

**IMRE STEPHEN SZALAI**

Judge John D. Wessel Distinguished Professor of Social Justice  
Loyola University College of Law  
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New Orleans, LA 70118  
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**EDUCATION**

**COLUMBIA UNIVERSITY SCHOOL OF LAW, J.D., 1999**

Honors: Harlan Fiske Stone Scholar

Activities: Member, *Columbia Human Rights Law Review*

**YALE UNIVERSITY, B.A., 1996, Double-Major in Classical Civilizations and Economics**

Activities: Yale Fencing Team (sabre and epee)

**ACADEMIC APPOINTMENTS**

**LOYOLA UNIVERSITY COLLEGE OF LAW, New Orleans, LA**

*Judge John D. Wessel Distinguished Professor of Social Justice, 2015 to present*  
*Associate Professor of Law, 2009 to 2015 (tenure granted 2013)*

Awards: University Senate Award for Excellence in Research (January 2018)

**UNIVERSITY OF MISSOURI SCHOOL OF LAW, Columbia, MO**

*Senior Fellow, Center for the Study of Dispute Resolution, 2019 to present*

I teach an online course on arbitration law and practice as part of Missouri's top-ranked program in dispute resolution.

**TULANE UNIVERSITY LAW SCHOOL, New Orleans, LA**

*Visiting Professor of Law, Fall 2016*

**CALIFORNIA WESTERN SCHOOL OF LAW, San Diego, CA**

*Associate Professor of Law, 2007 to 2009*

*Assistant Professor of Law, 2005 to 2007*

*Visiting Fellow, 2003 to 2005*

**TEACHING INTERESTS**

Alternative Dispute Resolution, Antitrust, Arbitration Law and Practice, Civil Procedure, Negotiation, Professional Responsibility, Public Health Law, Torts

**PRIOR LEGAL EXPERIENCE**

**JORDEN BURT LLP, Miami, FL (now Carlton Fields)**

*Litigation Associate, 2001 to 2003*

Experience in complex commercial litigation, including:

- Successfully represented clients in the financial services industry in both state and federal class action litigation;
- Drafted briefs, motions, and pleadings for every stage of litigation; and
- Litigated several issues regarding the Federal Arbitration Act

**AXINN, VELTROP & HARKRIDER, LLP, New York, NY**

*Associate, 1999 to 2001, Summer 1998*

Experience in antitrust counseling and complex commercial litigation, including:

- Represented corporate clients in both federal and state government antitrust investigations regarding mergers, price-fixing, monopolization, and other anticompetitive acts;
- Counseled corporate clients regarding antitrust implications of their pricing and distribution policies;
- Assisted corporate clients in the airline, pharmaceutical, music, telecommunications, publishing, professional sports, and manufacturing industries by assessing potential antitrust claims;
- Drafted briefs, motions, and pleadings for commercial litigation;
- Analyzed potential divestitures for clients contemplating mergers; and
- Prepared Hart-Scott-Rodino filings for mergers

**COLUMBIA LAW SCHOOL FAIR HOUSING CLINIC, New York, NY**

*Research Assistant, Summer 1997*

- Researched various issues regarding fair housing statutes and other anti-discrimination laws for Professors Mary Zulack and Conrad Johnson;
- Updated and maintained electronic materials for use in clinical program to teach law students about civil rights litigation; and
- Helped prepare successful fair housing lawsuit

## **PUBLICATIONS AND WORKING PAPERS**

### **BOOKS**

AN ANNOTATED LEGISLATIVE HISTORY OF THE FEDERAL ARBITRATION ACT, Carolina Academic Press (forthcoming November 2020)

OUTSOURCING JUSTICE: THE RISE OF MODERN ARBITRATION LAWS IN AMERICA, Carolina Academic Press (2013)

- Reviewed by Professor Benjamin Davis, ABA Dispute Resolution Magazine (Fall 2013)
- Reviewed by Professor Hiro Aragaki, Indisputably ADR Professor Blog (June 2013), <http://www.indisputably.org/?p=4808>
- Reviewed by Mateus Aimoré Carreteiro, 43 REVISTA BRASILEIRA DE ARBITRAGEM 224 (2014)

### **BOOK CHAPTERS**

“The Federal Arbitration Act in Its Infancy,” DISCUSSIONS IN DISPUTE RESOLUTION: THE FORMATIVE ARTICLES (Hinshaw, Schneider, and Cole, eds.) (Oxford Univ. Press, forthcoming 2021)

### **ARTICLES**

*The Supreme Court’s Lamps Plus Arbitration Decision: A Fading Light for Class Actions*, 25 HARV. NEGOT. L. REV. 1 (2019)

*The Supreme Court’s Arbitration Docket from the October 2018 Term*, AM. CONST. SOC’Y SUP. CT. REV. (October 2019) (invited contribution)

*The Supreme Court’s Landmark Decision in New Prime Inc. v. Oliveira: A Panoptic View of America’s Civil Justice System and Arbitration*, 68 EMORY L.J. ONLINE 1059 (2019)

*The Failure of Legal Ethics to Address the Abuses of Forced Arbitration*, 24 HARV. NEGOT. L. REV. 127 (2019)

*Empirical Report on Consumer Arbitration Agreements Among America’s Top Companies*, 52 U.C. DAVIS L. REV. ONLINE 233 (2019)

*A New Legal Framework for Employee and Consumer Arbitration*, 19 CARDOZO J. CONFLICT RESOL. 653 (2018)

*Reconciling Fault Lines in Arbitration and Redefining Arbitration Through the Broader Lens of Procedure*, 18 NEV. L. J. 511 (2018) (invited symposium contribution)

*The Consent Amendment: Restoring Consent and Respect for Human Dignity in America's Civil Justice System*, 23 VA. J. SOC. POL'Y & L. 196 (2017)

*DIRECTV, Inc. v. Imburgia: How The Supreme Court Used A Jedi Mind Trick To Turn Arbitration Law Upside Down*, 32 OHIO ST. J. ON DISP. RESOL. 1 (2017)

*The Federal Arbitration Act Through The Lens of History*, 2016 J. DISP. RESOL. 115 (invited symposium contribution)

*A Constitutional Right to Discovery? Defining Due Process Norms Through the Procedural Laboratory of Arbitration*, 15 PEPP. DISP. RESOL. L. J. 337 (2015)

*More Than Class Action Killers: The Impact of Concepcion and American Express on Individual Arbitration Proceedings*, 35 BERKELEY J. EMP. & LAB. L. 31 (2014) (invited symposium contribution)

*Correcting a Flaw in the Arbitration Fairness Act*, 2013 J. DISP. RESOL. 271

*An Obituary for the Federal Arbitration Act: An Older Cousin to Modern Civil Procedure*, 2010 J. DISP. RESOL. 391

*Modern Arbitration Values and the First World War*, 49 AM. J. LEGAL HIST. 355 (2009) (peer reviewed)

*Aggregate Dispute Resolution: Class and Labor Arbitration*, 13 HARV. NEGOT. L. REV. 399 (2008)

*The Federal Arbitration Act and the Jurisdiction of the Federal Courts*, 12 HARV. NEGOT. L. REV. 319 (2007)

*The New ADR: Aggregate Dispute Resolution and Green Tree Financial Corp. v. Bazzle*, 41 CAL. W. L. REV. 1 (2004)

### **OTHER WRITING**

Author, [www.arbitrationusa.com](http://www.arbitrationusa.com) (blog regarding arbitration law developments; formerly [www.outsourcingjustice.com](http://www.outsourcingjustice.com)) (2013 – present)

*Arbitration Law* (providing summary of arbitration law and its impact on access to justice, as well as potential questions about arbitration law for nominee), submitted on behalf of the American Constitution Society for Law & Policy to members of the Senate Judiciary Committee in preparation for the confirmation hearings of Supreme Court nominee Amy Coney Barrett (October 2020)

*New Prime and Old Faults*, invited piece for an online mini-symposium hosted by the University of Missouri School of Law (January 2019), [law.missouri.edu/arbitrationinfo/2019/01/17/mini-symposium-new-prime-new-directions/](http://law.missouri.edu/arbitrationinfo/2019/01/17/mini-symposium-new-prime-new-directions/)

*Arbitration Law* (providing summary of arbitration law and its impact on access to justice, as well as potential questions about arbitration law for nominee), submitted on behalf of the American Constitution Society for Law & Policy to members of the Senate Judiciary Committee in preparation for the confirmation hearings of Supreme Court nominee Brett Kavanaugh (July 2018)

*Amici Curiae Brief*, *New Prime, Inc. v. Oliveira*, No. 17-340 (U.S. Supreme Court, July 2018) (analyzing the history of the transportation workers exemption in the Federal Arbitration Act) (co-signer)

*Amicus Curiae Brief*, *Lambert v. Tesla, Inc.*, No. 17-cv-05369 (N.D. Cal. Nov. 2017) (analyzing the history and development of American arbitration law in connection with the Civil Rights Act of 1866) (sole author)

*Empirical Report on the Widespread Use of Workplace Arbitration Among America's Top 100 Companies*, published through the Employee Rights Advocacy Institute for Law & Policy (Sept. 2017) (this study has been cited in stories by Time, Money, LA Times, Law360, and the ABA's Dispute Resolution Magazine)

*Amici Curiae Brief*, *Youssofi v. Credit One Financial Corp.*, No. 17-55275 (9th Cir. July 2017) (analyzing the intersection of the Federal Arbitration Act and the First Amendment) (co-signer)

*Arbitration's Impact on the Civil Justice System* (providing summary of arbitration law and its impact on the enforcement of consumer and employee rights, as well as suggested questions for confirmation hearings), submitted on behalf of the National Employment Lawyers Association to members of the Senate Judiciary Committee in preparation for the confirmation hearings of Supreme Court nominee Neil M. Gorsuch (March 2017)

*Arbitration Law and Class Actions* (providing summary of arbitration law's impact on class actions as well as an analysis of arbitration issues the Supreme Court is likely to face in the future), submitted on behalf of the American Constitution Society for Law & Policy to members of the Senate Judiciary Committee in preparation for the confirmation hearings of Supreme Court nominee Neil M. Gorsuch (March 2017)

*Amicus Curiae Brief*, *Kindred Nursing Centers Limited Partnership. v. Clark*, No. 16-32 (U.S. Supreme Court, Jan. 2017) (analyzing the enforceability of an arbitration clause in a nursing home contract) (counsel of record and sole author)

*Amici Curiae Brief*, *Meyer v. Uber Technologies*, No. 16-02752 (2d Cir. Dec. 2016) (analyzing the enforceability of an online arbitration clause) (co-signer)

*Amici Curiae Brief*, Breazeale v. Victim Services, Inc., No. 3:14-cv-05266-VC (N.D. Cal., Apr. 2016) (analyzing the enforceability of an arbitration clause used in connection with a diversion program in the criminal justice system) (co-signer)

*Amicus Curiae Brief*, Parallel Networks, LLC v. Jenner & Block LLP, No. 16-0080 (Texas Supreme Court, Mar. 2016) (analyzing a public policy defense as a basis for vacating an arbitrator's award) (counsel of record and sole author)

Opinion, *American Hustle: The Con(stitutionality) of Forced Arbitration*, The Hill (Nov. 5, 2015)

*Amici Curiae Brief of Law Professors*, DIRECTV, Inc. v. Imburgia, No. 14-462 (U.S. Supreme Court, July 2015) (analyzing the role of state arbitration law in connection with the Federal Arbitration Act) (counsel of record and main author) (quoted by Justice Ginsburg in dissenting opinion)

*Outsourcing Justice*, Voir Dire magazine article published by the American Board of Trial Advocates (Spring 2014)

Written testimony submitted to the United States Senate Committee on the Judiciary for the hearing entitled "The Federal Arbitration Act and Access to Justice: Will Recent Supreme Court Decisions Undermine the Rights of Consumers, Workers, and Small Businesses?" (December 2013)

*Amici Curiae Brief of Law Professors*, Bakoss v. Certain Underwriters at Lloyds of London, No. 12-1429 (U.S. Supreme Court, July 2013) (analyzing the Federal Arbitration Act's definition of arbitration) (co-signer)

*Why is Arbitration Legally Binding?*, online article published by George Mason University's History News Network (July 2013)

*Prosecutorial Immunity: Deconstructing Connick v. Thompson*, 13 LOY. J. PUB. INT. L. 1 (2012) (introduction for symposium volume)

*Amicus Curiae Brief*, Corvel v. Southwest Louisiana Hospital Association, No. 05-1330 (W.D. La., November 2010) (analyzing class action arbitration and the legislative history of the Federal Arbitration Act) (sole author)

*Amici Curiae Brief of Law Professors*, Vaden v. Discover Bank, No. 07-773 (U.S. Supreme Court, August 2008) (analyzing the enactment and history of the Federal Arbitration Act and similar state arbitration statutes) (counsel of record and main author)

*Amicus Curiae Brief*, Community State Bank v. Strong, No. 06-11582 (U.S. Court of Appeals for the Eleventh Circuit, rehearing en banc, November 2007) (analyzing the legislative history of the Federal Arbitration Act) (counsel of record and sole author)

*Letting Arbitrators Decide On Class Arbitration May Be Unwarranted*, Los Angeles Daily Journal, Apr. 18, 2006, at p.8

Co-author, *Class Actions: Developments in Life Insurance and Annuity Litigation*, SH028 ALI-ABA 315 (2002)

### **SELECTED PRESENTATIONS AND CONFERENCES**

*The Supreme Court's D.R. Horton Cases* (September 2017) (Supreme Court preview sponsored by the American Constitution Society student chapter at Loyola University New Orleans College of Law)

*Recent Developments in Arbitration Law* (September 2017) (ABA Section of Dispute Resolution, with Professors Ronald Aronovsky, Jill Gross, and Nancy Welsh)

*Seminal Works in Arbitration* (August 2017) (SEALS annual conference, with Prof. Carli Conklin)

*ADR in America* (June 2017) (presentation to foreign attorneys attending Tulane Law School's International Legal Drafting Institute)

*The Evolution of Arbitration Law in America* (March 2017) (CLE presentation, Houston Bar Association)

*Is Arbitration Fair?* (January 2017) (ABA Section of Dispute Resolution, with Professors Sarah Cole and Stephen Ware)

*American Arbitration Law* (January 2017) (presentation at Loyola University to visiting students from Moscow State University)

*The Supreme Court Has Spoken: DIRECTV, Inc. v. Imburgia* (January 2016) (webinar sponsored by the ABA Section of Dispute Resolution, with Professors Jean Sternlight and Stephen Ware)

*The Federal Arbitration Act Through The Lens of History* (November 2015) (panelist, Symposium on Arbitration Procedure, Practice, and Policy in Historical Perspective, hosted by University of Missouri School of Law, Center for the Study of Dispute Resolution)

*Lost in the Fine Print and the Supreme Court's Erroneous Interpretations of the Federal Arbitration Act* (March 2015) (speaker at event hosted by Loyola's Public Interest Law Group, New Orleans, LA)

*The Role of the American Arbitration Association in the Development of Modern Arbitration Law* (webinar for the American Arbitration Association, Winter 2014)

*Historical Perspectives on Arbitration and Arbitration Law* (April 2014) (panelist, ABA Section of Dispute Resolution, Annual Spring Conference, Miami, FL)

*More Than Class Action Killers: The Impact of Concepcion and American Express on Individual Arbitration Proceedings* (February 2014) (panelist, Symposium on Forced Arbitration in the Workplace, hosted by UC Berkeley School of Law and The Employee Rights Advocacy Institute for Law & Policy)

*Litigation Approaches to Prison Reform* (February 2014) (moderator, symposium on prison reform, Loyola University New Orleans College of Law)

*Prosecutorial Immunity: Deconstructing Connick v. Thompson* (November 2011) (symposium organizer and moderator, Loyola University New Orleans College of Law)

*Metadata and Legal Ethics* (September 2008) (CLE presentation, California Western School of Law, San Diego, CA)

*Of Blogs and Dogs: Advertising, Solicitation, and Confidentiality in the Cybage* (October 2006) (CLE presentation, with Professor Ruben Garcia, San Diego County Law Library)

*The Federal Arbitration Act and the Jurisdiction of the Federal Courts* (March 2006) (Western Law Professors of Color Conference, San Diego, CA)

#### **SELECTED MEDIA APPEARANCES**

*Use Amazon, Uber or Walmart.com? You've Probably Signed Away Your Right to Sue Them*, CNN, Feb. 13, 2020, <https://www.cnn.com/2020/02/13/business/binding-arbitration-consumers/index.html>

*Facebook to Argue for Narrowing Notice to Workers in OT Case*, Bloomberg Law, Sept. 27, 2019

*Congress Can Rewrite the Rules on Forced Arbitration*, MarketWatch, Sept. 24, 2019

*Consumers Can't Sue Some of the Biggest Companies in the US*, CNBC, July 12, 2019, <https://www.cnbc.com/2019/07/12/why-you-cant-sue-fortune-100-companies.html>

*81 of the Largest U.S. Companies Won't Let You Take Them to Court*, Time, Feb. 27, 2019, <http://time.com/5538028/consumer-arbitration-agreements/>

*Arbitration Ruling Sends Trucking Companies to State Law Jumble*, Bloomberg Law, Jan. 31, 2019



*Uber Pushed Arbitration Too Far*, Bloomberg BNA, June 28, 2018

*How The Supreme Court Arbitration Ruling Could Impact Civil Rights Cases, Workers And Employers*, New Orleans City Business, June 1, 2018

*How The Supreme Court Is Invoking A 1925 Law To Restrict Workers' Rights Today*, L.A. Times, Baltimore Sun, San Diego Union-Tribune, and several other news outlets, May 23, 2018

*NJ Arbitration Measure On "Collision Course" With Fed. Law*, Law360, Mar. 21, 2018

*Trump Faces Trouble If He Tries to Silence Stormy Daniels, Experts Say*, USA Today and more than two hundred other news outlets, Mar. 8, 2018

*Wells Fargo Urges Reversal of "Too Late" Ruling on Arbitration*, Bloomberg BNA, Mar. 5, 2018

*How the Supreme Court Could Reshape Employment Law*, The Atlantic, Feb. 25, 2018, <https://www.theatlantic.com/politics/archive/2018/02/how-the-supreme-court-could-reshape-employment-law/554009/>

*When You Cannot Sue Your Employer*, The Economist, Jan. 25, 2018, <https://www.economist.com/news/business/21735601-over-half-non-unionised-employees-are-now-covered-mandatory-arbitration-when-you-cannot>

*The Supreme Court's D.R. Horton Arbitration Cases*, Marketplace Morning Report radio broadcast, Oct. 2, 2017, <https://www.marketplace.org/shows/marketplace-morning-report/10022017-markets-edition> (my interview appears on the four-minute mark in the episode titled "The Future of Gun Sales")

*What Everyone Needs to Know About the Heated Battle to Take Away Your Right to Sue Big Companies*, Money, Oct. 2, 2017

*Getting Screwed at Work? The Sneaky Way You May Have Given Up Your Right to Sue*, Money, Sept. 27, 2017

*Equifax Credit Monitoring May Put Your Right To Sue at Risk*, Money, Sept. 8, 2017

*What Trump's Supreme Court Pick Could Mean for Your Consumer Rights*, Money, Mar. 20, 2017

*Neil Gorsuch "Piercingly Textual" and Often Pro-Defense on Class Actions and Arbitration*, National Law Journal, Feb. 28, 2017

*U.S. Supreme Court Questions Validity of Arbitration Agreements for Nursing Homes*, Modern Healthcare, Feb. 23, 2017

*Uber Dispute, Tarnished By Surveillance Claims, Tests Power Of 'Clickwrap' Contracts*, Forbes, Dec. 23, 2016

*If Hillary Wins, Here's How A Liberal Supreme Court May Rule*, Forbes, July 18, 2016

*Supreme Court's DIRECTV Ruling Faces Criticism For Creep Into State Court Proceedings*, Communications Daily, Dec. 15, 2015

*Arbitration vs. Litigation: It's Not An Either-Or Proposition*, Forbes, Nov. 8, 2015

*DIRECTV Supreme Court Case Highlights Arbitration Concerns*, Communications Daily, Oct. 5, 2015

*Highmark Health Joins Push to Take Employee Disputes to Arbitration*, Pittsburgh Post-Gazette, Sept. 20, 2015

*General Mills Says, You Can Like Us and Sue Us*, Marketplace radio broadcast, April 21, 2014 (story about General Mills' retraction of its arbitration policy)

*"Consent is a Fiction" in Consumer Contracts*, Marketplace radio broadcast, April 17, 2014 (story about General Mills' implementation of an arbitration policy)

#### **UNIVERSITY AND LAW SCHOOL SERVICE**

Faculty Advisor, Christian Legal Society (2018-present)

Faculty Advisor, Loyola Journal of Public Interest Law (2011-present)

Faculty Advisor, Loyola Sports and Entertainment Law Society (2015-present)

Law School Online Teaching Committee (2020-present)

University Standing Committee on Online Teaching (2017-present)

University Conflicts of Interest Committee (2020-present)

Law School Library & Technology Committee (2017-present)

University Rank and Tenure Committee (2018-2019)

Law School Special Admissions and Academic Support Committee (2017-2019)

Law School Admissions Committee (2015-2017; 2009-2013)

Law School Budget and Finance Committee (2015-2017)

Law School Academic Petitions Committee (2014-2015)

Ad Hoc University Committee Regarding Online Student Evaluations (2014-2015)

University Faculty Senate (2010-2012)

Law School Faculty Development Committee (2011-2015)

Law School Diversity Committee (2010-2011)

### **COMMUNITY SERVICE**

Advisory Reviewer for the Publications Board of the ABA Section of Dispute Resolution (evaluating book proposals regarding dispute resolution) (2018-present)

Member, Board of Directors, The Employee Rights Advocacy Institute for Law & Policy (2015-2019)

Member, Board of Directors, New Orleans Church of Christ (2012-2019)

Member, Ad Hoc Committee appointed by the United States District Court for the Eastern District of Louisiana to review allegations of attorney misconduct in connection with the BP Oil Spill Litigation (Spring – Summer 2014)

### **BAR ADMISSIONS**

State of New York (New York License Number 3994654)

State of Florida (Florida License Number 538477)

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals for the Seventh Circuit

United States Supreme Court

### **NEUTRAL PANEL AFFILIATIONS**

Financial Industry Regulatory Authority (FINRA) Arbitration Panel

National Futures Association Arbitration Panel