



School of Law
University of Missouri-Columbia

Hulston Hall
Columbia, MO 65211



November 29, 2000

00-CV-I

Mr. Peter B. McCabe, Secretary
Standing Committee on Rules of Practice and Procedure
c/o THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS
1 Columbus Circle, N.E.
Washington DC 20544

RE: AMMUNITION FOR THE SHOOT-OUT WITH THE HIRED GUN'S HIRED GUN: A Proposal for Full Expert Witness Disclosure

Dear Mr. McCabe:

As a member of the Standing Committee on Rules of Practice and Procedure, you might be interested in the enclosed article. In this article, I propose an amendment to Rule 26(a) of the Federal Rules of Civil Procedure that would clarify and expand the scope of disclosure (and, therefore, discovery) regarding expert witnesses.

In the article, I argue that all items considered by a civil litigant's retained expert witnesses should be disclosed to the other parties in the suit, including previously privileged material and work product. In my view, full disclosure can enhance the truth-seeking process by making cross-examination of expert witnesses more effective.

If you have any questions regarding this proposal, please feel free to contact me.

Best wishes for continued success.

Sincerely,

Stephen D. Easton
Associate Professor
(573) 882-6799
EastonS@missouri.edu

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

ANTHONY J. SCIRICA
CHAIR

PETER G. McCABE
SECRETARY

CHAIRS OF ADVISORY COMMITTEES

WILL L. GARWOOD
APPELLATE RULES

A. THOMAS SMALL
BANKRUPTCY RULES

DAVID F. LEVI
CIVIL RULES

W. EUGENE DAVIS
CRIMINAL RULES

MILTON I. SHADUR
EVIDENCE RULES

December 11, 2000

Professor Stephen D. Easton
University of Missouri-Columbia
School of Law
Hulston Hall
Columbia, MO 65211

Dear Professor Easton:

Thank you for your suggestion to amend Rule 26(a) of the Federal Rules of Civil Procedure. We welcome your comments and appreciate your interest in the rulemaking process.

Sincerely,



Peter G. McCabe
Secretary

cc: Honorable Anthony J. Scirica
Honorable David F. Levi
Professor Edward H. Cooper
Professor Daniel R. Coquillette