

# Dan Geyser Argues Critical Arbitration Case Before the U.S. Supreme Court

---

April 23, 2024 Daniel Geyser

---

**PRACTICES** Employment Litigation, U.S. Supreme Court

---

Haynes Boone U.S. Supreme Court Practice Chair [Daniel Geyser](#) argued before the Supreme Court in a case that will establish the way federal courts handle arbitration cases across the country affecting all aspects of everyday economic life.

Haynes Boone argued the case, [Smith v. Spizzirri](#), on behalf of delivery drivers misclassified as independent contractors to avoid paying minimum wage, overtime, expense reimbursement and sick leave.

Geyser is among a select group of accomplished lawyers who regularly handle significant disputes in the U.S. Supreme Court. This is his 17th argument before the Supreme Court and his sixth since joining the firm in late 2021. His appearances rank tied for fourth among all private-firm lawyers nationwide since the 2016 October term, according to a website tracking Supreme Court statistics.

Excerpts of the coverage of this case are below.

***Bloomberg Law:*** [Justices Lean Toward Pausing Wage Cases Sent to Arbitration](#)

Geyser, who argued for the drivers, told the justices that the Ninth Circuit's precedent is wrong because the FAA explicitly requires that courts pause an action subject to arbitration.

The section of the statute at issue doesn't mention dismissal, and courts lack the authority to modify Congress' statutory directives, he said.

***Law360:*** [Justices Skeptical Staying Arbitration Cases Burdens Courts](#)

Courts could require status requests that cannot be longer than one sentence or even label dockets as inactive while arbitration is ongoing, Geyser said.

Meanwhile, if the arbitration fails and the court had previously decided to dismiss the case, plaintiffs would have to file new complaints, leading to the creation of new documents and forcing the courts to decide on a case-by-case scenario whether to stay or dismiss, Geyser argued.

"That is an enormous and wasteful use of the court's time that will overwhelm whatever minor savings a district court might have in not having to read a status report every so often," Geyser said.