

COURT OF APPEALS OF TEXAS, EIGHTH DISTRICT, EL PASO

Texaco, Inc., Texaco Exploration and Production, Inc., and Chevron U.S.A. Inc. v. Joe R. Clark, Maurice Meyer, III, and John R. Norris, III, Co-Trustees of Texas Pacific Land Trust

No. 08-08-00067-CV · No. No. 08-08-00067-CV · Decided January 27, 2010

SUMMARY

The Texas Court of Appeals, Eighth District, dismissed an appeal for want of jurisdiction. The court held that the Texas General Arbitration Act did not apply because the arbitration agreement was made in 1954, and found no basis for appellate jurisdiction under either the Texas statute or the Federal Arbitration Act.

CASE DETAILS

COURT	Court of Appeals of Texas, Eighth District, El Paso
WRITING FOR THE COURT	Chew, Chief Justice; Ann Crawford McClure, Justice; Ables, Judge (Ret.), sitting by assignment
JURISDICTION	Texas
DECIDED	January 27, 2010
DOCKET	No. 08-08-00067-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellants appealed from an order of the 143rd District Court of Reeves County denying their motion to confirm various arbitration awards.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Texaco, Inc., Texaco Exploration and Production, Inc., Chevron U.S.A. Inc. v. Joe R. Clark, Maurice Meyer, III, John R. Norris, III, Co-Trustees of Texas Pacific Land Trust

TOPICS

- appellate jurisdiction
- arbitration
- statutory interpretation
- appellate procedure
- commercial litigation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Court of Appeals had appellate jurisdiction over an order denying confirmation of arbitration awards under the Texas General Arbitration Act.
2. Whether the Federal Arbitration Act supplied a basis for appellate jurisdiction.

HOLDINGS

1. The Texas General Arbitration Act does not apply to the arbitration agreement because the agreement was made on December 10, 1954, before January 1, 1966.
2. The appeal must be dismissed for want of jurisdiction because neither the Texas General Arbitration Act nor the Federal Arbitration Act provides a basis for appellate jurisdiction.

FACTUAL BACKGROUND

The parties' arbitration agreement was made on December 10, 1954. Appellants sought confirmation of various arbitration awards, but the trial court denied their motion to confirm. Appellants appealed that denial.

PROCEDURAL HISTORY

The trial court denied appellants' motion to confirm arbitration awards. The Court of Appeals held that the Texas General Arbitration Act did not apply to the arbitration agreement and found no appellate jurisdiction under either the Texas General Arbitration Act or the Federal Arbitration Act. The appeal was dismissed for want of jurisdiction.

DISPOSITION

dismissed

OPINION**PER CURIAM.**

Becker v. State COURT OF APPEALS EIGHTH DISTRICT OF TEXAS EL PASO, TEXAS
TEXACO, INC., TEXACO EXPLORATION AND PRODUCTION, INC., AND CHEVRON
U.S.A., INC., Appellants, v. JOE R. CLARK, MAURICE MEYER, III, AND JOHN R. NORRIS,
III, CO-TRUSTEES OF TEXAS PACIFIC LAND TRUST, Appellees. § § § § § § § No. 08-08-
00067-CV Appeal from 143rd District Court of Reeves County, Texas (TC # 04-01-17857-CVR)
O P I N I O N Chevron U.S.A., Inc., Texaco, Inc., and Texaco Exploration and Production, Inc.
(collectively referred to as CUSA), appeal from an order denying a motion to confirm various
arbitration awards.

Section 171.098(a)(3) of the Texas General Arbitration Act (TGAA) authorizes an appeal from an order confirming or denying confirmation of an arbitral award. Tex.Civ.Prac.&Rem.Code Ann. § 171.098(a)(3)(Vernon 2005). But the TGAA is inapplicable to the arbitration agreement at issue because it was made on December 10, 1954. Tex.Civ.Prac.&Rem.Code Ann. § 171.002(a)(5) (TGAA does not apply to arbitration agreements made before January 1, 1966).

Because there is no basis for appellate jurisdiction under either the TGAA or the Federal Arbitration Act, we dismiss the appeal for want of jurisdiction. January 27, 2010 ANN CRAWFORD McCLURE, Justice Before Chew, C.J., McClure, J., and Ables, Judge (Ret.) Ables, Judge (Ret.), sitting by assignment, not participating