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# SCOTUS Displays Short Memory in Rejecting the Prejudice Requirement for Waivers of the Right to Arbitrate

*The Arbitrator*

September 19, 2022

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In *Morgan v. Sundance, Inc.*, — S. Ct. —, No. 21-328, 2022 WL 1611788 (May 23, 2022), the Supreme Court rejected the arbitration-specific rule requiring a finding of prejudice for a waiver of the right to arbitrate – a rule long in place in most circuits to promote the pro-arbitration policy of the Federal Arbitration Act (FAA) – on the ground that an arbitration contract should be treated like any other contract.

## Related People

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