



NEWS RELEASE

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Arbitrators, Civil Rights Groups Tell U.S. Supreme Court: Don't Erode Access to Courts

Even prominent arbitrators agree: Arbitrators shouldn't decide whether the arbitration process itself is fair. Instead, they say, courts must step in to prevent abuses.

That's the upshot of a brief filed by 23 prominent professional arbitrators and arbitration scholars in *Rent-A-Center v. Jackson*, a case scheduled to be argued before the U.S. Supreme Court on April 26. Public Justice and Public Citizen are co-counsel in the case.

It was one of seven friend-of-the-court briefs filed Wednesday by a broad coalition of civil rights groups, labor unions and consumer advocacy organizations. Although *Rent-A-Center* has so far received little media attention, it could radically alter the landscape of access to the civil justice system.

The case stems from an employment discrimination suit brought by Antonio Jackson, a resident of Sparks, Nev., who was hired in 2003 as an account manager for Rent-A-Center, a rent-to-own company, and fired several years later. Rent-A-Center asked the court to dismiss the claim because Jackson had signed an arbitration agreement, saying that any dispute would be resolved by an arbitrator, not a court. Jackson argued that the arbitration agreement was unconscionable and should not be enforced. Rent Acenter said an arbitrator should decide its enforceability, not a court.

Increasingly, legal claims by employees, consumers and small businesses are forced into mandatory binding arbitration. Under current law, courts decide whether the arbitration process is fair before sending the case to an arbitrator. The question in *Rent-Acenter* is whether courts will continue to play that role.

The arbitrators' brief was signed by several past presidents of the National Academy of Arbitrators and arbitrators for Major League Baseball, the National Football League and the National Basketball Association, as well as arbitrators who have handled some of the largest labor disputes in U.S. history.

"The widespread support from honorable arbitrators eager to protect the integrity of their profession, and from the united civil rights and consumer communities, shows the extreme

nature of Rent-A-Center's attempted power grab in this case," said Public Justice staff attorney Paul Bland. "If corporations can place their arbitration systems beyond the reach of any substantive judicial evaluation of their fairness, there will be nothing to prevent the arbitration system from devolving into a Wild, Wild West state of lawlessness."

"It's very encouraging that prominent arbitrators and arbitration scholars were willing to take a stand in this case and say, 'This is where we draw the line,' " said Public Citizen attorney Deepak Gupta. "It sends a strong signal that the legitimate arbitration community believes court review is necessary to prevent the worst abuses."

Also filing a brief were six leading civil rights groups that represent large segments of society who rely on civil rights laws to protect them from workplace discrimination: Lawyers' Committee for Civil Rights Under Law, Alliance for Justice, Asian American Justice Center, Constitutional Accountability Center, National Partnership for Women & Families and the National Women's Law Center. These groups pointed out that an individual's ability to seek redress in court for unlawful discrimination is critical to the eradication of discrimination in the workplace.

Also notable is a brief filed by the National Consumer Law Center and Consumer Action, which detailed the pro-business bias shown by the National Arbitration Forum, formerly the nation's largest provider of consumer arbitrations.

Other briefs were filed by the National Association of Consumer Advocates; the Service Employees International Union and several other workers' rights groups; the AFL-CIO; and the American Association for Justice and AARP.

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