NEWS RELEASES

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Husch Blackwell Prevails for Aerotek in Enforcing Electronically-Executed Arbitration Agreements

TEXAS HIGH COURT CONFIRMS ELECTRONIC SIGNATURES ARE VALID ON ARBITRATION AGREEMENTS

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Husch Blackwell secured a victory for Aerotek, Inc. in an appeal to the Supreme Court of Texas when the Court ruled 8-1 that electronic signatures were valid to compel arbitration of employment discrimination claims brought by four former temporary workers. The Court said the electronic attribution system verifying the former employees' signatures was sufficient to "conclusively establish" that the workers had in fact signed the arbitration agreements.

At the trial court level, each of the workers admitted completing and submitting, electronically, their employment onboarding documents. However, they denied that an arbitration provision was included in the onboarding documents they executed. In response, the Husch Blackwell team provided a comprehensive demonstration of the Aerotek onboarding system and proved that the arbitration agreement was included and that it was not possible to have completed and submitted the paperwork without executing the arbitration agreement.

Despite the evidence presented by Aerotek, in March 2018, a Dallas County trial judge denied Aerotek's motion to compel arbitration, and the Fifth Court of Appeals confirmed ruling in August 2019.

"The outcome is not only significant to our client, but businesses throughout Texas," said Husch Blackwell partner Bill Corum, who led Aerotek's litigation effort. "Had this case not been overturned, any agreement with an electronic

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signature subject to review in Texas, could be effectively voided simply by one party denying the presence of a key paragraph, sentence, or term of the agreement. Fortunately, the Texas Supreme Court understood this, and the massive problems that would create for people and businesses in Texas."

The Husch Blackwell team included Corum, Chalon Clark and Jeffery Nobles.

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