

# 40<sup>th</sup> Annual Corporate Counsel Institute

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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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[Employment Hot Topics for In-House Counsel](#)

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40<sup>th</sup> Annual Corporate Counsel Institute session  
"Class Action Waivers and Arbitration Agreements"