



Test case litigation, class actions, and other forms of collective redress:

Increasingly, strategic litigators are using “test” cases to determine broader prospects of success in strategic litigation or class action. In these cases, a sample population of clients litigates on a particular legal question and uses the case to test jurisdiction, legal arguments, remedies, and, most importantly, the position that will be adopted by the opposition. Test cases are generally easier to manage than class action litigation due to their smaller size and, if effective, they pave the way for broader and often more impactful class action litigation.

Guideline 6: The objective you are setting out to achieve may be direct or indirect, but it should never be purely academic in nature. It should lead to positive and actual change.

Expert tips: Tools and targets

It is important to distinguish between law as a tool for change and law as a target for change. Public awareness, information gathering, and test case litigation fall within the former. Setting precedent and law reform fall within the latter.