



## NLRB Sees Opportunity For Class-Waiver Win At High Court

News

9.13.16

The article, “NLRB Sees Opportunity For Class-Waiver Win At High Court,” featured on *Law360*, discussed how the timing of the National Labor Relations Board’s (NLRB) request for the U.S. Supreme Court to review whether class action waivers in arbitration agreements are enforceable appears designed to capitalize on the high court’s current composition and recent appeals court decisions supporting the NLRB’s stance in a tussle with D.R. Horton.

Steven Bernstein said there will be a lot of people watching to see what the court does.

Employers have complained about the uncertainty of having to contend with a patchwork of different standards based on the inconsistent rulings from circuit courts. While a ruling could provide some certainty, it could also invalidate countless arbitration agreements.

“There is a distinct possibility this could be a ‘be careful what you wish for moment’ with regard to the business community if indeed the Supreme Court ultimately puts its stamp of approval on the board’s perspective on this,” Steve said.

To read the full article, please visit [Law360](#).

---

Please reach out to our [Media team](#) for any news inquiries.

### ***Related People***





**Steven M. Bernstein**

Regional Managing Partner and Labor Relations Group Co-Chair

813.769.7513

Email