
In The
Supreme Court of the United States

BUCKEYE CHECK CASHING, INC.,

Petitioner,

v.

JOHN A. CARDEGNA and DONNA REUTER,

Respondents.

**On Writ Of Certiorari To The
Supreme Court Of Florida**

**BRIEF OF UNIVERSITY OF WISCONSIN
LAW PROFESSORS AS AMICI CURIAE
IN SUPPORT OF RESPONDENTS**

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INTEREST OF AMICI CURIAE

Amici curiae are law professors whose teaching and scholarship focus on federalism, and in particular, the preservation of the states' role as "laboratories of experimentation in social policy." *United States v. Lopez*, 514 U.S. 549, 581 (1995) (Kennedy, J., concurring) (quoting *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting)).¹ Amici have studied the doctrine of Federal Arbitration Act preemption and note with great concern that it is one of the most sweeping doctrines of federal preemption in current American law, one that has made great inroads into state autonomy and policy experimentation in areas traditionally left to state law. Moreover, amici are concerned that *Southland Corp. v. Keating*, 465 U.S. 1 (1984), which establishes FAA preemption, was wrongly decided as a matter of statutory interpretation and in fact applies the FAA unconstitutionally as a Congressional assertion of control over state court structure, procedure and jurisdiction.

SUMMARY OF ARGUMENT

The question before the Court, whether the rule of *Prima Paint Corp. v. Flood & Conklin Mfg. Co.*, 388 U.S. 395 (1967), must be applied by a state court, presents at bottom a question of Federal Arbitration Act preemption

¹ Letters of consent to the filing of amicus briefs, including this one, have been lodged with the Clerk of the Court pursuant to Rule 37.3. Pursuant to Rule 37.6, counsel for amici state that no counsel for a party authored this brief in whole or in part, and no person other than amici or their counsel have made a monetary contribution to the preparation or submission of this brief.

