

IADC Defense Counsel Journal Explores Social Media and the Law, Canadian Class Actions, and U.S. Circuit Split on Discovery Orders

The intersection of social media and the law is a spotlight focus of the third-quarter 2021 edition of the Defense Counsel Journal (DCJ), published by the International Association of Defense Counsel (IADC). The latest issue of the IADC's quarterly publication also features in-depth analysis articles about the Canadian courts' approach to the challenge of multi-jurisdictional class actions, as well as the U.S. Circuit Courts' differing approaches to discovery orders from "foreign and international tribunals."

In the current issue, IADC member and DCJ editor Christopher B. Parkerson also addresses the intersection of science and the law that is so prevalent in contemporary legal matters involving disciplines ranging from engineering, chemistry and biology to physics and economics.

"It is critical that lawyers be able to understand and advocate on the part of science," Mr. Parkerson writes. "It is also important that judges, jurors, and administrative decision makers be able to accept the importance of the role of science in these disputes."

He added that Americans' faith in experts and science is important to monitor as it may fundamentally change the way lawyers advocate for their clients: "It will also be interesting to see how the law adapts to these potential changes."

In his dedicated page in the current DCJ issue, IADC President Andrew S. Chamberlin wrote, “If we are to live together in peace and prosperity, it is essential that the rule of law remains central to our lives. ... A commitment to the pursuit of scientific endeavor, and the application of scientific evidence to our actions, unaffected by partisan politics, is equally important to the rule of law.”

Frequently and favorably cited by courts and other legal scholarship, the DCJ is a quarterly forum for topical and scholarly writings on the law, including its development and reform, as well as on the practice of law in general. DCJ articles are written by members of the IADC, which is a 2,500-member, invitation-only, worldwide organization that serves its members and their clients, as well as the civil justice system and the legal profession.

The IADC’s third-quarter 2021 DCJ is available for free and without a subscription via the IADC’s website at <https://www.iadclaw.org/documents/?CategoryId=4>.

Following are brief summaries of the articles included in the third-quarter 2021 issue of the DCJ:

“Social Media Immunity in 2021 and Beyond: Will Platforms Continue to Avoid Litigation Exposure Faced by Offline Counterparts” by Peter J. Pizzi, a partner at Walsh Pizzi O’Reilly Falanga LLP – The article examines Section 230 of the Communications Decency Act of 1996 and how the law has been interpreted in the face of the growing influence of social media.

“Canada’s Evolving Response to Overlapping Multi-Jurisdictional Class Actions” by Gordon McKee, a senior partner, and Justin Manoryk, an associate, both at Blake, Cassels & Graydon LLP – The article explores increasingly prevalent national and multi-jurisdictional class proceedings in Canadian courts and the challenges posed by parallel and

overlapping class actions in a number of provinces or territories.

“Discovering the Widening U.S. Circuit Split on Discovery Orders from ‘Foreign and International Tribunals’ Under 28 U.S.C. Sec. 1782” by Mica Nguyen Worthy, a partner, and Melanie Huffines, an associate, both at Cranfill Sumner LLP, and Savannah Putnam, a current law student at Campbell Law School – This article provides analysis regarding the different approaches taken by the Circuit Courts and sets the stage for future U.S. Supreme Court action to address the split.

The IADC is the preeminent invitation-only global legal organization for attorneys who represent corporate and insurance interests. Founded in 1920, the IADC has members who hail from six continents, 51 countries and territories, and all 50 U.S. states. The core purposes of the IADC are to enhance the development of skills, promote professionalism, and facilitate camaraderie among its members and their clients, as well as the broader civil justice community. For more information, visit www.iadclaw.org.