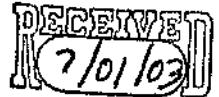


02-ED-026



Via E-mail

Date sent: Mon, 30 Jun 2003 23:44:21 -0500
From: "Gregory M. Lederer" <Glederer@simmonsperrine.com>
Subject: Electronic discovery
To: marcusr@uchastings.edu

Dear Professor Marcus:

I understand that you are the Reporter for the Discovery Subcommittee of the Civil Rules Advisory Committee and that your subcommittee is considering some revisions and additions to the rules to address certain issues created by electronic discovery. I appreciate the opportunity to support those proposed rules.

I am a trial lawyer in a midwestern community of 200,000 people. Although my practice includes commercial litigation, a good portion of my caseload involves some sort of personal injury. Three years ago, I would have had to search for a case in my files where any electronic discovery had been served. Now I can just close my eyes and grab a file and be likely to find interrogatories and requests for production that qualify as e-discovery. It is a growing problem for me and for all of my clients. You know from many more qualified practitioners and academicians the problems that are developing with this phenomenon. I can tell you that it is not limited to major metropolitan areas and big commercial litigation.

I urge your subcommittee to adopt the proposed amendments. I urge your subcommittee to give special consideration to the cost-shifting and safe-harbor proposals. I see them as critical to preserving the discovery process as a useful but fair tool for developing the evidence relevant to a civil dispute.

Greg Lederer