Employers May Compel Arbitration Even Where Employee Failed to Sign Arbitration Agreement

Insight

The plaintiff’s acceptance of its terms could be inferred from her failure to opt-out within 14 days outlined in the policy and by her continued employment, the court ruled.

Waiving Class-Wide Arbitrations in Contracts

Insight

It is clear from recent Supreme Court decisions that class action arbitration waivers do not violate the law, according to a Faegre Baker Daniels website post.

What Did I Agree To? Importance of Reviewing

Arbitration Provisions

Insight

The case presented a conflict between the parties' contractually-adopted arbitration rules and an individual party's statutory rights under the FAA.

Keeping Boilerplate Coupled to the Transaction: The Ongoing Struggles with 'Wrap' Arbitration Provisions

Insight

The relevant hyperlink concerning arbitration was "neither spatially nor temporally coupled with the transaction," the court found.

Arbitration Award 'Irrational' Because It Disregards Contract's Plain-

Text to Reach a Just Result

Insight

The Ninth Circuit has ruled in a contract arbitration case that incorporated multiple Federal Acquisition Regulation clauses that govern the recovery of expenses in the event a contractor is terminated for convenience.

‘Just What Was Needed’: Another Way to Waive a Right to Arbitrate

Insight

At least two New York State trial courts found that an unexcused default in responding to a summons and complaint can be deemed a waiver of a contractual right to arbitrate, according to Mintz, Levin.

Ex-Winston Lawyer Can’t Be Forced to Arbitrate Job Claims

News

Bloomberg Law is reporting that a former Winston & Strawn LLP intellectual property attorney can litigate—and can’t be

forced to arbitrate—her pay, bias, and retaliation claims.

Notice of Terms via Buried Link within a Post-Sale Email Unenforceable

Insight

The Second Circuit affirmed a ruling that denied a web service's motion to compel arbitration, finding that the user did not have reasonable notice of the arbitration provision contained in the terms and conditions that were communicated via a hyperlink in a post-sale email.

Seventh Circuit: Class Arbitration is for Courts to Decide, Not Arbitrators

Insight

A post on the Carlton Fields website updates the latest ruling in a class action alleging violation of the Fair Labor Standards Act and breach of contract.

Three Recent Cases Consider the Interpretation and Enforceability of Arbitration Agreements

Insight

A post on the website of McGuireWoods LLP discusses three recent cases before the Supreme Court and the Third Circuit relating to the interpretation and enforceability of arbitration agreements.

Have You Really Agreed to Arbitrate?

Insight

An appellate court found that the arbitration clause in the contract did not specify what forum would substitute in place of the jury trial.

Supreme Court Hands Rare Win for Workers in Arbitration

Case

News

Under the nearly 100-year-old Federal Arbitration Act, which is generally presumed to favor employers, thousands of truck drivers who are employed as independent contractors cannot be forced into private arbitration.

Arbitration Agreements: Tips for Enforceability

Insight

Steven P. Gallagher of Akerman LLP offers some tips on what to do – and not do – when arbitration agreements for new hires.

Kavanaugh's First Opinion Rejects Vague Exception Limiting Enforcement of Arbitration Agreements

Insight

The latest U.S. Supreme Court ruling on arbitration agreements will shed no light on the broader question of whether an arbitration agreement governs a particular dispute.

Parties Must Proceed to Arbitration Despite Unavailability of Arbitration Forum Specifically Named in the Contract

News

An Ohio appellate court has addressed an issue that arose when an arbitrator specified in a contract is no longer available.

Court Rules Law Firm's Arbitration Provision Unconscionable

Insight

In the case, a litigator who had been employed at Winston & Strawn sued the firm, asserting claims of discrimination, retaliation and wrongful termination.

5th Circuit: Company in Class Action Waived Right to Arbitrate Because of Litigation Conduct

Insight

Standards for determining when a party waives its right to arbitrate through participation in litigation have never been uniform among the circuits or easily applied writes John Lewis in BakerHostetler's Employment Class Action Blog.

Arbitrator's Undisclosed Relationships Sink Oil and Gas Awards

News

The court found that the arbitrator lied when he "claimed that he did not have professional or social connections with the parties or witnesses."

Four Decisions Conclude

Claims Outside Scope of Arbitration Agreement

Insight

Arbitration Nation discusses four recent decisions in which courts have found the parties' dispute over the scope of an arbitration clause is not covered by their agreement.

Court Holds That Arbitration Clauses Bind Nonsignatories Who Seek to Enforce Contracts

Insight

A post on the website of Pepper Hamilton describes a North Carolina case that involved non-signatories to a construction contract attempting to avoid the contract's arbitration claim.