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BELL NUNNALLY'S PARKER BURNS AND MASON JONES ON TEXAS LAWYER EXPLORE RECENT SCOTUS-DRIVEN "POST-ARBITRATION PLAYBOOK" CHANGES

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Bell Nunnally associates Parker A. Burns and Mason G. Jones authored the *Texas Lawyer* article "SCOTUS Modifies the Post-Arbitration Playbook." The piece delves into the U.S. Supreme Court's March resolution of a Fifth Circuit split in the matter *Badgerow v. Walters*. In this matter, the high court's decision limited a federal district court's ability to hear post-arbitration motions by not allowing them to employ a "look through" approach to determine whether they could exercise jurisdiction over a motion. Instead, the court found there must be an express jurisdictional basis to file the award in federal court – a major change in the litigation world that will affect most arbitrations.

Burns and Jones explore the contours and impact of *Badgerow* and comment:

> *Badegrow's departure from the look through approach undoubtedly limits a party's access to federal courts in post-arbitration motions to confirm or vacate…. Naturally, this limitation of jurisdiction results in more post-arbitration fights heading to the state courts. This reality envisions a scenario where a single federal claim may see three separate jurists before finality—that is, a party may file in federal court, be compelled to individual arbitration, and then seek to confirm or vacate the arbitrator's decision in state court. As a result, attorneys and parties must familiarize themselves with state procedures and requirements for post-arbitration motions. Practitioners must also expect to find themselves in state court litigating post-arbitration issues from this point forward.*

To read the full article, please click here.

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