

CASE SUMMARY 4.1 American Express v. Italian Colors Restaurant, 133 S. Ct. 2304 (2013)

ARBITRATION PROVISION IN CONTRACT

American Express (Amex) entered into agreements with Italian Colors Restaurant (ICR) and other merchants that accept American Express credit cards. The agreement contains an arbitration clause that requires that all disputes between Amex and ICR be resolved through arbitration and prohibits any claim from being arbitrated on a class action basis. Nonetheless, ICR and other merchants filed a class action suit against Amex, alleging violation of federal antitrust statutes. Amex moved to compel individual arbitration, but ICR argued that the clause was invalid because the cost of expert analysis necessary to prove their antitrust allegations would greatly exceed the maximum recovery for each individual merchant plaintiff. The trial court ruled in favor of Amex, but a federal court of appeals reversed the trial court's ruling and held that the clause was unenforceable because of the prohibitive cost structure. Amex appealed to the U.S. Supreme Court.

CASE QUESTIONS

1. Who prevails and why? Explain.
2. Was the waiver of class action arbitration by the merchants truly voluntary? Why or why not?
3. If the costs of experts exceed the potential recovery amount in the absence of a class action, doesn't the arbitration clause in this case have the effect of shielding Amex from antitrust laws?

American Express V Italian Colors

**Kabir Duggal, Yasmine Lahlou, Carlos
Alberto Carmona, Gustavo Favero
Vaughn**

American Express V Italian Colors:

The Case Against the Supreme Court Erwin Chemerinsky, 2015-09-29 The author shows how case by case for more than two centuries the hallowed court has been far more likely to uphold government abuses of power than to stop them Drawing on a wealth of rulings some famous others little known he reviews the Supreme Court's historic failures in key areas including the refusal to protect minorities the upholding of gender discrimination and the neglect of the Constitution in times of crisis from World War I through 9 11 This updated edition addresses the upheavals of the Roberts Court including its controversial rulings on abortion gun control and the separation of church and state Provided by publisher **U.S.**

Supreme Court Precedents on Arbitration Kabir Duggal, Yasmine Lahlou, Carlos Alberto Carmona, Gustavo Favero Vaughn, 2025-03-20 For every lawyer practicing or aspiring to practice law in the US and every student striving to become a well rounded litigator familiarity with relevant case law is indispensable This axiom holds particularly true in the realm of arbitration As the ultimate arbiter on arbitration matters in the US the decisions of the US Supreme Court carry paramount significance This book serves as a vital resource offering detailed analysis of nearly 40 cases by arbitration experts well versed in the intricacies of the US legal system Through meticulous commentary and critique it vividly illustrates how SCOTUS has profoundly influenced the landscape of arbitration law and practice over the years **World Class Actions**

Paul G. Karlsgodt, 2012-08-03 Class action and other group litigation procedures are increasingly being adopted in jurisdictions throughout the world as more countries deal with the realities of increased globalization and access to information As a result attorneys and their clients face the ever expanding prospect of a class or group action outside their home jurisdictions **World Class Actions A Guide to Group and Representative Actions around the Globe** is a guide for attorneys and their clients on the procedures available for class group and representative actions throughout the world It helps lawyers navigate and develop strategies for litigation and risk management in the course of doing business abroad or even in doing business locally in a way that impacts interests abroad Part I of the book provides a jurisdiction by jurisdiction survey of the class action group collective derivative and other representative action procedures available across the globe Each chapter is written from a local perspective by an attorney familiar with the laws best practices legal climate and culture of the jurisdiction Part II provides guidance from the perspective of international attorneys practicing in foreign jurisdictions and the art of counseling and representing clients in international litigation It also covers a variety of topics related to transnational multi jurisdictional and class or collective actions that involve international issues and interests Each chapter offers practice tips and cultural insights helpful to an attorney or litigant facing a dispute in a particular part of the world Many of the chapters introduce key books treatises articles or other reference materials to foster further research Its focus on international class and group litigation law from a practitioner's perspective makes **World Class Actions** an essential guide for the lawyer or client **The Federal Arbitration Act and Access to Justice** United States. Congress. Senate.

Committee on the Judiciary, 2014 **International Antitrust Law and Policy: Fordham Competition Law 2014** Barry E. Hawk, 2015-03-01 This volume contains articles and panel discussions delivered during the Forty first Annual Fordham Competition Law Institute Conference on International Antitrust Law Policy About the Proceedings Every October the Fordham Competition Law Institute brings together leading figures from governmental organizations leading international law firms and corporations and academia to examine and analyze the most important issues in international antitrust and trade policy of the United States the EU and the world This work is the most definitive and comprehensive annual analysis of international antitrust law and policy available anywhere The chapters are revised and updated before publication where necessary As a result the reader receives up to date practical tips and important analyses of difficult policy issues The annual volumes are an indispensable guide through the sea of international antitrust law The Fordham Competition Law Proceedings are acknowledged as simply the most definitive US EC annual analyses of antitrust competition law published Each annual edition sets out to explore and analyze the areas of antitrust competition law that have had the most impact in that year Recent hot topics include antitrust enforcement in Asia Latin America competition enforcement in the areas of telecommunications media and information technology All of the chapters raise questions of policy or discuss new developments and assess their significance and impact on antitrust and trade policy Beyond Shareholder Value P. M. Vasudev, 2021-05-28 This timely and engaging book examines how maximizing shareholder value has played a dominant role in corporate governance over recent decades and analyzes the resulting effect on share prices in the stock markets Alongside the rise in corporate power and deepening economic inequality the author investigates corporate law reform as a corrective remedy **Class, Mass, and Collective Arbitration in National and International Law** S.I. Strong, 2013-10-22 Class arbitration first developed in the United States in the 1980s as a means of providing large numbers of individuals with the opportunity to assert their claims at the same time and in the same proceeding Large scale arbitration has since spread beyond U S borders with collective arbitration being seen in Europe and mass arbitration being used in the international investment regime Class Mass and Collective Arbitration in National and International Law considers all three forms of arbitration as a matter of domestic and international law providing arbitrators advocates and scholars with the tools they need to evaluate these sorts of procedural mechanisms The book covers the best known decisions in the field *Stolt Nielsen S A v Animal Feeds International Corp* and *AT T Mobility LLC v Concepcion* from the U S Supreme Court and *Abaclat v Argentine Republic* from the world of investment arbitration as well as specialized rules promulgated by the American Arbitration Association JAMS and the German Institution of Arbitration DIS The text introduces dozens of previously undiscussed judicial opinions and covers issues ranging from contractual or treaty silence and waiver to regulatory concerns and matters of enforcement The book discusses the entire timeline of class mass and collective arbitration ranging from the devices historical origins through the present and into the future Lawyers in a wide variety of jurisdictions will benefit from

the material contained in this text which is the first full length monograph to address large scale arbitration as a matter of national and international law

International Commercial Arbitration Gary B. Born, 2020-11-23 International Commercial Arbitration is an authoritative 4 250 page treatise in three volumes providing the most comprehensive commentary and analysis on all aspects of the international commercial arbitration process that is available The Third Edition of International Commercial Arbitration has been comprehensively revised expanded and updated To include all legislative judicial and arbitral authorities and other materials in the field of international arbitration prior to June 2020 It also includes expanded treatment of annulment recognition of awards counsel ethics arbitrator independence and impartiality and applicable law The revised 4 250 page text contains references to more than 20 000 cases awards and other authorities and will enhance the treatise s position as the world s leading work on international arbitration The first and second editions of International Commercial Arbitration have been routinely relied on by courts and arbitral tribunals around the world including the highest courts of the United States United Kingdom Singapore India Hong Kong New Zealand Australia the Netherlands and Canada and international arbitral tribunals including ICC SIAC LCIA AAA ICSID SCC and PCA e g U S Supreme Court GE Energy Power Conversion France SAS Corp v Outokumpu Stainless USA LLC 590 U S U S S Ct 2020 BG Group plc v Republic of Argentina 572 U S 25 U S S Ct 2014 Canadian Supreme Court Uber v Heller 2020 SCC 16 Canadian S Ct Yugraneft Corp v Rexx Mgt Corp 2010 1 R C S 649 661 Canadian S Ct U K Supreme Court Jivraj v Hashwani 2011 UKSC 40 78 U K S Ct Dallah Real Estate Swiss Federal Tribunal Judgment of 25 September 2014 DFT 5A_165 2014 Swiss Fed Trib Indian Supreme Court Bharat Aluminium v Kaiser Aluminium C A No 7019 2005 138 39 142 148 49 Indian S Ct 2012 Singapore Court of Appeal Rakna Arakshaka Lanka Ltd v Avant Garde Maritime Servs Ltd 2019 2 SLR 131 Singapore Ct App PT Perusahaan Gas Negara Persero TBK v CRW Joint Operation 2015 SGCA 30 Singapore Ct App Larsen Oil Australian Federal Court Hancock Prospecting Pty Ltd v Rinehart 2017 FCAFC 170 Australian Fed Ct Hague Court of Appeal Judgment of 18 February 2020 Case No 200 197 079 01 Hague Gerechtshof Arbitral Tribunals Lao Holdings NV v Lao People s Democratic Republic I Award in ICSID Case No ARB AF 12 6 6 August 2019 Gold Reserve Inc v Bolivarian Republic of Venezuela Decision regarding the Claimant s and the Respondent s Requests for Corrections ICSID Case No ARB AF 09 1 15 December 2014 Total SA v The Argentine Republic Decision on Stay of Enforcement of the Award ICSID Case No ARB 04 01 4 December 2014 Millicom Int l Operations B V v Republic of Senegal Decision on Jurisdiction of the Arbitral Tribunal ICSID Case No ARB 08 20 16 July 2010 Lemire v Ukraine Dissenting Opinion of J rgen Voss ICSID Case No ARB 06 18 1 March 2011

Arbitration in the Digital Age Maud Piers, Christian Aschauer, 2018-01-25 Arbitration in the Digital Age analyses how technology can be efficiently and legitimately used to further sound arbitration proceedings The contributions from a variety of arbitration scholars report on current developments predict future trends and assesses their impact from a practical legal and technical point of view The book also discusses the relationship between arbitration and the Internet and

analyses how social media can affect arbitrators and counsel s behaviour Furthermore it analyses the validity of electronic arbitration and awards as well as Online Arbitration OArb The volume establishes on a very practical level how technology could be used by arbitration institutions arbitrators parties to an arbitration and counsel This book will be of special interest to arbitrators and lawyers involved in international commercial arbitration

Class and Group Actions in Arbitration

Bernard Hanotiau, Eric A. Schwartz, 2016-09-23 Several decades ago a typical arbitration would involve one claimant against one respondent Over the years more and more cases involve several claimants against several respondents Today one third of all international ICC arbitrations seem to involve multiparty cases multi contract cases involving multiple contracts multiple parties The evolution has continued and the debate today is whether it would be possible for a class of people in the same situation or a group of citizens having the same interest to start one single arbitration procedure as a group or as a class This publication examines the complex issues involved in class or group arbitration on a comparative law basis Is there a place for such proceedings within the framework of the arbitration process Class action procedures as developed in the United States court system and more recently in Canada are almost nonexistent in Europe The European Commission has advocated collective redress as an important means of access to justice but class actions have found little enthusiasm in the Members States The book highlights the lessons which have been learned from the experience of cases in the US and in Europe What does the future hold for class collective and mass arbitrations Are they a marginal phenomenon or has their potential yet to be realized What are possible solutions to the issues that have been encountered Can we expect to see more of such arbitrations in the future Written by arbitrators academics and practitioners this Dossier will provide the answers to these questions and many more

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