

SUPREME COURT OF ALABAMA

Dawsey v. Raymond James Financial Services, Inc.

17 So. 3d 639 (Ala. 2009) · No. 1070861 · Decided February 6, 2009

SUMMARY

The Alabama Supreme Court dismissed Dawsey's appeal from an arbitration award because the circuit clerk had not entered the award as a judgment of the court, a prerequisite to judicial review under Alabama law. The court held that the Federal Arbitration Act did not independently confer jurisdiction on the Alabama trial court under the circumstances presented. It directed the Houston County circuit clerk to enter the arbitration award as the judgment and instructed Dawsey to proceed under Alabama Rule of Civil Procedure 71B if he continued to seek review.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Stuart, Justice; Cobb, Chief Justice; Lyons, Justice; Woodall, Justice; Smith, Justice; Bolin, Justice; Parker, Justice; Murdock, Justice
JURISDICTION	Alabama
DECIDED	February 6, 2009
DOCKET	1070861
DISPOSITION	dismissed
PROCEDURAL POSTURE	After an arbitration panel issued an award for the defendants, Dawsey appealed and moved in the Houston Circuit Court to vacate the award. The defendants moved to confirm it. The Supreme Court of Alabama considered whether the appeal could proceed without the circuit clerk first entering the arbitration award as a conditional judgment.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Alabama
PARTIES	David Dawsey v. Raymond James Financial Services, Inc., Raymond James and Associates, Inc., AIG SunAmerica Life Assurance Company, Ann Holman, Maxine Chappell, Chappell & Holman Financial Advisors, Inc.

TOPICS

- arbitration
- appellate jurisdiction
- appellate procedure
- civil procedure
- contracts

PRACTICE AREAS

arbitration

civil procedure

appellate procedure

commercial litigation

QUESTIONS PRESENTED

1. Whether an Alabama appellate court may review an arbitration award when the circuit clerk has not entered the award as a conditional judgment of the court.
2. Whether the Federal Arbitration Act conferred jurisdiction on the Alabama trial court when the parties filed their motions in state court rather than in the specified federal district court.

HOLDINGS

1. Under § 6-6-15, Ala. Code 1975, the circuit clerk must enter the arbitration award as the judgment of the court before the trial court may exercise jurisdiction to review the award. Without that entry, the trial court's action on the award is void and the appellate court must dismiss an appeal from it.
2. Section 9 of the Federal Arbitration Act did not supply a jurisdictional basis for the Alabama trial court because the parties did not file their applications in the United States court for the federal district where the arbitration occurred, and the arbitration agreement did not specify a court for entry of judgment.

KEY QUOTATIONS

“The facts in the instant appeal are identical, and we accordingly reach the same conclusion in this case—the circuit clerk is required to enter the arbitration award as the judgment of the court.” (642)

“Because a conditional judgment was never entered on the arbitration award by the circuit clerk, we have no alternative but to dismiss the appeal.” (643)

FACTUAL BACKGROUND

Dawsey purchased a financial product and later sued the defendants, alleging misrepresentation in its sale. He had signed an arbitration agreement, and the Houston Circuit Court sent the dispute to arbitration. A three-member arbitration panel entered an award in favor of the defendants, after which Dawsey sought to vacate the award and the defendants sought to confirm it.

PROCEDURAL HISTORY

Dawsey sued the defendants in the Houston Circuit Court for alleged misrepresentation in the sale of a financial product. The trial court compelled arbitration, and the arbitration panel entered an award for the defendants. Dawsey moved to vacate the award and filed a notice of appeal, while the defendants moved to confirm it; because the clerk never entered the award as a judgment and the trial court did not rule within the applicable period, the Supreme Court dismissed the appeal and directed entry of the conditional judgment.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

The appropriate circuit clerk, specifically the clerk of Houston County, was directed to enter the arbitration award as the judgment of the court. After entry of the conditional judgment, Dawsey was instructed to follow the procedures in Rule 71B, Ala. R. Civ. P., if he still sought judicial review.

CASES CITED

- Horton Homes, Inc. v. Shaner, 999 So. 2d 462, 466 (Ala. 2008)
- Horton Homes, Inc. v. Shaner, 999 So. 2d 462, 468 (Ala. 2008)
- Jenks v. Harris, 990 So. 2d 878, 882 (Ala. 2008)
- Credigy Receivable, Inc. v. Day, 3 So. 3d 206, 210 (Ala. Civ. App. 2008)
- City of Huntsville v. Miller, 271 Ala. 687, 689, 127 So. 2d 606, 608 (1961)
- Volt Info. Sciences, Inc. v. Board of Trustees of Leland Stanford Junior University, 489 U.S. 468, 477 n.6, 109 S. Ct. 1248, 103 L. Ed. 2d 488 (1989)