

Comment from Norman Jetmundsen, on behalf of Vulcan Materials Company

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Dear Federal Rules Advisory Committee,

I understand you are considering some revisions to the FRCP to streamline lawsuits and in particular to revise certain discovery rules. These revisions are desperately needed. I manage all of my Company's litigation. We are the largest aggregates producer in the U.S. and a Fortune 1000 company.

We have litigation all over the country. In my experience as a practicing lawyer for 19 years and now as in-house counsel for 12 years, I have seen countless cases where the time and cost of discovery was hugely disproportionate to the claims made by the plaintiff. All too often, however, we are forced to settle what we believe are non-meritorious, if not downright frivolous, lawsuits due to the costs and burden of responding to discovery. We encounter plaintiffs lawyers whose strategy is to make the discovery process so time-consuming, burdensome, and costly that we cannot take cases all the way through trial, much as we would like to.

Our litigation system is broken in this country, and we need to make revisions not only here but in other respects. Everyone deserves their day in court -- plaintiff and defendant -- but our system of burdensome discovery is choking corporate defendants and not allowing cases to be decided on their merits. All too often, the only "winners" are the lawyers, and not often does any company or individual come away satisfied with our civil justice system.

I strongly encourage you to implement these proposed changes, and to continue to evaluate and implement other revisions to streamline litigation and to make the system one in which the parties can resolve their differences without the fear of costly discovery.

I appreciate your time and effort, and I implore you to help reform our litigation system with these and other modifications. Should you have questions or wish to discuss further, I would be delighted to speak to you.

Sincerely yours,

Norman Jetmundsen
V.P. and Associate General Counsel
Vulcan Materials Company