Wells Fargo Customers May Never See Their Day in Court, Experts Say

News

Mandatory arbitration contract clauses may protect the bank from class-action suits brought by customers who had bank or credit card accounts opened in their names without their knowledge, reports NBC News.

How to Write an Arbitration Clause for Offshore Outsourcing Deals

Insight

Incorporating an effective arbitration clause into international outsourcing contracts is critical, writes Stephanie Overby for CIO magazine.

Arbitration Saves Money and Patents in International

Disputes

Insight

If parties to a license or industry dispute resolution agreement devote appropriate time and effort to preparing an arbitration provision to meet their specific objectives, arbitration can be a valuable tool in resolving patent disputes, writes Kirk Watkins of Womble Carlyle Sandridge & Rice, LLP.

No Arbitration For Lawyer Accused of Breaches in Deal With Client

Insight

A California appellate court closely parsed the language in an arbitration clause and reversed an order compelling arbitration of a dispute between a lawyer and his client-turned-business-partner, reports Karen Rubin in Thompson Hine's blog, The Law for Lawyers Today.

Time to Update Your Client Arbitration Agreements

Insight

The failure to incorporate new standards into fee agreements means not only that non-conforming provisions will be deemed unenforceable, writes Edward F. Donohue III of Hinshaw & Culbertson LLP.

What U.S. GCs Should Know About Drafting International Arbitration Clauses

Insight

Kevin Perry and Joanne Elieli of of Cooley offer some insight for American general counsel on the drafting of international arbitration clauses, covering preliminary considerations and specific drafting issues.

Q&A on SCOTUS and Arbitration

Article

In an article posted on their firm's website, Matthew T. Furton and Julie L. Young, partners in Locke Lord, discuss some recent rulings on arbitration by the U.S. Supreme Court, particularly as they apply to insurance and reinsurance.

Want to Sue Your Bank? Regulators Push to Make It Easier

News

The Consumer Financial Protection Bureau proposed a rule Thursday that would ban arbitration clauses, which would affect the entire financial industry and the hundreds of millions of bank accounts, credit cards and other financial services Americans use, reports the Associated Press.

CFPB Arbitration Rule Vulnerable to Legal Challenge, Industry Lawyers Say

News

Financial services lawyers are predicting that efforts by the Consumer Financial Protection Bureau to prevent companies from keeping consumer complaints out of a courtroom will wind up being challenged in court, reports *The Wall Street Journal*.

The End of Consumer Arbitration As We Know It?

Article

As a result of the passage of the Dodd-Frank Act in 2010, the use of mandatory pre-dispute arbitration in consumer transactions has become tenuous, according to an article written by Maurice Shevin for Sirote & Permutt, PC.

Agreements to Arbitrate Are Simple, Right?

Article

The protracted time for a construction case to get to trial and the attendant cost and expense has led the construction bar away from the courthouse and into the arbitration room, writes Ira M. Schulman of Pepper Hamilton LLP.

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

Clauses

Article

Vanessa L. Goddard, of counsel with Steptoe & Johnson, provides some tips that make arbitration agreements more likely to be upheld by courts in the employment context.

Arbitration Under Fire: Brace for Less Contract Freedom and More Class Actions

Article

Encouraged by consumer groups and trial lawyers, federal regulators are pushing for limits on arbitration provisions in consumer contracts, writes George Calhoun in Ifrahlaw's FTC Beat.

'Belt and Suspenders' Overreach in Contracts May Prevent Satisfaction

Article

Often, drafters opt for a "belt and suspenders" approach, which is not only a terrible fashion faux pas but may result in an overreach nullifying the effectiveness of the risk

management strategy.

Arbitration Provisions, Unconscionability, and Employment Contracts

Article

In a recent California contract case, a court found the agreement in question was found to be unconscionable in places, but that didn’t doom the arbitration provision contained within it, writes Stacey Lantagne in ContractsProf Blog.

Read This Before You Sign Any Contract

Article

A coalition of lawmakers led by Senators Patrick Leahy and Al Franken have introduced legislation to strengthen worker and consumer protections against binding arbitration.

Handbook Contract Disclaimers & Mandatory Arbitration Policies

Article

A New Jersey court recently used the so-called contract "disclaimer" language in an employer's handbook to preclude the employer from enforcing a mandatory arbitration program contained in that same handbook, reports Kevin C. Donovan in a Wilson Elser client alert.

Review Of Arbitration Awards: Lessons for the Construction Industry from the Tom Brady Case

Article

Richard W. Foltz, Jr. and James M. Kwartnik, Jr. of Pepper Hamilton discuss whether members of the construction industry contemplating review of arbitration awards can draw any lessons from the Tom Brady matter.

American Rule Prevails on Petition to Vacate Arbitration Award

Article

While parties can modify the American Rule in their contracts, they cannot preclude either party from seeking review of an arbitration award when they have effectively incorporated the FAA into their contracts, reports Squire Patton Boggs.

New Federal Bill Seeks to Limit Use of Arbitration Agreements

Article

Employers are advised to follow developments in the legislature and government agencies to curtail the use of arbitration agreements, writes James G. Ryan on the website of Cullen and Dykman LLP.