

Solicitor General Reviewing Government's Position in Class Action Waivers Cases

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Last week, the Supreme Court extended the deadline for initial briefs from April 28, 2017 to June 9, 2017 in three consolidated cases raising the issue whether arbitration agreements between individual employees and their employers that bar the employees from pursuing work-related claims on a collective or class basis are lawful under the National Labor Relations Act. *Epic Systems Corp. v. Lewis*, No. 16-285; *Ernst & Young LLP, et al. v. Morris, et al.*, No. 16-300; *National Labor Relations Board v. Murphy Oil USA, Inc., et al.*, No. 16-307. The Court granted the extension pursuant to a request by the Acting Solicitor General of the United States.

Raising the possibility the government may decide to change its position on whether such agreements are unlawful, in his request, the Acting Solicitor General wrote, “[T]he current briefing schedule is no longer adequate for the government [because] . . . [t]he Acting Solicitor General is engaged in a process of reviewing the position of the United States in these cases” and that he “must . . . consult with new leadership within the government.”

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