning a high stakes competition class action contest, and jointly leading a consolidated class action against mining giant BHP, representing shareholders on the stock exchanges in Australia, London and Johannesburg.

The firm prides itself on having a team of motivated and talented lawyers, Phi said.

"We run the best cases with the best people. We practice law creatively and without ego."

Methodology: With assistance from Monash Business School Professor Vince Morabito, we compiled a ranking of the firms involved in the most class actions using court databases, Lawyerly's database of 2,500+ articles and information provided by the firms themselves. Lawyerly was not able to identify defence counsel in seven of the 140 class actions before the courts.

