

## **Alabama Rules of Civil Procedure**

### **IV. PARTIES**

#### **Rule 23.2.**

##### **Actions relating to unincorporated associations.**

An action brought by or against the members of an unincorporated association as a class by naming certain members as representative parties may be maintained only if it appears that the representative parties will fairly and adequately protect the interests of the association and its members. In the conduct of the action the court may make appropriate orders corresponding with those described in Rule 23(d), and the procedure for dismissal or compromise of the action shall correspond with that provided in Rule 23(e).

(dc) *District court rule.* Rule 23.2 does not apply in the district courts.

##### **Committee Comments on 1973 Adoption**

This rule is identical to Federal Rule 23.2. Some doubt existed under earlier versions of the federal rules as to whether actions by or against unincorporated associations were correctly entitled to class action treatment when it would not sue or be sued as a jural person under Rule 17(b). This resolves doubt and is not in conflict with §§ 6-7-80 and 6-7-81, Code of Ala., wherein associations can sue or be sued in their common name.

##### **District Court Committee Comments**

The jurisdictional limitations applicable to the district court make it unsuitable for treatment of actions relating to unincorporated associations.