

National Policy Favoring Arbitration

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As anyone who has ever been involved in the process of resolving a dispute through litigation can tell you, it is a long, drawn out, stressful, draining and costly experience. According to a Rand Corporation study of civil litigation, the average lawsuit in America usually takes over three years to reach trial or settlement. As such, many businesses are including arbitration in their commercial and consumer contracts as well as with their employees.

While businesses support arbitration, how do the courts view arbitration? Whether in contracts, insurance policies, consumer contracts or employment agreements, state and federal courts consistently favor arbitration. Once again, the United States Supreme Court in March 2002 upheld mandatory binding arbitration between an employer and employee. See *Circuit City Stores v. Adams*. Since 1985, the United States Supreme Court has time after time upheld agreements to arbitrate. See *Gilmer* (Age Discrimination & employment Act of 1967), *Rodriguez Dey Quijas* (Securities Act of 1944); *McMann* (Securities & Exchange Act of 1934 and Racketeer Influence in Corrupt Organization's Act); *Mitsubishi Motors Corp.* (Sherman Anti-Trust Act).

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