



Fisher Phillips Attorney Comments on Key 2018-2019 Supreme Court Cases

News

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The 2018-2019 Supreme Court session has officially begun. In a snapshot of the key cases on the Court's docket, Katherine Sandberg of Fisher Phillips told [SHRM](#) that reverberations from the #MeToo movement and the Supreme Court's ruling in *Epic Systems Corp. v. Lewis* last session means that arbitration cases will take center stage on the court's agenda.

Katherine also addressed the case, *Henry Schein Inc. v. Archer and White Sales Inc.*, regarding arbitration agreements that include a clause stating that an arbitrator must decide the threshold question of whether an issue should be heard by an arbitrator or a court. "But what if the answer is clear that a court needs to decide the case? Do judges have the power to decide to keep the case in court? If a judge thinks that there is no way that arbitration should be compelled in the case it may be a waste of resources to send the case to an arbitrator," Katherine noted.

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