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Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Suite CC-5610 (Annex J)
Washington, DC 20580

August 10, 2017

Re: Class Action Notice Consumer Perception Study, Project No. P024210

Public Citizen is grateful for the opportunity to submit comments to the Federal Trade Commission (FTC) on this important topic. Public Citizen is a national non-profit organization with more than 400,000 members and supporters. We represent the public interest through lobbying, litigation, administrative advocacy, research, and public education on a broad range of issues including class actions.

Whether and how to provide consumers with class action notices through electronic means is an important issue, and we support the staff's proposal to study how consumers perceive such notices. The efficacy of such notices continues to be a matter of discussion in the proceedings of the Advisory Committee on Federal Rules of Civil Procedure concerning proposed amendments to Rule 23, and the information collected in the proposed study may be useful for informing the ongoing rulemaking process as well as the courts' implementation of Rule 23. The information could also assist the FTC and others in making determinations about whether to object to the adequacy of notice in particular cases.

In our comments on the proposed Rule 23 amendments submitted February 15, 2017, we said: "It seems clear that best practices in this area deserve further study, and also that technological changes inevitably will affect the way class action notices are delivered in the future."¹ The FTC's proposed study appears to be a

¹ Comment of Public Citizen Litigation Group on the Preliminary Draft of Proposed Amendments to Federal Rule of Civil Procedure 23, *available at* <https://www.regulations.gov/document?D=USC-RULES-CV-2016-0004-0081>.

useful step toward furthering public understanding of this subject. In addition, we support the use of “internet panels” to study consumer perceptions, and urge you to encourage the firm contracted to conduct this study to ensure that participants are drawn from a broad cross-section of society since the right to band together to vindicate rights through class actions impacts almost everyone.

Sincerely,



Remington A. Gregg
Counsel for Civil Justice and Consumer Rights
Congress Watch Division
Public Citizen