
To the Editor:

Your article illustrated how the Supreme Court’s recent arbitration rulings have eviscerated the notions of fairness and due process for average people trying to vindicate their consumer, employment or other individual rights.

In unionized workplaces, where most collective bargaining agreements require the arbitration of workplace disputes, the system has a history of working well and fairly because the parties negotiating those agreements — employers and unions — have roughly equal bargaining power and sophistication. The same is true of high-level business executives, sports stars and other celebrities negotiating employment agreements, where both sides are represented by experts.

But where arbitration agreements are hidden in the fine print of, for example, credit card applications, even if consumers are aware of the arbitration clauses (unlikely), they have virtually no bargaining power to change it.

Senator Al Franken has sponsored an Arbitration Fairness Act to correct the Supreme Court’s errors. Perhaps your article will light a fire under members of Congress to level the playing field.

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