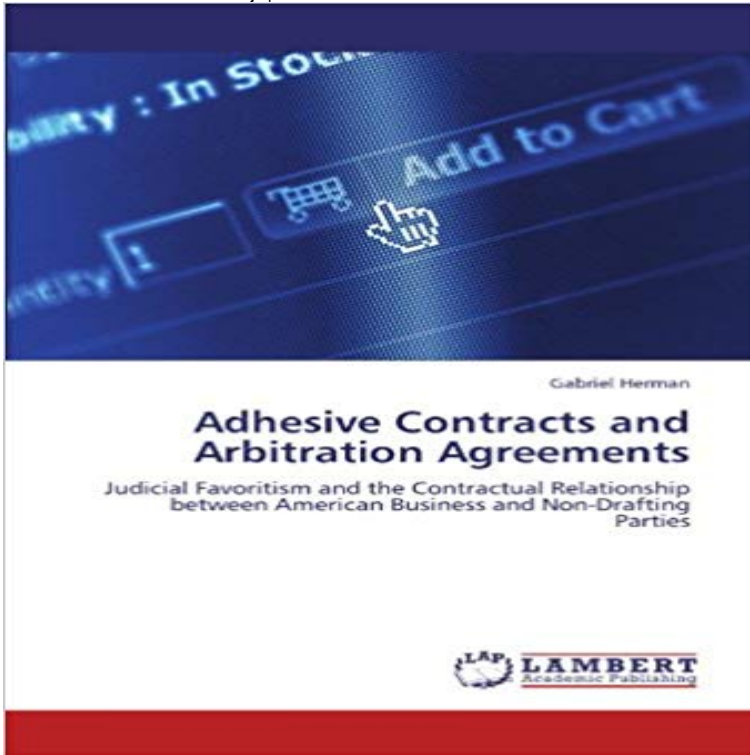


Adhesive Contracts and Arbitration Agreements: Judicial Favoritism and the Contractual Relationship between American Business and Non-Drafting Parties



During the last century, dominating economic interest sparked an evolution of American contracting practices. Mass-market industries, including cell phone carriers, car industries, and hospitals enacted contractual practices that facilitated business agreements with thousands while judicial rulings empowered business interests. Today, businesses contract from a position of such superior bargaining power that the American non-drafting party is vulnerable to victimization. The contractual relationship between empowered businesses and non-drafting consumers is the focus of this book. Through the analysis of judicial and legislative history, this note will explore where subversive contracts exist in society and what consumers need to be conscious of when contracting. This discussion will argue for the adoption of protectionary measures to shield consumers from overly empowered business contracts.

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