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international corporations, especially where there exists a likelihood to negotiate a fair and reasonable resolution of the dispute in the investor's home jurisdiction or elsewhere, such as in the Netherlands. Thus, a practice point for considering the most suitable forum in which to seek a remedy for securities fraud perpetrated by a European corporation is that European or other international investors should consider whether the existence of a U.S. class action provides them with increased bargaining power with which to secure a fair and reasonable settlement using European or other group or collective legal procedures.

CONCLUSION

While institutional investors have become increasingly aware of the risk of leaving money on the table in securities class actions, investors outside of the U.S. should carefully scrutinize any recommendation to participate in a securities fraud class action pending in U.S. courts. The following practice points may guide such investors in their considerations:

- European and other international investors will generally face fewer jurisdictional challenges in cases where the principal defendant is a U.S. corporation or where the fraudulent conduct largely occurred in the country;

- European and other international investors will generally face fewer challenges to inclusion within a class where their home jurisdiction is likely to give *res judicata*,

binding, effect to a U.S. class action judgment or settlement; otherwise the investor should consider an individual, non-class, case; and lastly,

- European and other international investors will generally benefit from increased bargaining power upon the existence of a U.S. class action and should consider whether such bargaining power may permit them to negotiate a fair and reasonable settlement in their home or other international jurisdiction.

These practice points are designed to assist European and international investors who seek to enforce anti-fraud rules in the transnational capital markets. By so seeking redress for securities fraud, investors promote a philosophy of transparency in corporate disclosure and combat the philosophy of "buyer beware." •