

In The News

Akerman Partner Luis Perez Quoted in *Reuters*

June 22, 2022

Luis Perez, Practice Chair for Latin America, was quoted in a *Reuters* article after the U.S. Supreme Court ruled unanimously that litigants of private overseas arbitration proceedings may not seek a U.S. court order for discovery from American parties, which was formerly a common practice. The high court's June 13 decision, authored by Justice Amy Coney Barrett, resolves a U.S. circuit court split over the terminology in 28 U.S.C.A. § 1782, the statute that allows litigants of foreign cases to request U.S. court assistance in gathering evidence for use in a "foreign or international tribunal."

"Although arbitral tribunals decide what discovery can be had, the gathering of information via [Section] 1782 provided an additional tool to international arbitration practitioners which will not be available now. Consequently, the closing of this avenue to obtain information will lead to less transparency in all arbitration proceedings. It is not a mortal wound to international arbitration, but certainly a bucket of cold water thrown over the head," said Perez.

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