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The Committee on Rules of Practice and
Procedure
Administrative Office of the United States
Courts
Suite 7-240
Washington, DC 2544

Dear Sir/Madam:

I write to you in support of several of the proposed changes to the Federal Rules of Civil Procedure and ask the Committee to adopt them in whole or in part. In general, the proposed changes will have a beneficial effect on reducing litigation costs without negatively impacting the pursuit of legitimate discovery and the ultimate goal of justice.

First, the proposed amendment to Rule 26(b)(1) which would eliminate the definition of relevant evidence to include information which is not admissible, but that "may lead to the discovery of admissible evidence" should be eliminated from the Federal Rules of Civil Procedures. The language has always been unnecessarily very, very broad and allows for improper "fishing expeditions" by opponents whose theory of the case has either never been fully developed or, through discovery, has proven to be incorrect. Eliminating this language from Rule 26(b)(1) would be a significant step towards reducing unnecessary litigation costs.

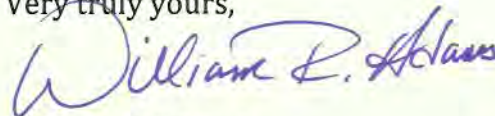
Additionally, I further support the proposed changes to Rule 37(e) with one minor requested change. First, the change would eliminate the narrowly prescribed scope of the Rule which currently only applies to electronically stored information. As an attorney who frequently represents clients in product liability litigation, the revised Rule 37 will be beneficial. Currently my clients are often left to guess which items and the quantity of items to preserve when an incident has occurred. This frequently leads to saving data as well as tangible items well in excess of those actually needed which, in turn, further drives up the cost of litigation. The proposed Rule change would alleviate the threat of sanctions for minor or unintentional failures to preserve every piece of potentially relevant evidence.

I do, however, strongly urge the Committee to consider revising Rule 37(e)(1) B to change the phrase “cause substantial prejudice in the litigation and will willful **or** in bad faith” to “cause substantial prejudice in the litigation and will willful **and** in bad faith.”

Finally, revising the presumptive numerical limits in Rules 30, 31, 33 and 36 will be a welcome addition overall to reducing litigation costs without substantially affecting a party’s ability to obtain justice. It has been my experience that the limits currently in place are slightly excessive. Moreover, should more depositions, interrogatories, etc. be required, a simple application to the Court will permit a party to obtain any additional discovery necessary. The limitations, however, do provide a guideline and would decrease unnecessary litigation costs.

Thank you for your consideration. Should you have questions or concerns, please do not hesitate to contact me.

Very truly yours,



William R. Adams

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