

Law360 Quotes Partner Joseph A. Boyle on Supreme Court's Federal Arbitration Act Ruling

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Partner [Joseph A. Boyle](#) was quoted in the *Law360* article "Attys React To Supreme Court's DirecTV Arbitration Decision." On Monday, the U.S. Supreme Court held in a 6-3 ruling that state laws hostile to class action waivers cannot circumvent the Federal Arbitration Act. The court denied a consumer class action over DirecTV's early termination fees, reversing a California court ruling and signaling to states that there is no getting around the federal preference for arbitration. Boyle said, "This decision is a resounding reaffirmation of the Supreme Court's landmark *Concepcion* holding that the FAA preempts state laws prohibiting waiver of class actions in arbitration agreements. Importantly, while *Concepcion* was a 5-4 decision, *DirecTV* was decided 6-3, and would have been 7-2 had Justice Thomas not dissented. Justice Thomas' dissent was very brief and done only because he believes the FAA does not apply in state court, and not because he thought *Concepcion* was wrong. Thus, *Concepcion* now has a broader level of acceptance at the Supreme Court than when it was decided. This is made all the more important by virtue of the fact that the *DirecTV* decision noted that *Concepcion* was a closely divided case, with which lower courts are free to note their disagreement, but that the judges of every state are bound by it. Thus, this decision is both a strong affirmation of *Concepcion* and a stern rejection of courts attempting to avoid *Concepcion*'s broad holding."

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