

Hedging the Risk of Mass Arbitration: Waivers, Pre-Dispute Resolution, Batching, Sequencing, New Rules, and More

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Although class action waivers and arbitration clauses remain the best defenses to class actions, the rise of mass arbitrations has generated its own set of problems. Courts have ordered defendants to pay filing fees for thousands of individual arbitration claimants and have largely rejected corporate defendants' efforts to obtain relief from onerous fees. The use of this tactic has led to the emergence of adaptations in arbitration agreements to specifically tackle mass claims and to new arbitration providers introducing mass arbitration protocols and fee structures. This shift has triggered court challenges to batching and bellwether procedures, with notable rulings finding that arbitration agreements containing such batching provisions may be unconscionable.

Member **Jim Sandy** (Cleveland) will co-present a Strafford webinar on "Hedging the Risk of Mass Arbitration: Waivers, Pre-Dispute Resolution, Batching, Sequencing, New Rules, and More," on April 25, 2024.

This webinar will cover the pitfalls and abuses of mass arbitration (especially in the privacy and consumer areas) and defense responses to high costs, and complications resulting from those responses. The panel will address best strategies and practices, including drafting techniques for class waivers, arbitration clauses, mass arbitration waivers and workarounds, the new AAA mass arbitration rules, recent federal regulations and cases, and challenges to batching and bellwether procedures.

[Learn more.](#)

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Jim Sandy