



The Sedona Conference Primer on Crafting eDiscovery Requests with “Reasonable Particularity,” (November 2021 Public Comment Version)

For years, courts and parties have struggled with the issue of boilerplate discovery that provides only a vague picture of information being requested or produced, clogging the courts and increasing litigation costs. After the Rules Committee targeted the problem of boilerplate objections in the 2015 Amendments to the Federal Rules of Civil Procedure, those amendments became the focus of court opinions and industry guidance, including the Sedona Conference *Federal Rule of Civil Procedure 34(b)(2) Primer: Practice Pointers for Responding to Discovery Requests*, which was published in 2018. The focus on nonspecific objections also shed light on an opposing problem: The lack of precision in discovery requests.

Federal Rule of Civil Procedure 34(b) requires that discovery requests “describe with reasonable particularity” the information being sought. Rule 26(b) limits all discovery to information that is relevant and proportional to the needs of the case. And Rule 26(g) requires counsel to certify that every discovery request is “neither unreasonable nor unduly burdensome or expensive, considering the needs of the case, prior discovery in the case, the amount in controversy, and the importance of the issues at stake in the action.” Despite these Rules, vague and overbroad discovery requests have continued.

The Sedona Conference Primer on Crafting eDiscovery Requests with “Reasonable Particularity” (‘Primer’) explores the origins of the “reasonable particularity” requirement, as well as the evolving case law addressing the standard. Drafting requests with “reasonable particularity” requires a heightened focus on the specific needs of the case. This *Primer* provides practical guidance on how to better target discovery and presents practice pointers for drafting requests for production in compliance with Rule 34(b)(1). It is hoped that the guidance provided in this *Primer*, in tandem with the *Rule 34(b)(2) Primer*, will result in more efficient discovery, reduced costs, and decreased court involvement in discovery disputes.

The full text of *The Sedona Conference Primer on Drafting eDiscovery Requests with “Reasonable Particularity”* is available free for individual download from The Sedona Conference website at https://thesedonaconference.org/publication/Primer_on_Crafting_eDiscovery_Requests_with_Reasonable_Particularity.

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