

# **Bond Case Briefs**

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**ADR - DISTRICT OF COLUMBIA**

## **Bank of America, N.A. v. District of Columbia**

**District of Columbia Court of Appeals - November 27, 2013 - A.3d - 2013 WL 6228165**

District of Columbia brought action against bank, bank employees, and district employees, alleging conspiracy to process fraudulent tax refund checks. The Superior Court denied bank's motions to compel arbitration under the Federal Arbitration Act (FAA) and for stay. Bank appealed.

The Court of Appeals, Wagner held that:

- Trial court's denial of motion to compel arbitration was immediately appealable;
- Threshold question of whether District, through authorized agents, ever agreed to be bound by arbitration provision of contract with bank was for court rather than for arbitrator;
- Under the Procurement Practices Act of 1985 (PPA), District employees in the Office of the Chief Financial Officer (OCFO) lacked authority to agree to arbitrate contract and fraud claims; and
- Evidence was sufficient to support finding that contract between bank and District was completely integrated and thus rendered ineffective any prior authorizations or agreements for arbitration.