

Quick Reference on the New E-Discovery Amendments

<p>Rule 16 Pretrial Conferences, Scheduling, Management</p>	<ul style="list-style-type: none"> ▫ Requires that parties address issues relating to electronic information in the court's scheduling order in conjunction with Rule 26(f).
<p>Rule 26 General Provisions Governing Discovery; Duty of Disclosure</p>	<ul style="list-style-type: none"> ▫ Includes electronic information as part of initial disclosures; ▫ Creates new designation of “not reasonably accessible” electronic information that is exempted from discovery; ▫ Mandates discovery plan; ▫ Sets forth procedures for asserting privilege and attorney work product protection.
<p>Rule 33 Interrogatories to Parties</p>	<ul style="list-style-type: none"> ▫ Adds electronic information among the options to make business records available in response to interrogatories.
<p>Rule 34 Production of Documents and Things</p>	<ul style="list-style-type: none"> ▫ Adds electronic information to the scope of items subject to production; ▫ Provides procedures for requesting and objecting to the form(s) in which electronic information is to be produced.
<p>Rule 37 Failure to Make Disclosure or Cooperate in Discovery; Sanctions</p>	<ul style="list-style-type: none"> ▫ Provides a limited “safe harbor” against sanctions for electronic information that has been lost or destroyed in good faith as a result of routine operation of an electronic information system.
<p>Rule 45 Subpoena</p>	<ul style="list-style-type: none"> ▫ Expands provision that a subpoena may specify the form for producing electronic information; ▫ Conforms subpoena request to other new amendments.
<p>Form 35 Report of Parties' Planning Meeting</p>	<ul style="list-style-type: none"> ▫ Conforms Form 35 to the new amendments.