Federal Courts Uphold Arbitration Agreements Via Email

News

Federal district courts in New York and New Jersey recently turned aside employee attacks on arbitration agreements challenged on the grounds that the employer's communication of its arbitration policy via email was inadequate, reports the Gibbons Employment Law Alert.

Argument Preview: How Should Courts Decide If Parties to an Arbitration Contract May Aggregate Their Claims?

Insight

SCOTUSblog reports that in *Lamps Plus Inc. v. Varela*, the U.S. Supreme Court will decide whether the U.S. Court of Appeals for the 9th Circuit correctly held that an employer consented to class arbitration.

Contracting Around Class Actions, a Win for Employers

Insight

A recent Ninth Circuit ruling that Uber's arbitration agreements did not violate the National Labor Relations Act provides a major victory to Uber by requiring each plaintiff to separately arbitrate his or her claims.

Bankruptcy Court Finds Arbitration Clause in Consumer Loan Contract to be Sufficient Cause to Grant Relief from Automatic Stay

Insight

Because the court concluded that the invalidity claims were not core issues, the court granted the borrowers' motion for relief from the stay.

Why Getting the Wrong Result

in Arbitration May Be What You Bought

Insight

Resolving disputes in arbitration can sometimes lead to surprising results, even ones that might be inconsistent with the underlying contract or with applicable state law, warns Ken Slavens for Husch Blackwell.

Federal Appeals Court Rules Uber Can Force Drivers Into Individual Arbitration, Voids Class-Action

News

The U.S. 9th Circuit Court of Appeals in San Francisco overturned a lower-court order that had certified the drivers' class-action effort.

Dallas Attorney Deborah Hankinson Honored as One of

State’s Top 3 Lawyers

Newes

Alternative dispute resolution attorney and former Texas Supreme Court Justice Deborah Hankinson has earned recognition as one of the Top Three attorneys in the state by Texas Super Lawyers.

Construction Arbitration: The Pros and Cons

Insight

Most parties involved in a construction project have a contract that defines their responsibilities, and many of these construction contracts also contain arbitration clauses, according to Ward and Smith.

Morgan Stanley Lawsuit Highlights Pitfalls of Emailed Employee Contracts

Insight

A lower court had ruled that an employment-arbitration agreement between Morgan Stanley and the employee was enforceable, even though the former sales assistant claimed

she never read a 2015 email.

Site Cannot Compel Arbitration Based on Amended Terms Without User Notification of Change

Insight

The court's opinion offers some lessons on building a record that establishes that users have been given notice of a later-added arbitration clause and that an actual mailing or attempt to mail have been directed personally to the user, according to Proskauer Rose.

When Your Contract Includes an Arbitration Clause: Who Decides the Arbitrability of the Dispute?

Insight

Parties wishing to ensure resolution of "gateway" questions of arbitrability by a specific decision-maker –whether the court or arbitrator –should spell out their preference as clearly as

possible in the arbitration clause, according to Williams Mullen.

Fifth Circuit Overturns Arbitration Order Where Employer Failed to Countersign Agreement

News

The 5th U.S. Circuit Court of Appeals has reversed a Texas federal court's order compelling arbitration in a sexual harassment and discrimination case because one party failed to sign an agreement to arbitrate, reports Karl Bayer in the Disputing blog.

Drafting the Arbitration Provision in Commercial Contracts: Back to Basic

Insight

A good practice is for the arbitration clause to be detailed and to specify a variety of terms, advise John P. DiBlasi and Jacqueline I. Silvey in an article for National Arbitration and Mediation.

An Arbitrator’s Power May Be Greater Than That of a Judge

Insight

Although an arbitration agreement can be written (double-spaced) on one side of a cocktail napkin, in some cases it may grant greater authority to an arbitrator than a judge has, writes Narges Kakalia of Mintz Levin.

Benefits and Challenges of Robotized Arbitration

Insight

Big data and e-discovery can assist counsel in document management and reduce the risk of human error during discovery, write Winston Maxwell and Gauthier Vannieuwenhuyse of Hogan Lovells.

Are Your Employees’ Electronically-Signed

Agreements Enforceable?

Insight

In several recent cases, employees have disputed that they electronically acknowledged an agreement with their employer," writes Drew York for Gray Reed & McGraw.

Fifth Circuit Allows Non-Signatories to Enforce Arbitration Agreement

News

The Fifth Circuit has affirmed an order compelling arbitration, despite the fact that the parties seeking to compel arbitration were not signatories to the relevant arbitration agreement, according to Carlton Fields.

Gig Worker's Hopes of Arguing Case in Court Are Dashed By Arbitration Agreement

Insight

The April 25 decision is a solid win for gig employers and could provide a template for how other similar businesses should structure their own arbitration agreements, according

to Fisher & Phillips LLP.

Arbitrability Basics: An Illustration of the ‘Autonomy’ Principle

Insight

When considering an arbitration clause in a contract, one must always bear in mind the “separability” or “independence” of the arbitration agreement &mdaqsh; the autonomy principle, writes Narges Kakalia for Mintz Levin.

Do You Know Who Will Decide Whether Your Next Dispute Is Subject to Arbitration?

Insight

In a client alert, Pepper Hamilton surveys the effects of incorporating an arbitration provider’s rules or common arbitration provisions on who determines questions of arbitrability.