



What Happens After the Arbitrator Issues an Award

This guide is being provided for informational and educational purposes only, and is not intended to provide legal advice. You may wish to consult an attorney before using the information in this guide.

As we discuss what happens after the arbitrator issues an award in your case, it is important to remember that the American Arbitration Association® and/or the arbitrator do not provide legal advice or assistance to the parties and cannot give advice about your case. While parties are not required to have an attorney to participate in arbitration, arbitration is a final, legally-binding process that may impact a party's rights. As such, parties may want to consider consulting an attorney at any time before, during, or after the arbitration.

Award

The arbitrator's final decision on the case is called the "award." This is like a judge's or jury's decision in a court case. Once the arbitrator decides that all of the parties' evidence and arguments have been presented, the arbitrator will close the hearings. This means no more evidence or arguments will be allowed. The arbitrator will write the award and the AAA® will send that to the parties once it is ready. Depending on the rules and the parties' arbitration agreement, the date the award must be given to the parties may differ, but it is usually between 14 and 30 days from the close of hearings.

How does a party make sure the other party follows the award?

Many parties will voluntarily follow the arbitrator's decision; however, the AAA and the arbitrator do not have the authority to actually make a party do what the award says. Instead, if a party wins in the arbitration and the other party does not do what the award says, the winning party may go to court to "confirm" the arbitration award.

Under AAA rules, parties to AAA cases agree that the arbitration award can be entered as a judgment in any federal or state court with jurisdiction. This means that the court can enforce it like it was any other court judgment. The AAA and the arbitrator are not involved in the case anymore after the final award is sent to the parties. Because of that, we cannot give advice to the parties about how to make sure the award is enforced. Each state sets its own rules and law for how to make a party do what they're supposed to do under the award.

Modification of an Award by an Arbitrator

The AAA's Rules allow the arbitrator to change her or his final award, but only for very limited reasons and within a very short time frame. AAA Rules say that a party may ask the arbitrator to correct any clerical, typographical, or computational errors in a final award. The arbitrator is not allowed to reconsider the merits of any issues already decided by the arbitrator. A modification must be asked for within 20 days after the final award is sent to the parties. The other party will be given 10 days to respond to the request. The arbitrator will then rule on the request within 20 days.



Appeal of an Arbitration Award with the AAA

The AAA can only handle an appeal of the arbitration award if the parties have agreed that an appeal is allowed. There is no right to appeal in arbitration like there is in court. If the parties agree to use the AAA to handle the appeal, the AAA will treat the appeal like a new case filing and more fees would have to be paid.

Challenging an Arbitration Award in Court

Under federal and state laws, there are only a few ways to challenge an arbitrator's award. The Federal Arbitration Act ("FAA") and some state laws provide the reasons why an award can be vacated (thrown out), modified (changed), or corrected. Those reasons are very limited in general. Please review the FAA or the applicable state law to understand the standards for vacatur, modification, and correction.

The AAA's Role in Post-Hearing Proceedings

Neither the AAA nor any arbitrator will be involved in any court cases to enforce or challenge an arbitration award. The AAA rules say that neither the AAA nor the arbitrator are proper parties to litigation involving an arbitration proceeding or award; additionally, parties to arbitration under AAA rules may not call the arbitrator, the AAA, or AAA employees as a witness in any litigation or any other proceeding relating to the arbitration. These concepts are supported by federal and state case law, as well as numerous state laws.

If you need help with any of the topics discussed here, you should consider getting legal advice from an attorney. If you need help finding an attorney, please feel free to visit www.adr.org/self-represented. There are a number of resources available on the site to assist you with finding a representative.



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