2022 TX Supreme Court re. mandatory arbitration Total Energies v. MP Gulf of Mexico, LLC

Legal Resources · https://sunnova-solar-fraud.org/kb/mandatory-arbitration/2022-tx-supreme-court-re-mandatory-arbitration-total-energies-v-mp-gulf-of-mexico-llc/

Not related to consumers, but strong on arbitration:

> JUSTICE BOYD delivered the opinion of the Court, in which Chief Justice Hecht, Justice Lehrmann, Justice Devine, Justice Blacklock, and Justice Bland joined. JUSTICE BLAND filed a concurring opinion. JUSTICE BUSBY filed a dissenting opinion. Justice Huddle and Justice Young did not participate in the decision. The parties in this case dispute whether their contracts require them to resolve their controversies through arbitration, but they also clash over whether they agreed that an arbitrator, rather than the
> 2 courts, must resolve that dispute.
>
> We hold that (1) the parties clearly and unmistakably delegated arbitrability issues to the arbitrator by agreeing to arbitrate their controversies in accordance with the AAA Commercial Rules; (2) the fact that the parties may have agreed to arbitrate only some controversies while carving out others does not affect the clear and unmistakable delegation of the arbitrability decision to the arbitrator; and (3) in accordance with these parties' agreements, the courts must defer to the arbitrator to decide whether this controversy falls within the arbitration agreement's scope. Based on these holdings, we affirm the court of appeals' judgment.

https://law.justia.com/cases/texas/supreme-court/2023/21-0028-2.html