Notice of Terms via Buried Link within a Post-Sale Email Unenforceable

Insight

The Second Circuit affirmed a ruling that denied a web service's motion to compel arbitration, finding that the user did not have reasonable notice of the arbitration provision contained in the terms and conditions that were communicated via a hyperlink in a post-sale email.

Seventh Circuit: Class Arbitration is for Courts to Decide, Not Arbitrators

Insight

A post on the Carlton Fields website updates the latest ruling in a class action alleging violation of the Fair Labor Standards Act and breach of contract.

Three Recent Cases Consider

the Interpretation and Enforceability of Arbitration Agreements

Insight

A post on the website of McGuireWoods LLP discusses three recent cases before the Supreme Court and the Third Circuit relating to the interpretation and enforceability of arbitration agreements.

Have You Really Agreed to Arbitrate?

Insight

An appellate court found that the arbitration clause in the contract did not specify what forum would substitute in place of the jury trial.

Supreme Court Hands Rare Win for Workers in Arbitration Case

News

Under the nearly 100-year-old Federal Arbitration Act, which

is generally presumed to favor employers, thousands of truck drivers who are employed as independent contractors cannot be forced into private arbitration.

Arbitration Agreements: Tips for Enforceability

Insight

Steven P. Gallagher of Akerman LLP offers some tips on what to do – and not do – when arbitration agreements for new hires.

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

Insight

The latest U.S. Supreme Court ruling on arbitration agreements will shed no light on the broader question of whether an arbitration agreement governs a particular dispute.

Parties Must Proceed to Arbitration Despite Unavailability of Arbitration Forum Specifically Named in the Contract

News

An Ohio appellate court has addressed an issue that arose when an arbitrator specified in a contract is no longer available.

Court Rules Law Firm's Arbitration Provision Unconscionable

Insight

In the case, a litigator who had been employed at Winston & Strawn sued the firm, asserting claims of discrimination, retaliation and wrongful termination.

5th Circuit: Company in Class

Action Waived Right to Arbitrate Because of Litigation Conduct

Insight

Standards for determining when a party waives its right to arbitrate through participation in litigation have never been uniform among the circuits or easily applied writes John Lewis in BakerHostetler's Employment Class Action Blog.

Arbitrator's Undisclosed Relationships Sink Oil and Gas Awards

News

The court found that the arbitrator lied when he "claimed that he did not have professional or social connections with the parties or witnesses."

Four Decisions Conclude Claims Outside Scope of

Arbitration Agreement

Insight

Arbitration Nation discusses four recent decisions in which courts have found the parties' dispute over the scope of an arbitration clause is not covered by their agreement.

Court Holds That Arbitration Clauses Bind Nonsignatories Who Seek to Enforce Contracts

Insight

A post on the website of Pepper Hamilton describes a North Carolina case that involved non-signatories to a construction contract attempting to avoid the contract's arbitration claim.

Federal Courts Uphold Arbitration Agreements Via Email

News

Federal district courts in New York and New Jersey recently turned aside employee attacks on arbitration agreements challenged on the grounds that the employer's communication of its arbitration policy via email was inadequate, reports the

Gibbons Employment Law Alert.

Argument Preview: How Should Courts Decide If Parties to an Arbitration Contract May Aggregate Their Claims?

Insight

SCOTUSblog reports that in *Lamps Plus Inc. v. Varela*, the U.S. Supreme Court will decide whether the U.S. Court of Appeals for the 9th Circuit correctly held that an employer consented to class arbitration.

Contracting Around Class Actions, a Win for Employers

Insight

A recent Ninth Circuit ruling that Uber's arbitration agreements did not violate the National Labor Relations Act provides a major victory to Uber by requiring each plaintiff to separately arbitrate his or her claims.

Bankruptcy Court Finds Arbitration Clause in Consumer Loan Contract to be Sufficient Cause to Grant Relief from Automatic Stay

Insight

Because the court concluded that the invalidity claims were not core issues, the court granted the borrowers' motion for relief from the stay.

Why Getting the Wrong Result in Arbitration May Be What You Bought

Insight

Resolving disputes in arbitration can sometimes lead to surprising results, even ones that might be inconsistent with the underlying contract or with applicable state law, warns Ken Slavens for Husch Blackwell.

Federal Appeals Court Rules Uber Can Force Drivers Into Individual Arbitration, Voids Class-Action

News

The U.S. 9th Circuit Court of Appeals in San Francisco overturned a lower-court order that had certified the drivers' class-action effort.

Dallas Attorney Deborah Hankinson Honored as One of State's Top 3 Lawyers

Newes

Alternative dispute resolution attorney and former Texas Supreme Court Justice Deborah Hankinson has earned recognition as one of the Top Three attorneys in the state by Texas Super Lawyers.