

CHANGES IN THE RULES OF CIVIL PROCEDURE

Judge Xavier Rodriguez
Michael Smith
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The Amendment Process

- May 2010 – Civil Rules Advisory Committee convenes the Duke Conference
- August 15, 2013 – proposed Amendments released for public comment
- November 2013, January and February 2014 – public hearings (Washington, Phoenix, Dallas)
- April 11, 2014 – Portland meeting
- Submitted to the Committee on Rules of Practice and Procedure – May 29-30, 2014
- Judicial Conference approved
- Supreme Court approved and transmitted to Congress
- Rules become effective December 1, 2015

Key Proposals

- Cooperation
- Case Management
- Discovery
- Preservation and Spoliation

Cooperation

Rule 1. Scope and Purpose

. . . [These rules] should be construed, and administered, **and employed by the court and the parties** to secure the just, speedy, and inexpensive determination of every action and proceeding.

* new material in red

The Committee's Perspective

- “[J]ust as the court should construe and administer these rules to secure the just, speedy, and inexpensive determination of every action, so the parties share the responsibility to employ the rules in the same way.”
- “Effective advocacy is consistent with – and indeed depends upon – cooperative and proportional use of procedure.”

“Case Management” Amendments

- Rule 4(m)
- Rule 16(b)
- Rule 26(c)

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39th Annual Page Keeton Civil Litigation Conference session
"FRCP 26 and New Discovery Trends"