



Limitations on Appellate Review of Arbitration Awards

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Although arbitration has many advantages, including speed of resolution and confidentiality, one disadvantage is the lack of meaningful appellate review. The Federal Arbitration Act (FAA) authorizes district courts to vacate or modify arbitration awards on only limited grounds. 9 U.S.C. §§ 10, 11. While parties can rely on authority outside of the FAA in seeking judicial review of an arbitration award, including state statutory law or common law, courts' reviews of awards made under the FAA are limited to the grounds for modification and vacatur enumerated in 9 U.S.C. §§ 10, 11. *Hall St. Assocs., L.L.C. v. Mattel, Inc.*, 552 U.S. 576, 584, 590 (2008). A party may assert any of those limited grounds as a defense to a motion to confirm an arbitration award so long as those defenses are timely raised under the FAA and any scheduling order. *McLaurin v. Terminix Int'l Co., LP*, 13 F.4th 1232, 1241 (11th Cir. 2021).

Since its publication in 2008, the Supreme Court's decision in *Hall Street*, holding that the FAA's limited grounds for vacatur and modification is an exclusive list, has governed arbitral review under the FAA. This has led to decisions clarifying that manifest disregard of the law no longer constitutes an independent ground for vacating arbitration awards under the FAA, parties cannot contractually alter the FAA's exclusive grounds for modification or vacatur, and neither erroneous legal conclusions nor unsubstantiated factual findings warrant federal judicial review under the FAA. *Citigroup Glob. Markets, Inc. v. Bacon*, 562 F.3d 349, 350 (5th Cir. 2009); *Biller v. Toyota Motor Corp.*, 668 F.3d 655, 662 (9th Cir. 2012).

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