

9th Circuit Again Clarifies That Arbitration is Creature of Contract

The 9th U.S. Circuit Court of Appeals has found that employee agreements to arbitrate may be obtained through written acknowledgments referencing company manuals, reports Pepper Hamilton in a new paper. An employee's agreement to abide by a company manual is sufficient to send Title VII claims to an arbitrator.

"Arbitration remains a preferred forum for many employers, yet courts are often wary of enforcing arbitration agreements against employee-plaintiffs," the paper says. "This has often been the case where employees made claims under Title VII of the Civil Rights Act of 1964, which provides for a statutory jury right that potentially conflicts with the Federal Arbitration Act."

Authors of the paper are partners Jeffrey M. Goldman, Sharon R. Klein, Matthew H. Adler and associate Kevin Crisp.

Read the paper.