

Mass Arbitration Clauses: How Have They Fared So Far?

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For decades, representatives of business interests fought to place disputes, especially business-to-consumer (“B-to-C”) disputes, into arbitration rather than court. A second front in this battle developed in which these same interests collided over whether the arbitration clauses in the B-to-C contract could also contain a ban on class actions or, in the words of some cases and clauses, a ban on “collective actions.”

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