

F&I and Showroom publishes Eric Mulligan's arbitration agreement article

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On December 30, F&I and Showroom Magazine published, "Your Arbitration Agreement is Governed by Federal Law? Maybe Not," by Hudson Cook attorney [Eric Mulligan](#). In his article, Eric warns that although arbitration agreements may be drafted to provide that a federal law such as the Federal Arbitration Act governs parts of the agreement dealing with arbitration, state laws may supersede federal law.

Eric cites a case study where a Connecticut couple demanded arbitration against a dealership for a violation of the federal Truth in Lending Act (TILA) and the Connecticut Unfair Trade Practices Act. The arbitrator concluded that the dealership violated TILA when it did not disclose the cost of ancillary products as finance charges. The dealership appealed to vacate the award 36 days later. Under Connecticut state law, the dealership would have had to challenge the award within 30 days. The state's highest court concluded that the 30-day limit was jurisdictional.

Eric advises federal and state chartered depository institutions, mortgage bankers, finance companies and licensed lenders in the development and maintenance of consumer mortgage, automobile finance and other credit programs. Eric also advises clients on the mathematical aspects of credit transactions and on federal privacy laws.

[Click here](#) to read the full article.

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