

# Clickwrap, Browsewrap and Mixed Media Contracts

## *Article*

Two lawyers describe a case in which a signed contract did not include an arbitration clause, but instead included an Internet link to terms and conditions that included such a clause.

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# Three Appellate Courts Remand for Trial on Existence of Agreement to Arbitrate

## *Article*

For contract negotiators, it is critical to obtain (and retain) a signed copy of the final agreement including the arbitration clause, writes Liz Kramer in Stinson Leonard Street's ArbitrationNation.com.

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# Confusing Contracts Language as Litigation Strategy?

## *Article*

Myanna Dellinger of the University of South Dakota School of Law has posted a discussion of a recent case in which a judge

faulted Uber with presenting its drivers with a contract that was “likely, frankly, to engender confusion.”

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## **Choose Words Carefully in Dispute-Related Contract Clauses**

### ***Article***

A couple of words here or there in a contract can make a huge difference, particularly when those words relate to what happens if there is a breach or some other dispute between the parties, writes Shep Davidson.

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## **Remedies for the Rogue Arbitrator**

### ***White Paper***

Most arbitrations run smoothly, the paper says, but “arbitrators should be ready for the exceptional case, which can be occasioned by another arbitrator or counsel.”

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# USSC Rejects Refusal to Enforce Arbitration Provision

## *Article*

Arbitration agreements that waive class actions or class arbitration are enforceable. And state-court judges must enforce them.

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# Two Recent Arbitration Cases Address Impact of Underlying Contract Provisions

## *Article*

The trends of delegating arbitrability questions to the arbitrator, and precluding parties from contractually modifying appellate rights, are here to stay.

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# State Limitations on Arbitration with Class Action Waivers Again Before Supreme

# Court

## **NEWS**

The latest of a line of recent cases in which the U.S. Supreme Court has weighed the enforceability of class action waivers in arbitration agreements was before the court on Oct. 6.

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## **CFPB Proposes Banning Some Arbitration Clauses, Resurrecting Consumer Contract Class Actions**

## **NEWS**

The announcement follows the CFPB's publication of a three-year study on arbitration that concluded that consumers generally are better served through litigation.