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Date sent: Sun, 29 Jun 2003 12:38:48 -0600
From: "Biscan, Matthew Y." <BISCANM@HallEvans.com>
Subject: Electronic Discovery Reform
To: marcusr@uchastings.edu

Dear Professor Marcus:

I am writing to endorse the concept of, and urge the adoption of, rules to clarify the many issues relating to discovery of digitally stored information. The ad hoc approach taken by many courts with respect to electronic information is very problematic, especially for defendants. As you no doubt have heard from a variety of sources, in a variety of forums, the discovery battles and sanctions orders often overwhelm the substantive issues of "big document" cases. Institutional and corporate litigants seem often to be faced with shutting down day to day operations in order to deal with the risks and consequences of burdensome, unreasonable fishing expeditions. Given the pace of technological advancement in personal computing, local area networks, and data storage, individuals and small businesses are in as bad a position when confronted with electronic discovery requests. Reform of the discovery rules to deal with 21st Century data storage is necessary to assure a level playing field for all litigants, and to establish a consistent basis upon which parties and courts can make decisions that permit the fair and just adjudication of claims.

Thank you for your work in this area to date.

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