

**FOR IMMEDIATE RELEASE**

Monday, June 14, 2021

## **Civil Rules Committee Solicits Comments on Privilege Log Reforms**

*Request follows LCJ call to modernize privilege log procedures to enhance clarity, efficiency and proportionality*

**Arlington, VA – Lawyers for Civil Justice (LCJ)** – The Judicial Conference Advisory Committee on Civil Rules has [issued an invitation for comment](#) on privilege log practice in response to a [suggestion submitted last August by Lawyers for Civil Justice \(LCJ\)](#), a national coalition of corporations, law firms and legal defense organizations.

While no decision has been made about whether rule changes will be considered by the Discovery Subcommittee, the invitation notes that “many courts have insisted on a document-by-document privilege log to satisfy Rule 26(b)(5)(a). With the growing centrality of digital material in discovery, the burdens of preparing such a log reportedly have increased.” The Committee is [asking for comments by August 1, 2021](#).

LCJ Discovery Committee Co-Chair Jonathan Redgrave and LCJ’s General Counsel Alex Dahl applauded the Rules Committee’s invitation for further feedback on ways to modernize privilege log procedures to promote efficiency and fairness.

*“The core of the rules governing the privilege log process date back to 1993, and the explosion in electronically stored information since that time has created an urgent need to amend the rules, and ease burdensome and disproportionate procedures as well as the morass that has resulted – impacting all parties as well as the courts,”* Redgrave said. *“A critical part of the solution that would make this process more efficient is to move away from any presumption that document-by-documents logs are the default standard. At the same time, we should work towards a revised rule that enables meaningful dialogue to determine the best approach to address privilege and confidentiality concerns in each case within a common framework.”*

*“Document-by-document privilege logs are time-consuming, expensive and inefficient, and lead to a large amount of satellite litigation unrelated to the merits of the case,”* Dahl said. *“We are pleased that the Rules Committee has opened this comment period and look forward to providing further suggestions on how the rules can be amended to provide greater efficiency and proportionality in the discovery process.”*

For more information, you can find LCJ’s resources on reforming privilege log requirements [here](#).

###