



LONG TERM CARE & SENIOR LIVING BLOG

Proposed “Arbitration Fairness Act of 2017” Continues Trend to End the Enforcement of Pre-Dispute Arbitration Agreement

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Senator Al Franken of Minnesota and Rep. Hank Johnson of Georgia have introduced the Arbitration Fairness Act of 2017. This bill, if enacted, would amend the Federal Arbitration Act (FAA) by adding a new chapter invalidating agreements that require arbitration of employment, consumer, antitrust or civil rights disputes entered into before a dispute arises.

Senator Franken’s description of the bill acknowledges that “arbitration can be a suitable alternative to litigation if the consent to arbitration is truly voluntary and occurs after the dispute arises...” Senator Franken has previously attempted to curtail the use of mandatory arbitration agreements.

While it is unlikely that this Bill will make it into law, this proposed legislation exemplifies the continued attempts to invalidate pre-dispute arbitration agreements.