



Proposed Rule 30(b)(6) changes
Romano Law Office

to:

Rules_Comments, Tim Bailey

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Gentlemen:

I have been a practicing trial and appellate lawyer for more than 40 years; I have been appointed to several Rules Committees for both State and Federal Court jurisdictions; I am also a member of the Fourth Circuit Judicial Conference and a Fellow of the American College of Trial Lawyers; it is with that background that I respectfully request that Rule 30(b)(6) not be substantially modified in a manner that will limit its usefulness in the truth finding process for our civil justice system; a Rule 30(b)(6) deposition is perhaps the only way to require an organization to provide sworn testimony about a subject which another party has no idea who may have the needed knowledge within that organization;

without Rule 30(b)(6) depositions my sense is that parties will lose the ability to attempt to obtain such valuable discovery necessary for resolution or trial; I say "attempt" as my experience over the years is that both plaintiffs and defendants, and especially their counsel, need more training on how to draft Rule 30(b)(6) deposition notices and prepare and respond to them with organization designated witnesses; too often the Rule 30(b)(6) deposition notice is imprecise and too broad while the responder plays a hide and seek game in return, neither of which complies with the letter, or the spirit of the Rule; however throwing the baby out with the wash is not the answer as without such tools as the Rule 30(b)(6) deposition I fear that the truth finding process will be irreparably harmed;

thank you and should anyone have any questions about my comments I would be happy to elaborate.

david j romano

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