

独立 公正 创新

SCIA | 深圳国际仲裁院
Shenzhen Court of International Arbitration

WELCOME ADDRESS

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Outline

- Concept of "due process"
- Due process and document production / discovery / disclosure
- Relevant SCIA rules and practice



Concept of "due process"

- General
- International arbitration
- "Due process paranoia"



Due process and document production / discovery / disclosure

- Common law and civil law systems
- Arbitration rules
- IBA Rules on the Taking of Evidence in International Arbitration (2010)
- US discovery in foreign arbitrations



US discovery in foreign arbitrations

28 USC § 1782

- Intel Corp. v. Advanced Micro Devices, Inc., 542 U.S. 241 (2004)
- National Broadcasting Co., Inc. v. Bear Stearns & Co., Inc., 165 F.3d 184 (2nd Cir. 1999)
- Republic of Kazakhstan v. Biedermann Int'l, 168 F.3d 880 (5th Cir. 1999)
- Abdul Latif Jameel Transp. Co. v. FedEx Corp., 939 F.3d 710 (6th Cir. 2019)
- Servotronics Inc. v. Boeing Co., 954 F.3d 209, 216 (4th Cir. 2020)
- In Re Guo, No. 19-781, 2020 WL 3816098 (2d Cir. July 8, 2020), as amended (July 9, 2020)

Relevant SCIA rules and practice

Set of Arbitration Rules (all effective from Feb. 21, 2019):

- SCIA Arbitration Rules
- SCIA Arbitration Rules for Financial Loan Disputes
- SCIA Guidelines for the Optional Appellate Arbitration Procedure
- SCIA Guidelines for the Administration of Arbitration under the UNCITRAL Arbitration Rules
- SCIA Rules of Maritime and Logistics Arbitration
- SCIA Online Arbitration Rules

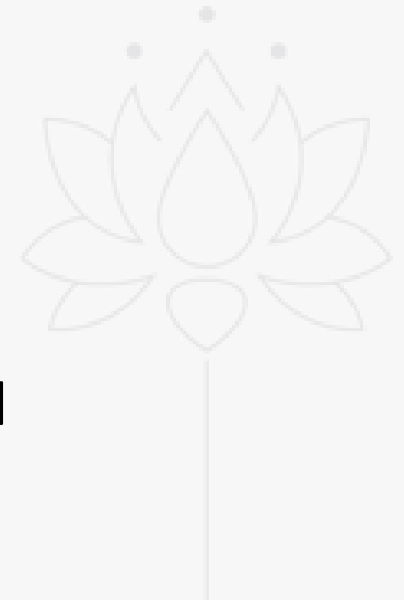
SCIA Arbitration Rules (2019)

● **Due process**

- Art. 36 Conduct of Hearing Proceedings

● **Evidence and document production**

- Art. 42 Evidence
- Art. 36 (2) and (3) burden of proof
- Art. 43 Examination of Evidence
- Art. 44 Investigation by the Arbitral Tribunal



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