Are Changes Coming For Class Action Waivers?

Employers often include class action waivers in arbitration agreements. Midterm elections and the current SCOTUS term threaten to muddy the waters of class action waivers in the long and short term.

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SCOTUS To Clarify

Over the past decade, the Supreme Court has provided strong support for arbitration, most recently enforcing arbitration clauses that prevent plaintiffs from bringing class actions. The current term, however, sees the court facing a new set of cases, which focus on the types of claims that can be litigated in arbitration and the relative powers of arbitrators and judges. *Arbitration: New Limits On The Horizon?, New York Law Journal, November 9, 2018*.