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CivilRules: Yes
Evidence: Yes
Comments:

Prior to having a Plaintiffs' personal injury practice, I practiced seventeen years as an insurance defense attorney. Corporate attorneys would direct me to object to e-discovery stating it was not reasonably accessible or not available when all that was needed was a couple of strokes of a key to reformat and print everything requested. If I asked could it be accessible and how long, if even told, which I learned not to ask, it would be a matter of minutes. E-discovery was purged in some cases within very short time frames (four and six months and sometimes less) because of fear of litigation requests. Now as a Plaintiff's attorney, I have fought very lengthy and costly battles over e-discovery which was initially denied to exist and only after deposing witnesses was I able to confirm otherwise. However, in the case against Marriott International, for example, by the time the court compelled the production of requested material, it had been conveniently purged. I have spent \$150,000 in litigation expenses due primarily to discovery abuses. Changes in the rules will only assist the wealthy and powerful insurance industry and its insured corporate defendants to obstruct production of relevant evidence in the form of e-material. In many cases this is the only form it is available as businesses become more electronically proficient.

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