

The Supreme Court – March 31, 2022

by Ian Blodger

Today, the Supreme Court of the United States issued one decision:

Badgerow v. Walters, No. 20-1143: This case concerns the scope of the federal courts’ jurisdiction to confirm or vacate arbitration awards under Sections 9 and 10 of the Federal Arbitration Act (“FAA”), 9 U.S.C. Section 1, *et. seq.* Federal courts may or may not have jurisdiction to review petitions brought under the FAA because the FAA itself does not inherently create jurisdiction. In an earlier decision, *Vaden v. Discover Bank*, 556 U.S. 49 (2009), the Supreme Court held that when federal courts considers requests to compel arbitration under Section 4 of the FAA, they may “look through” to the substance of the dispute and may exercise jurisdiction where the substantive dispute falls within the court’s jurisdiction. The *Vaden* decision largely rested upon statutory language that granted jurisdiction to a federal court “which, save for [the arbitration] agreement, would have jurisdiction.” 9 U.S.C. § 4. In a decision authored by Justice Kagan, the Supreme Court held that the language in Sections 9 and 10 of the FAA did not authorize federal courts to apply a “look-through” approach to jurisdiction because these sections do not include the express statutory language from Section 4 authorizing this approach. Justice Breyer dissented, arguing that adopting a “look-through” approach to all of the FAA’s related provisions would provide a more harmonious and straightforward jurisdictional scheme.

View the Court's [decision](#).

Related People

- Ian Blodger

Related Capabilities

- Appellate