

Provisions Regarding Class Actions

1. Prior to the commencement of a class action against the Commonwealth, the legal services attorney will provide, in addition to the named state defendant, written notice to the office of Counsel to the Governor (“Counsel”) describing the state policy or practice that adversely affects eligible legal service clients and the principal legal basis of the intended challenge. The notice will express the willingness of the attorney to engage in reasonable efforts, appropriate to the case, aimed at resolving the adverse effects of the policy or practice without litigation. In the event that efforts to amicably resolve the identified problem prove unsuccessful, the notice will advise that class relief may be sought.
2. In the event that Counsel believes that the proposed class action as described in the aforementioned notice is frivolous, counsel will promptly notify the legal services attorney and Pennsylvania Legal Aid Network, Inc. (PLAN, Inc.) of that belief in writing, accompanied by a statement explaining the legal basis for that belief.
3. Upon the receipt of written notice from Counsel that a proposed class action is believed to be frivolous, PLAN, Inc. shall promptly convene a panel of three available law school deans (from among the deans of Pennsylvania’s eight law schools) to review the proposed filing for the purpose of rendering an advisory recommendation as to whether the proposed class action is frivolous. This recommendation shall be forwarded to the executive director of the legal services program intending to commence the class action. Additionally, this notice shall be provided to PLAN, Inc. Unless exigent circumstances exist which require immediate steps to protect the rights of a client, an executive director shall not approve the filing of a class action against the Commonwealth until he/she has considered this recommendation.
4. At the end of each calendar year, PLAN, Inc. shall provide promptly to Counsel, at his/her request, a description of the class actions, if any, asserted as frivolous by Counsel during the past year, together with a summary of the status of each such class action.
5. If the class action described in paragraph 1 above, although a civil matter, involves issues which may implicate the criminal justice system, a copy of the written notice to Counsel shall also be provided to the Attorney General of the Commonwealth of Pennsylvania.