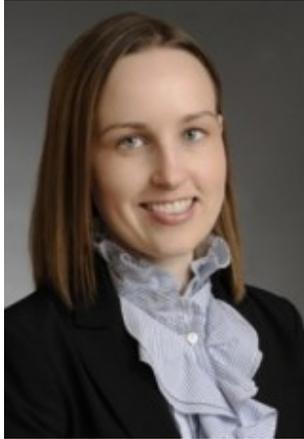


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ABA Publishes Article by Elizabeth Wolicki on Supreme Court Decision Upholding an Arbitrator's Authorization of a Class Action

JULY 23RD, 2013



Elizabeth C. Wolicki

The American Bar Association (ABA) has published an article by [Elizabeth Wolicki](#), an associate at Novack and Macey LLP, on the Supreme Court's decision in *Oxford Health Plans LLC v. Sutter*, 133 S. Ct. 2064 (*Oxford Health*). The article, dated July 23, 2013, appears in the News & Developments section of the ABA's Section of Litigation Alternative Dispute Resolution website.

"In [*Oxford*]," Ms. Wolicki wrote, "the Supreme Court reaffirmed the limited nature of judicial review of arbitrators' decisions in upholding an arbitrator's decision to authorize class arbitration in the face of a silent arbitration clause."

The Supreme Court found the "sole question" to be "whether the arbitrator (even arguably) interpreted the parties' contract, not whether he got its meaning right or wrong," Ms. Wolicki explained. "The Supreme Court then found that the arbitrator's decisions were 'through and through,' interpretations of the parties' agreement. The Supreme Court focused on the fact that the arbitrator carefully considered the language of the parties' contract and determined whether it reflected an agreement to allow for class arbitration."

Ms. Wolicki concluded: "Following the *Oxford Health* decision, should parties wish to avoid the potential for class arbitration, it would be wise to explicitly prohibit such in the arbitration agreement. It will be interesting to see whether the Supreme Court has the occasion in the future to address the arbitrability issue as well as any *res judicata* issues that could occur from class arbitration decisions."

Earlier this year, the ABA's Section of Litigation Alternative Dispute Resolution website published an article by Elizabeth Wolicki on foreign arbitration panels.

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