Paying the Price: The Pitfalls of Ineffective Liability Waivers

Insight

Hellmuth & Johnson lawyers Micheal D. Howard and Jason S. Raether describe a recent case involving a fitness studio that demonstrates how a poorly drafted waiver can be as effective as having no waiver at all.

Dissecting Common Basic Arbitration Clauses – You Can Build a Better One

Insight

All too often, parties to arbitration make agreements that leave the decisions on most of their options to others or to chance, warns Daniel Pascucci for Mintz Levin..

Supreme Court to Clarify Applicability of Arbitration

Act to Transportation Contracts

Insight

The case will be important for in-house and private transactional attorneys who draft contracts with transportation sector independent contractors, as well as litigators handling employee misclassification cases, according to Holland & Knight.

Claim of Fraudulent Inducement of a Construction Contract Does Not Invalidate Arbitration Clause

Insight

Pepper Hamilton LLP's Constructlaw blog discusses an Ohio case in which a plaintiff sued a building company and attempted to have the arbitration clause in a construction contract declared unenforceable.

'Home Country' Arbitration

Clause More Trouble Than It’s Worth?

Insight

The “home country” provision provides that the party initiating arbitration must sue the other party in its home country, explains a post by Skadden, Arps, Slate, Meagher & Flom.

On Remand, District Court Breaks New Ground by Vacating Arbitrator’s Class Certification Award

Insight

A federal district court has the authority to vacate an arbitrator’s class certification award based on the due process rights of absent class members, according to a post on the website of K&L Gates.

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.

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*.

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.

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.

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?