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## Employer Could Not Establish Sufficient Evidence to Prove Employee Signed an Arbitration Agreement through an Electronic Signature

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A new case from the California Court of Appeal, Fourth Appellate District, Division Two, Ruiz v. Moss Bros. Auto Group, Inc., was certified for publication on December 23, 2014, and addresses an area of interest for many employers - electronic signatures on arbitration agreements. Employers must build safeguards into such systems to be able to prove the employee electronically signed the document. To view the Court's opinion, [click here](#).

In the Ruiz case, an employer filed a petition to compel arbitration of the employment-related claims. The trial court denied the petition on the ground that the employer failed to meet its burden of proving the parties had an agreement to arbitrate the controversy. The employer could not establish to the court's satisfaction that the employee signed the agreement. (Code Civ. Proc., § 1281.2.) The Court of Appeal affirmed the lower court's ruling, on the basis that the employer "did not present sufficient evidence to support a finding that Ruiz electronically signed the 2011 agreement."

As technology continues to advance, and as employers continue to move towards paperless systems, it will be important for employers to understand the issues which may arise from these changes. Being able to understand (and explain) how the technology works is as important as understanding how to use it.

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The logo for Jackson Lewis, featuring the name "jackson lewis" in a bold, lowercase, sans-serif font. The "j" and "l" are significantly larger than the other letters, and there is a vertical line separating "jackson" and "lewis".

Article By [Jackson Lewis P.C.](#)  
[Kyle C. Worrell](#)  
[California Workplace Law Blog](#)

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