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Time To Update Your Arbitration Agreements

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A recent decision rendered by the United States Court of Appeals for the Fifth Circuit illustrates why it is important for employers to update their arbitration provisions to reflect the most recent changes in the law. In *Holmes v. Air Liquide USA, L.L.C., et al.*, No. 12-20129 (5th Cir. Nov. 26, 2012), the Fifth Circuit rejected a creative argument made by the plaintiff that certain provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank") invalidate all broadly-worded arbitration provisions. While the plaintiff was unsuccessful, this decision demonstrates why employers must periodically review and update their arbitration agreements.