

“U.S. Discovery and Foreign Blocking Statutes,” by Professor Vivian Curran

A new article titled “U.S. Discovery and Foreign Blocking Statutes,” forthcoming in the Louisiana Law Review, has just been posted to SSRN by Professor Vivian Curran from the University of Pittsburgh. The article tackles the interaction between U.S. discovery and the foreign blocking statutes that impede it in France and other civil law states, and how to understand this interaction at a time when companies are multinational in composition as well as in their areas of commerce. To be sure, U.S. courts continue to grapple with the challenge of understanding why they should adhere to strictures that seem to compromise constitutional or quasi-constitutional rights of American plaintiffs, while French and German lawyers and judges struggle with the challenges U.S. discovery poses to values of privacy and fair trial procedure in their legal systems. Each of these issues is addressed in Professor Curran’s article.