

## **Avery Katz**

Milton Handler Professor of Law and Vice Dean, Columbia Law School

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### Abstract

Due to recent developments in case law, the movement toward arbitration is among the most important developments in contract law today. The trend toward arbitration has the potential to erode state law limitations on consumer protection and federalize contract law. It may also impact the development of legal systems. While recent case law, including the *Concepcion* and *American Colors* decisions, keeps the debate alive, it is unclear whether this trend will continue. In the meantime, outside factors, like reputation and publicity, are playing a role in limiting the use of mandatory arbitration.