

ARBITRATION

By: Keith Langley



In an arbitration a summary judgment can be obtained. The AAA has made that authority explicit when it amended its rules in 2013. JAMS, FINRA, and CVR rules also allow for summary judgment. Rule 33 of the AAA Commercial Rules states “the arbitrator may allow the filing of and make rulings upon a dispositive motion only if the arbitrator determines that the moving party shows that the motion is likely to succeed and dispose of or narrow the issues in the case.”

On February 28, 2022 a federal district court in Mississippi refused to vacate an arbitration award granting summary judgment on the basis of lack of due process as there was no an in-person hearing. The motion was decided on the papers and the plaintiff failed to show that a lack of in-person violated due process and failed to object at the time of the motion and the statement by the arbitrator of how the motion would be ruled upon. *Begole v. North Mississippi Medical Center, Inc.*, 2022 WL 601024 (N.D. Miss. 2022).

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To "Go Green", our firm uses recyclable paper or ceramic cups and no longer uses Styrofoam cups. In addition, we have adopted a less-paper office environment.

We hope that these changes make big differences in the future.

Well done is better than well said.

- Benjamin Franklin



The court cited “the strong federal policy favoring arbitration” and stated that judicial review is “extraordinarily narrow”. The only circumstances where a district court may vacate an arbitration award are:

1. corruption, fraud, undue means;
2. evident partiality or corruption in the arbitrators;
3. misconduct in refusing to postpone a hearing upon sufficient cause shown, or refusing to hear evidence;
or
4. power exceeded or so imperfect award was not made.

It is very difficult to set aside and vacate an arbitration award.

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