

[Date]

[Client Name]

[Client Address]

[City, State, Zip Code]

**Re: Legal Advisory regarding Enforceability of Arbitration Agreement and Class Action Waiver**

Dear [Client Name],

As requested, this letter provides a formal advisory regarding the enforceability of the arbitration agreement and class action waiver contained within your [Employment Contract/Service Agreement/Terms of Use].

**1. Arbitration Mandate**

The agreement stipulates that all legal disputes arising out of your relationship with [Counterparty Name] must be resolved through binding individual arbitration rather than in a court of law. This effectively waives the right to a jury trial.

**2. Class Action Waiver**

The agreement contains a "class action waiver." Under current federal and state jurisprudence—specifically following precedents established by the U.S. Supreme Court—such waivers are generally enforceable. This means you are prohibited from participating in or leading a class, collective, or representative action.

**3. Enforceability Factors**

While generally upheld, enforceability depends on several factors, including:

- **Procedural Unconscionability:** Whether the agreement was presented on a "take-it-or-leave-it" basis or if there was a meaningful choice.
- **Substantive Unconscionability:** Whether the terms are overly one-sided or impose excessive arbitration fees that would deter a claimant.
- **Clear Language:** Whether the waiver was conspicuous and easily understood by the average person.

**4. Specific Exceptions**

Please be advised that certain claims, such as those involving sexual assault or sexual harassment, may be exempt from mandatory arbitration under recent federal legislation (e.g., the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act).

**Conclusion**

Based on our review of the document and current law, the arbitration agreement is likely [Enforceable/Unenforceable]. We recommend [Action Item] before proceeding with any legal filings.

Sincerely,

[Your Name/Law Firm Name]

[Contact Information]