

02-ED-036



Via E-mail

Date sent: Thu, 03 Jul 2003 11:54:52 -0500  
From: Bill Roedder  
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Subject:  
To: marcusr@uchastings.edu

Dear Professor Marcus:

I understand that you are receiving comments from practicing attorneys regarding potential Rules changes in connection with electronic discovery.

I am a practicing lawyer in Mobile, Alabama and have been "at it" for a little over 30 years. I believe that electronic discovery presents very unique problems and challenges that should be addressed in the form of Rules changes.

I would like to see a provision for the payment of expenses incurred in connection with this form of discovery, which are often extremely high, particularly in light of the fact that many of the requests from plaintiff's counsel are overly broad, likely to (and typically do) bear little fruit, yet impose an extreme hardship and burden on defense counsel and their clients.

Moreover, please consider Rules changes that provide safe harbor guidelines for (i) record retention policies and (ii) the acceptable breath and scope of the "reasonable search."

If I can be of further service or provide further information, please let me know.