Brian Flores's Case Will Not Be Compelled to Arbitration

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Today, in Brian Flores' ongoing discrimination case against the NFL, the United States Court of Appeals for the Second Circuit affirmed the District Court's order denying the NFL's motion to compel arbitration of his claims against the league and several teams.

The Court held that the arbitration provision of the NFL Constitution, dictating that the NFL's Commissioner would be the arbitrator, is unenforceable for failing to meet basic and fundamental norms of fairness. The Court applied a legal principle known as the "effective vindication" doctrine—finding that the NFL's arbitration terms are so lopsided and unfair that Mr. Flores would not have any legitimate ability to vindicate his anti-discrimination rights in the NFL's arbitration forum.

The full decision may be found here.

For more details on the complaint filed by Wigdor LLP on behalf of Brian Flores, please see here.

Quote from Douglas H. Wigdor (Partner, Wigdor LLP), David E. Gottlieb (Partner, Wigdor LLP) and John Elefterakis (Partner, Elefterakis, Elefterakis & Panek):

"The significance of the Second Circuit's decision cannot be overstated. For too long, the NFL has relied on a fundamentally biased and unfair arbitration process—even in cases involving serious claims of discrimination. This ruling sends a clear message: that practice must end. This is a victory not only for NFL employees, but for workers across the country—and for anyone who believes in transparency, accountability and justice."