

# Client Alert

January 2010

## WHAT IS THE STATUS OF THE ARBITRATION FAIRNESS ACT OF 2009?

Last year the Arbitration Fairness Act of 2009, which would ban mandatory arbitration in all employment disputes, was introduced in Congress. It has not become law and was last referred to the Congressional Subcommittee on Commercial and Administrative Law in March 2009.

We can expect another push to get the Act passed this year. Just last month, President Obama signed into law a provision in the 2009-2010 spending bill for the U. S. Department of Defense that prohibits money from going to a defense contractor unless the contractor agrees not to enter into or enforce any employment contract “that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under Title VII of the Civil Rights Act of 1964” or certain other tort claims.

As it currently stands, however, as long as you are not a defense contractor, arbitration provisions in employment agreements are still enforceable. If you do not have an arbitration provision as part of your employment agreements, policies and procedures or employee handbooks, it can still be beneficial to adopt and use such a provision.

### ABOUT HBSS

Hall Booth Smith & Slover is a full-service and diverse law firm with eight regional offices in Georgia, Tennessee and South Carolina. The firm’s practice areas are focused and diverse, and include complex civil defense litigation, employment, mass torts, medical malpractice, healthcare, regulatory and governmental matters, and international law.

Whether it’s a matter of litigation taking place in the courtroom or negotiations happening in the board room, the attorneys at HBSS will aggressively represent your interests every step of the way.

For more than twenty years, HBSS has been living up to its promise: “Serving to Achieve Excellence.” This promise is alive in everything we do from strategically recruiting nationally recognized attorneys and top law students, to being among Atlanta Magazine’s “Best Places to Work.”



**RICHARD SHEINIS**  
P: 404.954.6954  
F: 678.539.1507  
RSHEINIS@HBSS.NET

**RICHARD SHEINIS** has been litigating in various courts for over twenty-six (26) years. He has been the first chair for approximately 175 jury trials. He represents business organizations in discrimination and other employment matters. Richard is licensed in Georgia, Tennessee and North Carolina.



**HEATHER SAUM**  
P: 404.954.6966  
F: 678.539.1613  
HSAUM@HBSS.NET

**HEATHER SAUM** is a Senior Associate with over 11 years of litigation experience. She represents employers in claims involving Title VII, FLSA, FMLA, ADEA, and ADA. She has an interest in litigation prevention through on-site training and investigation, however when litigation is necessary, her experience handling discrimination and harassment cases enables her to provide a valuable service to our clients from investigation through trial. Heather is licensed in Georgia and Mississippi.



**NICHOLE HAIR**  
P: 404.954.6952  
F: 404.954.5020  
NHAIR@HBSS.NET

**ASSOCIATE NICHOLE HAIR** brings experience representing public and private employers in harassment and discrimination claims involving Title VII, FLSA, FMLA, ADEA, and ADA. She provides both

litigation expertise and experience in litigation prevention through on-site investigation, discrimination, and harassment training for managers and employees. She is licensed in Georgia and is an active member of the Georgia Association of Women Lawyers.