

Are they Worth Price of Paper They're Printed On? – Ubersization of Arbitration Clauses

Arbitration agreements are evaluated on a case-by-case basis, writes **Vanessa L. Goddard**, of counsel with **Steptoe & Johnson**.

While many are still disfavored, they are more likely to be upheld if they are not unconscionable, she writes in **an article** posted on the firm's website.

"The procedural component of the unconscionability analysis usually deals with the formation of the agreement itself. This includes the characteristics of the parties (e.g., age, literacy, sophistication), the manner and circumstances under which the contract was executed, and whether terms of the agreement are hidden or complex, among other things. The substantive component looks at the unfairness of the agreement," according to the article.

She provides some tips that make arbitration agreements more likely to be upheld by courts in the employment context.

Read the article.