

# GILL RAGON OWEN

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### **#MeToo Arbitration Bill Passes Senate**

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Last week, the US Congress passed legislation that would amend the Federal Arbitration Act and President Biden is set to sign it into law. The amendment would make exceptions to the rule that strongly favors arbitration of disputes. It would create an exception for pre-dispute arbitration agreements and pre-dispute waivers of class claims related to sexual assault or sexual harassment. It would apply to any sexual assault or harassment claims arising under state or federal law.

The legislation would not prohibit a plaintiff from agreeing to arbitration after the claim has arisen. The legislation gives the power to determine whether or not this exception would apply to the courts and not an arbitrator.

The legislation would apply to claims that arise only after the effective date of the law and would not have any retroactive application.

If you have any questions, please contact Jenny Teeter or Brianna Cook.

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