

Lose an Award by the Click of a Mouse

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Imagine litigating a complicated arbitration case for years and finally winning the case for your client, including a substantial award of hundreds of thousands of dollars in costs and attorney fees. Now imagine it can all be undone by a simple Google search. This is not an improbable nightmare - it's a reality.

Such an event recently occurred in *Mt. Holyoke Homes, L.P. v. Jeffer Mangels Butler & Mitchell, LLP*, 219 Cal. App. 4th 1299 (Cal. App. 2nd Dist. Oct. 21, 2013), where a party used an Internet search to ultimately get an arbitration award of over \$450,000 vacated. This means any party entering arbitration must implement strict protocols if they want to avoid the risk of being exposed to similar consequences.

Given the recent budget constraints and difficulties associated with accessing the state superior courts, more and more clients and cases have turned to arbitration as a reliable and timely alternative to settle their disputes. However, the *Mt. Holyoke Homes* decision has created a significant risk that arbitrations can be undone with the click of a mouse and an Internet search on the background of the arbitrator.

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