

## Frequently Invoked but Rarely Successful: Objections to Non-domestic and Foreign Arbitral Awards in U.S. Federal Courts

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Courts occasionally remind litigants that challenges to arbitral awards, whether motions to vacate or objections to recognition, enforcement or confirmation, are “frequently invoked but rarely successful.” The aphorism articulates the consequence of the U.S. emphatic federal policy favoring arbitral resolution. The U.S. interest in promoting enforcement of international arbitral awards is even more acute. This paper tests the accuracy of the aphorism, as applied to objections to arbitral awards subject to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the “New York Convention” or “Convention”) through a survey of federal court decisions from 2010 to 2015. The findings of the survey overwhelmingly confirm the truth of the aphorism — objections to New York Convention awards though often asserted are rarely sustained.

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