

Fifth Circuit may consider the full arbitral record in determining a challenge on arbitrability (In the Matter of Jon Christian Amberson)

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Arbitration analysis: On 3 January 2023, the United States Court of Appeals for the Fifth Circuit ruled in the Matter of Amberson that a party did not forfeit its right to challenge the scope of arbitration by waiting until after the arbitration to pursue such relief, and the reviewing court may consider the full record, including the arbitrator's factual findings, when determining arbitrability.

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