

CHANGES IN THE RULES OF CIVIL PROCEDURE

Judge Xavier Rodriguez
Judge Lee Rosenthal

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

Timeline Going Forward

- Congress may accept, nullify or modify
- If no adverse action, 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.”

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Changes in the Rules of Civil Procedure

Also available as part of the eCourse

[U.S. District Court Proceedings](#)

First appeared as part of the conference materials for the
20th Annual Advanced Patent Law Institute session

"Changes to the Federal Rules of Civil Procedure"