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CLASS ACTIONS REFORM: AN ANALYSIS OF DATA, DOLLARS AND DOCTRINES – PART 1

Dr Peter Cashman

Concerns about high transaction costs in class actions due to commissions paid to commercial litigation funders and legal costs have led to several recent inquiries and regulatory and statutory reforms. Further proposed reforms are under consideration. This article reviews recent and proposed reforms and analyses empirical data on class action settlements in Australia. The second part, to be published in the next issue, examines class actions in Canada and the United States along with other reforms that would assist in achieving the policy goal of reducing transaction costs and maximising the return to class members. 477

MOVEMENT LAWYERING: AN OLD ETHOS AND NEW THEORY FOR FIRST NATIONS' SOVEREIGNTY

Lilian Burgess, Giulia Marrama and Suvradip Maitra

Movement lawyering is a new theory but an old practice that involves lawyers aligning with a movement and contributing their unique legal skills to a cause. Consistent with movement lawyering theory we adopt the recognition of pragmatic sovereignty as the overarching goal

of a First Nations movement, proposing the creation of space as its strategy. We canvass aspects of the legal landscape as it currently impacts Australia’s First Nations Peoples and propose discrete tactics aimed at furthering pragmatic sovereignty within the purview of native title, traditional knowledge and the criminal justice system. While discrete, we recognise that the tactics identified in each area of law are applicable across domains. We hope our work can assist in providing a framework for Australian lawyers to optimise their contributions to the modern First Nations sovereignty movement. 511

Australian Law Journal Reports

HIGH COURT REPORTS – Staff of Thomson Reuters

DECISIONS RECEIVED IN JUNE 2022

Alexander v Minister for Home Affairs (*Citizenship and Migration; Constitutional Law*) ([2022] HCA 19) 560

Thoms v Commonwealth (*Citizenship and Migration; Constitutional Law*) ([2022] HCA 20) 635

