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04-CV-015

ROBERT E. LEAKE, JR.
OF COUNSEL

October 26, 2004

Peter G. McCabe, Secretary
Committee on Rules of Practice and Procedure
of the Judicial Conference of the United States
Thurgood Marshall Federal Judiciary Building
Washington, DC 20544

Dear Sir:

As a member of the American College of Trial Lawyers I appreciate the opportunity to comment on the preliminary draft of proposed Rules changes.

My comment deals with discovery. I firmly believe that the availability of discovery creates the necessity to conduct discovery, and the wider the availability the wider the search. The result has been an unconscionable increase in the cost of litigation which has become a real economic burden.

I believe that unlimited discovery has a stifling effect upon what should be pro and con discussions in-house.

Unhappily courts have not exercised either restraint or good judgment in this field.

I have no solution but there should be some rational threshold to cross before a litigant can compel another to disgorge all electronic stored material.

Respectfully,

A handwritten signature in cursive script that reads "Robert E. Leake, Jr.".

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