CFPB Hits Back at Efforts to Kill Rule Easing Bank Lawsuits

News

Under the new rule, financial firms are restricted from forcing consumers to resolve their disputes through arbitration, a practice that has been used by the industry for years to keep grievances tied to payday loans, credit cards and other products out of courts, reports Bloomberg.

Consumer Watchdog Makes It Easier to Sue Banks and Other Companies

News

The government's consumer watchdog has finalized a rule that will make it easier for people to challenge financial companies in court, reports *The Washington Post*.

Using Arbitration Agreements

to Reduce the Costs of Litigation and the Risk of Class Action Claims

Insight

The Foley article explains how arbitration works, what type of arbitration agreements are generally enforceable, what features that have or can cause problems, and how such provisions can reduce the risk of class actions.

Insight on Waiving Contractual Right to Arbitration

Insight

Bass, Berry & Sims attorney Chris Lazarini provided insight on factors a court should consider when determining whether a party has waived a contractual right to arbitration, the firm reports on its website.

Arbitration Clauses Extending

to Non-Signatory Affiliates: Are They Enforceable?

Insight

A recent decision of the New Jersey Appellate Division considered the enforceability of arbitration agreements by non-signatories, writes Marissa Tillem in Proskauer Rose's Minding Your Business blog.

Is 'Class Arbitration' an Oxymoron?

Insight

"Class arbitration" – the utilization of a class action mechanism in an arbitration proceeding – is considered by some to be the unicorn of ADR; desirable but elusive, writes Gilbert Samberg on Mintz Levin's blog, ADR: Advice from the Trenches.

Clear Arbitration Provision Deemed Enforceable

Insight

In his Petes' Take blog for Porzio, Bromberg & Newman, Peter J. Gallagher describes a New Jersey case in which a court

ruled that a clear arbitration provision, negotiated by a sophisticated party while represented by counsel, is enforceable.

Health Law: Is Your Arbitration Agreement Enforceable?

Insight

A recent decision of the Arizona Court of Appeals provides guidance for evaluation of the enforceability of arbitration agreements in the health care field, reports Snell & Wilmer in its Health Law Checkup blog.

Court: Arbitration Agreement Included In Product Manual Is Unenforceable

Insight

A recent ruling in a federal count stated that a contractual term, like an arbitration clause, is binding only when the terms are reasonably conspicuous, rather than in a manner that de-emphasizes its provisions.

11th Circuit: Arbitration Clauses Are Like Makeup — They Only Cover So Much

News

The arbitration clause which the non-party to the agreement is seeking to enforce is explicitly limited to disputes between the parties, the court found.

Navigating Construction Disputes, From Mediation to Litigation

Insight

All parties involved with a construction contract need to explore which dispute resolution option is right for them and the project, and also ensure their contract terms are as clear as possible to avoid potential problems down the road, writes Kim Slowey in *Construction Dive*.

Don’t Bury Arbitration in Your Employee Handbook

Insight

Getting an arbitration clause to stick isn’t always easy, but the effort can be worth it if it avoids just one drawn-out, expensive lawsuit, advises *Business Management Daily*.

It Can Be Challenging to Enforce an Arbitration Provision in an Expired Contract

Insight

The case highlights the reality that provisions that are contained in written agreements will not necessarily survive expiration of the agreement simply because the relationship between the parties continues, reports Erin Palmer Polly for Butler Snow.

Fuzzy Math? 6 Differing

Arbitration Agreements = 0 Arbitration Agreement

Insight

If the parties intend their choice of arbitration to be binding and enforceable, the arbitration agreements in interrelated agreements must be compatiblewrites Liz Kramer in the Stinson Leonard Street blog.

Incorporation by Reference of an Arbitration Clause Is a Simple Matter … Isn’t It?

Insight

Drafting an arbitration clause for an agreement may seem like a straightforward matter most of the time, writes Gilbert A. Samberg for Mintz, Levin.

Arbitration Award Overturned Because Arbitrator Impersonated Lawyer

News

The Ninth U.S. Circuit Court of Appeals overturned an

arbitration award in a multimillion-dollar investment case Friday because the lead arbitrator impersonated a California attorney – something he did in dozens of cases before being exposed, the San Francisco Chronicle reports.

Arbitration Provisions in Employment Agreements: The Pros and Cons

Insight

Deciding whether to include an arbitration provision in an employment agreement requires thorough consideration based upon an employer's individual circumstances, according to a post in Trenam Law's Employment Law Update.

Three Tips for Writing Effective Arbitration Clauses

Insight

A well-drafted arbitration provision can save companies from expensive and time-consuming class litigation, two defense attorneys say in a report published by Bloomberg BNA.

Arbitration Clauses in Consumer Contracts: Is There Change Afoot?

Insight

Many state and federal government representatives, judges, politicians, and interest groups have been speaking up about arbitration, and some have publicly pulled away from upholding universal “forced arbitration,” according to an article posted by Newsome Melton.

Ethics Issues in International Arbitration

Event, Oct. 6, 1 p.m. EDT

Practical Law will present a webinar titled “Ethics Issues in International Arbitration” on Thursday, Oct. 6, at 1-2:30 p.m. EDT.