

3 Takeaways from the 5th Circ. Shift in Certifying FLSA Cases

Media Mentions

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In discussing Fair Labor Standards Act collective actions and the Fifth Circuit's one-step procedure, Bracewell's **Leslie Selig Byrd** recently told *Law360 Employment Authority* reporter Jon Steingart how she appreciated that the appellate panel took seriously the possibility that collective action certification could lead not only to bringing other plaintiffs into the suit but also to new litigation that might not have happened otherwise.

"To me, it's the Fifth Circuit reminding the district courts to be sure to evaluate the decision in a way that does not cross that line from notice as a case management tool to notice as a claim solicitation tool," Byrd said.

Because the Fifth Circuit's one-step procedure is just a few weeks old, it's hard to predict how it will shape out when district courts begin holding litigants to it, Byrd cautioned.

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