



# Forced Arbitration: Harming New York Consumers, Servicemembers, and Veterans



**Forced arbitration clauses** take away New Yorkers' constitutional right to a day in court when companies break the law. Instead of a judge, a private arbitrator, often chosen and paid by the company, decides cases in a secretive proceeding with no appeal. Forced arbitration clauses often prevent people from joining together in class actions to fight widespread wrongdoing, giving lawbreakers a get-out-of-jail free card, as few people can afford to fight big companies by themselves.

Forced arbitration clauses harm New York consumers of all stripes:

**Servicemembers and veterans:** Banks and lenders use forced arbitration clauses in loans issued to **New York's roughly 48,974 active-duty servicemembers and reservists** and to **New York's veterans**. Forced arbitration **blocks servicemembers' access to the courts** for violations of the Servicemembers Civil Relief Act and **other misconduct**, including **illegal repossessions of active-duty servicemembers' vehicles**. Wells Fargo also has arbitration clauses in many of the auto loan contracts that included **illegal fees for unneeded auto insurance**, including those of active duty servicemembers.



**Bank account holders:** Wells Fargo opened up to **3.5 million fake accounts** – including **24,048 or more in New York** – without customers' consent. Wells Fargo has tried since 2013 to use forced arbitration to block lawsuits, including **a class action** that would help those 24,048 or more New Yorkers. Wells Fargo has also **repeatedly** tried to use forced arbitration to avoid justice for people in 49 states – **including New York** – who were **charged excess overdraft fees** when their accounts were not overdrawn.



**Consumers with inaccurate credit reports:** **Thousands of New Yorkers** have filed complaints with the CFPB about problems with credit reporting agencies and errors in credit reports, which can increase the cost of a loan or result in a denial of credit. **New Yorkers falsely matched with a terrorist watch list** will get \$7,337 in relief from a class action against Transunion. But Transunion and other credit bureaus have **tried to use forced arbitration** to block class actions.

**Payday loan borrowers:** New York does not permit payday loans, but online lenders aggressively use forced arbitration clauses, found in [86% of online contracts surveyed](#), to fight lawsuits over illegal loans. Fees associated with payday loans put consumers in a cycle of debt, while payday lenders have engaged in abusive lending and illegal debt collection practices.

**Families subject to illegal and abusive debt collection practices:** Debt collectors are high on the list of [New Yorkers' and servicemembers' complaints](#) to the CFPB, and [New Yorkers filed 20,614 complaints against debt collectors](#) in 2017. Out-of-state debt buyers often use illegal harassment and violate state law by adding illegal fees, but use forced arbitration clauses to block people from court to challenge those practices. Debt buyers also frequently [sue the wrong person or seek the wrong amount](#) but prevent people from suing back.



**College students:** [New Yorkers](#) are among those harmed by predatory for-profit colleges, such as Corinthian Colleges, that for years have [used forced arbitration clauses](#) to block class actions over their fraudulent conduct. [New York students also average \\$31,155](#) in public and private student loan debt and may be impacted by abuses by Navient (formerly Sallie Mae), the largest servicer of private student loans. Navient, which [uses forced arbitration](#), allegedly [failed to allocate payments properly and deceived borrowers](#) about how to release co-signers. New Yorkers may also fall prey to rampant abuses by sketchy [student loan debt relief companies](#), which also use forced arbitration clauses to take away students' day in court.

**Prepaid card users:** Nearly [a third of New Yorkers are unbanked or underbanked](#), and many rural and low-income [New Yorkers rely on prepaid cards](#) to manage their money. RushCard holders, **including 30,498 New Yorkers, and servicemembers serving overseas**, were among those harmed when cards were frozen and people could not access their money for weeks. A class action will give class members [up to \\$500 for losses and fees they suffered](#). The case could have been blocked by a forced arbitration clause, found in [92% of prepaid card contracts](#).

**Forced arbitration harms New Yorkers. Congress must restore New Yorkers' day in court when big banks and bad actors violate the law.**