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Via E-mail

Date sent: Sun, 06 Jul 2003 16:14:35 -0500
From: "Randall R. Riggs" <rriggs@locke.com>
Subject: Electronic discovery
To: marcusr@uchastings.edu

Dear Professor Marcus,

Through my membership in DRI and IADC I have been made aware of your role in the drafting of new rules regarding electronic discovery. I have reviewed your discovery subcommittee report and the comments of Tom Allman or BASF. I am very impressed with these efforts and I am hopeful that something close to these proposals is adopted. Over the last two years one of my clients has spent hundreds of thousands of dollars in order to respond to e-discovery, and no end is in sight. There is clearly a need for more guidance in this area. If companies at least had a "safe harbor" for electronic document retention and some means of cost shifting or limitation in electronic discovery disputes, the burden and uncertainty would be eased. I very much support your efforts and hope that you and the others working on this problem will be able to find common ground in the near future. Those of us trying to advise clients on these issues will certainly appreciate anything that levels the playing field and clarifies the issues. Thanks for your efforts and good luck. Randy Riggs

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