



CHITTENDEN, MURDAY & NOVOTNY LLC

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# CLIENT BULLETIN

## *Be Careful What You Wish For:* **Non-Party Discovery in Arbitration**

Though arbitration is often regarded as a more efficient means of resolving disputes compared to litigation in state or federal courts, limits on non-party discovery in arbitration can end up costing clients more in the long run. In proceedings governed by the Federal Arbitration Act, non-party discovery may not be available at all, depending on the circuit considering the issue. Even in those circuits in which non-party discovery is allowed, judicial enforcement of arbitration subpoenas for discovery purposes can be problematic. CMN's David Novotny examines the conflict among the circuits on the availability of non-party discovery in arbitration and issues clients may encounter in pursuing discovery against non-parties in the arbitration process.

*If you have any questions about this Client Bulletin, please feel free to contact David J. Novotny or the CMN attorney with whom you regularly work.*

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