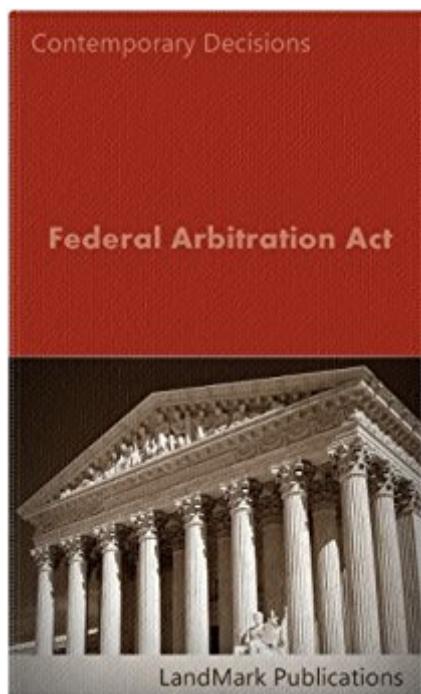


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# Federal Arbitration Act (Litigator Series)



## Synopsis

THIS CASEBOOK contains a selection of 184 U. S. Court of Appeals decisions that analyze and interpret provisions of the Federal Arbitration Act. The selection of decisions spans from 2005 to the date of publication. For each circuit, the cases are listed in the order of frequency of citation. The most cited decisions appear first. With limited exceptions, the Federal Arbitration Act (FAA) governs the enforceability of arbitration agreements in contracts involving interstate commerce. See 9 U.S.C. § 1 et seq. *Kramer v. Toyota Motor Corp.*, 705 F. 3d 1122 (9th Cir. 2013) Section 2 of the FAA, its "primary substantive provision," *Moses H. Cone Mem'l Hosp.*, 460 U.S. at 24, 103 S.Ct. 927, makes agreements to arbitrate "valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract," 9 U.S.C. § 2. *Noohi v. Toll Bros., Inc.*, 708 F. 3d 599, 606 (4th Cir. 2013) Section 2 is a congressional declaration of a liberal federal policy favoring arbitration agreements, notwithstanding any state substantive or procedural policies to the contrary. The effect of the section is to create a body of federal substantive law of arbitrability, applicable to any arbitration agreement within the coverage of the Act. *Moses H. Cone Mem'l Hosp.*, 460 U.S. at 24, 103 S.Ct. 927. Under this federal substantive law, "courts must place arbitration agreements on an equal footing with other contracts, and enforce them according to their terms." *Concepcion*, 131 S.Ct. at 1745 (internal citations omitted). *Noohi v. Toll Bros.*, supra. However, § 2 also permits arbitration agreements to be declared unenforceable "upon such grounds as exist at law or in equity for the revocation of any contract." 9 U.S.C. § 2. "This saving clause permits agreements to arbitrate to be invalidated by 'generally applicable contract defenses, such as fraud, duress, or unconscionability,' but not by defenses that apply only to arbitration or that derive their meaning from the fact that an agreement to arbitrate is at issue." *Concepcion*, 131 S.Ct. at 1746 (citation omitted). *Noohi v. Toll Bros.*, supra.

## Book Information

File Size: 8162 KB

Simultaneous Device Usage: Unlimited

Publisher: LandMark Publications (September 25, 2013)

Publication Date: September 25, 2013

Sold by: Digital Services LLC

Language: English

ASIN: B00FGD9F1Q

Text-to-Speech: Enabled

X-Ray: Not Enabled

Word Wise: Enabled

Lending: Not Enabled

Screen Reader: Supported

Enhanced Typesetting: Enabled

Best Sellers Rank: #628,107 Paid in Kindle Store (See Top 100 Paid in Kindle Store) #20

inÃ  Kindle Store > Kindle eBooks > Law > Procedures & Litigation > Remedies #34

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This book is by far the largest selection of decisions of arbitration law within the Federal Arbitration Act easily accessible in one place, I wish other legal areas would be covered too like this one. Highly recommended to anyone doing research or studying the Federal Arbitration subject.

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