SPEAKING ENGAGEMENT

An Arbitrator’s Power to Issue Third-Party Subpoenas Under the Federal Arbitration Act | Thomas O. Crist

Chartered Institute of Arbitrators - Third-Party Discovery in Arbitration: Judicial and Arbitral Perspectives

APRIL 21, 2022

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Arbitration offers several advantages over litigation. One of them is time and expense, a benefit that partly comes from a curtailed scope of potential discovery against third parties. Creative lawyering over the past few decades has begun to change this. The Federal Arbitration Act (9 U.S.C. § 7) empowers arbitrators to issue third-party subpoenas, and 28 U.S.C § 1782 has been interpreted to allow parties in international arbitrations to ask federal courts to do the same. The scope of these provisions, however, has given rise to splits of authority among courts across the United States. This event will bring together academics, arbitrators, and counsel to discuss strategic considerations, best practices, and the legal discord in procuring third-party discovery in aid of arbitration.

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