

CLASS ARBITRATION IN THE UNITED STATES

Jorge Lucas Oliveira e Lopes. Third-term law student at FAE Centro Universitário. Scholarship student for the Programa de Apoio à Iniciação Científica (PAIC 2021-2022). Guilherme Lehi de Souza Gaertner. Third-term law student at FAE Centro Universitário. Volunteer student for the Programa de Apoio à Iniciação Científica (PAIC 2021-2022). Cristina Bichels Leitão. Master of law at Universidade Federal do Paraná. Professor at FAE Centro Universitário.

Contact information: jorge.lobes@mail.fae.edu
gaertner.guilherme@mail.fae.edu
cristina.l@fae.edu

ABSTRACT

Arbitration is a private method of resolving disputes that takes place out of traditional courts, according to the decisions of the parties involved in each dispute. An arbitrator or an arbitral tribunal is selected by them to provide a binding decision. Class arbitration is a form of arbitration, but it is commenced by a class representative who is responsible for their own claims or of those involved in a similar context as class members. This inductive research aims to condense and analyze five ruled cases concerning the legitimacy of class arbitration in relation to the controversial awards passed by the American highest court in arbitration terms to infer the potential applicability of such legal framework in the Brazilian justice system.

Keywords: Arbitration. Class Arbitration. Supreme Court of the United States