



The Sedona Conference
Federal Rule of Civil Procedure 34(b)(2) Primer:
Practice Pointers for Responding to Discovery Requests
(March 2018)

The December 2015 amendments to Federal Rule of Civil Procedure 34 were intended to address systemic problems in how discovery requests and responses traditionally were handled, and yet, despite numerous articles, training programs, and conferences about the changes, implementation of the changes has been mixed, at best. Amended Rule 34 encourages an evolving and iterative conversation between requesting and responding parties about what is being sought and what will be produced. This *Primer* seeks to normalize that concept and provide a framework for how those conversations may proceed.

The *Primer*, which is the result of several months of review and analysis by a diverse team of the Working Group on Electronic Document and Retention (WG1) members, is not intended to be the last word on how to implement the amendments, as there is no “correct” way to do so, and new ideas and best practices are emerging every day. Rather, the *Primer* gathers advice and observations from: (i) requesting and responding parties who have successfully implemented them and (ii) legal decisions interpreting the amended Rules, and offers practice pointers on how to comply with the amended Rules. Additionally, the *Primer* includes additional references: Appendix A summarizes a number of cases that have addressed the specificity of requests for production, and the specificity of responses and objections to requests for production. Appendix B lists standing orders, checklists, and pilot programs that address discovery requests, discovery responses, and guidelines for when and how parties should confer regarding requests and responses.

The full text of *The Sedona Conference Federal Rule of Civil Procedure 34(b)(2) Primer* is available free for individual download from The Sedona Conference website at https://thesedonaconference.org/publication/Federal_Rule_of_Civil_Procedure_34_Primer.

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