

Motion to Compel Arbitration – Upholding E-Signature

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Attorney Erin Bucksbaum prevailed on a motion to compel arbitration in an employment discrimination case following an evidentiary hearing requiring testimony from multiple witnesses. The issues involved a determination as to whether the digital signature was genuine and if the arbitration agreement could be enforced. In granting the motion, the Hillsborough North County Superior Court (New Hampshire) upheld the validity of using digital data points to acknowledge and “e-sign” an arbitration provision, even when the document itself did not reflect an electronic signature. The court also found that as long as an agreement to arbitrate contains mutual language, it is still valid even if not signed by the employer. This decision indicates a willingness of the New Hampshire courts to uphold digital signatures and reinforces the strong policy in favor of arbitration.