Summary

Enforceability of Arbitration Agreements and Conduct of Arbitration Proceedings

In almost every area of consumer litigation today, the first question is whether the case can be forced into binding arbitration. This treatise now in its eighth edition is the definitive treatment on the subject, written by some of today’s most active consumer attorneys in the field.

Experts Explain the Latest on How to Defeat Arbitration Requirements

- Federal limits on arbitration enforceability for mortgages, manufactured homes, credit to active duty military, students attending schools, claims in bankruptcy, and even written warranties.
- New wave of cases finding arbitration agreements not validly consummated.
- Either initial participation in litigation or failure to pay for arbitration as waiver of arbitration requirement.
- Consumers, defendants and claims not subject to an arbitration agreement.
- Continued viability of unconscionability challenges and where arbitration prevents effective vindication of federal claims.
- When state law limits on arbitration in insurance and other transactions survive FAA preemption.

Experts Explain How to Succeed in an Arbitration Proceeding

- Tips on winning in arbitration proceedings from a successful consumer arbitration practitioner.
- Arbitrator selection, preliminary hearings, discovery, trials, briefing, and punitive damages.
- Construing arbitration clauses as allowing class-wide arbitration and class arbitration procedures.
- Review of arbitration awards, including punitive damage awards.

Praise

"The National Consumer Law Center has come to the rescue of lawyers handling consumer cases. The Series has the answers for the myriad questions that can arise. The analysis of the law contains an extensive study of state statutes and generous footnotes citing case law in every state." — Texas Bar Journal

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