

# How Defendants Can Use Class Certification to Their Advantage

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The article discusses recent developments in federal law that could make it easier for defendants to get class actions dismissed at the certification stage. The authors review how courts may consider merit-related as well as certification issues and provides recent interpretations of the relevant Supreme Court case, *Eisen v. Carlisle & Jacquelin*. The article points out why courts may have more flexibility in certifying class actions. Finally, it explains why courts may hold plaintiffs to a higher standard of proof for class certification.