

A General Counsel's View of Arbitration Clauses in Employee Contracts

"Litigation has its place, but most in-house counsel agree: avoid it if at all possible. That's why Chris Fairey is a proponent of arbitration clauses in his employee contracts. Fairey is General Counsel for American Residential Services (ARS), one of the nation's largest residential and commercial heating, air-conditioning, and plumbing services companies. ARS earns approximately \$1 billion dollars in revenue annually and has more than 6,000 employees across the country. Like any legal leader of a company that size, Fairey spends a lot of time thinking about risk," discusses Mark P. Henriques in Womble Bond Dickinson's *Articles and Briefings*.

"One of the big upsides to arbitration from Fairey's point of view is that the process takes a lot of the emotion out of a dispute. He points out that presenting a case to an experienced arbitrator, rather than a jury, removes many of the emotional elements that can go along with litigation, especially when employees or consumers are on the other side. A jury trial can be subject to grandstanding by plaintiff's counsel, which is not the case in arbitration."

Read the article.