
Supreme Court Overturns Class Certification in Wal-Mart Gender Discrimination Case

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On June 20, 2011, in *Wal-Mart Stores, Inc. v. Dukes*, the Supreme Court addressed whether a group of 1.5 million current and former female employees of Wal-Mart could assert claims for alleged gender discrimination in a nationwide class action. Reversing the Ninth Circuit Court of Appeals, which affirmed the district court's grant of class certification, the sharply divided Court clarified the "commonality" requirement of Federal Rule of Civil Procedure 23(a)(2). In a separate analysis, the Court unanimously held that the employees' claims for backpay could not be certified as part of a Rule 23(b)(2) class.

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