

IMRE STEPHEN SZALAI

Loyola University College of Law • 7214 St. Charles Ave., Campus Box 901
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EDUCATION

COLUMBIA UNIVERSITY SCHOOL OF LAW, J.D., 1999

Honors: Harlan Fiske Stone Scholar

Activities: Member, *Columbia Human Rights Law Review*

YALE UNIVERSITY, B.A., 1996, Double-Major in Classical Civilizations and Economics

Activities: Yale Fencing Team (sabre and epee)

ACADEMIC APPOINTMENTS

LOYOLA UNIVERSITY COLLEGE OF LAW, New Orleans, LA

Judge John D. Wessel Distinguished Professor of Social Justice, 2015 to present

Associate Professor of Law, 2009 to 2015 (tenure granted 2013)

TULANE UNIVERSITY LAW SCHOOL, New Orleans, LA

Visiting Professor of Law, Fall 2016

CALIFORNIA WESTERN SCHOOL OF LAW, San Diego, CA

Associate Professor, 2007 to 2009

Assistant Professor, 2005 to 2007

Visiting Fellow, 2003 to 2005

COURSES TAUGHT

Civil Procedure, Professional Responsibility, Arbitration Law and Practice, Torts, Antitrust, Introduction to Legal Analysis, Scholarly Writing Seminar

PRIOR LEGAL EXPERIENCE

JORDEN BURT LLP, Miami, FL (now Carlton Fields)

Litigation Associate, 2001 to 2003

Experience in complex commercial litigation, including:

- Successfully represented clients in the financial services industry in both state and federal class action litigation;
- Drafted briefs, motions, and pleadings for every stage of litigation; and
- Litigated several issues regarding the Federal Arbitration Act

AXINN, VELTROP & HARKRIDER, LLP, New York, NY

Associate, 1999 to 2001, Summer 1998

Experience in antitrust counseling and complex commercial litigation, including:

- Represented corporate clients in both federal and state government antitrust investigations regarding mergers, price-fixing, monopolization, and other anticompetitive acts;
- Counseled corporate clients regarding antitrust implications of their pricing and distribution policies;
- Assisted corporate clients in the airline, pharmaceutical, music, telecommunications, publishing, professional sports, and manufacturing industries by assessing potential antitrust claims;
- Drafted briefs, motions, and pleadings for commercial litigation;
- Analyzed potential divestitures for clients contemplating mergers; and
- Prepared Hart-Scott-Rodino filings for mergers

COLUMBIA LAW SCHOOL FAIR HOUSING CLINIC, New York, NY

Research Assistant, Summer 1997

- Researched various issues regarding fair housing statutes and other anti-discrimination laws for Professors Mary Zulack and Conrad Johnson;
- Updated and maintained electronic materials for use in clinical program to teach law students about civil rights litigation; and
- Helped prepare successful fair housing lawsuit

PUBLICATIONS AND WORKING PAPERS

BOOKS

DISCUSSIONS IN DISPUTE RESOLUTION, contributing author (forthcoming 2019)

OUTSOURCING JUSTICE: THE RISE OF MODERN ARBITRATION LAWS IN AMERICA, Carolina Academic Press (2013)

- Reviewed by Professor Benjamin Davis, ABA Dispute Resolution Magazine (Fall 2013)
- Reviewed by Professor Hiro Aragaki, Indisputably ADR Professor Blog (June 2013), <http://www.indisputably.org/?p=4808>
- Reviewed by Mateus Aimoré Carreteiro, 43 REVISTA BRASILEIRA DE ARBITRAGEM 224 (2014)

ARTICLES

Reconciling Fault Lines in Arbitration and Redefining Arbitration Through the Broader Lens of Procedure, __ NEV. L. J. __ (forthcoming 2018) (invited symposium contribution)

The Consent Amendment: Restoring Consent and Respect for Human Dignity in America's Civil Justice System, 23 VA. J. SOC. POL'Y & L. 196 (2017)

DIRECTV, Inc. v. Imburgia: How The Supreme Court Used A Jedi Mind Trick To Turn Arbitration Law Upside Down, 32 OHIO ST. J. ON DISP. RESOL. 1 (2017)

The Federal Arbitration Act Through The Lens of History, 2016 J. DISP. RESOL. 115 (invited symposium contribution)

A Constitutional Right to Discovery? Defining Due Process Norms Through the Procedural Laboratory of Arbitration, 15 PEPP. DISP. RESOL. L. J. 337 (2015)

More Than Class Action Killers: The Impact of Concepcion and American Express on Individual Arbitration Proceedings, 35 BERKELEY J. EMP. & LAB. L. 31 (2014) (invited symposium contribution)

Correcting a Flaw in the Arbitration Fairness Act, 2013 J. DISP. RESOL. 271

An Obituary for the Federal Arbitration Act: An Older Cousin to Modern Civil Procedure, 2010 J. DISP. RESOL. 391

Modern Arbitration Values and the First World War, 49 AM. J. LEGAL HIST. 355 (2009) (peer reviewed)

Aggregate Dispute Resolution: Class and Labor Arbitration, 13 HARV. NEGOT. L. REV. 399 (2008)

The Federal Arbitration Act and the Jurisdiction of the Federal Courts, 12 HARV. NEGOT. L. REV. 319 (2007)

The New ADR: Aggregate Dispute Resolution and Green Tree Financial Corp. v. Bazzle, 41 CAL. W. L. REV. 1 (2004)

OTHER WRITING

Founder and Blogger, www.outsourcingjustice.com (blog regarding arbitration law developments) (2013 to present)

Empirical Report on the Widespread Use of Workplace Arbitration Among America's Top 100 Companies, published through the Employee Rights Advocacy Institute for Law & Policy (Sept. 2017)

Amici Curiae Brief, *Youssofi v. Credit One Financial Corp.*, No. 17-55275 (9th Cir. July 2017) (analyzing the intersection of the Federal Arbitration Act and the First Amendment) (co-signer)

Arbitration's Impact on the Civil Justice System (providing summary of arbitration law and its impact on the enforcement of consumer and employee rights, as well as suggested questions for confirmation hearings), submitted on behalf of the National Employment Lawyers Association to members of the Senate Judiciary Committee in preparation for the confirmation hearings of Supreme Court nominee Neil M. Gorsuch (March 2017)

Arbitration Law and Class Actions (providing summary of arbitration law's impact on class actions as well as an analysis of arbitration issues the Supreme Court is likely to face in the future), submitted on behalf of the American Constitution Society for Law & Policy to members of the Senate Judiciary Committee in preparation for the confirmation hearings of Supreme Court nominee Neil M. Gorsuch (March 2017)

Amicus Curiae Brief, *Kindred Nursing Centers Limited Partnership. v. Clark*, No. 16-32 (U.S. Supreme Court, Jan. 2017) (analyzing the enforceability of an arbitration clause in a nursing home contract) (counsel of record and sole author)

Amici Curiae Brief, *Meyer v. Uber Technologies*, No. 16-02752 (2d Cir. Dec. 2016) (analyzing the enforceability of an online arbitration clause) (co-signer)

Amici Curiae Brief, *Breazeale v. Victim Services, Inc.*, No. 3:14-cv-05266-VC (N.D. Cal., Apr. 2016) (analyzing the enforceability of an arbitration clause used in connection with a diversion program in the criminal justice system) (co-signer)

Amicus Curiae Brief, *Parallel Networks, LLC v. Jenner & Block LLP*, No. 16-0080 (Texas Supreme Court, Mar. 2016) (analyzing a public policy defense as a basis for vacating an arbitrator's award) (counsel of record and sole author)

Opinion, *American Hustle: The Con(stitutionality) of Forced Arbitration*, *The Hill* (Nov. 5, 2015)

Amici Curiae Brief of Law Professors, *DIRECTV, Inc. v. Imburgia*, No. 14-462 (U.S. Supreme Court, July 2015) (analyzing the role of state arbitration law in connection with the Federal Arbitration Act) (counsel of record and main author) (quoted by Justice Ginsburg in dissenting opinion)

Outsourcing Justice, *Voir Dire* magazine article published by the American Board of Trial Advocates (Spring 2014)

Written testimony submitted to the United States Senate Committee on the Judiciary for the hearing entitled “The Federal Arbitration Act and Access to Justice: Will Recent Supreme Court Decisions Undermine the Rights of Consumers, Workers, and Small Businesses?” (December 2013)

Amici Curiae Brief of Law Professors, Bakoss v. Certain Underwriters at Lloyds of London, No. 12-1429 (U.S. Supreme Court, July 2013) (analyzing the Federal Arbitration Act’s definition of arbitration) (co-signer)

Why is Arbitration Legally Binding?, online article published by George Mason University’s History News Network (July 2013)

Prosecutorial Immunity: Deconstructing Connick v. Thompson, 13 LOY. J. PUB. INT. L. 1 (2012) (introduction for symposium volume)

Amicus Curiae Brief, Corvel v. Southwest Louisiana Hospital Association, No. 05-1330 (W.D. La., November 2010) (analyzing class action arbitration and the legislative history of the Federal Arbitration Act) (sole author)

Amici Curiae Brief of Law Professors, Vaden v. Discover Bank, No. 07-773 (U.S. Supreme Court, August 2008) (analyzing the enactment and history of the Federal Arbitration Act and similar state arbitration statutes) (counsel of record and main author)

Amicus Curiae Brief, Community State Bank v. Strong, No. 06-11582 (U.S. Court of Appeals for the Eleventh Circuit, rehearing en banc, November 2007) (analyzing the legislative history of the Federal Arbitration Act) (counsel of record and sole author)

Letting Arbitrators Decide On Class Arbitration May Be Unwarranted, Los Angeles Daily Journal, Apr. 18, 2006, at p.8

Co-author, *Class Actions: Developments in Life Insurance and Annuity Litigation*, SH028 ALI-ABA 315 (2002)

SELECTED PRESENTATIONS AND CONFERENCES

The Supreme Court’s D.R. Horton Cases (September 2017) (Supreme Court preview sponsored by the American Constitution Society student chapter at Loyola University New Orleans College of Law)

Recent Developments in Arbitration Law (September 2017) (webinar sponsored by the ABA Section of Dispute Resolution, with Professors Ronald Aronovsky, Jill Gross, and Nancy Welsh)

Seminal Works in Arbitration (August 2017) (SEALS annual conference, with Prof. Carli Conklin)

ADR in America (June 2017) (presentation to foreign attorneys attending Tulane Law School's International Legal Drafting Institute)

The Evolution of Arbitration Law in America (March 2017) (CLE presentation, Houston Bar Association)

Is Arbitration Fair? (January 2017) (webinar sponsored by the ABA Section of Dispute Resolution, with Professors Sarah Cole and Stephen Ware)

American Arbitration Law (January 2017) (presentation at Loyola University to visiting students from Moscow State University)

The Supreme Court Has Spoken: DIRECTV, Inc. v. Imburgia (January 2016) (webinar sponsored by the ABA Section of Dispute Resolution, with Professors Jean Sternlight and Stephen Ware)

The Federal Arbitration Act Through The Lens of History (November 2015) (panelist, Symposium on Arbitration Procedure, Practice, and Policy in Historical Perspective, hosted by University of Missouri School of Law, Center for the Study of Dispute Resolution)

Lost in the Fine Print and the Supreme Court's Erroneous Interpretations of the Federal Arbitration Act (March 2015) (speaker at event hosted by Loyola's Public Interest Law Group, New Orleans, LA)

The Role of the American Arbitration Association in the Development of Modern Arbitration Law (webinar for the American Arbitration Association, Winter 2014)

Historical Perspectives on Arbitration and Arbitration Law (April 2014) (panelist, ABA Section of Dispute Resolution, Annual Spring Conference, Miami, FL)

More Than Class Action Killers: The Impact of Concepcion and American Express on Individual Arbitration Proceedings (February 2014) (panelist, Symposium on Forced Arbitration in the Workplace, hosted by UC Berkeley School of Law and The Employee Rights Advocacy Institute for Law & Policy)

Litigation Approaches to Prison Reform (February 2014) (moderator, symposium on prison reform, Loyola University New Orleans College of Law)

Prosecutorial Immunity: Deconstructing Connick v. Thompson (November 2011) (symposium organizer and moderator, Loyola University New Orleans College of Law)

Metadata and Legal Ethics (September 2008) (CLE presentation, California Western School of Law, San Diego, CA)

Of Blogs and Dogs: Advertising, Solicitation, and Confidentiality in the Cybage (October 2006) (CLE presentation, with Professor Ruben Garcia, San Diego County Law Library)

The Federal Arbitration Act and the Jurisdiction of the Federal Courts (March 2006) (Western Law Professors of Color Conference, San Diego, CA)

SELECTED MEDIA APPEARANCES

The Supreme Court's D.R. Horton Arbitration Cases, Marketplace Morning Report radio broadcast, Oct. 2, 2017, <https://www.marketplace.org/shows/marketplace-morning-report/10022017-markets-edition> (my interview appears on the four-minute mark in the episode titled "The Future of Gun Sales")

What Everyone Needs to Know About the Heated Battle to Take Away Your Right to Sue Big Companies, Money, Oct. 2, 2017

Getting Screwed at Work? The Sneaky Way You May Have Given Up Your Right to Sue, Money, Sept. 27, 2017

Equifax Credit Monitoring May Put Your Right To Sue at Risk, Money, Sept. 8, 2017

What Trump's Supreme Court Pick Could Mean for Your Consumer Rights, Money, Mar. 20, 2017

Neil Gorsuch "Piercingly Textual" and Often Pro-Defense on Class Actions and Arbitration, National Law Journal, Feb. 28, 2017

U.S. Supreme Court Questions Validity of Arbitration Agreements for Nursing Homes, Modern Healthcare, Feb. 23, 2017

Uber Dispute, Tarnished By Surveillance Claims, Tests Power Of 'Clickwrap' Contracts, Forbes, Dec. 23, 2016

If Hillary Wins, Here's How A Liberal Supreme Court May Rule, Forbes, July 18, 2016

Supreme Court's DIRECTV Ruling Faces Criticism For Creep Into State Court Proceedings, Communications Daily, Dec. 15, 2015

Arbitration vs. Litigation: It's Not An Either-Or Proposition, Forbes, Nov. 8, 2015

DIRECTV Supreme Court Case Highlights Arbitration Concerns, Communications Daily, Oct. 5, 2015

Highmark Health joins push to take employee disputes to arbitration, Pittsburgh Post-Gazette, Sept. 20, 2015

General Mills says, you can like us and sue us, Marketplace radio broadcast, April 21, 2014 (story about General Mills' retraction of its arbitration policy)

'Consent is a fiction' in consumer contracts, Marketplace radio broadcast, April 17, 2014 (story about General Mills' implementation of an arbitration policy)

UNIVERSITY AND LAW SCHOOL SERVICE

Faculty Advisor, Loyola Journal of Public Interest Law (2011-present)

Faculty Advisor, Loyola Sports and Entertainment Law Society (2015-present)

University Online Teaching Committee (2017-present)

Law School Library & Technology Committee (2017-present)

Law School Special Admissions and Academic Support Committee (2017-present)

Law School Admissions Committee (2015-2017; 2009-2013)

Law School Budget and Finance Committee (2015-2017)

Law School Academic Petitions Committee (2014-2015)

Ad Hoc University Committee Regarding Online Student Evaluations (2014-2015)

University Faculty Senate (2010-2012)

Law School Faculty Development Committee (2011-2015)

Law School Diversity Committee (2010-2011)

EXPERT TESTIMONY

Henry v. New Orleans Louisiana Saints, L.L.C., No. 15-cv-5971 (E.D. La. March 2016)
(expert declaration analyzing the selection of an arbitrator and the NFL's arbitration clause governing employment disputes)

Githieya v. Global Tel*Link Corporation, No. 1:15-CV-00986 (N.D. Ga. July 2015)
(expert declaration regarding arbitration procedure and costs)

COMMUNITY SERVICE

Member, Board of Directors, The Employee Rights Advocacy Institute for Law & Policy (public interest organization and think tank founded by the National Employment Lawyers Association) (2015-present)

Member, Board of Directors, New Orleans Church of Christ (2012-present)

Member, Ad Hoc Committee appointed by the United States District Court for the Eastern District of Louisiana to review allegations of attorney misconduct in connection with the BP Oil Spill Litigation (Spring – Summer 2014)

BAR ADMISSIONS

United States Supreme Court
United States Court of Appeals for the Fifth Circuit
United States Court of Appeals for the Seventh Circuit
State of New York
State of Florida

NEUTRAL PANEL AFFILIATIONS

Financial Industry Regulatory Authority (FINRA) Arbitration Panel