

Do Arbitration Agreements Between Nursing Homes and Patients Violate Public Policy-- or Are They Enforceable Under the FAA?

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PREVIEW of United States Supreme Court Cases

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Pullman & Comley attorney Elliott B. Pollack authored the case study "Do Arbitration Agreements Between Nursing Homes and Patients Violate Public Policy-- or Are They Enforceable Under the FAA?" for the American Bar Association's 2017 publication *PREVIEW of United States Supreme Court Cases*.

Elliott's legal analysis discusses the following issue: *The Federal Arbitration Act (FAA) provides for enforcement of arbitration agreements in a "contract evidencing a transaction involving commerce" in the district court. A nursing home sought to enforce arbitration agreements signed by the (now deceased) residents' family members as the residents' attorneys-in-fact. The Kentucky Supreme Court's conclusion in the first case that the power of attorney did not confer that authority on the attorney-in-fact and, in the second case, that the patient's intent to confer that specific authority could not be reasonably inferred from the document due to overriding policy considerations are the subjects of this certiorari proceeding.*

To read the entire case study, please click on the attached PDF below.

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