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DINE & DASH ARBITRATION STYLE: WHAT HAPPENS WHEN ONE SIDE DOESN'T PAY THE ARBITRATOR

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By: Charles G. Miller

Spring 2017 – Ever since Congress enacted the Federal Arbitration Act, it has been the national policy of the United States to favor arbitration. Southland Corp. v. Keating, 465 U.S. 1, 10 (1984). Where an agreement contains an arbitration clause, there is little a party can do to resist or avoid arbitration; however, this strong presumption of arbitration may have a small kink that is allowing parties to end up in court, despite the presence of a valid arbitration clause. The Ninth Circuit's recent decision in Tillman v. Tillman, 825 F.3d 1069 (9th Cir. 2016), has caused some to question if there is a new way for parties to avoid the power of an arbitration clause: simply refuse to pay a party's share of the arbitrator's fees. View a pdf copy of the article.

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