

Kavanaugh's First Opinion Rejects Vague Exception Limiting Enforcement of Arbitration Agreements

Many of the recent U.S. Supreme Court rulings on arbitration agreements cases have been decided by narrow 5-4 majorities, which has raised the possibility that the replacement of Justice Anthony Kennedy by Brett Kavanaugh might lead to some softening of the court's position in those cases.

But as Ronald Mann, writing in the **SCOTUSblog** points out, the latest such ruling will shed no light on that broader question, because even the justices more skeptical about arbitration saw no merit in the arguments against arbitration here.

Kavanaugh wrote the opinion for the unanimous court. In this case anyway, none of the justices saw any merit in a process calling for collateral litigation over the gateway question of arbitrability.

"At bottom, the question is whether a court or an arbitrator decides whether an arbitration agreement governs a particular dispute," writes Mann.

Read the article.