



Second Circuit Maintains Privity Requirement for Breach of Fiduciary Duty Claim Arising From Class Action Litigation, ABA LPL eAdvisory

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The U.S. Court of Appeals for the Second Circuit has reinforced the privity requirement under Texas law barring claims for breach of fiduciary duty against attorneys absent an attorney-client relationship. Noting that counsel for the class in a class action does not enter into an attorney-client relationship with unnamed class members before the class is certified, the Court of Appeals held that the attorney also owes no fiduciary duty, independent of an attorney-client relationship, to any unnamed class member prior to class certification.