
Copyright © 2008 by the University of Michigan Journal of Law Reform. All rights reserved. Except where otherwise expressly indicated, copies of scholarship printed in the University of Michigan Journal of Law Reform may be made for course use in any public or private institution of learning provided that (1) copies are distributed at or below cost, (2) the author and the University of Michigan Journal of Law Reform are identified on the copies, and (3) proper notice of copyright is affixed to each copy.


University of Michigan Journal of Law Reform
University of Michigan Law School
625 S. State Street
Ann Arbor, MI 48109-1215
Telephone: (734) 763-6100
http://students.law.umich.edu/mjlr/

Publication Policy

The Journal seeks to improve the law and its administration by providing a forum for discussion that identifies contemporary issues for reform efforts, proposes concrete means to accomplish change, and evaluates the impact of law reform. As contributions to this discussion, the Journal also welcomes multidisciplinary and empirical work.

We encourage the submission of unsolicited manuscripts for publication. Each manuscript should be typed, double-spaced and sent to the Editor in Chief at the above address or e-mailed to jlr-submissions@umich.edu. Articles should generally conform to The Bluebook: A Uniform System of Citation (18th ed. 2005) and The Chicago Manual of Style (15th ed. 2003). We regret that we cannot return submitted articles unless they are accompanied by a self-addressed postage-paid envelope.

Views expressed in the Journal are those of the authors and not necessarily those of the editorial staff.

Subscriptions

The current subscription rate is $35.00 domestic and $40.00 foreign. All business inquiries should be made to (734) 763-6100. Subscribers should report the nonreceipt of copies within six months of the mailing date.

Individual and Back Issues

Copies of individual issues from the current volume can be obtained directly from the Journal for $15.00 each.

Back issues in complete sets, volumes, or single issues can be obtained from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209—Telephone (716) 882-2500. The Journal is also available on microfilm through ProQuest, 300 North Zeeb Road, Ann Arbor, Michigan 48106-1346—Telephone (800) 521-0600. Back issues are also available in PDF format through HeinOnline at http://heinonline.org.

Indexes

The Journal is indexed in the Current Law Index, Index to Legal Periodicals, Legal Resource Index, and PAIS Bulletin.

ISSN 0033-1546
ANNOUNCEMENT OF AWARDS

SARAH HONIGMAN MEMORIAL AWARD

This award has been given to Amy L. Cocuzza, Editor in Chief of Volume 42 of the University of Michigan Journal of Law Reform, in recognition of her superior scholastic record, effective leadership, and outstanding contribution to the Journal.

LOUIS HONIGMAN MEMORIAL AWARD

This award has been given to Steven Babinski and Alan W. Krantz for significant contributions to the University of Michigan Journal of Law Reform during their junior and senior years.

RAYMOND K. DYKEMA SCHOLARSHIP AWARD

This award has been given to Robert E. Kim and Roger P. Meyers for significant contributions to the University of Michigan Journal of Law Reform during their junior year and in recognition of qualifications that indicate the likelihood of future contributions to the legal profession.

E. BLYTHE STASON AWARD

This award has been given to Monica Costello, author of the best student contribution to Volume 41 of the University of Michigan Journal of Law Reform.
UNIVERSITY OF MICHIGAN LAW SCHOOL
Summer 2008
Administrative Officers
MARY SUE COLEMAN, B.A., PH.D., President of the University
TERESA A. SULLIVAN, B.A., PH.D., Provost and Executive Vice President for Academic Affairs
Evan H. Caminker, B.A., J.D., Dean
KYLE D. LOGUE, B.A., J.D., Associate Dean for Academic Affairs
BRIDGET M. MCCORMACK, B.A., J.D., Associate Dean for Clinical Affairs
VIRGINIA B. GORDAN, B.A., J.D., Assistant Dean for International Affairs
DAVID H. BAUM, B.A., J.D., Assistant Dean for Student Affairs
KATHERINE B. GOTTESCHALK, B.A., Assistant Dean for Financial Aid
SUSAN M. GUNTHER, B.A., J.D., Assistant Dean for Career Services
SARAH C. ZEARFOSS, A.B., J.D., Assistant Dean and Director of Admissions
CHRISTINE GREGORY, B.A., J.D., Assistant Dean for Student Affairs

Professors Emeriti of Law
LAYMAN E. ABBEN, A.B., M.P.A., LL.B.
DAVID L. CUESTER, A.B., LLB., Watk H. McCrum, Colleague Professor of Law
ALFRED F. CONARD, A.B., LLB., LLL., J.D., LL.D., Henry M. Butzel Professor of Law
LUKE K. COOPE-RRIDER, B.S., J.D.
ROBERT W. FLEMING, B.A., LLB., LL.D.
JEROLD H. ISRAEL, B.B.A., LL.B., Alme and Allan F. Smith Professor of Law
JOHN H. JACKSON, B.A., J.D., Hessel E. Yntema Professor of Law
CHARLES W. JOINER, A.B., J.D.

Professors of Law
REUVEN S. AVI-YONAH, B.A., A.M., PH.D., J.D., Irwin I. Cohn Professor of Law
MICHAEL S. BALL, B.A., M.PHIL., J.D.
OSIRI BEN-SHABAT, B.A., LLB., LL.M., S.J.D., Ph.D., Kirkland & Ellis Professor of Law
Evan H. Caminker, B.A., J.D.
SHERMAN J. CLARK, B.S., J.D.
EDWARD H. COOPER, A.B., LL.B., Thomas M. Cooley Professor of Law
STEVEN P. CROLEY, A.B., B.S., M.A., PH.D.
REBECCA S. EISENBERG, B.A., J.D., Robert and Barbara Lucas Professor of Law
PHOEBE C. ELLSWORTH,* A.B., PH.D., Frank Murphy Distinguished Professor of Law and Psychology
RICHARD D. FRIEDMAN, B.A., J.D., D.PHIL., Ralph W. Aigler Professor of Law
BRUCE W. FRIER, B.A., PH.D., Henry King Bannum Professor of Law
THOMAS A. GREEN,* B.A., PH.D., J.D., John Philip Dauson Collegiate Professor of Law
SAMUEL R. GROSS, A.B., J.D., Thomas O. and Mabel Long Professor of Law
DANIEL HALBERSTAM, B.A., J.D.
JAMES C. HATHAWAY,* LLB., LL.M., J.S.D., James E. and Sarah A. Degan Professor of Law
DONALD J. HERZOG, A.B., A.M., PH.D., Edson R. Sunderland Professor of Law

YALE KAMISAR, A.B., LLB., LL.D., Clarence Darrow Distinguished University Professor of Law
ROY F. PROFFITT, B.S., J.D., LL.M.
JOHN W. REED, A.B., LLB., LL.M.
JUR. SC., LL.D.
THOMAS M. COOLEY PROFESSOR OF LAW
TERRANCE SANDALOM, A.B., J.D., Edson R. Sunderland Professor of Law
THEODORE J. ST. ANTOINE, A.B., J.D., James E. and Sarah A. Degan Professor of Law
ERIC STEIN, J.U.D., J.D., DR.H.C., Hessel E. Yntema Professor of Law
PETER O. STEINS, B.A., M.A., PH.D.

JAMES HINES JR., B.A., M.A., PH.D.
ROBERT L. HOWSE, B.A., LLB., LL.M., Alme and Allan F. Smith Professor of Law
DOUGLAS A. KAHN, B.A., J.D., Paul G. Knapf Professor of Law
ELLEN D. KATZ, B.A., J.D.
THOMAS E. KAUPER, A.B., J.D., Henry M. Butzel Professor of Law
VIKRAMADITYA S. KHANNA, B.CA., LL.B., S.J.D.
JAMES E. KRIER, B.S., J.D., Earl Warren Delano Professor of Law
DOUGLAS LAYCROCK, B.A., J.D., Yale Kamisar Collegiate Professor of Law
RICHARD O. LEMPERT,* A.B., J.D., PH.D., Eric Stein Distinguished University Professor of Law and Sociology
JESSICA D. LETMAN, B.A., M.F.A., J.D.
KYLE D. LOGUE, B.A., J.D., Watk H. McCrum, Jr., Collegiate Professor of Law
CATHERINE A. MACKINNON, B.A., J.D., PH.D., Elizabeth A. Long Professor of Law
NINA A. MENDELSON, A.B., J.D.
WILLIAM I. MILLER, B.A., PH.D., J.D., Thomas G. Long Professor of Law
EDWARD A. PARRON, B.SC., M.SC., PH.D.
SALVYANNI PATTON, B.A., LL.B., William W. Cooley Professor of Law
RICHARD A. PRIMUS, A.B., PHIL., J.D.
SYMPOSIUM

EMPIRICAL STUDIES OF MANDATORY ARBITRATION

CONTENTS

INTRODUCTION
How Bad Are Mandatory Arbitration Terms?
*Omri Ben-Shahar* .......................................................... 777

ARTICLES
Mandatory Arbitration: Why It’s Better Than It Looks
*Theodore E. St. Antoine* .................................................. 783

Arbitration Costs and Forum Accessibility:
Empirical Evidence
*Christopher R. Drahozal* .................................................. 813

From Court-Surrogate to Regulatory Tool:
Re-Framing the Empirical Study of
Employment Arbitration
*W. Mark C. Weidemaier* .................................................. 843

Arbitration’s Summer Soldiers:
An Empirical Study of Arbitration Clauses in Consumer
and Nonconsumer Contracts
*Theodore Eisenberg*
*Geoffrey P. Miller*
*Emily Sherwin* .............................................................. 871