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Employment Arbitration Agreements: New Strategies After the Supreme Court Speaks

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Overview

- Pros and Cons of Arbitration (updated based on real world experience)
- Current Developments
- Rolling Out Agreements and Amended Agreements

Benefits of Arbitration

- Lower costs (?)
- Quicker
- Less stringent procedural rules
- More flexible deadlines

Benefits of Arbitration cont'd

- Confidentiality (?)
- Arbitrators with employment law expertise
- Some control over arbitrator selection
- Easier access to the arbitrator

Drawbacks of Arbitration

- ◉ Satellite/pre-arbitration litigation
- ◉ Arbitrator's fees
- ◉ Arbitration entity's fees
- ◉ More cases go to hearing

Drawbacks of Arbitration cont'd

- ◉ Risk of compromise awards
- ◉ Nightmare arbitrator
- ◉ Too little procedure
- ◉ Limited appellate rights

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