

In The News

James Rogers, Clarissa Medrano Analyze ‘Manifest Disregard’ Arbitration Defense in *Law360*

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James Rogers and Clarissa Medrano wrote an article for *Law360* analyzing “manifest disregard” stemming from a 2017 decision by a New York appellate court decision and its reversal a year later. In the article titled, “Is ‘Manifest Disregard’ Defense Only Mostly Dead In Texas?,” they specifically examined whether manifest disregard is still a basis on which a party may seek vacatur of an arbitration award in Texas.

“Thus, it appears that manifest disregard of the law may be a defense to the confirmation of an arbitration award in the Fifth Circuit if the facts are just right.[31] In Texas state court, the issue should be dead. The court in *McShane* summed it up, “the Fifth Circuit has not resolved if the argument [of manifest disregard of the law] remains available as a statutory ground, under the theory that manifestly disregarding the law amounts to an arbitration ‘exceeding his powers’ in violation of 9 U.S.C. § 10(a) (4),” Rogers and Medrano wrote.

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