

California Court of Appeal rules that cultural bias supports vacatur of arbitral award (FCM Investments, LLC v Grove Pham LLC et al)

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Article summary

Arbitration analysis: On 17 October 2023, a California Court of Appeal ruled that a reasonable impression of possible arbitrator bias against a non-native English speaker supported vacatur of an arbitral award. Specifically, the appellate court ruled that it was improper for an arbitrator to make an adverse credibility determination on the basis that a party used an interpreter during proceedings, rebuked the arbitrator's credibility analysis, and vacated the award accordingly. Written by David Earnest and Julian Cokic, Diamond McCarthy LLP.

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