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In 'unconditional surrender,' serial objector **Bandas** agrees not to practice in Illinois

(Reuters) - Serial objector counsel Christopher **Bandas** is waving the white flag in a long-running war with class action lawyer Jay Edelson. In a Jan. 15 filing in federal court in Chicago, **Bandas** admitted that he has engaged in the unauthorized practice of law in Illinois and said Edelson is entitled to an injunction that would bar him and his eponymous law firm from practicing in the state unless he obtains permission from the Illinois Supreme Court.

**Bandas**' filing called this proposed resolution an "unconditional surrender" and said he was "totally capitulating" to demands in Edelson's most recently amended complaint. **Bandas** also said he would drop counterclaims against the class action lawyer.

**Bandas** represents clients who file objections to class action settlements. His critics contend his modus operandi is to delay settlements until plaintiffs' lawyers offer him a cut of their fees in order to drop objections. As U.S. District Judge Rebecca Pallmeyer of Chicago wrote in a ruling last July in *Edelson v. Bandas Law Firm*, "courts across the country have excoriated defendants' exploitative, rent-seeking behavior in cases in which their involvement has come to light." (As you're probably aware, newly enacted Federal Rules of Civil Procedure are intended to curb the activities of professional objectors by requiring federal judges to sign off on deals in which objectors' counsel receive any kind of consideration in exchange for withdrawing the objection.)

In 2016, after **Bandas** objected to a \$13.8 million TCPA class action settlement in which Edelson's firm was class counsel, Edelson sued **Bandas** and his colleagues in federal court in Chicago, accusing the objectors of engaging in a racketeering conspiracy to shake down plaintiffs' lawyers. (In the TCPA case, Edelson said, his firm reluctantly agreed to pay **Bandas** and his colleagues \$225,000 in order to allow the settlement to take effect.)

Last February, Judge Pallmeyer dismissed the RICO allegations ([2018 WL 723287](#)). She acknowledged the bad faith of **Bandas** and his fellow objectors, but said their "scheme did not amount to criminal extortion." The judge kept alive Edelson's state-law claim that the defendants violated the Illinois Attorney Act by engaging in the unauthorized practice of law.

In November, meanwhile, an Illinois state appeals court issued a decision stemming from the TCPA class action that had spurred Edelson's RICO suit. The appellate court's ruling in [Clark v. Gannett \(2018 IL App \(1st\) 172041\)](#) reversed a trial court decision rejecting sanctions against **Bandas** and his colleagues, remanding the sanctions issue for further consideration in light of evidence that **Bandas** has engaged in a pattern of dropping objections in exchange for payments from plaintiffs' counsel.

**Bandas** remained defiant in the federal court case in December, filing a counterclaim accusing Edelson of fraud and breach of contract. It's not clear from the docket what led to his capitulation this week. Neither **Bandas** nor Edelson responded to email requests for comment.

**Bandas**' words in the Jan. 15 filing will certainly follow him beyond Illinois if he chooses to continue representing class action objectors: "The orders of this court are a matter of public record," the filing said. "Defendants acknowledge that their reputations before the courts of this jurisdiction and across the country have been gravely but justifiably tarnished. Undoubtedly, should defendants continue to practice class litigation, they will carry the tattoo of these orders with them and they greatly regret the circumstances that bring them before this court."

(Reporting by Alison Frankel)

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