

Arbitration, Law 872
Fall 2026
Professor Stephen Ware
<https://sware.ku.edu/arbitration>

Course Description. This survey of arbitration law and practice considers major types of arbitration in the United States such as commercial (including securities and trade associations), labor, employment, consumer, insurance, medical, and religious as well as important types of international arbitration, such as commercial, maritime, investment, and sports.

Learning Outcomes. This course should serve at least three purposes. One is to study the law and practice of arbitration. Successfully completing this course will advance students' knowledge of the formation, interpretation, and performance of arbitration agreements, as well as remedies for their breach. Another purpose of this course is to develop students' skills. Among these skills are legal analysis, problem-solving, and communication, both written and spoken. The third purpose of the course is to introduce students to lawyers' professional and ethical responsibilities to clients and others in the legal system.

When and Where our Class Meets. Our three-credit, in-person course is scheduled to meet in Room 107 Tuesdays and Thursdays 1:35-3:00. However, our class is not scheduled to meet on September 17 or October 13, 15. To make up for these, our class is scheduled to meet 3:45 – 5:10 on September 11 and October 9. I apologize for any inconvenience this causes.

Required Reading. You may use the paper or digital version of this required book: Stephen J. Ware et al., [ARBITRATION](#) (Foundation Press University Casebook Series, 5th ed. 2026).

Computers and other electronics in class. Subject to exceptions I will announce, you may use a computer and other electronic devices in class, but only for working on this course. Audio or video recording of class is prohibited without my written permission.

Grading. 100 points are available in this course:

- 67 from the final exam,
- 25 from the other assignments, and
- 8 from your classroom performance.

Exam. The exam is completely open—open books, open notes, open computer, open internet—except that you may not communicate with anyone other than me during the exam. You may take the exams on a computer if you do so with the exam software supported by the Law School. The exam may have a word limit.

Other graded assignments. The graded assignments are scheduled in Canvas, but their scheduling may need to change if we unexpectedly need to reschedule class sessions. Unless otherwise specified, these assignments are open—open books, open notes, open computer, open internet, including AI—and in doing them you may talk with anyone. However, if you want to ask me about an assignment, please ask in class, so everyone can be part of the conversation.

Class performance. The “Learning Outcomes” part of this syllabus distinguishes learning the law from developing professional skills in using the law. You should learn most of the relevant law before coming to class, so class time can focus on developing students’ professional skills in using the law, particularly through students answering questions. The classroom performance part of the grade rewards students who frequently contribute well by answering in-class questions.

Attendance and lateness. Accreditation standards governing the Law School say that “[a] law school shall require regular and punctual class attendance.” Perfection is not required, so you may miss a class or two because you have transportation problems, a job interview, illness, a death in the family, or something similar. This sort of absence is no worry, and you do not need to contact me about it. Just borrow class notes from a classmate and then let me know if you have any questions about the material we covered. Similarly, you may be late to class or leave early once or twice for reasons like those listed above. Again, this is no worry and there is no need to contact me about it.

If you are going to miss class or be late or leave early more than a couple of times during the course that is a worry. If that happens, you should contact me to discuss how we can address the situation and keep you on track with the course and your classmates. If you miss some or all of a class session three or more times, I may send you an email warning. If after I do that, you miss some or all of a class session two more times, I may exclude you from the final exam.

Talking with Me Outside of Class. I intend to be fully available to students from 3:30 to 5:00 most days, except when I teach a makeup class. I will be available plenty of other times as well. You are always welcome to:

- schedule an appointment,
- stop by my office (414C),
- call 785-864-9209, or
- email ware@ku.edu.

Please do not be shy. Talking with students is an important part of my job, and I enjoy it.

Accommodations. Classroom and testing accommodations are available to eligible students registered with the Student Access Center. You may contact access@ku.edu or Associate Dean for Academic and Student Affairs, Leah Terranova, leaht@ku.edu or 785-864-4357.

Required links. KU's syllabus [policy](#) requires each syllabus to include these links:

- Explanation of instructional time expected for out-of-class student work per credit (see [Credit Hour Definition](#) policy)
- Statement on accommodations and/or information for students with disabilities (see or use):
 - KULC: [Student Access Center Syllabus Statement](#)
- Links to the following policies:
 - [Sexual Harassment](#)
 - [Nondiscrimination, Equal Opportunity, and Affirmative Action](#)
 - [KU Statement on Diversity and Inclusion](#)
 - Academic Misconduct
 - KULC: [Academic Misconduct \(USRR 2.7.1\)](#)
 - Change of Grade
 - KULC: [Change of Grade Policy](#) and [Change of Grade \(USRR 2.4.1\)](#) (i.e., grade appeal)
 - KULC: [Code of Student Rights and Responsibilities](#)
 - KULC: [Commercial Note-Taking](#)
 - KULC: [Mandatory Reporting](#)
 - KULC: [Racial and Ethnic Harassment Policy](#)
 - <https://civilrights.ku.edu/pregnant-and-parenting>

Schedule of Class Sessions. In the following table of class sessions, the numbers and letters in the right column refer to chapters and parts of chapters in the casebook.

Class Session		Assignment before class
Chapter 1. Overview of Arbitration		
1	Private Adjudication, What Can Arbitration Do? See Canvas	Preface, Summary of Contents, Chapter 1
Chapter 2. Arbitration in Various Context		
2	Commercial Arbitration in the United States	2.A
3	See Canvas	
4	Labor and Employment Arbitration	2.C-D
5	Consumer, Medical, Family, and Religious Arbitration	2.E-G
Chapter 3. Arbitration and the Courts		
6	The Federal Arbitration Act (Read it!)	3.A
7	The Growth of “Arbitrable” Claims	3.B.1 - 3.B.2
8	Labor and Employment “Arbitrable” Claims	3.B.3-4
9	The Federal Arbitration Act and State Law	3.C.1 – 3.C.2a (to p.174)
10	Adhesive Arbitration Agreements and Judges’ Politics	3.C.2.b and read 214-15
11	Federal Preemption in Labor and Employment; Exceptions to FAA Preemption	3.C.3-5
12	Formation of Arbitration Agreement	3.D.1
13	The “Severability” of the Arbitration Clause and Unconscionability	3.D.2.a-b
14	The Further Severability of the Delegation Clause	3.D.2.c
Fall Break		
15	Waiver, Scope, Conditions and Remedies	3.D.2.d-3.D.5
16	Judicial Supervision and Review of Arbitration	3.E

Chapter 4. The Arbitration Proceeding		
17	Arbitrator Selection, Impartiality, and Disclosure	4.A-4.B
18	See Canvas	
19	Conduct of the Arbitration Proceeding, Multi-Party Disputes	4.C-4.D
Chapter 5. International Arbitration		
20	International Commercial Arbitration: Sources of Law	5.A-5.B
21	See Canvas	
22	Formation of Int'l Commercial Arbitration Agreements	5.C
23	Conduct of International Commercial Arbitration	5.D
24	Enforcement and Vacatur of Int'l Commercial Arbitration Awards	5.E
25	International Public Law Arbitration	5.G