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The National Employment Lawyers Association Supports the Arbitration Fairness Act of 2011
Senate Committee on the Judiciary Holds Hearing—“Arbitration: Is It Fair When Forced?”

(Washington, DC) – Today, the Senate Committee on the Judiciary conducted a hearing entitled, “Arbitration: Is It Fair When Forced?” The purpose of the hearing is to shine a light on the pervasive practice of forced arbitration clauses in employment and consumer contracts. The Arbitration Fairness Act of 2011 (AFA), H.R. 1873/S. 987, introduced in Congress by Senator Al Franken (D-MN), Senator Richard Blumenthal (D-CT) and Representative Henry C. “Hank” Johnson (D-GA), would prohibit pre-dispute forced arbitration of employment and consumer claims. Senator Franken will preside at the hearing.

Dr. Deborah Pierce, Associate Director, Department of Emergency Medicine, Einstein at Elkins Park Hospital in Elkins Park, PA was one of five witnesses at today’s hearing. Dr. Pierce attempted to sue her employer for discrimination but was compelled to arbitration after inadvertently signing a forced arbitration clause in her employment contract. NELA member Nancy O’Mara Ezold represented Dr. Pierce.

“NELA applauds Senators Franken and Blumenthal for highlighting how the use of forced arbitration clauses in the employment context stands in direct opposition to the civil rights and employment laws of this country. Dr. Pierce’s story is not unusual. We wholeheartedly support the AFA and plan to do everything possible to ensure it becomes law,” stated Eric M. Gutiérrez, NELA’s Legislative & Public Policy Director.

Terisa E. Chaw, NELA’s Executive Director, added “The efforts of Senators Franken and Blumenthal and Representative Johnson in banning forced arbitration are to be commended. As it becomes increasingly more difficult for employees to vindicate their rights and hold their employers accountable in a court of law, America’s workers need the AFA more than ever. Today’s Senate hearing exposes the injustices of forced arbitration and moves us closer to full enforcement of our nation’s workplace laws.”

NELA is at the forefront of lobbying for the passage of the AFA. NELA’s public interest arm, The Employee Rights Advocacy Institute For Law & Policy, commissioned a national study which found that a solid majority of Americans (59%) *opposes* forced arbitration clauses in the fine print of employment and consumer contracts, including both men and women, as well as majorities of Democrats, Independents, and Republicans. Similarly, strong majorities (59%) *support* the AFA, which also crosses gender and political lines. The study can be found at www.employeeerightsadvocacy.org.

The National Employment Lawyers Association advances employee rights and serves lawyers who advocate for equality and justice in the American workplace. NELA provides assistance and support to lawyers in protecting the rights of employees against the greater resources of their employers and the defense bar. It is the country’s largest professional organization exclusively comprised of lawyers who represent individual employees in cases involving employment discrimination and other employment-related matters. NELA and its 68 state and local affiliates have more than 3,000 members around the country.

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