

Waiving Class-Wide Arbitrations in Contracts

While certain courts look with skepticism on class-action waivers in arbitration agreements, it is clear from the Supreme Court's decisions, beginning with *AT&T Mobility LLC v. Concepcion* through the court's most recent decision in *Epic Systems Corporation v. Lewis*, that class action arbitration waivers do not violate the law, according to a Faegre Baker Daniels **website post**.

Ehren M. Fournier writes that *Epic Systems* reiterates the Court's deference to arbitration agreements.

He discusses several points to consider when drafting an arbitration agreement with a class action waiver, including an opt-out option, conspicuous language, delegations to an arbitrator to decide enforcement, authority to allow class action, cost and fee provisions, severance language, and a claimant-friendly forum.

Read the article.