

The Walls Come Tumblin' Down

Cross-Border And Overseas Discovery In International Litigation

1. In U.S. District Courts, the general standards governing discovery (e.g. relevance) apply to international discovery efforts.
2. The Hague Convention allows for transmission of letters of request or evidence request from the other country's diplomatic officials.
3. Letters rogatory are a more cumbersome, and often ineffective, method of international discovery.
4. The Walsh Act allows subpoenas to be issued to U.S. Citizens abroad and can be an effective discovery tool.
5. Discovery can be sought *from* U.S. companies pursuant to 42 U.S.C. § 1782.

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