

Vacating or Modifying an Arbitration Award in Texas State Court



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The winning party in an arbitration often needs to have the arbitral award judicially confirmed and entered as a judgment if the losing party does not pay voluntarily. Conversely, the losing party may want to vacate the award. Either party may want to have the award modified to correct a computational or other ministerial error.

This Note explains the procedural steps and the grounds to vacate or modify an arbitral award under Texas the Texas Arbitration Act (TAA) in state or federal court (Tex. Civ. Prac. & Rem. Code Ann. § 171.001 to 171.098). Sections 172.001 to 172.215 apply to international arbitration conciliation and, in the case of conflict, supersede Subchapters B and C of section 171, but not Subchapters A and D of section 171 (Tex. Civ. Prac. & Rem. Code Ann. § 172.001(d)).

STATUTORY FRAMEWORK

Texas Arbitration Law

Texas's arbitration law is set out in the TAA, codified in the Texas Civil Practice and Remedies Code. The TAA is based on the Uniform Arbitration Act drafted by the National Conference of the Commissioners on Uniform State Laws in 1955 and adopted by the American Bar Association in 1956. The grounds for vacating an arbitral award under Texas law are codified in Tex. Civ. Prac. & Rem. Code Ann. § 171.088. The grounds for modifying an arbitral award under Texas law are codified in Tex. Civ. Prac. & Rem. Code Ann. § 171.091. Both provisions are found in Subsection D of Section 171 and therefore apply to both domestic and international disputes.

The TAA governs all Texas arbitration agreements except:

- Collective bargaining agreements.
- Agreements where total consideration is less than \$50,000.
- Certain personal injury claims.
- Claims for workers' compensation benefits.

- Agreements made before January 1, 1966.

(Tex. Civ. Prac. & Rem. Code Ann. § 171.002(a).)

The Texas Supreme Court has reviewed the TAA several dozen times, including when it has come into conflict with the Federal Arbitration Act (FAA) (9 U.S.C. §§ 1 to 16).

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