

# Update on Arbitration: What Companies Should Be Doing Now in Light of Recent Supreme Court Cases

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In 2022, the U.S. Supreme Court issued several decisions construing the Federal Arbitration Act (FAA). Any company that does business with consumers or other businesses, and any business with

employees — in other words, any business — should be aware of these decisions and the ever-changing arbitration landscape. In his iconic infomercial in the 1990's for a tabletop rotisserie oven, famed TV pitchman Ron Popeil exclaimed all you needed to do to cook a perfect chicken in his device was to “set it and forget it.” Many companies treat their consumer-facing and employee arbitration clauses like rotisserie chickens being cooked in Ron’s oven: Just “set it and forget it.” In this program, presenters review this year's Supreme Court arbitration decisions, as well as other notable arbitration decisions. They also discuss why, given the ever-changing arbitration case law, it is vital not to treat an arbitration clause like a rotisserie chicken. Additionally, they walk through how, instead, companies can implement proactive changes to realize the optimum benefit from their arbitration clauses.

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