

M.C. Sungaila in ABA Litigation News Journal: Class Action Waivers Hang in the Balance

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Many employers require their employees to agree to arbitration to address potential legal claims arising from the workplace. Agreeing to these types of mandatory arbitration agreements is often a condition to hiring, and the terms also include an employee's waiver of the right to file a class action. Certain federal circuit courts are split on the validity of the class action waiver provisions, setting up the likelihood for Supreme Court review, say ABA Section of Litigation leaders...

Other Section leaders are embracing the dissent in *Morris*. "The dissent laid out the flaws in the majority's reasoning," remarks M.C. Sungaila, Costa Mesa, CA, chair of the Amicus Brief Subcommittee and co-chair of the Professional Opportunities and Pro Bono Subcommittee of the Section's Appellate Practice Committee. When analyzing employment arbitration agreements with class action waivers, as the dissent explains "the FAA should come first and then the analysis should move through the other statutes," Sungaila continues, pointing out that "Judge Ikuta has a history of dissents that have ended up being persuasive and pivotal."

Excerpted from *ABA Litigation News*. To read the full article, please [click here](#).