

EMBARGOED UNTIL 11 JUNE 2018 AT 9:00 ET

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MAJOR LAW FIRMS USE FORCED ARBITRATION TO HIDE WORKPLACE ABUSES LIKE SEXUAL HARASSMENT, NEW SURVEY SAYS

The survey asked firms whether they require associates to sign forced arbitration agreements waiving their right to sue over illegal treatment

Cambridge, MA — The nation’s top law schools have released the results of a survey assessing which law firms recruiting on campus require new associates to sign forced arbitration agreements and non-disclosure agreements (NDAs) related to workplace misconduct, including sexual harassment. [The survey](#), which focused on both summer and post-graduate associate positions was issued by [fifty law schools](#) in response to [widespread student concern](#) about discrimination, including sexual harassment, in summer and post-graduate jobs.

The survey results reveal that some of the nation’s largest and most prestigious law firms are still pushing forced arbitration agreements on new associates. Forced arbitration agreements effectively require employees to sign away their right to seek redress in court if they experience illegal treatment at work. The restrictive provisions often cover a broad range of employment-related claims, including sexual harassment and all other forms of discrimination — forcing allegations of workplace misconduct into secretive proceedings that [favor employers over victims](#).

Due to outcry [from law students](#), [faculty](#), and other members of the legal community, several major firms announced that they [dropped forced arbitration clauses](#) from their contracts. Today’s results show that other top-tier firms, like O’Melveny & Myers, have also reversed course. But other top firms, such as Paul Hastings and Gibson, Dunn & Crutcher, are persisting with their policy of forcing employees to sign mandatory arbitration contracts— at least for now. Latham & Watkins, by contrast, explained that it is fundamentally opposed to forced arbitration for “all persons at our workplace,” a policy that is key to their mission of providing “a work environment that is free from all forms of unlawful harassment and discrimination.”

Molly Coleman, a rising second-year law student at Harvard Law School, was disappointed by the firms who chose not to respond. “Almost half of the firms who received the survey—nearly two hundred—have decided to hide behind a wall of secrecy. Especially in the #MeToo era, we are disheartened that they are unwilling to take a simple step to engage on this important issue.” For example, Kirkland & Ellis [reportedly requires employees to arbitrate](#), but failed to respond.

Most students get firm jobs through their school's highly structured recruitment process. Students across the nation's top law schools noted today that disclosure of forced arbitration agreements was only a first step, with some [continuing to call on](#) their schools to require all employers recruiting on campus to drop forced arbitration agreements entirely. Given heavy student loan debt, firm secrecy, and fear of retribution, many students feel that they simply have no meaningful power of choice individually.

Ata Akiner, a student entering his final year at Georgetown Law explained, "The career development offices at our schools give firms access to highly talented and sought-after candidates. Every law school's paramount responsibility is to ensure the well-being and safety of students before and after graduation. This nationwide student coalition will ensure that our schools fulfill that obligation."

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