1026-27 (1965) (emphasis added)). The
Court did not specifically address whether a private international arbitration panel qualifies as a "tribunal" under § 1782 was not before the
Second Circuit. The Court held that the statute's articulated purpose to provide foreign assistance clearly included all "foreign and
international" courts and tribunals. The Court cited a scholarly article in which Professor Hans Smit of Columbia Law School observed that the word "tribunal" included
"any judicial proceeding pending in any court in a foreign country" to more expansively covering a "proceeding in a foreign
international tribunal" within the meaning of § 1782. The court held that the issue whether a private international arbitration panel is a "tribunal" within the meaning of § 1782 was not before the
Second Circuit. The Court held that the statute's articulated purpose to provide foreign assistance clearly included all "foreign and
international" courts and tribunals. The Court cited a scholarly article in which Professor Hans Smit of Columbia Law School observed that the word "tribunal" included
"any judicial proceeding pending in any court in a foreign country" to more expansively covering a "proceeding in a foreign

Last year, in September 2019, the United States Circuit Court for the Sixth Circuit (which includes Kentucky, Michigan,
Indiana, Ohio, and Tennessee), revived the question of whether private international arbitration panels were a "tribunal" under § 1782. In
United States v. Servotronics, Inc. (939 F.3d 710, 6th Cir. 2019), the court reached the same result as the Sixth Circuit.
The case involved discovery sought in Tennessee in aid of a private arbitration in Dubai under the rules of the Dubai Institute of
Arbitrators. The Fourth Circuit held that the arbitral tribunal was a foreign tribunal for purposes of § 1782. In
Servotronics, Inc. v. Boeing Co. (341 Fed. Appx. 31, 5th Cir. 2009), the court thus refused to provide discovery to
Servotronics, Inc. under § 1782.

Five years later, in 2009, the United States Circuit Court for the Fifth Circuit (which includes the District of the Canal Zone,
Panama, and Puerto Rico), decided Servotronics, Inc. v. Boeing Co. (341 Fed. Appx. 31, 5th Cir. 2009). The court thus refused to provide discovery to
Servotronics, Inc. under § 1782.

This year, in March 2020, the Fourth Circuit (which includes Maryland, North Carolina, South Carolina, and Virginia),
reaffirmed its view in Servotronics, Inc. that private international arbitration panels do not qualify as "tribunals" within the
meaning of § 1782. In
United States v. Servotronics, Inc. (939 F.3d 710, 6th Cir. 2019). The case involved discovery sought in Tennessee in aid of a private arbitration in Dubai under the rules of the Dubai Institute of
Arbitrators. The Fourth Circuit held that the arbitral tribunal was a foreign tribunal for purposes of § 1782. In
Servotronics, Inc. v. Boeing Co. (341 Fed. Appx. 31, 5th Cir. 2009), the court thus refused to provide discovery to
Servotronics, Inc. under § 1782.