

The Naples Roundtable, Phoenix Issue VI (February 15, 2016)

Proportionality : Panel VI

With the new requirement in the Federal Rules to address proportionality for determining the scope of discovery, how should the District Courts proceed in making the determination?

Discussion Leaders: Ken Adamo, Moderator

Sharon Barner

Mike Dzwonczyk

Tim Holbrook

Ron Schutz

Louis Tompros

- "New "FRCP 26(b)
- Stated Factors in Evaluating Proportionality
 - + Weighting factors; weighting discovery tools
- Practical Application of Proportionality, Determination of Allowable Discovery
 - + Duke suggestions
 - + Use (mandatory) checklist
 - + Use local rules / case tracks or equivalents with quantitative amounts / types of discovery availability
 - + Proportionality special master when appropriate
 - + Radical ideas, eg. " buy" amounts / types of discovery, additional discovery
- Structure of FRCP 16 Conference(s) to Effect Initial Proportionality Determination, Downstream Adjustment

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