

As Comment Deadline Nears, WLF Advisory Board Member Speaks Out on Proposed Discovery Rule Amendments



When we noted the beginning of the comment period for the Federal Rules Advisory Committee’s proposed amendments to the Federal Rules of Civil Procedure governing the discovery process with a [post last August](#), the February 15 deadline seemed eons away. But in mere two weeks, that stretch of the long-and-winding road that is Federal Rules reform will have come and gone. Along the way, WLF has been privileged to testify before the Advisory Committee

last November and was the first public interest organization to [file public comments](#) with it last October. In order to inform the discussion and explain why the Rules reform effort is so vitally important, WLF published a “[Conversations With](#)” paper earlier this month featuring former Attorney General Dick Thornburgh, University of Denver’s (and former Colorado Supreme Court Justice) Rebecca Kourlis, and Goldberg Segalla LLP partner John Jablonski.

In a recent *Corporate Counsel* magazine, GlaxoSmithKline General Counsel Dan Troy authored a must-read article on e-discovery reform, “[Changing Federal Rules to Reduce Discovery Costs](#).” WLF is honored to have Dan as a member of our [Legal Policy Advisory Board](#). He brought the emerging effort to reform the Federal Rules to our and the public’s attention four years ago by authoring a WLF *Legal Background* along with GSK Assistant General Counsel John O’Tuel entitled [A Toolkit For Change: How The Federal Civil Rules Advisory Committee Can Fix A Civil Justice System “In Serious Need Of Repair”](#). In his *Corporate Counsel* article, Dan focused on the extreme costs of document preservation in the digital age, and the need to not only adopt proposed amendments to Rule 37(e), but also further strengthen the standard for imposing sanctions for “spoliation.” In terms of the preservation burden, he wrote:

As just one example of the amounts of data at issue, my own company, GlaxoSmithKline, has preserved 57.6 percent of its company email, amounting to 203 terabytes of information. This would be 20 times the amount of the printed collections of the Library of Congress.