Summary

Experts Explain the Latest On How to Defeat Arbitration Requirements

The experts at Public Justice and other experienced litigators go beyond the case law with key insights:

Implications of Supreme Court's Italian Colors and Concepcion rulings and other new Supreme Court cases
Federal and state statutory limits on arbitration enforceability
Why high costs and remedy limitations are unconscionable
Why clauses designating the NAF may now be unenforceable
Whether an arbitration clause applies to the dispute and parties
Has a binding arbitration agreement been formed?
Waiver of right to enforce arbitration agreement.

Other Key Tactics to Respond to Arbitration Clauses

Right to discovery re arbitration requirement
Protecting a consumer’s arbitration award of punitive damages
Judicial review of arbitrator’s award
Class arbitration still available in a surprising number of cases.

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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