

Should Executives Arbitrate? The Empiricists Weigh In

Should executives include an arbitration clause in their employment contracts? A paper by Zuckerman Spaeder partner John J. Connolly says there's no uniform answer.

Connolly writes that arbitration proponents cite its speed, cost, privacy, informality, minimal discovery, and limited appellate rights. But opponents of arbitration list the same points as negatives. Volumes have been written about whether arbitration is a better form of dispute resolution than litigation, and we can't resolve that question here.

The data do seem to suggest that arbitration is not as bad a forum for executives as it is for lower salaried employees, Connolly writes, but more research is needed.

Read the paper.