

Reinsurance

Overview

Carlton Fields has a long-standing reputation for its knowledge of the insurance, reinsurance and financial markets, and the regulatory landscapes in which they operate. We apply that knowledge in high-risk reinsurance-related litigation and arbitration, the structuring of both routine and innovative reinsurance transactions, and general counseling on a wide variety of issues. In the reinsurance arena, our experience with many kinds of insurance and financial products strengthens our ability to serve the needs of our clients in reinsurance dispute resolution, reinsurance transactions, reinsurance counseling, and regulatory matters.

Our broad litigation practice for insurance companies contributes to our capabilities in the reinsurance area, enabling Carlton Fields to provide services on a cost-effective basis. For example:

- Carlton Fields has experience litigating and arbitrating issues with respect to insurance company products, operations issues, actuarial issues, accounting practices, the acquisition of entire books of business, sales practices, bad faith, breach of contract, and other claims issues.
- We have experience as counsel of record in hundreds of class actions, which routinely present complex procedural, insurance, and evidentiary issues.
- We handle cases involving hundreds of thousands or even millions of pages of documents and electronic data, for which we have developed a range of in-house and vendor-assisted computerized litigation support. Each matter is unique, and requires a customized approach in order to provide high-quality, cost-effective services to our clients.
- Several of our lawyers have written articles on electronic discovery issues, and have moderated and lectured at continuing legal education programs addressing e-discovery issues.

The following factors distinguish Carlton Fields' reinsurance practice from that of other law firms:

- Because our lawyers have been at the forefront of the creation and regulation of many of the innovative insurance products on the market, we understand these products and how they work. Such knowledge makes it easier to understand how to reinsure those risks effectively and efficiently, and how to devise realistic strategies for resolving disputes relating to such products that will accomplish the business goals of our clients.

- The breadth of our practical experience permits us to structure reinsurance agreements or programs effectively, and to advise clients on the best alternatives for reinsuring risks, either through traditional reinsurance or through other facilities or structures. For example: one of our lawyers formerly served on the board of a Bermuda reinsurer; another is a former CPA with deep knowledge of regulatory accounting; others follow the NAIC's activities relating to reinsurance and monitor legislative and regulatory activities.
- We are on the front lines of alternative risk transfer mechanisms, having represented a ceding insurer in the creation of an innovative catastrophe bond series.
- Our experience in handling high-stakes financial services litigation translates into cost-effective arbitration and litigation capabilities and results.
- Our reinsurance lawyers provide clients additional value through our award-winning reinsurance and arbitration blog, *Reinsurance Focus*. The blog provides updates on a broad range of reinsurance matters, including significant reinsurance and alternative risk transfer transactions, reinsurance legislation and regulations, trade associations, educational programs, and scholarly articles about reinsurance, as well as important court opinions addressing reinsurance issues and the arbitration process.
- Our lawyers have worked at major insurance companies and a trade association, and have served on the boards of directors of insurance companies.
- Carlton Fields monitors the activities of the NAIC, and our lawyers actively follow, among other matters, the activities of the NAIC's Reinsurance Task Force. The firm's lawyers have training and experience with generally accepted accounting principles (GAAP) and regulatory accounting principles (RAP).

Reinsurance Dispute Resolution Experience

Directors and Officers and Related Coverages – We provide analysis and dispute resolution, and litigate a variety of claims by insureds under directors and officers (D&O) liability policies and related coverages. Our lawyers regularly handle complex coverage issues on behalf of insurers under D&O, errors and omissions (E&O), employment practices liability (EPL), and other professional liability policies. ***Bad Faith Litigation*** – We have considerable experience handling bad faith litigation. Our lawyers represent leading insurance companies in bad faith litigation (both individual and class action) in state and federal courts throughout the country, and we devise and help implement creative strategies for minimizing or eliminating exposure to extra-contractual liability. ***General Liability*** – We assist clients with the construction and interpretation of commercial general liability (CGL) policies, counseling them and litigating on their behalf. In this capacity, we address issues related to the duties to defend and indemnify, the scope of occurrence-based coverage, long-tail exposures and allocation, lost policies, and bad faith. ***First-Party Property*** – Our coverage lawyers have extensive experience with first-party property

insurance claims that arise from all types of losses. In complex, first-party commercial property coverage litigation, we consult on coverage issues from early in the claim adjustment process through coverage litigation. This work includes examinations under oath, appraisals, mediations, arbitrations, trials, and appeals. We handle disputes involving catastrophic losses, property damage, business interruption and other economic losses, hurricane-related losses, floods, sinkholes, construction defects, breakdown or malfunction of boilers and other critical equipment, application of sublimits, trigger of coverage, number of occurrences, and bad faith. ***Merger & Acquisition Representation and Warranty Insurance*** – We have a sophisticated practice representing issuers of insurance for the representations and warranties that accompany merger and acquisition transactions. By combining the coverage experience of our insurance practitioners with the detailed analysis and understanding of the deal developed by our corporate securities and merger and acquisition attorneys, we bring to each claim analysis the level of critical expertise needed to evaluate these complex claims. ***Excess and Umbrella*** – Our lawyers handle litigation over the duties of excess and umbrella carriers. These cases involve issues including the insolvency of an underlying primary insurer, the interpretation of “other insurance” clauses, the effect of an insured’s settlement without consent, the insured’s reporting obligations, the significance of a self-insured retention, “follow form” provisions, choice-of-law issues, and apportionment issues. ***Environmental*** – On behalf of insurers and their insureds, we handle claims for environmental spills and contamination under CGL policies and specialty environmental policies. These suits involve the interpretation of both the “sudden and accidental” and “absolute” pollution exclusions, reasonable and necessary costs of cleanup, the duty to defend CERCLA claims and other pre-litigation matters, and the myriad coverage issues that frequently arise in this type of claim. We have extensive experience with the major underwriters of policies insuring against environmental contamination. We have represented insurers in complex declaratory judgment actions regarding coverage for environmental claims under both pollution legal liability policies and construction pollution liability policies as well as claims for coverage under policies insuring underground and aboveground storage tank systems. Our combined environmental law and litigation experience enables us to handle environmental insurance claims with a full understanding of the issues surrounding complex environmental cleanups. We have extensive experience handling issues such as industrial and domestic wastewater; storage tank regulation; and landfill, used oil, and hazardous waste permitting and regulation. We also negotiate consent orders and remediation plans associated with the cleanup of hazardous waste, petroleum, chlorinated solvents and other contaminants with local, state, and federal environmental agencies. In addition, we have extensive environmental contamination litigation experience that includes handling claims for property damage, personal injuries, and medical monitoring stemming from alleged exposure to on- and off-site contaminants. ***Fidelity, Commercial Crime, and Financial Institution and Broker Bonds*** – Our lawyers investigate claims, analyze coverage and salvage issues, work with financial and forensic consultants to quantify damages, and represent insurers in litigation under all insuring agreements of financial institution, broker, and other theft and fidelity bonds and crime policies. We have authored multiple chapters in publications about coverage

under such policies. **Construction and Surety** – In construction-related matters, we regularly counsel insurers on CGL, builder’s risk, and professional errors and omissions policies. We also represent sureties in various payment and performance bond claims. This work includes helping insurers and sureties draft policy and bond language. We also address regulatory issues regarding various insurance control programs. Our lawyers are experienced in all types of construction claims including those involving termination of contractors, payment claims, delay claim analysis, construction defects, differing site conditions, and design professional liability. **Data Security and Data Privacy** – Our lawyers have extensive experience handling privacy and security issues for clients nationwide. We frequently speak and write on data privacy and security law, and our privacy and security law clients operate in various industries, including insurance. We are well-positioned to provide compliance assistance regarding the privacy and security of individually identifiable data. Our lawyers are knowledgeable regarding federal and state privacy laws (e.g., Gramm-Leach-Bliley, HIPAA, CPNI), and the privacy and security standards used in various industries. We help clients draft and implement policies and procedures that will protect their sensitive data while complying with the requirements of state and federal privacy and security laws. We also help clients respond to data and security breaches. This work includes the required reporting to state and federal agencies, dealing with the implications for customers, vendors, and employees; and handling potential, related litigation. **Cyber Coverage and Disputes** – Carlton Fields’ coverage team has been at the forefront of counseling and litigating cyber coverage disputes for insurers since long before data breaches made news, or stand-alone cyber coverages were developed. Carlton Fields’ coverage lawyers have handled some of the most high-profile and high-dollar cyber coverage disputes. We have counseled insurers regarding coverage for data breaches, malware attacks, political hacktivism, social engineering/phishing/spoofing schemes, and misappropriation of intellectual property. We have analyzed cyber coverage issues under traditional coverages, including CGL and fidelity policies (and particularly the “computer systems fraud” rider), as well as newer cyber-specific package policies, that include first-party coverages, such as data restoration and replacement, business interruption, and breach response costs, as well as third-party liability coverages, including security and privacy liability, derivative vendor and contractual liability, and internet media liability.

Reinsurance Transactional and Counseling Experience

Carlton Fields’ knowledge with respect to insurance company operations, actuarial and accounting principles, and insurance products contributes to our advice to clients on contractual and regulatory issues. Our representation of clients in litigation and arbitrations involving many of the kinds of issues that arise on the transactional side of our practice adds a valuable perspective to our transactional counseling. Carlton Fields’ reinsurance transactional experience includes engagements in the following areas: **Counseling** – Our lawyers provide counseling with respect to purchases and sales of reinsurers, loss portfolio transfers, sales of reinsurance books of business, purchases and sales of reinsurance underwriting management companies, jumbo reinsurance issues, termination of reinsurance relationships, relationships with brokers, and the formation and

operation of reinsurance auditing and runoff companies. **Contract Structuring, Drafting, Negotiation** – We negotiate and draft reinsurance agreements and trusts for quota share, excess of loss, facultative and retrocessional arrangements, covering general lines (e.g., life, health, annuity, and property) and specialized lines (e.g., workers’ compensation, occupational accident, financial guaranty, and residual value). Our work with clients on matters involving intermediaries and other industry participants, such as managing general agency, reinsurance intermediary, and general underwriter agreements, rounds out our contractual counseling experience. **Alternative Risk Transfer Mechanisms** – We have extensive experience in documenting and interpreting sidecars, traditional reinsurance, fully collateralized reinsurance and catastrophe bonds, in isolation and in combination as part of an integrated risk transfer program. We have represented a ceding insurer in the creation and issuance of three large fully collateralized catastrophe bonds, including two that were the largest in the history of the market when they were issued. We also have substantial experience in the formation and operation of offshore captive insurers. **Assumption Reinsurance** – Carlton Fields lawyers have handled numerous assumption transactions, including, for example, drafting agreements to position companies in advance of their sale. We have also drafted and obtained New York Insurance Department approval for an alien surplus lines insurer that transferred its business to a licensed insurer through assumption reinsurance to release its NAIC Surplus Lines Trust Fund. **Run-Offs and Commutations** – Our lawyers have represented a number of reinsurers in runoff and have helped design programs to commute or otherwise minimize exposure to cedents while protecting retrocession recoverables in a number of different lines. **Reinsurance Company Insolvencies** – Carlton Fields lawyers have counseled both reinsurers and liquidators with respect to their rights and obligations in the insolvency and pre-insolvency contexts. **Due Diligence** – Our lawyers have performed due diligence on reinsurance matters in mergers and acquisitions of insurance companies. We also routinely counsel insurance and reinsurance clients on regulatory matters and represent them before state insurance departments. We have been retained as special counsel to state insurance departments on various matters. For example, a Department of Insurance retained Carlton Fields in connection with the Department’s consideration of a controversial acquisition involving its largest domestic medical malpractice carrier.

Experience

Life/Health Reinsurance

We currently act or have acted as lead counsel in a number of significant life, long-term care and annuity reinsurance matters, on behalf of cedents, reinsurers, retrocedents and retrocessionaires, involving the following:

- Various engagements concerning a reinsurer’s ability to enforce rate change provisions in YRT reinsurance agreements, which has been an emerging issue in the reinsurance sector in recent years.

- A cedent's duty to disclose issues pertaining to internal replacement life insurance policies, and a reinsurer's facultative underwriting obligations with respect to the same.
- The application of errors and omissions clauses to the policy issuance and underwriting process, and impact on a reinsurer's indemnity obligations.
- Represented a participant in hundreds of reinsurance treaties in the London Personal Accident reinsurance market involving a series of arbitrations in the U.K., and the defense of a major U.S. arbitration involving claims exceeding \$100 million. Our representation included advising on a strategic plan for managing and defending multiple arbitrations and lawsuits in this market, and representing the client in the U.S. arbitration and a related lawsuit.
- The scope of a reinsurer's indemnity obligations, and applicability of the follow-the-fortunes/settlements doctrine, to administrative errors in the policy issuance process.
- Agent/broker misconduct, follow-the-fortunes/settlements as it pertains to agent/broker misconduct/errors, and the interplay between E&O coverage and reinsurance cover;
- Fraud in the inducement (actuarial or underwriting misrepresentations).
- The duties of a cedent and reinsurer in the facultative submission process.
- Violations of treaty underwriting standards and guidelines.
- The rights of a reinsurer to contest claims ceded on an automatic basis.
- Recapture.
- The duty of utmost good faith.
- The scope of ECO/XPL provisions.
- Claims handling issues.
- Other contract interpretation issues or disputes concerning industry custom and practice in the life, LTC, and annuity reinsurance context.

Property/Casualty

Some representative matters in which our attorneys have recently acted in the property/casualty area include the following:

- Acted for cedents and retrocedents in numerous disputes with reinsurers and retrocessionaires regarding the collection of reinsurance recoverables.
- Represented a client in arbitration related to the aggregation of claims under the event wording of a catastrophe treaty.

- Secured a multimillion-dollar award for client with respect to asbestos billings, where the issues involved aggregation and follow-the-fortunes.
- Represented a client in an arbitration involving late notice and bad faith claims handling.
- Represented clients in arbitrations concerning the number of occurrences, allocation, annualization and aggregation issues related to clergy abuse, toxic tort, asbestos, pollution, and construction defect claims.
- Represented a cedent in an arbitration involving the scope of ECO and UNL provisions.
- Represented a major insurer of windstorm risks in resolving issues with its reinsurer.
- Represented cedents in disputes regarding the recoverability of commutation-related payments and follow-the-fortune/settlements implications.
- Represented a client in a dispute concerning the recovery of declaratory judgment and bankruptcy-related expenses.
- Represent insurer in dispute with their managing general agent concerning various underwriting violations.
- Represent an insurer in various disputes with its agents concerning contingent commissions.
- Represent clients in matters regarding salvage and/or subrogation recoveries, including one in which the panel granted summary judgment on behalf of our client.
- Represented various clients in matters relating to insolvencies.
- Represented a leading aviation insurance pool in litigations to secure increases in LOCs, necessitated by 9/11 and other large aviation losses.
- Represented clients in multiple arbitrations involving surety bond claims.
- Prevailed in matters for insurers in disputes with their managing general agents regarding a variety of issues, including profit commissions.
- Devising and implementing a strategy for a global insurer to resolve a major reinsurance dispute with the reinsurance market.
- Obtained summary judgment in an arbitration on behalf of a client, which was also awarded the fees and costs of the panel in addition to compensatory damages.
- Acted in matters involving disputes between captive insurers and their reinsurers, as well as a dispute between an insurer and a captive acting as its reinsurer.

Pre-Dispute Counseling

In addition to litigating or arbitrating disputes, we are routinely engaged to assist cedents, reinsurers, retrocedents, and retrocessionaires in the pre-dispute process, whether by providing coverage opinions or counseling clients on contentious issues with their counterparties to resolve matters in advance of litigation or arbitration.

Drafting

Apart from contentious matters, we also represent or have represented clients in the drafting of reinsurance agreements, the review and preparation of treaty amendments, and the development or review of treaty wordings and guidelines.

Brokers and Agents

We have also handled many arbitrations and litigations between insurers and brokers and agents involving numerous issues, including underwriting violations, commissions, and agent misconduct.

Producer Owned Reinsurance Companies

We are also very familiar with the structure and operation of producer-owned reinsurance companies and other “captive” reinsurers, including tax issues relating to such entities, and have litigated various issues relating to such entities, including issues arising as a result of the bankruptcy of the owner of such entities. Some of these reinsurers have been domiciled in non-U.S. jurisdictions, such as Bermuda and the Turks and Caicos.

Reinsurance Transactional and Counseling Experience

- Counseling a reinsurer and its affiliates in complex cessions and retrocessions of life product risks involving entities operating in the United States, Asia, Europe, and Bermuda.
- Assisting in a loss portfolio transfer of medical malpractice risks from a group of medical facilities and providers to a major P&C insurer and reinsurer.
- Closing a commutation of a reinsurance treaty for a P&C insurer that sought to terminate its treaty with a large international reinsurer that had been downgraded by A.M. Best, and commuting a treaty with a group of Lloyd’s Syndicates covering long-tail liabilities of a casualty insurer.
- Representing ceding and assuming companies in the structuring and documentation of complex P&C and life and health reinsurance treaties of various types, including consideration of risk transfer and related regulatory compliance issues.

- Representing the ceding insurer in the creation of a billion-dollar reinsurance program, which includes traditional reinsurance, umbrella cover, and the largest catastrophe bond ever placed. The cat bond provided a fully collateralized two-year reinsurance cover at a fixed price, which was sold to capital market participants, some of which do not participate in the traditional reinsurance market.

Insights

04.25.2024

Pennsylvania Federal Court Finds Forum Selection Clause in Services Agreement Between Insurer and Reinsurance Broker to Be Valid and Enforceable

03.27.2024

Ninth Circuit Compels Arbitration of Plaintiffs Individual Labor Claims Under PAGA Remands Non-Individual Claims

03.21.2024

New Jersey Supreme Court Reinstates Arbitrators Decision Demoting School Official

03.11.2024

Ninth Circuit Upholds Decision Compelling Arbitration Based on Terms of Use in Hyperlinks

02.19.2024

Second Circuit Holds That Refusal to Enjoin Arbitration Is Immediately Appealable Clarifies Standard for Obtaining Preliminary Injunction Enjoining Arbitration

02.14.2024

Eleventh Circuit Dismisses Appeal From Order Compelling Arbitration and Staying Case for Lack of Jurisdiction

02.08.2024

Court Holds Federal Law Governs FAA Arbitration Dispute Related to Surplus Lines Insurance Contract Compels Arbitration Under Fifth Circuit Preemption of State Law

01.25.2024

Ninth Circuit Reverses Order Denying Motion to Compel Arbitration Concluding Delegation Provision Is Enforceable

01.23.2024

Third Circuit Affirms Order Denying Motion to Compel Arbitration After AAA Declines to Administer Arbitration

01.19.2024

Reinsurer Permitted to Intervene in Affiliates Lawsuit Related to Breach of MGA Agreement

12.20.2023

Second Circuit Affirms Schwab Victory in FINRA Arbitration

12.13.2023

Eleventh Circuit Finds District Court Lacked Jurisdiction to Freeze Defendants Assets During Pendency of Action to Confirm Arbitration Award Against Him

12.11.2023

Court Refuses to Compel Arbitration Based on Dissolution of Arbitral Forum

12.08.2023

District of Illinois Directs Insurer to Supplement Record to Support Privilege Based on “Common Inte

12.06.2023

Ninth Circuit Affirms District Court Order Granting Motion to Compel Arbitration of Discrimination C

11.28.2023

Broker Obtains Preliminary Injunction Enjoining FINRA Arbitration Initiated by Non-Signatories to Ar

11.10.2023

SDNY Confirms Arbitration Award Under New York Convention

11.08.2023

SDNY Grants Motion to Compel Arbitration of Employee's Discrimination and Retaliation Claims

11.02.2023

Eighth Circuit: Plaintiff Waives Right to Compel Arbitration by Filing Complaint and Litigating Dispute in Court

10.26.2023

Tennessee Supreme Court Permits Consideration of Extrinsic Evidence in Dispute About Capacity to Enter Power of Attorney Used to Sign Arbitration Agreement

10.20.2023

"Judicial Statements Privilege" Protects Statements in Court-Ordered Arbitration From Defamation Claims

10.18.2023

Eleventh Circuit Affirms Order Compelling Arbitration of Discrimination Claims, Rejects Argument That Arbitration Agreement Was Unconscionable

10.06.2023

Munich Re Prevails in Alabama Reinsurance Dispute

10.04.2023

Nevada Supreme Court Reverses Order Denying Motion to Compel Arbitration

09.25.2023

Texas Supreme Court Remands Case in Light of Recent Ruling That Arbitrator Must Determine Arbitrability for AAA Arbitration Agreements

09.21.2023

FAA's "Transportation Worker" Exemption Does Not Apply to Contracts Between Businesses

09.15.2023

Third Circuit Reverses District Court Order Compelling Arbitration, Highlighting That Arbitration and "Expert Determinations" Are Different Forms of Dispute Resolution

09.13.2023

Ninth Circuit Affirms District Court Order Denying Motion to Compel Arbitration of Discrimination Claims

09.05.2023

Court Confirms Arbitration Award Against Non-Signatory Intervening Party in Arbitration

09.01.2023

Court Follows Fifth Circuit Precedent in Enforcing Unsigned Insurance Arbitration Agreement Under New York Convention

08.18.2023

District of Maryland Holds Insurance Policy's Appraisal Provision Constitutes Enforceable Arbitration Clause Under FAA

08.16.2023

Sixth Circuit Holds Validity of Employee's Electronic Signature Creates Issue of Fact, Reverses Order Compelling Arbitration

08.11.2023

Second Circuit Affirms Confirmation of Arbitration Award Issued Under Cyprus-Libya Bilateral Investment Treaty

08.04.2023

Southern District of New York Dismisses Petition to Confirm \$145M Foreign Arbitration Award for Lack of Personal Jurisdiction

08.03.2023

First Circuit Holds That Motion to Reconsider Appealable Interlocutory Order Denying Motion to Compel Arbitration Is Not Appealable

08.02.2023

Third Circuit Affirms Judgment Allowing Creditors of Venezuela Who Obtained Arbitration Awards to Attach U.S. Assets of Venezuela's National Oil Company

07.28.2023

Federal Circuit Vacates Arbitrator's Decision Removing Federal Employee From Position, Remands for Further Review

07.26.2023

Fifth Circuit Affirms Order Dismissing Tesla Lawsuit in Favor of Arbitration

07.21.2023

Fifth Circuit Affirms Denial of Arbitration, Rejects Arbitration Provisions in "Battle of the Forms" Between Buyer and Seller in UCC Transaction

07.20.2023

New Hampshire Supreme Court Vacates Arbitration Award Based on "Plain Mistake" of Law

07.07.2023

South Carolina Supreme Court Finds Contract Didn't Involve Interstate Commerce, Reverses Order Compelling Arbitration

06.28.2023

New York Appellate Court Reverses Order Compelling Arbitration, Holds Collective Bargaining Agreement Arbitration Provisions Unenforceable

06.27.2023

SCOTUS Resolves Circuit Split on Whether Mandatory Stay Applies to Interlocutory Appeal of Denial of Motion to Compel Arbitration

06.22.2023

Alabama Supreme Court Clarifies Courts' Authority to Issue Preliminary Injunctions in Disputes Subject to Arbitration

06.20.2023

First Circuit Holds That New York Convention Preempts Puerto Rican Law

06.16.2023

California District Court Finds Defendants' Conduct Was Not Arbitrary and Capricious Under Administrative Procedure Act

06.14.2023

Alabama Supreme Court Reverses Orders Denying Motions to Compel Arbitration Under Employment Agreement

06.01.2023

First Circuit Provides Additional Guidance on FAA's Transportation Worker Exception

05.30.2023

Second Circuit Clarifies Standards for Applying Presumption in Favor of Arbitration

05.26.2023

Third Circuit Joins Other Circuits, Holds Uber Drivers Are Not Exempt From FAA

05.24.2023

Seventh Circuit Affirms District Court's Order Denying Application to Vacate Arbitration Award

05.12.2023

En Banc Eleventh Circuit Overrules Prior Interpretation of New York Convention

05.10.2023

First Circuit Weighs in on FAA's Transportation Worker Exception

05.05.2023

Mississippi Supreme Court Affirms Denial of Motion to Compel Arbitration of Wrongful Death Suit

05.03.2023

Second Circuit Affirms Order Denying Application to Adjourn Enforcement of Arbitration Award Pending Outcome of Parallel Foreign Proceeding

05.01.2023

Court Enforces Nine-Figure Chinese Arbitration Award, Finding Notice Requirements of New York Convention Were Satisfied

03.30.2023

Ninth Circuit Reaffirms District Courts' Discretion to Dismiss When All Claims Are Subject to Arbitration

03.28.2023

Fifth Circuit Refuses to Vacate Arbitration Award, Holds That Party's Arguments Merely Ask for Merits Review

03.24.2023

Third Circuit Affirms Finding That Defendant Waived Its Arbitration Rights

03.22.2023

Ninth Circuit Affirms District Order Refusing to Compel Arbitration

03.16.2023

Ninth Circuit Recognizes Precedent Restricting Arbitration-Favoring Rules, Compels Parties to Arbitrate Anyway

03.13.2023

Arbitrability Is Question for Court in Case Alleging Fraud Regarding Agreement Between Parties

03.10.2023

Tenth Circuit Affirms Refusal to Vacate Confirmation Despite Foreign Court's Annulment of Underlying Arbitration Award

03.03.2023

SDNY Rejects Cross-Petition To Vacate Arbitration Award, Rejecting Claims of Manifest Disregard of Law and "Evident Partiality"

03.01.2023

Wyoming Supreme Court Affirms Finding That Arbitrator's Determinations Did Not Exceed Authority And Were Not Manifest Errors of Law

02.24.2023

Ninth Circuit Dismisses Appeal of Denial of Motion to Compel Arbitration as Moot After the Complaint Was Amended While the Appeal Was Pending

02.20.2023

Two California Federal Courts Grant Motions to Compel Arbitration, Finding Arbitration Agreement is Neither Procedurally nor Substantively Unconscionable

02.17.2023

Supreme Court of Wyoming Confirms Arbitration Award

02.15.2023

Fifth Circuit Affirms Judgment Confirming Award Despite Concluding Lower Courts Erred by Not Considering Claim That Dispute Could Not be Arbitrated

02.10.2023

First Circuit Affirms Order Compelling Arbitration and Rejecting Claim By Postmates Couriers of Exemption From the FAA

02.08.2023

Second Circuit Rejects Application of the Functus Officio Doctrine and Affirms District Court's Order Denying Petition To Vacate Arbitration Award and Granting Cross-Petition to Confirm Award

02.02.2023

Arbitration Provision Treated as Standalone Contract for Purposes of Determining Parties Capable of Compelling Arbitration

01.27.2023

D.C. Circuit Affirms Denial of Stay of International Arbitration Award Enforcement

01.25.2023

Sixth Circuit Affirms Judgment Compelling Arbitration in Kroger/Union Dispute

01.20.2023

Ninth Circuit Affirms District Court's Order Denying Online Cryptocurrency Exchange's Motion to Compel Arbitration of Users' Claims

01.18.2023

Seventh Circuit Affirms District Court Decision Refusing To Refer Putative Class Action Under the Illinois Biometric Information Privacy Act to Arbitration

12.27.2022

Delaware Supreme Court Finds Validity of Contract Containing Arbitration Clause to Be Decided By Arbitrator

12.20.2022

Supreme Court of Arkansas Declines To Consider Part of Appeal Involving Court's Failure To Consider Motion To Compel Arbitration

12.16.2022

Chancery Division of the High Court of England Sanctions Business Transfer Scheme Involving Applicant Insurance Companies Under the Financial Services Markets Act

12.14.2022

Supreme Court of Idaho Finds That District Court Had Jurisdiction to Determine Enforceability of Non-Compete Provision in Employment Agreement, Which Included a Mandatory Arbitration Provision

12.09.2022

Ninth Circuit Court of Appeals Notes That Review of Arbitration Awards Under the MPPAA is "Notably Less Deferential" than under the FAA

11.18.2022

Georgia Court of Appeals Confirms Arbitration Award Holding That Arbitrator Did Not Manifestly Disregard Law or Overstep Authority

11.16.2022

Sixth Circuit Rejects Claim of “Implicit Vacatur” of Arbitration Award and Affirms District Court’s Entry of Preliminary Injunction

11.09.2022

Schwab Wins Battle Over Confirmation of FINRA Arbitration Award Predicated on Alleged Discovery Abuses

11.04.2022

Second Circuit Holds That Summons Is Not Required When Seeking Confirmation of Foreign Arbitral Award Against Foreign Instrumentalities

11.02.2022

Court Confirms Almost \$23M Arbitration Award

10.28.2022

Third Circuit Reverses Judgment Enjoining Arbitration Proceeding, Remands to District Court for Further Consideration

10.26.2022

Second Circuit Affirms Decision That Insurer Is Entitled to Reinsurance Coverage for an Allocated Portion of Settlement

10.21.2022

Denial of Motion to Compel Arbitration Vacated by Second Circuit Due to Insufficient Record Evidence of Presentment of “Scrollwrap Agreement” to Users

10.07.2022

District Court Orders Limited Trial to Address Party’s Authority to Sign Arbitration Agreement

10.05.2022

Fourth Circuit Dismisses Petition Brought by NLRB to Enforce Settlement and Order

09.23.2022

New York Federal Court Holds Questions of Arbitrability to Be Resolved by Arbitrator in Labor Dispute

09.22.2022

Sixth Circuit Holds That District Court Erred by Not Analyzing Whether Non-Signatory Consented to Arbitration

09.21.2022

New York Federal Court Finds Arbitration Award Is Subject to Confirmation Even Though It Doesn't Dispose of All Claims Submitted to Arbitration

09.20.2022

Third Circuit Compels Arbitration Despite Dispute About Whether Assignment of Loan Containing Arbitration Clause Was Lawful

09.15.2022

Third Circuit Affirms Dismissal of Complaint With Prejudice After Plaintiff Failed to Initiate Arbitration Proceedings

09.13.2022

SDNY Compels Arbitration Pursuant to ADR Provision in Contract Governing Disputed Commercial Transaction

09.07.2022

Seller Wins "Battle" to Apply FAA Over VUAA to Arbitration Dispute, but Loses "War" Over Award Confirmation

08.31.2022

Second Circuit Concludes Suit to Recover on Defaulted Foreign Bonds Was Untimely

08.24.2022

Eleventh Circuit Enforces Employee Arbitration Agreement, Concluding That Agreement Was Not Unconscionable

08.22.2022

Third Circuit Reverses Order Confirming Arbitration Award, Concluding Award Was Procured by Fraud

08.19.2022

Alleged Witness Coaching via Text in Deposition Was “Discoverable” in Arbitration Proceeding and Could Not Support Vacatur of Arbitration Award

08.10.2022

Second Circuit Concludes That Nigerian Ruling on Enforcement of Arbitration Award Is Entitled to Comity

08.08.2022

Tenth Circuit Affirms Tax Court’s Decision That Captive Insurance Arrangement Did Not Qualify for Tax Exemption

08.03.2022

Ninth Circuit Confirms Arbitration Award Finding FAA Disallows Judicial Review of Whether Arbitrator’s Factual Findings “Are Supported by the Evidence in the Record”

08.01.2022

Third Circuit Confirms Arbitration Award Finding Award Was Consistent With Controlling Authority and Arbitrator Did Not Manifestly Disregard Parties’ Agreement

07.22.2022

Court Confirms Foreign Arbitration Award, Notwithstanding Pending Action in Foreign Court Seeking Award’s Annulment

07.20.2022

Pennsylvania Federal Court Transfers Suit Against Applied Underwriters Per Forum-Selection Clause in Unfiled Reinsurance Agreement

07.10.2022

Eighth Circuit Finds Contract Formation Challenges to Be Decided by the Court, Affirms Order Denying Motion to Compel Arbitration

07.08.2022

Eighth Circuit Finds “Entire Contract” Challenge Must Be Decided by Arbitrator, Reverses Order Denying Motion to Compel Arbitration

06.23.2022

U.S. Supreme Court: FAA Preempts California Labor Law to Extent It Prevented Enforcement of Individual Arbitration Agreement

05.26.2022

Delaware Federal Court Confirms Arbitration Award, Holds Arbitrator Did Not Exceed Authority in Finding Unambiguous Contract Provision Was Unconscionable

05.26.2022

New Legislation From Florida Special Session on Property Insurance Reform

05.24.2022

Virginia Supreme Court Declines to Enforce Arbitration Clause in a Trust, Agrees Trusts Aren’t “Contracts” Under FAA and Virginia Law

05.09.2022

New York Federal Court Denies Reinsurer’s Motions for New Trial and Judgment as a Matter of Law, Modifies Accrual Date for Prejudgment Interest

04.28.2022

State Court Disregards State Law Authorizing Award of Attorneys’ Fees in Arbitration Dispute Governed by FAA

04.15.2022

New York Federal Court Confirms Arbitration Award Under Cyprus-Libya Bilateral Investment Treaty

04.12.2022

Tenth Circuit Concludes Enforceability of Arbitration Clause Was Issue for Arbitrator

04.07.2022

Texas Supreme Court Finds Erotic Dancer and Club Had “Meeting of the Minds” to Enforce Arbitration Agreement

04.05.2022

Ninth Circuit Agrees Non-Signatory Cannot Be Compelled to Arbitrate Under California Law

04.01.2022

Second Circuit Affirms Order Confirming Arbitration Award Finding No Partiality Related to Arbitrator’s (Attenuated) Personal and Business Relations

03.29.2022

Arbitration Provisions Delegating “All Disputes” to Arbitration Are Sufficiently “Clear and Unmistakable Evidence” of Parties’ Intent to Arbitrate Arbitrability

03.21.2022

D.C. Circuit Concludes That IMF Did Not Waive Immunity by Agreeing to Arbitration

03.10.2022

SDNY Rules Non-Signatories to Agreement May Compel Signatory to Arbitrate Issues of Arbitrability

03.08.2022

Maine Supreme Court Holds Uber Cannot Enforce Arbitration Clause in Its User Terms and Conditions, Agrees User Was Not Provided Reasonable Notice

03.03.2022

Fifth Circuit Dismisses Appeal of Order Denying Motion to Reopen Case, Sever Cost-Splitting Provision, and Impose Costs of Arbitration on Appellee

03.02.2022

First Circuit Clarifies Standard of Review and Evidentiary Proof Applicable to Motion to Compel Arbitration

02.24.2022

Second Circuit Dismisses Appeal of Order Compelling Arbitration in Labor Dispute, Extends Prior Holding in *Cheeks v. Freeport Pancake House Inc.*

02.22.2022

Ninth Circuit Concludes Domino's Drivers Are Exempt From FAA

02.17.2022

Eighth Circuit Rules Business Partners of Broker-Dealer Cannot Compel FINRA Arbitration, Agrees Partner Not a "Customer" Under FINRA Rules

02.15.2022

Massachusetts Federal Court Rules English Law Governs Reinsurance Dispute but Denies Reinsurers' Motion for Summary Judgment

02.10.2022

International Arbitration Award Under the New York Convention and Against the Haitian Government Confirmed by Southern District of New York

02.02.2022

Ninth Circuit Reverses Order Compelling Arbitration

02.01.2022

SDNY Confirms Arbitration Award in Employment Dispute, Finds Arbitrator Did Not Manifestly Disregard Law

01.21.2022

Tenth Circuit Finds Non-Signatory May Compel Arbitration Based on Equitable Estoppel

01.20.2022

Third Circuit Finds Publishing Company Waited Too Long to Challenge Arbitration Award Under Labor Management Relations Act

01.19.2022

Texas Department of Insurance Adopts New Reinsurance Regulations for Reciprocal Insurers

01.18.2022

SDNY Recognizes Strong Deference Owed to Arbitrators, Confirms Arbitration Award

01.14.2022

Ninth Circuit Affirms Denial of Motion to Compel Arbitration Against Non-Signatory Spouse of Contracting Party

01.13.2022

Fourth Circuit Refuses to Create a Less Deferential Standard of Review for Arbitral Decisions That Implicate Res Judicata or Collateral Estoppel

12.22.2021

Second Circuit Rejects Arbitration-Ordered Procedure for Determining Religious Exemptions to Vaccines in Favor of Title VII Standards

12.20.2021

Sixth Circuit Concludes That Kroger Retirement Benefits Dispute Is Governed by Arbitration Clause in Collective Bargaining Agreement

12.15.2021

SDNY Confirms \$500M Arbitration Award, Rejects Claim of Arbitrator Impartiality

12.14.2021

Tenth Circuit Finds Equitable Estoppel Theories Allowed Non-Signatory to Rely on Arbitration Clause, Reverses Order Denying Motion to Compel Arbitration

12.13.2021

New York Federal Court Reduces Arbitration Award in Labor Dispute by 25% Where Arbitrator Exceeds Scope of Authority

11.23.2021

Second Circuit Affirms Judgment Confirming Dismissal of Claims on Statute of Limitations Grounds and Order Enjoining Plaintiff From Refiling His Claims

11.03.2021

Ninth Circuit Swipes Right on Arbitration of Former Tinder Employee's Sexual Harassment and Retaliation Claims

11.02.2021

Fifth Circuit Affirms Order Confirming International Arbitration Award, Ending Decades-Old Maritime Injury Litigation

11.01.2021

Illinois Federal Court Leaves Issues of Venue and Contractual Attorneys' Fees to Be Decided by the Arbitrator

10.13.2021

Tenth Circuit Affirms Arbitration Award in Soaring Victory for Jet Engine Manufacturer

10.12.2021

Federal Circuit Declines to Hear Challenge to Patent Board's Decision Even Though Decision Allegedly Involved Adjudicating Issues Subject to Arbitration

10.11.2021

Seventh Circuit Concludes That Arbitration Clause That Waives ERISA Remedies Is Invalid

10.05.2021

Ninth Circuit Affirms Order Confirming Arbitration Award

10.04.2021

Eighth Circuit Holds Company Waived Its Right to Arbitration Where It Litigated the Case for Nearly a Year

10.01.2021

Court Permits Munich Re to Expand Its Counterclaims Against Cedent AMIC, Following Dismissal of AMIC's Bad Faith Claims

09.30.2021

Fifth Circuit Holds Prior Waiver of Right to Arbitrate State Law Claims Does Not Waive Right to Compel Arbitration of Newly Asserted Federal Claims

09.13.2021

Second Circuit Affirms Denial of Motions to Compel Arbitration in Suit Against Trump Corp. and Trump Family

09.09.2021

West Virginia Federal Court Refuses to Force Non-Signatory to Participate in Arbitration

09.07.2021

Federal Court Declines to Vacate Arbitration Award Absent Public Policy Against Requiring Reinstatement of Terminated Employee

08.31.2021

Chinese Arbitration Award Confirmed Despite US Company's Claim of Unfair Treatment Stemming From US-China Trade War

08.18.2021

Sixth Circuit Agrees Farmer Must Reimburse Crop Insurer for Overpayments Received Due to Farmer's Poor Record-Keeping

08.16.2021

Eleventh Circuit Rules FAA Does Not Create Subject Matter Jurisdiction

08.13.2021

Third Circuit Affirms Dismissal of Petition to Confirm "Sham" Arbitration Award

08.12.2021

Eleventh Circuit Denies Petition to Vacate Arbitration Award Based on Alleged Bias Where Arbitrator's Prior Employment by Opposing Law Firm Was Disclosed

08.05.2021

Court Refuses to Vacate Award Stemming From Workplace Personal Injury

08.04.2021

Eleventh Circuit Declines to Compel Arbitration in Suit Against Rental Car Company Under Arbitration Clause in Orbitz's Terms of Service

07.29.2021

Second Circuit Finds International Arbitral Tribunal Formed Under a Bilateral Investment Treaty Constitutes a "Foreign Tribunal" Under 28 U.S.C. § 1782

07.27.2021

Eighth Circuit Holds Claims Against Parent Company Were Precluded by Prior Arbitration Award and Confirmation Denying the Same Claims Against Company's Subsidiary

07.23.2021

Court Compels Employment Dispute to Arbitration, Rejecting Defenses That Arbitration Clause Did Not Survive Termination and That Clause Was Unconscionable

07.21.2021

District of Puerto Rico Holds Article II of the Convention on Foreign Arbitral Awards Preempts the McCarran-Ferguson Act

07.08.2021

Wisconsin Federal Court Vacates Order Compelling Arbitration and Reopens District Court Case, Finding "Extraordinary Circumstances" Justified Relief Under FRCP 60(b)

07.07.2021

Fourth Circuit Holds Estate of Assisted Living Facility Resident Required to Arbitrate Wrongful Death and Survival Claims

07.06.2021

Texas Federal Court Compels Arbitration of Civil Rights Claims but Stays Proceedings to Avoid Future Statute of Limitations Issues

07.05.2021

Sixth Circuit Holds Former Employee Required to Arbitrate "Gateway" Questions Concerning Arbitration Agreement's Coverage, Enforceability, and Formation

06.28.2021

Court Holds the ACA and Implementing Regulations Do Not Preempt State Creditor Priority Laws in Reinsurance Debt Dispute

06.18.2021

Court Confirms Arbitration Decision Concluding That Discrimination Claims Were Time-Barred

06.17.2021

SDNY Declines to Adopt Collateral Attack Doctrine, Grants Motion to Compel Arbitration

06.16.2021

Minnesota District Court Grants Stay of Entire Action Pending Appeal of Order Denying Motion to Compel Arbitration

06.15.2021

Illinois District Court Denies Motion to Vacate Arbitration Award and Imposes Sanctions, Citing “Outright Hostility” to Such Challenges in the Seventh Circuit

06.11.2021

Second Circuit Affirms Denial of Vacatur of Employment Arbitration Award Due to Failure to Provide Evidence of Alleged Perjury in Arbitration Proceedings

06.08.2021

Private Employment Arbitration Agreement Not Binding on Secretary of Labor When Bringing an Enforcement Action on Behalf of One Party to Agreement Against the Other

05.20.2021

English High Court Blocks Financial Services Group From Bringing Excess Insurance Claim Against UK Reinsurers in South Africa Where Courts of England and Wales Had Exclusive Jurisdiction Under Excess

05.18.2021

Party Opposing Confirmation of Non-Domestic Arbitration Award Subject to Convention May Also Assert FAA Defenses If Award Rendered in the U.S. or Under U.S. Arbitral Law

05.17.2021

Connecticut Supreme Court Finds State Law Statutory Limitation Period to Vacate Arbitration Award Confers Jurisdiction on State Courts and Not Preempted by FAA

05.14.2021

Eleventh Circuit Revives Labor Union's Complaint to Compel Arbitration That District Court Had Found to Be Time-Barred

05.12.2021

Ninth Circuit Compels Investment Banker to Arbitrate Statutory Employment Discrimination and Civil Rights Claims Despite Assumption That 'Knowing Waiver' Doctrine Applied to Claims

05.04.2021

First Circuit Concludes App User Is Bound by Arbitration Clause in App's Terms and Conditions

05.03.2021

Second Circuit Affirms Confirmation of ICC Decision Based on UAE Law

04.29.2021

California Federal Court Rejects Unconscionability Claims, Enforces Delegation Clauses in Arbitration Agreements

04.28.2021

New York Federal Court Declines to Modify Arbitration Award to Include Attorneys' Fees and Costs

04.27.2021

No "Meeting of the Minds" Where Material Terms of Arbitration Agreement Were Changed After Party Electronically Signed Document

04.26.2021

Seventh Circuit Holds EEOC Right-to-Sue Letter Does Not Trump a Binding Arbitration Agreement

04.23.2021

Eleventh Circuit Holds That “Notice of a Motion to Vacate” Under FAA Cannot Be Accomplished by Email Absent Express Written Consent

04.20.2021

Fourth Circuit Enforces Arbitration Agreement’s Waiver of Appellate Review

04.15.2021

Sixth Circuit Concludes District Court Lacked Authority to Award Attorneys’ Fees Following Arbitration

04.14.2021

Federal Circuit Affirms Denial of Oil Company’s Attempt to Compel Arbitration Following Loss at Trial

04.13.2021

District Court Predicts that Alabama Supreme Court Would Refuse to Extend Bad Faith to Reinsurance Disputes

04.12.2021

Ninth Circuit Vacates “Bizarre” Arbitration Award in Drug-Related Employment Termination Dispute

04.02.2021

Sixth Circuit Reverses District Court for Exceeding Its Authority by Ruling on Arbitrability in the Presence of an Unchallenged Delegation Clause

03.31.2021

Court Confirms “Baseball Arbitration” Award, Finds Party Alleging Unfairness Was Caught Looking When It Failed to Object

03.25.2021

SDNY Vacates Arbitration Award in International Maritime Shipping Dispute

03.24.2021

Alabama District Court Grants Hospital's Motion to Compel Arbitration in Dispute Against Third-Party Beneficiary to Medical Services Contract

03.23.2021

Aflac Waives Problematic Clause to Ensure Arbitration

03.22.2021

Employer Enforces Arbitration Despite Absence of Signature

03.17.2021

North Carolina District Court Dismisses Action Where Plaintiff Had Full and Fair Opportunity to Pursue Claim Through Arbitration

03.16.2021

Court Finds Pre-Hearing Nonparty Deposition Subpoenas Permitted by FAA, and Rule 45 Territorial Limit Not a Bar for Virtual Deposition

03.15.2021

West Virginia District Court Rejects DirecTV's Bid to Compel Arbitration Finding Breadth of Arbitration Agreement "Absurd" and "Unconscionable"

03.09.2021

Fourth Circuit Affirms Denial of Vacatur of Arbitration Award, Finding No Deprivation of a Fair Hearing or Manifest Disregard of the Law

03.08.2021

Ninth Circuit Affirms Removal to Federal Court and Order Compelling Arbitration, Construing Forum Selection Clause and Scope of Arbitration Agreement

03.04.2021

Ninth Circuit Affirms Arizona District Court's Dismissal of Frivolous Petition to Compel Arbitration

03.03.2021

Massachusetts Supreme Court Holds That Uber's Registration Process Did Not Provide Reasonable Notice of Terms and Conditions and That Arbitration Was Therefore Improper

03.02.2021

West Virginia District Court Grants Summary Judgment in Favor of Insurer Following Denial of Policyholder's Mine Subsidence Claim

03.01.2021

London Court of Appeal Vacates and Remands Decision Blocking Transfer of Approximately 370K Annuity Policies

02.23.2021

Eleventh Circuit Holds University Cannot Arbitrate Student's Breach of Contract and Misrepresentation Claims

02.23.2021

Fourth Circuit Declines to Vacate Arbitration Award Where Challenge to the Award Was Nothing More Than an Ordinary Disagreement With Its Outcome

02.22.2021

Tenth Circuit Agrees Arbitration Award Issued Absent an Arbitration Agreement Was a "Farce," Orders Sanctions Against Pro Se Petitioner

02.12.2021

Ninth Circuit Denies Non-Signatory's Bid to Compel Arbitration of Trademark Infringement Claims

02.12.2021

New Jersey Supreme Court Affirms \$56M Refund to Johnson & Johnson for Overpayment of Insurance Premium Tax

02.05.2021

Court Compels Arbitration Because Non-Signatory "Knowingly Exploited" and Obtained Benefits of Agreement

02.05.2021

New York Federal Court Confirms \$2M Arbitral Award to Defunct Liquor Distributor in Dispute Over Royalties Owed to Rapper Snoop Dogg

02.04.2021

Seventh Circuit Affirms Wisconsin Federal Court's Finding That Arbitration Panel's Decision Was Arbitrary and Capricious Where It Was Contrary to the Evidence in the Record

01.14.2021

Texas Federal Judge Declines to Rule on Procedural Issues in Multiple Successive Arbitrations Filed by Same Parties, Leaving Dispute to Arbitrators

01.13.2021

New York Court Finds the Term "Exhaustion" in Excess Policy Was Ambiguous, Rules That Full Limits of Underlying Insurance Need Not Be Paid for Excess Policy to Attach

01.12.2021

District Court Transfers Consideration of Motion to Quash Pursuant to Rule 45(f)

01.11.2021

Second Circuit Declines to Vacate Foreign Arbitral Award Under New York Convention Absent Valid Reas

12.16.2020

Federal Court Refuses To Compel Arbitration or Appoint Arbitrators Where No Party Had Refused To Arbitrate and Both Parties Were Working on Selecting Arbitrators

12.14.2020

Southern District of New York Rejects Reinsurer's Claim that Exhaustion Provision Was Not Met; Concludes Indemnification Was Required Under Follow-the-Settlement Clause

12.10.2020

Ninth Circuit: Website Visit Four Years After Assent To a Contract Containing a Change-of-Terms Provision Does Not Bind Parties To New Contract Terms Addressing Arbitration

12.08.2020

Parsing the Sometimes Fine Distinction Between a Broad and a Narrow Arbitration Clause

12.02.2020

Arkansas District Court Compels Arbitration of Post-Termination Wage Dispute

11.30.2020

California District Court Grants Motion to Compel, Referring Issue of Arbitrability to Hong Kong Arbitration Forum

11.17.2020

Determination of Valid Arbitration Agreement May Be Dependent on “Outward Manifestations and Circumstances Surrounding the Transaction”

11.11.2020

Ninth Circuit Holds That a Change-of-Terms Provision Cannot Bind Parties To a New Browse-Wrap Agreement

11.09.2020

Court Grants Temporary Restraining Order Enjoining FINRA Arbitration From Proceeding Pending a Decision on Arbitrability

11.05.2020

Second Circuit Affirms Arbitration Award of Over \$2M in Fees to Prevailing Party

10.29.2020

Ninth Circuit Affirms Denial of DIRECTV’s Motion To Compel Arbitration, Creating Circuit Split on Procedure for Determining Scope of Arbitration Agreements

10.27.2020

Court Denies Motion To Compel Arbitration and To Appoint Arbitrators Where Parties Had Agreed To Arbitrate and There Was No Impasse

10.22.2020

Fifth Circuit Affirms That District Court in Texas Lacks Jurisdiction to Vacate Arbitration Award in Florida

10.21.2020

Fourth Circuit Vacates and Remands Denial of Motion to Stay Case Pending Arbitration After District Court Refuses to Consider Evidence Beyond the Pleadings

10.20.2020

Western District of Washington Reverses Course and Compels Arbitration

10.19.2020

Eastern District of California Grants Partial Summary Judgment to Plaintiffs in Reinsurance Mortgage Kickback Class Action; Reinsurer May Still Prevail

10.15.2020

Ninth Circuit Affirms That Uber Driver Not Engaged in “Foreign or Interstate Commerce” for Purposes of Exemption to FAA

10.14.2020

Fifth Circuit Holds “Tacit Acquiescence” Insufficient to Create Valid Contract to Arbitrate

10.13.2020

Washington Supreme Court Declines To Intervene in Ongoing Arbitration, Finding Judicial Authority Under FAA Limited To “Gateway” Disputes and Review of Final Awards

10.12.2020

Seventh Circuit Adds to Circuit Split, Holds Section 1782 Does Not Authorize Federal Courts to Compel Discovery for Use in Private Foreign Arbitration

10.07.2020

Arbitration Award In Favor Of Major League Baseball Confirmed As Southern District Of New York Bats Telemicro’s Challenges Away

10.05.2020

Fifth Circuit Affirms Significant Arbitration Award of Attorney's Fees, Clarifying the Limited Scope of Review and Ruling That the Panel Did Not Exceed Its Authority

10.01.2020

S.D.N.Y. Affirms Arbitration Award Over Challenge to Impartiality of Arbitrator

09.30.2020

Court Rejects Claim Based on Interpretation of Clause in Private Purchase and Sale Agreement of Shares and Other Matters

09.29.2020

Georgia Court of Appeals Reverses Confirmation of Arbitration Award Finding Arbitrator Ignored Contractual Language

09.28.2020

Supreme Court of Mississippi Enforces Arbitration Agreement

09.24.2020

Georgia Supreme Court Finds Mandatory Arbitration Clause in Law Firm Engagement Agreement Is Neither Unconscionable nor Void as Against State Public Policy

09.23.2020

Fifth Circuit Finds Incorporation of AAA Rules Into Arbitration Agreement Presents "Clear Unmistakable Evidence" of Parties' Intent To Have Arbitrator Decide Issue of Arbitrability

09.22.2020

Federal Court Confirms \$112 Million Foreign Arbitral Award Against Ukraine, Finding No Arbitrator Impartiality

09.21.2020

Third Circuit Upholds Pennsylvania Federal Court's Finding That an Arbitration Agreement Is Unenforceable Where It Limits Borrowers Claims To Only Those Under Tribal Law

09.15.2020

Court Affirms FINRA Arbitration Award to Charles Schwab, Finding No Evident Partiality or Other Arbitrator Misconduct

09.14.2020

Court Applies “Summary-Judgment-Like” Approach To Uncontested Motions To Compel Arbitration And Stay Litigation

09.10.2020

Ninth Circuit Affirms Order Denying Uber’s Motion to Compel Arbitration of Claims Brought Under the ADA

09.08.2020

Texas District Court Compels Arbitration Involving Hurricane Harvey Loss

09.02.2020

SDNY Finds Insurer, As Subrogee, Lacked Authority to Enforce Arbitration Clause in Fuel Delivery Contract

09.01.2020

New York Federal Court Confirms Arbitration Award Where Plaintiff Offered No Grounds to Vacate, Modify, or Correct Award

09.01.2020

Third Circuit Affirms District Court’s Denial of Attorneys’ Fees Absent a Valid Statutory or Contractual Right to Additional Fees

08.31.2020

Eleventh Circuit Affirms Order Compelling Arbitration of Cruise Liner Class Action

08.26.2020

Unopposed Motions to Confirm Arbitration Awards Are Treated As Motions for Summary Judgment

08.24.2020

Denied: Pro Se Litigant's Petition to Confirm Arbitration Award He Rendered Against Republican National Committee

08.20.2020

Eleventh Circuit Affirms Denial of Motion to Arbitrate Where Appellant Was Not a Party to Arbitration Agreement

08.19.2020

Uber Price Fixing Class Action Award Still Fares Despite Arbitrator's Unfunny Joke

08.18.2020

Tenth Circuit Refuses to Vacate FINRA Arbitration Dismissal

08.17.2020

SDNY Finds Cedent Entitled to Indemnification for \$20 Million Settlement Payment Under English Law

08.13.2020

Seventh Circuit Rejects Third-Party Administrator's Attempt to Avoid Multimillion-Dollar Arbitration Award

08.12.2020

Eleventh Circuit Vacates Compound Interest Award and Directs Trial Court to Recalculate Simple Interest Under Georgia Law

08.11.2020

NJ Supreme Court Finds State Arbitration Law Applies to FAA-Exempt Workers

08.10.2020

Arkansas Federal Court Finds McCarran-Ferguson Act Does Not Supersede the New York Convention or Chapter II of the FAA

08.05.2020

Second Circuit Affirms Denial of NFL Player's Petition to Vacate Arbitration Award, Rejecting Arguments of Harm Caused by Failure to Disclose CBA-Related Documents

08.03.2020

€643 Million Arbitration Award Was Within Arbitration Panel's Power to Award and Not a Result of Manifest Disregard of the Law

07.30.2020

Third Circuit Concludes Arbitration Agreement Is Unenforceable Under the Prospective Waiver Doctrine

07.29.2020

Eighth Circuit Affirms Ruling That NLRB Retains Jurisdiction to Review Arbitration Decision on NRLA Charge, Not Court

07.28.2020

First Circuit Vacates Order Compelling Arbitration Over Arbitrator Selection Clause

07.27.2020

SDNY Grants 28 U.S.C. § 1782 Application for Discovery in Dispute Involving Republic of Lithuania

07.23.2020

Second Circuit Affirms Ruling That Chinese Arbitration Organization Is Not a "Foreign or International Tribunal" Under Section 1782

07.22.2020

Hawaii District Court Compels Arbitration of Only Part of a Claim Where There Was a Clear Agreement to Arbitrate

07.21.2020

Court Denies Petition to Vacate, Finding Petitioner Waived Objection Based on Arbitrator Impartiality

07.20.2020

Texas Supreme Court Holds Defendant Did Not Forfeit Right to Appeal Denial of Motion to Compel Arbitration by Waiting Until After Entry of Jury Verdict in Plaintiff's Favor

07.15.2020

Ninth Circuit Remands Order Denying Motion to Compel Arbitration That Failed to Address the Effect of Delegation Clause in Parties' Arbitration Agreement

07.13.2020

Determining Whether "Clickwrap Agreement" Provides "Reasonable Notice" of an Arbitration Agreement Is a Fact-Intensive Inquiry

07.09.2020

Sixth Circuit Affirms Ruling That Arbitrator Is to Determine Arbitrability of Employment Dispute Between Franchise Employees and Domino's

07.08.2020

Fourth Circuit Declines to Compel Arbitration Due to Missing Arbitration Agreements

07.07.2020

Ninth Circuit Affirms Ruling That Successor Is Bound to Collective Bargaining Agreement

07.06.2020

First Circuit Rejects Argument That Arbitration Clause Was Unenforceable Because Contract Containing the Clause Was Allegedly Terminated and Superseded

07.02.2020

Fourth Circuit Finds Arbitration Clauses Are Valid and Enforceable, Confirms Chinese Arbitral Award

07.01.2020

Washington Supreme Court Finds Hospital Waived Its Right to Arbitration When It Chose to Litigate for Nine Months

06.30.2020

Oklahoma Supreme Court Finds Arbitrator, Not Court, to Determine Fraudulent Inducement Attack on Contract Containing Arbitration Clause

06.29.2020

Oklahoma Supreme Court Finds Arbitrator, Not Court, to Determine Fraudulent Inducement Attack on Contract Containing Arbitration Clause

06.24.2020

Eleventh Circuit Affirms Denial of Imax Corp.'s Petition to Vacate Arbitration Tribunal Rulings That Included Awards of Nearly \$1 Million in Arbitration Costs and Attorney's Fees

06.03.2020

Third Circuit Affirms Denial of Motion to Compel Car Rental Class Action to Arbitration Based on Insufficiently Incorporated Arbitration Provisions

05.29.2020

Fifth Circuit Rejects Challenges to \$147M International Arbitration Award

05.28.2020

Fifth Circuit Affirms Ruling That Parties Lacked Agreement to Arbitrate

05.27.2020

Fifth Circuit Suggests Question of Class Arbitrability Was for Arbitrator Not Court

05.26.2020

SDNY Concludes Arbitrators Did Not Exceed Authority in Interpreting Product Pollution Liability Exception to Policy's Pollution Exclusion

05.21.2020

Pennsylvania Court Finds Respondent's "Different Reading" of Arbitration Award Need Not Be Raised in a Timely Motion to Vacate, Modify, or Correct

05.20.2020

New York Appellate Court Finds Bankruptcy Trustee Not Bound by Arbitration Clause in Bankrupt Company's Engagement Agreement With Accounting Firm

05.19.2020

Court Affirms Ruling That Insured Cannot Recover From Captive Reinsurer or Affiliated Insurance Brokerage

05.18.2020

Illinois Federal Court Finds Futures Traders Are Estopped From Avoiding Operating Agreement's Arbitration Clause Where They Sought to Directly Benefit From Operating Agreement

05.12.2020

Court Compels FMLA Employment Dispute to Arbitration, Finding That Arbitration Agreement Delegated Arbitrability to Arbitrator and Agreement Appeared Not to Be Void or Unconscionable

05.11.2020

District Court Orders Insurer in Receivership to Arbitrate With Reinsurers, Rejecting Argument That Jurisdiction Rests With Receivership Court and That McCarran-Ferguson Act Preempts FAA

05.07.2020

Court Compels Arbitration Based on Merger Clause Incorporating Separate Agreement Into Contract Containing Arbitration Clause and Rejects Argument That Delay Precluded Arbitration

05.06.2020

SDNY Severs Arbitration Award to Confirm in Part and Vacate in Part

05.05.2020

Utah Court Stays Claims in Litigation Pending Completion of Arbitration

05.04.2020

Fireman's Fund Obtains Second Circuit Reversal in Long-Running Reinsurance Dispute Involving Asbestos Claims and Policies Without Aggregate Limits

04.30.2020

Southern District of New York Confirms Arbitration Award Finding Force Majeure Clause Did Not Apply to Excuse Performance Under Charter

04.29.2020

Court Affirms Ruling Putting End to Arbitration on Issue and Claim Preclusion Grounds

04.28.2020

Fourth Circuit Affirms Summary Judgment for Employer on Hostile Work Environment Claim, Vacates for Employer on Retaliation Claim

04.27.2020

Court Confirms Award in Favor of Reinsurer, Including Over \$400,000 in Attorneys' Fees

04.21.2020

Alabama Supreme Court Reverses Order Compelling Arbitration Based on Failure to Authenticate Arbitration Agreement

04.20.2020

Court Confirms Arbitration Award Against Parties Who Failed to Attend Arbitration

04.16.2020

District Court Compels Arbitration for Claims Against Supervisor Despite Plaintiff's Claims Regarding Never Seeing or Signing Agreement Containing Arbitration Clause

04.15.2020

District Court of Maryland Denies Motion to Dismiss Petition to Vacate Arbitration Award

04.14.2020

First Circuit Affirms Confirmation of FINRA Award Over Claim That Arbitration Panel Should Have Held Investment Firm Liable Under Doctrine of Respondeat Superior

04.13.2020

Fourth Circuit Determines Arbitral Panel in UK Is Foreign Tribunal for Purposes of Section 1782

04.09.2020

Hawaii Supreme Court Finds Arbitration Clause Not Applicable Where Defendants Fail to Comply With Statutory Arbitration Notice Requirements and Claims Did Not Fall Within Scope of Arbitration Clause

04.08.2020

Seventh Circuit Agrees Defendant Expressly Waived Right to Arbitrate by Withdrawing Arbitration Argument From Motion to Dismiss

04.07.2020

Ninth Circuit Finds LRRRA Preempts Washington Anti-Arbitration Statutes as It Applies to Risk Retention Groups Chartered in Other States

04.06.2020

Court Dismisses Professional Negligence Action Against Insurance Broker for Lack of Personal Jurisdiction

03.31.2020

Third Circuit Addresses Interplay Between LMRA and FAA and Affirms Arbitration Award in Favor of Union Under Collective Bargaining Agreement

03.30.2020

Second Circuit Upholds Injunction Against Arbitration Based on Prior Singaporean Judgment

03.27.2020

District of Massachusetts Finds Subsequent Arbitration Not a Collateral Attack on Confirmed Award

03.26.2020

Eleventh Circuit Affirms Confirmation of Arbitration Award Over Claims of Fraud, AAA Rule-Breaking, and Lack of Jurisdiction

03.25.2020

California District Court Confirms Arbitration Award Properly Conducted Under ICC Rules

03.24.2020

Northern District of New York Refuses to Change Credibility Determination Regarding Bench-Trial Testimony by Attorney Involved in Underlying Settlement Negotiations

03.10.2020

Court Upholds Arbitration Provision Despite Allegations of Fraud in Contract's Execution

03.09.2020

"Grossly Excessive" Arbitration Award Overturned Due to "Evident Material Miscalculation"

03.06.2020

Court Declines to Compel Arbitration Based on Third-Party Agreement

03.05.2020

Third Circuit Affirms Confirmation of Arbitration Award Despite Challenge That Damages Figure Was Completely Irrational

03.04.2020

Southern District of Texas Compels Arbitration Over Insured's Claim that Arbitration Clause was Unconscionable

03.03.2020

Kentucky District Court Confirms Arbitration Award Allocating All Environmental Contamination Costs to Petitioner

02.28.2020

Carlton Fields and FEMA Catapult NFIP to \$2.53 Billion of Reinsurance Protection With New CAT Bond

02.26.2020

Ninth Circuit Affirms District Court's Order Denying Motion to Compel Arbitration in Putative Class Action Where Defendant Failed To Prove Plaintiffs Assented to Arbitration Clause

02.21.2020

Former Employees Not Bound by Their Former Union's Arbitration Agreement

02.19.2020

Court Compels Arbitration of Balance Billing Dispute Under a California Health Plan, Severs Certain Unconscionable Provisions, and Rejects Class Arbitration Proceedings

02.14.2020

First Circuit Refuses to Vacate Arbitration Award Following Stock Dispute

02.12.2020

Fifth Circuit Affirms Arbitration Award and Finds Panel Was Fairly Constituted and Did Not Award Punitive Damages

02.12.2020

Nebraska Appellate Court Affirms Dismissal for Lack of Personal Jurisdiction in Suit Involving Breach of Reinsurance Participation Agreement

02.10.2020

Massachusetts District Court Appoints Arbitrator in Light of Parties Inability to Do So

02.06.2020

Eleventh Circuit Affirms District Court Order that Defendants Waived Arbitration

02.05.2020

District Court Enforces Mandatory Arbitration Clause, Despite State Law Prohibiting Such Provisions in Insurance Contracts

01.24.2020

Maryland District Court Finds Damages Award, Not Liability Award Was “Final” Decision Triggering Time to Challenge Award Under FAA

01.23.2020

Court Holds Former Director in Contempt Following Wild Reinsurance Dispute

01.22.2020

Without Jurisdiction or Authority to Review, California Appellate Court Dismisses Appeal of Trial Court’s Statement of Decision

01.21.2020

Ninth Circuit Affirms Denial of Motion to Compel Arbitration in Smartphone App Case Based on Obscure “Browsewrap” Arbitration Clause

01.16.2020

Second Circuit Affirms District Court’s Order as It Addressed Party’s Argument on Appeal

01.15.2020

Federal Court Dismisses Policyholder’s Third-Party Action Against Reinsurers

01.14.2020

Court Denies Petition to Vacate Arbitration Award Based on Judicial Estoppel

01.13.2020

Third Circuit Affirms Order Declining to Consolidate Reinsurance Dispute, but Vacates Order Denying Motion to Unseal

12.18.2019

Court Finds No Manifest Disregard of the Law or Exceeding of Powers in Upholding Arbitration Award Related to Dispute Over Earn-Out Payment

12.17.2019

Eleventh Circuit Clarifies Standard for New York Convention’s Public Policy Defense to Foreign Arbitration Awards

12.12.2019

Connecticut Supreme Court to Consider Whether Parties Can Use FAA to Extend Time to Vacate Arbitration Award

12.11.2019

Second Circuit Finds Arbitrator Within Authority to Bind Absent Class Members to Arbitration

12.10.2019

Eighth Circuit Rejects Claim That Arbitration Clause in Retainer Was Unconscionable

12.09.2019

Ninth Circuit Affirms Summary Judgment in Favor of Boeing and District Court's Application of Swedish and U.K. Law

12.05.2019

U.S. District Court for the District of Maryland Confirms Arbitration Award

12.04.2019

District Court Confirms \$220 Million Award, Finds No Manifest Disregard of Law

12.03.2019

Court Confirms Arbitration Award as Not in Manifest Disregard of the Law

12.02.2019

New York Appellate Division Declines to Enjoin Baltimore Orioles' Arbitration Against Washington Nationals

11.26.2019

Court Dismisses Reinsurance Litigation in Favor of Prior Pending Action

11.25.2019

Court Denies Motion to Set Aside Confirmation of Arbitration Award, Rejecting Arguments of Excusable

11.20.2019

California Court Finds Arbitration Agreement Invalid and Unenforceable as a Result of Economic Duress and Undue Influence

11.19.2019

Court Enforces Arbitration Agreement Incorporated Into "Notice to Employees"

11.18.2019

Texas Magistrate Denies Motion for Attorneys' Fees Incurred in Seeking Confirmation of Arbitration Award

11.14.2019

Court Vacates Arbitration Award on Grounds of Evident Partiality

11.13.2019

Southern District of New York Holds That Arbitrator's Refusal to Postpone Hearing and Consider Witnesses Not "Misconduct" Requiring Vacatur

11.12.2019

Court Denies Motion to Reconsider Order Compelling Arbitration

11.11.2019

SDNY Compels Arbitration Based on Severability Doctrine, Finds Fee-Shifting Clause Not Unconscionable

11.07.2019

Fifth Circuit Affirms Confirmation of Arbitration Ruling in Favor of Ameriprise Financial

11.05.2019

Court Orders Stay of New Arbitration Over Disputed Reinsurance Billings and Compels Parties to Proceed Before a Predecessor Arbitration Panel

10.31.2019

Oklahoma Supreme Court Reverses Course: Finds Arbitration Clause Printed on Shingles' Wrapping Did Not Bind Homeowner to Arbitrate

10.29.2019

Court of Federal Claims Finds HHS Offset Invalid Under Colorado's Insurance Liquidating Priority Scheme

10.28.2019

North Carolina Court Rules Reimbursement for Extracontractual Losses Discretionary

10.24.2019

Court Finds Medical Bill Reimbursement Claim Subject to "Biblically-Based Mediation and Arbitration"

10.23.2019

Court Enforces ICSIC Award

10.22.2019

New York Court Compels Arbitration of Commercial Marijuana Dispute

10.21.2019

Court Confirms Arbitration Award Under FAA's Strong Presumption in Favor of Such Awards

10.17.2019

Ninth Circuit Reverses Dismissal of Case Involving Foreign Arbitration Award Based on Comity for French Appellate Ruling and Quasi in Rem Jurisdiction

10.17.2019

Second Circuit Affirms Judgment Confirming Arbitration Award in Favor of Labor Union Involving Alleged Non-Signatory to Collective Bargaining Agreement

10.10.2019

Court Compels Arbitration Based on Clause Incorporated Into Guaranty Agreement

10.09.2019

District of Idaho Rejects Challenges to Arbitration Award

10.08.2019

Second Circuit Confirms Arbitration Awards That Are (Literally) Out of This World

10.07.2019

Nevada Supreme Court Reverses Ordered Arbitration as the FAA Preempts NRS 597.995

10.03.2019

District Court Dismisses Petition to Confirm Interim Arbitration Award for Lack of Subject-Matter Jurisdiction

10.01.2019

District Court Compels Arbitration Citing Insurance Policy's "Service-of-Suit" Provision

09.27.2019

Employment Discrimination Claim Compelled to Arbitration Despite Arguments That "Clickwrap" Stock Incentive Agreement and Discovery Limitations Were Unconscionable

09.25.2019

District Court Compels Arbitration Pursuant to Operating Agreement

09.24.2019

Ninth Circuit Affirms Confirmation of Arbitration Award, Finding Plaintiffs Failed to Show Prejudice From Denial of Discovery

09.23.2019

Court Holds That Issue of Arbitrability Is for an Arbitrator to Decide Pursuant to Agreement

09.19.2019

Southern District Concludes That Invocation of AAA's Rules Subjects Arbitrability Questions to Arbitrator, Rejects Waiver Claim

09.18.2019

Intervenor-Defendant Obtains Stay of SDNY Action in Favor of Arbitration 14 Months After Complaint Filed

09.17.2019

Could Concludes That Bankruptcy Discharge Does Not Affect Arbitration Clause

09.16.2019

District of Connecticut Enforces Amex Arbitration Clause Where Cardmember Did Not "Opt Out"

09.12.2019

UK High Court Declines to Sanction Transfer of Annuity Portfolio

09.11.2019

Court Holds Arbitration Provision Does Not Violate California's McGill Rule

09.10.2019

Court Stays Yacht-Wreck Coverage Action Pending Concurrent Proceeding to Vacate Arbitration Award in Favor of Insurers

09.09.2019

Court Directs Arbitration Where Plaintiff Acknowledges the Parties Agreed to Do So

09.05.2019

First Circuit Affirms Denial of Vacatur of Arbitration Award, Rejects Arguments That Parties Opted Out of FAA and Arbitrator Erred

09.03.2019

After Reviewing the Arbitration Record, Court Enters Default Judgment Confirming Default Arbitration Award

08.28.2019

SDNY Denies Class Certification in Action Alleging Rate Regulation Violations

08.27.2019

NDNY Finds Party Waived Right to Pursue Employment-Related Claims and Confirms Arbitration Award

08.26.2019

Ninth Circuit Concludes Defendant Waived Right to Seek Arbitration of Class Action

08.25.2019

NDNY Unable to Resolve Ambiguity in Umbrella Policies and Sets Trial

08.23.2019

Court Remands Arbitration Award to Arbitrator for Clarification

08.21.2019

Court Denies Reinsurer's Motion to Compel, Finding No Basis to Decide Issues Concerning Costs for Which Cedent Has Not Requested Payment

08.20.2019

Third Circuit Holds That Statute of Limitations Was Not Extended for Class Action Lawsuit

08.19.2019

Court Confirms Arbitration Award, Finding It Was Based in Part on "Plain Error," but Did Not Amount to Manifest Disregard of the Law

08.14.2019

Fifth Circuit Determines That Louisiana Nonresident Attachment Statute Allows for Attachment in Aid of Arbitration

08.12.2019

Applied Underwriters Overcomes Bid for Renewed Motion for Class Certification in Workers' Compensation Reinsurance Dispute

08.08.2019

Southern District of New York Rejects Claim That a Letter Threatening to Terminate a Reinsurance Agreement Terminated the Agreement

08.07.2019

New York Federal Court Punts Request for Foreign Reinsurer to Post Security Back to Arbitrators

08.06.2019

Fifth Circuit Holds Propriety of Class Arbitration Is "Gateway" Issue for Courts

08.06.2019

Maryland Federal Court Denies Untimely Request to Vacate Arbitration Award

08.01.2019

SDNY Dismisses Captive Reinsurer's Counterclaims, Finding Reinsurance Agreement Never Rescinded and Cedent's Duty to Cede Premiums Never Arose

07.31.2019

Ninth Circuit Affirmed That Non-Signatories Could Invoke Arbitration Clause Under Arizona Law

07.30.2019

Ninth Circuit Binds Plaintiff to Arbitration Clause It Never Received, Finding Clause Was “Readily Available” and Incorporated by Reference Into Purchase Order

07.29.2019

Third Circuit Affirms Arbitration Award for Employee’s Breach of Employment Agreement

07.24.2019

Court Refuses to Treat Unopposed Petition to Confirm Arbitration Award as a Motion for Default Judgment, Reviews the Merits of the Petition, and Enters Order Confirming the Award and Legal Fees

07.22.2019

Odyssey Reinsurance Obtains Summary Judgment in Fraudulent Transfer Case Against Owners of Agency Involved in Reinsurance Arrangement

07.18.2019

Court Compels Arbitration Based on Text Message Agreement

07.17.2019

Florida Federal Court Compels Arbitration of Coverage Dispute Under the New York Convention

07.16.2019

Eighth Circuit Vacates Confirmation Over Lack of Personal Jurisdiction

07.15.2019

Fifth Circuit Reverses Ruling That Procedural Unconscionability Is Decided by Arbitrator

07.11.2019

Court Holds Prior Compliance Is Not a Ground to Refuse Confirmation of an Arbitration Award

07.10.2019

Failure to Specifically Challenge “Delegation” Clause in Arbitration Agreement Means Motion to Compel Arbitration “Must Be Granted”

07.09.2019

Fifth Circuit Holds Parties Did Not Enter Into Arbitration Agreement Under the FAA

07.08.2019

District Court Grants Motion to Compel Arbitration, Finding Arbitration Provision Not Severable From Allegedly Void Contract

07.03.2019

Ninth Circuit Affirms Order Denying Arbitration, Applying Precedent That State Law Does Not Overcome the New York Convention’s Signatory Requirement to Compel Arbitration

07.01.2019

Court Compels Arbitration Under the New York Convention and Dismisses Case in Windstorm Insurance Claim Dispute

06.28.2019

An Agreement to Arbitrate Is Not a Contract Defense Under Montana Law

06.27.2019

Second Circuit Affirms Ruling Rejecting Lack of Notice Defense Under New York Convention Article

06.26.2019

Ninth Circuit Denies Mandamus After District Court Compels Arbitration Based on Allegedly Inconspicuous Arbitration Provision

06.25.2019

Alabama District Court Enforces Arbitration Clause Related to Disability Policy Over Unconscionability Claim

06.20.2019

Court of Appeals Finds District Court Did Not Err in Lifting Stay Ordered to Refer Case to Arbitration

06.19.2019

SNDY Clears the Air, Finds Arbitrators Applied UAE Law in Determining Award in Aircraft Lease Agreement Dispute

06.18.2019

Second Circuit Adopts Standard for Determining Subject-Matter Jurisdiction Over Motions to Confirm Arbitration Awards Under FAA Section 9

06.17.2019

West Virginia Supreme Court Reverses, Finds “Delegation Clause” in Employment Arbitration Agreement Neither Ambiguous nor Unconscionable

06.13.2019

Court Finds Panel Did Not Manifestly Disregard Law When It Entered FINRA Award in Favor of Investment Firm and Advisors in Dispute over Fraud Committed by Late NFL Player’s Agent

06.11.2019

Confidential Reinsurance Agreement Made Public After Party Failed to Show Good Cause for Maintaining Confidentiality

06.06.2019

Southern District Confirms Arbitration Award Over Challenge Based on Failure of Arbitrators to Disclose Information

06.04.2019

U.K. Court of Appeal Prohibits “Spiking” in Mesothelioma Cases in Win for Reinsurers

05.31.2019

Fifth Circuit Affirms Ruling That Policy’s Conformity Provision Does Not Negate the Agreement to Arbitrate Despite Statute Prohibiting Arbitration Agreements in Insurance Contracts Covering Property

05.30.2019

Third Circuit Interprets Unique Arbitrability Language in Arbitration Clause

05.29.2019

California Court Denies Defendants' Motions for Summary Judgment, Finding Evidentiary Support for Odyssey Re's Fraudulent Transfer Claims

05.28.2019

New York Federal Court Finds Vacatur of Arbitration Award Not Warranted

05.22.2019

Court Finds Arbitration Panel Did Not Exceed Powers or Manifestly Disregard the Law in Confirming Award in Dispute Over Leasing of Oil Lands

05.21.2019

Eleventh Circuit Finds Removal Jurisdiction Is Included Within Federal Subject-Matter Jurisdiction Under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards

05.17.2019

Court Denies Reinsurers' Attempts to Avoid Suit

05.16.2019

Northern District of New York Declines to Imply a Follow-the-Fortunes or Follow-the-Settlements Obligation in Reinsurance Certificate

05.15.2019

New York Court Discusses Qualifying and Disqualifying Conditions for Umpires

05.10.2019

Tenth Circuit Finds No Jurisdiction to Hear Appeal of District Court Stay Order While Motion to Compel Arbitration Is Pending in Parallel Federal Court Proceeding

05.09.2019

Supreme Court's Lamp Plus Brings Ambiguity in Classwide Arbitration to Light

05.08.2019

Court Holds That Arbitration Award Was Final and Definite and Arbitrator Did Not Manifestly Disregard the Law

05.07.2019

Second Circuit Vacates SDNY Order Enforcing Arbitration Award Against Reinsurer

05.01.2019

Ninth Circuit Affirms Order Compelling Class Arbitration in Employment Dispute Involving Two Employment Agreements With Varying Arbitration Provisions

04.29.2019

Court Finds Jurisdiction Over Petition to Confirm Arbitration Award in Dispute Between Liquidator and Foreign Reinsurer

04.24.2019

Ninth Circuit Finds No Foreign Arbitration Award to Uphold

04.24.2019

New York Federal Court Rejects Attempt to Vacate Arbitration Award Related to Theft of Corporate Assets

04.23.2019

California Federal Court Enforces Arbitration Provision in Uber Agreements

04.22.2019

Arbitrator Found Not to Have Issued a Reasoned Award, SDNY Remands to Arbitrator for Clarification

04.19.2019

Fourth Circuit Holds That Arbitrator Exceeded Powers

04.18.2019

Connecticut Superior Court Holds That Consolidation Is a Procedural Question to Be Considered by an Arbitrator

04.17.2019

District Court Denies Summary Judgment to Trustee of Trust Account Maintained for Beneficiary of “Fronted” Reinsurance Program

04.15.2019

SDNY Vacates Amended Arbitration Award, Confirms Original \$39 Million Award, Finding Panel Exceeded Authority and Manifestly Disregarded Law

04.10.2019

California Appellate Court Holds U.S. Supreme Court’s Epic Systems Ruling Does Not Authorize Waiver

04.08.2019

Discovery Under Section 1782 Denied Based on Finding That Chinese Arbitration Organization Was Not a “Foreign or International Tribunal”

04.04.2019

Perspectives: 'Partial Final' Does Not Mean Final
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04.03.2019

“Partial Final” Does Not Mean Final

04.02.2019

Court Rejects Attempt to Relitigate Arbitration Award

03.27.2019

District Court Declines to Decide Procedural Arbitrability Issue, Separately Seals Docket, Finding “Reasonably Significant Privacy Interest” in Reinsurance Treaties

03.26.2019

Ninth Circuit Dismisses Interlocutory Appeal, Finds Order Compelling Arbitration Not a “Final Decision” Under FAA

03.22.2019

Trial Deadlines Continued in Collection Action Filed by Reinsurer Related to Fraudulent Transfer Scheme

03.15.2019

D.C. Circuit Court Affirms \$1.2 Billion Arbitration Award to Gold-Mining Company

03.13.2019

Tenth Circuit Affirms Partial Enforcement of Arbitration Clause

12.01.2018

Reinsurance

Insurance Litigation Reporter

09.28.2018

Ninth Circuit Holds Putative Class Action ERISA Claims Fall Outside Scope of Individual Arbitration

09.27.2018

Puerto Rico Addresses Impact of the NRRRA

09.26.2018

Eleventh Circuit Reverses Order Compelling Arbitration Between Non-Signatories

09.25.2018

Financial Stability Oversight Council Determines Bank Holding Company Will Not Be Treated as a Nonbank Financial Company Post Merger

09.20.2018

Contract Claims Dismissed Against Reinsurers and Reinsurance Service Providers, but Negligence Claim

09.19.2018

Ninth Circuit Upholds Lower Court Rulings on Nurse Staffing and Work Break Arbitration Awards

09.18.2018

Fifth Circuit Finds That Arbitrator Exceeds Authority In Reforming Contract For Mutual Mistake

09.17.2018

Tenth and Eleventh Circuits Buck Other Circuits Requiring Higher Showing of Intent to Delegate Class

09.13.2018

Eighth Circuit Upholds Confirmation of Arbitration Award Directing Payment of Attorney's Fees and Expenses Unrestricted by Contractual Limit on Liability

09.12.2018

New Mexico Adopts NAIC Credit for Reinsurance Model Regulation

09.11.2018

Delaware Bankruptcy Court Confirms Restructuring Plan Involving Scottish Re

09.10.2018

Eleventh Circuit Reverses Sanction Imposed Against Party That Defaulted in Arbitration to Determine Whether Party Acted in Bad Faith

09.07.2018

Eighth Circuit Finds All Claims Involving Consumer Credit Dispute Subject to Arbitration

09.06.2018

Promissory Note Issued In Satisfaction of Unpaid Insurance Premiums Is Valid And Enforceable, Even If Allegedly Derived From Unapproved Reinsurance Agreement

09.05.2018

Federal Court in Puerto Rico Voids Marine Insurance Policy Based Upon Misrepresentation in Insurance

09.04.2018

Special Focus: Follow the Fortunes Doctrine

08.30.2018

Insurance Broker Must, at Its Own Expense, Produce Documents Requested by Subpoena Issued in Dispute

08.29.2018

Reinsurer Obtains Summary Judgment in Suit by Annuity Issuer

08.28.2018

Third Circuit Vacates and Remands Order Quashing Subpoena of Documents for Use in Litigation in Germany

08.27.2018

An Update on the Implementation of the US-EU Covered Agreement

08.23.2018

National Flood Insurance Program Extended to November 30, 2018

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