Employer’s Notice of Mandatory Arbitration Program May Be Insufficient to Compel Arbitration

Insight

Something more is required in order to be able to infer the employee’s knowing assent to the new term of employment, the Sixth Circuit ruled.

SEC Weighs a Big Gift to Companies: Blocking Investor Lawsuits

News

Bloomberg is reporting that the SEC has privately signaled that it’s open to at least considering whether companies should be able to force investors to settle disputes through arbitration.

The Ten Arbitration Trends Of

2017

Insight

Liz Kramer, writing in Stinson Leonard Street's Arbitration Nation blog, provides a rundown of the top 10 developments in arbitration law during the past year.

Governing Law and Jurisdiction or Forum Clauses Same Country/Different Country? How to Decide

Insight

Contract drafters sometimes confuse governing law clauses and jurisdiction clauses, according to a post on the website of Wilk Auslander.

How Forced Arbitration and Non-Disclosure Agreements Can Perpetuate Hostile Work

Environments

Insight

It is possible for state lawmakers to crack down on corporate abuse of arbitration and non-disclosure agreements, but the prospects do not seem good, writes Michelle Chen for *The Nation*.

A Twist in Oil Patch Arbitration

Insight

Charles Sartain of Gray Reed discusses a recent case in which parties to the sale of a business sent their dispute to accountants to arbitrate.

Segway Competitor Rolls Away from Former CEO’s Attempt to Force Arbitration

News

A former CEO presented a signed employment agreement that required arbitration, but the company contested whether it had agreed to the written contract.

Enforce Arbitration Agreement or Waive Right to Arbitrate Trade Secret Misappropriation Claims

Insight

A recent federal court ruling on arbitration offers three key lessons for plaintiff-employers, according to a post on the website of Orrick, Herrington & Sutcliffe.

Enforcing Nursing Home Arbitration Agreements Post-*Kindred*

Insight

A recent ruling for a state supreme court may be indicative of what litigation over nursing home arbitration agreements will look like after the U.S. Supreme Court's ruling in *Kindred Nursing Centers v. Clark*, according to Arbitration Nation.

A Lesson from the 3rd Circuit on Arbitration Clauses: Say What You Mean

Insight

A recent decision by the United States Court of Appeals for the Third Circuit is a reminder that – for an arbitration clause to apply in certain situations or to certain parties – that intention must be built into the plain terms of the contract.

Senate Kills Rule On Class-Action Suits Against Financial Companies

News

Vice President Pence cast the tie-breaking vote to rollback the Consumer Financial Protection Bureau rule banning restrictive mandatory arbitration clauses found in the fine print of credit card and checking account agreements.

Will the Supreme Court End

Employment Contract Arbitration Clauses?

Insight

The relevant cases being considered are from the 5th Circuit, which found the arbitration clause did not violate the NLRA, and the 7th and 9th circuits, which found similar clauses unenforceable.

Just How Broad is That Arbitration Clause in Your Transportation Contract?

Insight

Holland & Knight's Transportation Blog covers a case of first impression that presents a reminder to companies to review their arbitration clauses and confirm if they are drafted properly.

Trump's Impact Felt in Supreme Court Labor Rights

Cases

News

When the Supreme Court opens its 2017 term on the first Monday in October, its very first cases will serve as a stark reminder of why elections matter, predicts *USA Today*.

Landmark Second Circuit Ruling Clarifies the Standards for Mobile Contracts

Insight

A recent ruling clarifies the standards for contract formation in the age of smartphones and mobile contracting, providing important guidance to companies about how to design enforceable mobile contracts, reports Coblentz Patch Duffy & Bass.

Construction Contracts and Arbitration Provisions: Is

the Word “May” Mandatory? Maybe!

Insight

the Supreme Court of Virginia held that the parties’ use of the word “may” in the dispute resolution provisions of their construction contract required mandatory participation in arbitration at the election of one of the parties.

No Signature? No Problem! Enforcing Arbitration Even Without Everyone Signing

Insight

California courts are often hostile toward defendants that seek to require litigious employees to honor their arbitration agreements, warns Michael Wahlander of Seyfarth Shaw.

What In-House Counsel Need To Know About Their Form Arbitration Clauses

Insight

Because the arbitration clause in a commercial contract is so

critical, careful review of that clause surely must be a component of an enterprise's risk analysis, according to Mintz Levin's ADR: Advice From the Trenches blog.

Has the Era of the Consumer Class Action Waiver Passed?

Insight

As a result of a rule imposed by the Consumer Financial Protection Bureau, consumer contracts entered into after March 19, 2018, with a wide range of consumer financial services companies will need to be revised in regard to their agreements' arbitration clauses.

11th Circuit Holds Arbitrators Have Venue-Setting Authority in International Arbitrations

Insight

Alston & Bird asks and answers the question: In an international arbitration, when an arbitration provision is ambiguous about the seat of the arbitration, who resolves the question?