

For Client International Arbitration Center in Tokyo, Rothwell Figg Files Amicus Brief in U.S. Supreme Court Case Involving Production of Evidence

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On Friday, June 25, 2021, partner Robert Parker filed an amicus brief in the United States Supreme Court on behalf of the International Arbitration Center in Tokyo (“IACT”) in a case called *Servotronics, Inc., v. Rolls Royce, PLC and The Boeing Company*.

A federal statute, 28 U.S.C. § 1782(a), allows a district court to order the production of evidence in the United States “for use in a proceeding in a foreign or international tribunal.” The Seventh Circuit Court of Appeals held that the phrase “foreign or international tribunal” does not cover a private foreign arbitration. In its brief as amicus curiae, IACT takes the position that the Seventh Circuit’s decision on this issue was incorrect, but that the party seeking the evidence must show that the evidence is “for use” in the proceeding – that is, there is a reasonable likelihood that the tribunal would admit the evidence into the record of its proceeding given the tribunal’s rules and the record in the proceeding.

The IACT was organized in 2018 under the auspices of the Japanese Patent Office. IACT provides a forum for the arbitration and mediation of international disputes at the intersection of commerce and technology. IACT’s leadership includes former judges from the United States, China, Japan, Korea, Europe, Australia, and South America. The retired U.S. judges involved in IACT include former circuit, district, and administrative law judges.

Key Contact

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