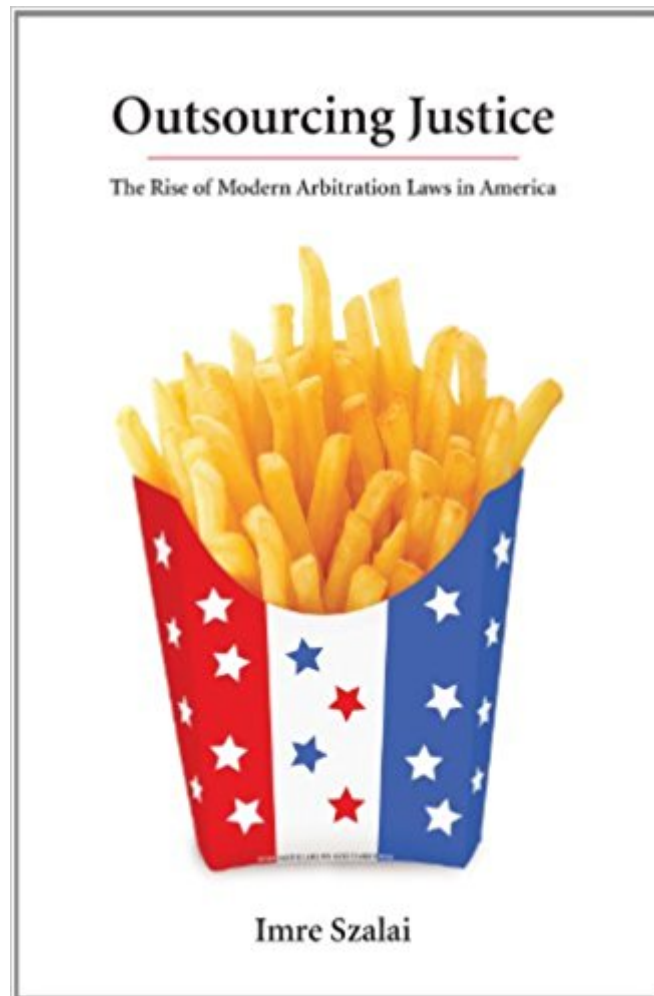




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Outsourcing Justice: The Rise Of Modern Arbitration Laws In America



Synopsis

Arbitration is a method of dispute resolution in which parties agree to submit their dispute to a private, neutral third person, instead of a traditional court with a judge and jury. This private system of arbitration, which is often confidential and secretive, can be a polar opposite, in almost every way, to the public court system. Over the past few decades, arbitration agreements have proliferated throughout American society. Such agreements appear in virtually all types of consumer transactions, and millions of American workers are bound by arbitration agreements in their employment relationships. America has become an "arbitration nation," with an increasing number of disputes taken away from the traditional, open court system and relegated to a private, secretive system of justice. How did arbitration agreements become so widespread, and enforceable, in American society? Prior to the 1920s, courts generally refused to enforce such agreements, and parties had the right to bring their disputes to court. However, during the 1920s, Congress and state legislatures suddenly enacted ground-breaking laws declaring that arbitration agreements are "valid, irrevocable, and enforceable." Drawing on previously untapped archival sources, this book explores the many different people, institutions, forces, beliefs, and events that led to the enactment of modern arbitration laws during the 1920s, and this book examines why America's arbitration laws radically changed during this period. By examining this history, this book demonstrates how the U.S. Supreme Court has grossly misconstrued these laws and unjustifiably created an expansive, informal, private system of justice touching almost every aspect of American society and impacting the lives of millions.

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Customer Reviews

If you're looking to learn more about arbitration and its history, this is your book and this is your guy. Professor Szalai is THE arbitration guy in the United States and this subject is his passion. "Outsourcing Justice" goes through the history of arbitration in much the same way Professor Szalai teaches his classes, in an easy-to-follow and clear way. I've enjoyed reading this book and if you want to know more about arbitration, I'm sure you'll enjoy it too.

Easy to read, interestingly written, probative look at the history of arbitration by one of America's pre-eminent scholars of the topic.

I purchased this as a Christmas gift for my daughter who is in law school. It is required reading now.

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