

News

PARTNER QUOTED IN 'CORPORATE COUNSEL' ON SOUTHWEST AIRLINES CLASS ACTION WAIVERS

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Partner Chris Schmidt was quoted Jan. 6 by *Corporate Counsel* on the enforceability of class action waivers as it relates to passengers filing litigation against Southwest Airlines after holiday cancellations. The waivers often stick, but not always. “Yes, class action waivers are enforceable, but enforceability varies according to state law,” said Chris, leader of BCLP’s Class Actions & Mass Torts Practice. “In particular, courts will evaluate whether the waiver is deemed unconscionable (was not adequately disclosed) or whether the class action waiver is against the public policy of the forum state.” In one lawsuit seeking class certification filed Dec. 30 in federal court in New Orleans, Eric Capdeville, of Louisiana, alleges that the airline offered him only a credit on a future flight, rather than providing a full refund or a seat on the next available flight. Southwest has been entangled in a similar case in Philadelphia since 2020. Chris noted that the case is not necessarily indicative of how the Louisiana case will play out. “If Texas law is deemed to apply, Southwest has very strong arguments,” he said.

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