In what is a critical starting point for the ongoing debate about the proper role of mandatory, binding arbitration in the U.S. legal system, the Supreme Court in *Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc.*, made the following fundamental assertion about the arbitration process:

By agreeing to arbitrate a statutory claim, a party does not forgo the substantive rights afforded by the statute; it only submits to their resolution in an arbitral, rather than a judicial, forum. It trades the procedures and opportunity for review of the courtroom for the simplicity, informality, and expedition of arbitration. . . . Having made the bargain to arbitrate, the party should be held to it unless Congress itself has evinced an intention to preclude a waiver of judicial remedies for the statutory rights at issue.

At its bottom, this issue of *Law and Contemporary Problems* is focused upon questioning the validity of the Supreme Court’s faith. Is arbitration merely a simple, informal, and expeditious way to achieve generally the same resolutions as those available in the public court system? Or, has our greater experience with the use of binding arbitration led us to call into question the Court’s comfort level?

Answering this fundamental issue of confidence is challenging. At times, it seems that we know precious little about how arbitration really works. How often are arbitration procedures utilized in various types of disputes? Do arbitration results generally follow expected norms? One of the purposes of this collection is to provide some insights into the basic question, “What do we really know about arbitration?”
It is hard to escape the conclusion that the large majority of academic experts on dispute resolution have serious and significant doubts about the wisdom of the Supreme Court’s strongly pro-arbitration stance. Many of the articles in this Symposium reflect this deep-felt concern that the Supreme Court has guided us down the wrong track, and that at a minimum, further expansion of the pro-arbitration regime should be limited or that strong pro-consumer changes in the law are justified. This is not to say that arbitration does not have its supporters or those willing to focus on how to make arbitration work better; their views are reflected in this collection as well.

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