

ALABAMA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
None	Alabama has not undertaken any activity to consider or adopt the 2006 amendments to the Federal Rules of Civil Procedure.	Rules are current through present
Court Link(s) Alabama Rules of Civil Procedure: http://judicial.alabama.gov/library/rules_civ_procedure.cfm		

ALASKA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 16 Rule 26 Rule 33 Rule 34 Rule 37 Rule 45	The Supreme Court of Alaska approved amendments that address e-discovery. The amendments to Alaska's Rules of Civil Procedure are analogous to the Federal Rules of Civil Procedure and include a mandatory meet and confer provision. The amendments went into effect on April 15, 2009.	Rules are current April 15, 2009 – Present
Court Link(s) Alaska Rules of Civil Procedure: http://www.state.ak.us/courts/civ.htm Order Adopting the Amendments: http://www.state.ak.us/courts/sco/sco1682leg.pdf		

ARIZONA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 16 Rule 26(b) Rule 33(c) Rule 34 Rule 37(g) Rule 45 Ariz. R. Family Law P. 49, 51, 52, 62, 65 Arizona Rule of Evidence 502	Arizona has adopted provisions similar to the Federal Rules of Civil Procedure Amendments. Effective January 1, 2009, Arizona amended its Arizona Rules of Family Law Procedure that are based on the Arizona Rules of Civil Procedure and address e-discovery issues. Arizona also adopted Arizona Rule of Evidence 502 in January 2010 to address a disclosure of a communication or information covered by the attorney-client privilege or work product protection.	Rules are current January 1, 2008 through present
Court Link(s) Order Amending Arizona Rules of Civil Procedure: http://159.87.239.100/rules/ramd_pdf/r-06-0034.pdf Arizona Rule of Evidence 502:		

<http://www.azcourts.gov/portals/20/2008RulesA/2009Rules/Aug2009orders/R090004.pdf>

Order Amending Arizona Rules of Family Law Procedure
<http://www.supreme.state.az.us/rules/2008%20Rules%20a/R-07-0010.pdf>

ARKANSAS:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 26.1 Rule 26(b)(5) Rule of Evidence 502(f) Local Rule 26.1 (US District Court)	<p>On September 24, 2009, the Supreme Court of Arkansas adopted Rule 26 to the Arkansas Rules of Civil Procedure. Rule 26.1 addresses electronic discovery and is largely analogous to the Federal Rules of Civil Procedure. However, Rule 26 is optional since the parties must agree to apply the rule or the circuit court must order that it will apply on motion for good cause shown. The Rules of Civil Procedure also include Rule 26(b)(5) which addresses inadvertent disclosure.</p> <p>Rule of Evidence 502(f) was also adopted by Arkansas. According to the Explanatory Note for Arkansas Rule of Evidence 502: "Under new subdivision (f), disclosure of information covered by the attorney-client privilege or the work-product doctrine to a government agency conducting an investigation of the client does not constitute a general waiver of the information disclosed."</p>	Rules are current January 10, 2008 through present

Court Link(s)

Supreme Court of Arkansas Opinion Adopting Rule 26.1:
http://courts.arkansas.gov/court_opinions/sc/2009a/20090305/published/inre_Rule26.1.pdf

Arkansas Rules of Civil Procedure:
http://courts.state.ar.us/rules/rules_civ_procedure/i.cfm

Arkansas Rules of Evidence:
http://courts.arkansas.gov/rules/rules_of_evidence/article5/index.cfm#2

United States District Court, Eastern & Western Districts of Arkansas:
<http://www.ore.uscourts.gov/default.cfm?content=LocalRules>

CALIFORNIA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Current Rules: §§ 2017.710-2017.740	<p>Governor Schwarzenegger signed California's Electronic Discovery Act in early July 2009 after previously vetoing the bill in late September 2008. The amendments are largely analogous to the 2006 Federal Amendments, except the rules shift the burden to the responding party with regard to the accessibility of data. The rules basically assume all electronically stored information is accessible and allow the responding party to seek a protective order.</p>	Rules are current through present

Court Link(s)

Amendments to the California Rules of Court:
<http://www.courtinfo.ca.gov/rules/amendments/august2009.pdf>

Full Text of Bill Signed By The Governor:

http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0001-0050/ab_5_bill_20090629_chaptered.pdf

California Code of Civil Procedure:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=ccp&group=02001-03000&file=2017.710-2017.740>

COLORADO:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
None	On January 25, 2008, the Colorado Supreme Court Committee on Rules of Civil Procedure held a meeting at which the Committee approved a motion to not attempt to make changes to the Colorado Rules of the Court that would mirror the amendments to the Federal Rules of Civil Procedure.	Rules are current through present
<p>Court Link(s)</p> <p>Colorado Rules of Civil Procedure: http://www.michie.com/colorado/lpext.dll?f=templates&fn=main-h.htm&cp</p>		

CONNECTICUT:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
None	Connecticut is currently forming a committee to discuss amending the Rules for Courts to reflect the Federal Rules of Civil Procedure amendments. The United States District Court, District of Connecticut amended Rules 16(b), 26 and 37 to be analogous with the Federal Rules of Civil Procedure amendments.	Rules are current through present
<p>Court Link(s)</p> <p>2009 Connecticut Practice Book Containing General Provisions and Rules: http://www.jud.state.ct.us/Publications/PracticeBook/PB1.pdf</p> <p>The United States District Court, District of Connecticut: http://www.ctd.uscourts.gov/PDF%20Documents/local_rules.pdf</p>		

DELAWARE:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Appendix B includes the E-Discovery Plan Guidelines	Effective May 1, 2010, the Superior Court of Delaware created a Commercial Litigation Division designed to handle disputes between companies. Rules addressing electronic discovery are addressed in this division. The rules include a mandatory meet and confer conference, require submission of a discovery plan, directs the court to enter an order governing ESI discovery, addresses limitations on discovery and includes a safe harbor clause. The United States District Court, District of Delaware issued the 'Default Standards for the Discovery of Electronic Documents'. These default standards apply if the parties cannot reach a consensual agreement in the Rule 16 scheduling	Rules are current through present

conference.

Court Link(s)

Appendix B: E-Discovery Plan Guidelines

http://courts.delaware.gov/Courts/Superior%20Court/pdf/?cclid_appendix_b.pdf

Rules of Civil Procedure for the Superior Court of the State of Delaware:

<http://courts.delaware.gov/forms/download.aspx?id=39348>

Administrative Directive Establishing Commercial Litigation Division of the Superior Court:

http://www.delawarebusinesslitigation.com/uploads/file/admin_dir_2010_3.pdf

United States District Court, District of Delaware:

<http://www.ded.uscourts.gov/Announce/HotPage21.htm>

FLORIDA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rules have not yet been named	<p>The Civil Procedure Standing Committee will hear proposed e-discovery amendments at the annual convention of the Florida State Bar. The proposed amendments were drafted by the Civil Procedure Rules Subcommittee on Electronic Discovery.</p> <p>The United States District Court, Middle District of Florida, has issued discovery standards which include preserving and producing electronic information, in addition to the discovery of electronic information.</p>	Rules are current through present

Court Link(s)

Florida Rules of Civil Procedure:

[http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/10C69DF6FF15185085256B29004BF823/\\$FILE/Civil.pdf](http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/10C69DF6FF15185085256B29004BF823/$FILE/Civil.pdf)

The United States District Court, Middle District of Florida:

http://www.fimd.uscourts.gov/Forms/Civil/Discovery_Practice_Manual.pdf

GEORGIA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
None	<p>No activity has been undertaken to consider or adopt the Federal Rules of Civil Procedure amendments.</p> <p>The United States District Court, Southern District of Georgia, has a Rule 26(f) report that designates a space on the form if the case involves electronic discovery. The parties must state whether they reached an agreement regarding preservation, disclosure or discovery of electronically stored information and identify any issues regarding electronically stored information that the parties have been unable to agree upon.</p>	Rules are current through present

Court Link(s)

Uniform Rules for the Magistrate Courts (Part III details Civil Rules):
<http://www.georgiacourts.org/councils/magistrate/B1%20URMC.pdf>

The United States District Court, Southern District of Georgia:
<http://www.qasd.uscourts.gov/lr/lr1.htm>

HAWAII:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
None	No activity has been undertaken to consider or adopt the Federal Rules of Civil Procedure amendments.	Rules are current through present

Court Link(s)

Hawaii Rules of Civil Procedure:
<http://www.state.hi.us/jud/ctrules/hrcp.htm>

IDAHO:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 33(c) Rule 34(a)-(b) Rule 45(a)-(f)	Idaho adopted the Texas model for e-discovery rules with a provision for discretionary cost-shifting.	Rules are current through present

Court Link(s)

Idaho Rules of Civil Procedure:
<http://www.isc.idaho.gov/rules/civilidx.htm>

Amended Discovery Rules:
http://www.isc.idaho.gov/rules/Discovery_Rule306.htm

ILLINOIS:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
201(b)(1) 214	Recommendations are expected in November from the Subcommittee of Judicial Conference, which is examining the adaptability of the Federal Rules of Civil Procedure amendments. Public comments on these recommendations are expected beginning in January 2008.	Rules are current January 1, 2002 through present

Court Link(s)

Illinois Code of Civil Procedure:
<http://www.ilga.gov/legislation/ilcs/ilcs2.asp?ChapterID=56>

INDIANA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
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Rule 26 Rule 34 Rule 37	Indiana adopted amendments incorporating provisions covering electronic discovery and electronically stored information. The adopted amendments included the Rule 37(e) safe harbor provision.	Rules are current January 1, 2008 through present
Court Link(s)		
Indiana Rules of Court (including amendments through January 1, 2008): http://www.in.gov/judiciary/rules/trial_proc/index.html		

IOWA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 1.503 Rule 1.504 Rule 1.507 Rule 1.509 Rule 1.512 Rule 1.517 Rule 1.602 Rule 1.1701 Evidence Rule 5.502	The Supreme Court of Iowa adopted amendments to Iowa Rules of Civil Procedure on February 14, 2008. These amendments became effective on May 1, 2008 and contain provisions regarding electronic discovery. Iowa also approved Evidence Rule 5.502 which is analogous to Federal Rule of Evidence 502. This rule addresses waiver of privilege and inadvertent disclosure.	Rules are current January 1, 2008 through present
Court Link(s)		
Current Iowa Court Rules: http://www.legis.state.ia.us/Rules/Current/court/courtrules.pdf		
Recent Amendments and New Rules: http://www.judicial.state.ia.us/Court_Rules_and_Forms/Recent_Amendments_New_Rules/index.asp		
Report of Supreme Court: Rule 5.502 http://www.iowacourts.gov/wfData/files/CourtRules/40209RptreIRevid5_502,5_615,5_803,4&7.pdf		

KANSAS:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
§ 60-216 § 60-226 § 60-233 § 60-234 § 60-237 § 60-245	Kansas approved Bill 434 which adopts amendments to the Kansas Rules of Civil Procedure that are largely analogous with the Federal Rules of Civil Procedure. The United States District Court, District of Kansas issued "Guidelines for Discovery of Electronically Stored Information" to facilitate compliance with the Federal Rules of Civil Procedure amendments. If there is any conflict between these guidelines and the rules, the rules shall control.	Rules are current July 1, 2008 through present.
Court Link(s)		
Kansas Rules of Civil Procedure: http://www.kslegislature.org/legsrv-statutes/statutesList.do		
Guidelines for Discovery of Electronically Stored Information: www.ksd.uscourts.gov/guidelines/electronicdiscoveryguidelines.pdf		

KENTUCKY:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
None	No activity has been undertaken to consider or adopt the Federal Rules of Civil Procedure amendments.	Rules are current through present
Court Link(s)		
Kentucky Rules of Civil Procedure: http://www.kybar.org/Default.aspx?tabid=247		

LOUISIANA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Art. 1424 Art. 1425 Art. 1460 Art. 1461 Art. 1462 CCP 1354 CCP 1471 CCP 1551	The Louisiana legislature adopted limited revisions to the Code of Civil Procedure incorporating e-discovery provisions comparable to the Federal Rules of Civil Procedure amendments. Louisiana also amended several civil rules to address electronically stored information. These amendments are effective beginning January 1, 2009.	Rules are current through present
Court Link(s)		
ACT No. 140 Bill Data: http://www.legis.state.la.us/billdata/streamdocument.asp?did=447007		
Link to CCP 1354 (Subpoena): http://www.legis.state.la.us/lss/lss.asp?doc=111179		
Link to CCP 1471 (Sanctions): http://www.legis.state.la.us/lss/lss.asp?doc=111247		
Link to CCP 1551 (Pretrial Procedure): http://www.legis.state.la.us/lss/lss.asp?doc=111257		

MAINE:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 16 Rule 26 Rule 33 Rule 34 Rule 37	Maine has adopted amendments to the Maine Rules of Civil Procedure that are largely analogous to the Federal Rules of Civil Procedure.	Rules are current July 1, 2010 through present
Court Link(s)		
Maine Rules of Civil Procedure: http://www.courts.state.me.us/rules_forms_fees/rules/MRCivPONLY6-10.pdf		

MARYLAND:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
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Rule 2-402 Rule 2-421 Rule 2-422 Rule 2-424 Rule 2-433 Rule 2-504 Rule 2-504.1 Rule 2-510	Amendments to Maryland's Rules of Procedure incorporating electronically stored information went into effect on January 1, 2008. The United States District Court, District of Maryland has a 'Suggested Protocol for Discovery of Electronically Stored Information' that encourages the parties to conduct a conference and create a report regarding the discovery of electronically stored information. Additionally, this protocol details preparation for the conference and the topics to discuss at the Rule 26(f) conference.	Rules are current through present
Court Link(s)		
Rules Order Adopting Amendments: http://www.courts.state.md.us/rules/rodocs/ro158.pdf The United States District Court, District of Maryland: http://www.mdd.uscourts.gov/news/news/ESIProtocol.pdf		

MASSACHUSETTS:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Proposed Amendments: Rule 16 Rule 26 Rule 34 Rule 37 Rule 45	Massachusetts has proposed amendments to Rules 16, 26, 34, 37 and 45 of its Rules of Civil Procedure to address the discovery of electronically stored information. The Draft Reporter's Notes and Introduction to the proposed amendments cites the "staggering growth of information in electronic form today" as the driving force behind the changes. The proposed changes do not include a mandatory meet and confer conference (a party may make a written request for such a conference). Massachusetts Rule of Civil Procedure 37(f) is equivalent to FRCP 37(e).	Rules are current through present
Court Link(s)		
Proposed Amendments: http://www.mass.gov/courts/sjc/docs/Rules/comment-civil-proc-rules-051311.pdf Draft Reporter's Notes and Introduction to Proposed Amendments: http://www.mass.gov/courts/sjc/docs/Rules/reporters-notes-comment-civil-proc-rules-051311.pdf Massachusetts Rules of Civil Procedure: http://www.massreports.com/courtrules/civil.htm		

MICHIGAN:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
2.302 2.310 2.313 2.506	Michigan's Court Rules were amended to address electronic discovery. The amendments do not mirror the 2006 Federal Amendments directly, but contain similar ideals.	Rules are current January 1, 2009 through present

Court Link(s)

Michigan Rules of the Court:
<http://courtofappeals.mijud.net/rules/documents/1Chapter2CivilProcedure.pdf>

Amendments:
<http://courts.michigan.gov/supremecourt/Resources/Administrative/2007-24-12-16-08.pdf>

MINNESOTA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 16 Rule 26 Rule 34 Rule 37 Rule 45	Minnesota adopted the Federal Rules of Civil Procedure amendments without the mandatory meet and confer provision.	Rules are current July 1, 2007 through present

Court Link(s)

Minnesota Rules of Civil Procedure:
http://www.mncourts.gov/documents/0/Public/Rules/RCP_effective_7-1-2007.pdf

MISSISSIPPI:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 26(b)(5)	Mississippi followed the Texas Rule model beginning in 2003 and included the discretionary cost-shifting.	Rules are current through present

Court Link(s)

Mississippi Rules of Civil Procedure:
<http://www.mslegalforms.com/mrcp.html>

MISSOURI:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
None	<p>No activity has been undertaken to consider or adopt the Federal Rules of Civil Procedure amendments.</p> <p>The United States District Court, Eastern District of Missouri has some similarities to the Federal Rules. Rule 26 -3.01 references that disclosures shall be made in manner set forth by Fed. R. Civ. P. 26(a), except to extent stipulated by the parties or directed by order of the court.</p>	Rules are current through present

Court Link(s)

Rules of Civil Procedure - Rules Governing Civil Procedure in the Circuit Courts:
<http://www.courts.mo.gov/page.jsp?id=676>

The United States District Court, Eastern District of Missouri:
http://www.moed.uscourts.gov/CMECF/CMECF_loclrul.pdf

MONTANA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 16 Rule 26 Rule 34 Rule 37 Rule 45	Montana adopted the Federal Rules of Civil Procedure amendments without the mandatory meet and confer provision. Montana is currently considering an additional round of proposed amendments to the Rules of Civil Procedure, which largely contain word tweaks and restructuring of rule content.	Rules are current February 28, 2007 through present
Court Link(s)		
Proposed Rules of Civil Procedure: http://courts.mt.gov/supreme/proposed_rules/civil-procedure.mcp		

NEBRASKA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
§ 6-333 § 6-334 § 6-334A	The Nebraska Supreme Court adopted amendments to the Nebraska Discovery Rules 33, 34 and 34A. The rules became effective on June 18, 2008. The former Nebraska Discovery Rules for All Civil Cases have been renumbered in the revised Nebraska Court Rules as Chapter 6, Article 3, Nebraska Court Rules of Discovery in Civil Cases.	Rules are current June 18, 2008 through present
Court Link(s)		
Nebraska Court Rules: http://www.supremecourt.ne.gov/rules/pdf/Ch6Art3.pdf		

NEVADA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
None	No activity has been undertaken to consider or adopt the Federal Rules of Civil Procedure amendments.	Rules are current through present
Court Link(s)		
Nevada Rules of Civil Procedure: http://www.leg.state.nv.us/CourtRules/NRCP.html		

NEW HAMPSHIRE:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 62. (l)	New Hampshire chose to only adopt the mandatory meet and confer provision from the Federal Rules of Civil Procedure amendments.	Rules are current January 18, 2007 through present
Court Link(s)		
Order Amending Court Rules:		

<http://www.courts.state.nh.us/supreme/orders/ord20070118.pdf>

NEW JERSEY:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 1:9-2 Rule 4:5B-2 Rule 4:10-2 Rule 4:17-4 Rule 4:18:1 Rule 4:23-6	New Jersey adopted the Federal Rules of Civil Procedure amendments without the mandatory meet and confer provision.	Rules are current August 1, 2007 through present
Court Link(s) Rules Governing the Courts of the State of New Jersey: http://www.judiciary.state.nj.us/rules/rules_toc.htm		

NEW MEXICO:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 1-016 Rule 1-026 Rule 1-033 Rule 1-034 Rule 1-045	New Mexico's Rules Committee adopted a series of proposed e-discovery amendments to the Rules of Civil Procedure for the District Courts that largely mirror the 2006 FRCP amendments. However, the amendments do not include adopting the safe harbor provision of Fed. R. Civ. P. 37(e).	Rules are current May 2009 – present
Court Link(s) Local Civil Rules for the United States District Court, District of New Mexico: http://www.nmcompcomm.us/nmrules/nmruleset.aspx?rs=1		

NEW YORK:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
None	<p>Bill A06000 was introduced to the New York state legislature on February 23, 2009 to make changes to include the disclosure of electronically stored information in civil cases. According to the Bill, the "proposed amendments are intended primarily to clarify the treatment of electronically stored information in civil disclosure proceedings conducted prior to the filing of a note of issue."</p> <p>New York's State Unified Court System submitted a recommendation to the Chief Judge and Chief Administrative Judge regarding e-discovery protocol in the New York state courts to address the growing complexity and costs of electronic discovery disputes.</p>	Rules are current through present
Court Link(s) New York State Assembly: http://assembly.state.ny.us/leg/?bn=A06000		

Civil Practice Law and Rules:

<http://law.justia.com/newyork/codes/civil-practice-law-rules/>

Uniform Civil Rules for the New York City Civil Court:

<http://www.courts.state.ny.us/rules/trialcourts/208.shtml>

Report – Electronic Discovery in the New York State Courts:

<http://www.courts.state.ny.us/courts/comdiv/PDFs/E-DiscoveryReport.pdf>

NORTH CAROLINA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Proposed Amendments: Rule 16 Rule 26(b)(1), (b)(3), (b)(7), (c), (f)(1-4) Rule 34(a)-(b) Rule 37(a)(2), (c) Rule 45	House Bill 380 was introduced on March 17, 2011, which intends to clarify the discovery of ESI. This bill suggests amendments largely analogous to the 2006 Federal Rules of Civil Procedure amendments, but does not include a mandatory meet and confer provision. The bill also provides a definition of ESI which includes “reasonably accessible metadata...” In addition, FRCP 37(e) is equivalent to the proposed North Carolina Rules of Civil Procedure 37(c).	Rules are current through present

Court Link(s)

House Bill 380:

<http://www.ncleg.net/Sessions/2011/Bills/House/PDF/H380v1.pdf>

North Carolina Rules of Civil Procedure:

<http://www.ncga.state.nc.us/gascripts/Statutes/StatutesTOC.pl?Chapter=0001A>

North Carolina Business Court – The Local Rules of Court:

<http://www.ncbusinesscourt.net/new/localrules/>

NORTH DAKOTA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 16 Rule 26 Rule 33(d) Rule 34 Rule 37 Rule 45	North Dakota amended the North Dakota Rules of Civil Procedure to be analogous with the Federal Rules of Civil Procedure amendments. These amendments include a mandatory meet and confer conference. North Dakota’s “safe harbor” clause is 37(f) as opposed to 37(e).	Rules are current through present

Court Link(s)

North Dakota Rules:

<http://www.court.state.nd.us/rules/civil/frameset.htm>

OHIO:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 16 Rule 26 Rule 33 Rule 34 Rule 36 Rule 37 Rule 45	<p>The Supreme Court of Ohio approved amendments to the Ohio Rules of Civil Procedure that allow for the discovery of electronically stored information. The rules are largely analogous, but differ in some ways. Ohio does not have a mandatory meet and confer provision.</p> <p>The United States District Court, Northern District of Ohio set forth 'Default Standard for Discovery of Electronically Stored Information ("E-Discovery"), which include designating an e-discovery coordinator if an agreement cannot be reached.</p>	Rules are current July 1, 2008 through present
Court Link(s) Rules of Civil Procedure from the Supreme Court of Ohio: http://www.sconet.state.oh.us/Rules/default.asp Rule Amendments: http://www.supremecourtsohio.gov/ruleamendments/documents/2008%20Amend.%20to%20Appellate.%20Criminal%20&%20Civil%20as%20published%20(Final).doc United States District Court, Northern District of Ohio: http://www.ohnd.uscourts.gov/Clerk_s_Office/Local_Rules/AppendixK.pdf		

OKLAHOMA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Title 12, Chapter 41, Section 3226, 3233, 3234, 3237	<p>On November 1, 2010, amendments were made to Oklahoma's Code of Civil Procedure that address electronically stored information. These amendments are largely analogous to the Federal Rules of Civil Procedure, without a mandatory meet and confer conference.</p> <p>In August 2009, the Western District of Oklahoma adopted "Best Practices for Electronic Discovery of Documentary Materials in Criminal Cases." These best practices include: addressing the nature and volume of discovery, timeframes for initial production and requirements that production will be in standard .PDF format and mandatory good-faith discussions of possible cost-sharing, among others.</p>	Rules are current through present
Court Link(s) Title 12. Civil Procedure: http://www.oscn.net/applications/oscn/Index.asp?ftdb=STOKST12&level=1 Best Practices for Electronic Discovery of Documentary Materials in Criminal Cases: http://www.okwd.uscourts.gov/files/genorders/genord09-5.pdf		

OREGON:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
None	No activity has been undertaken to consider or adopt the Federal Rules of Civil Procedure amendments.	Rules are current through present

Court Link(s)
Oregon Rules of Civil Procedure: http://www.leg.state.or.us/ors/orcpors.htm

PENNSYLVANIA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Proposed Recommendation No. 249: Rule 4009.1 Rule 4009.11 Rule 4009.12 Rule 4009.21 Rule 4009.23 Rule 4011	<p>Pennsylvania Civil Procedure Rules Committee issued Proposed Recommendation No. 249, which proposes amendments to Rules 4009.1, 4009.11, 4009.12, 4009.21, 4009.23 and 4011. The Proposed Recommendation also includes an Explanatory Comment which is the "core of the proposal" and is intended to provide guidance to trial judges and counsel to resolve ESI disputes according to the general principles of Rule 4011 and not pursuant to the Federal Rules of Civil Procedure and federal case law.</p> <p>The United States District Court, Eastern District of Pennsylvania issued: 'Order Governing Electronic Discovery': "The court expects the parties to reach an agreement on e-discovery, but states that if an agreement cannot be reached, the parties should designate an e-discovery liaison in order to promote communication and cooperation."</p>	Rules are current through present

Court Link(s)
<p>Proposed Recommendation No. 249: http://www.courts.state.pa.us/NR/rdonlyres/61B0D4F4-F4A6-445B-8A6B-9169CC4BEF07/0/rec249civ.pdf</p> <p>Pennsylvania Rules of Civil Procedure: http://www.pacode.com/secure/data/231/231toc.html</p> <p>United States District Court, Eastern District of Pennsylvania: http://www.paed.uscourts.gov/documents/procedures/savpol6.pdf</p>

RHODE ISLAND:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
None	No activity has been undertaken to consider or adopt the Federal Rules of Civil Procedure amendments.	Rules are current through present

Court Link(s)
Rhode Island District Court Civil Rules of Procedure: http://www.courts.state.ri.us/district/pdf/dc_civil_rules.pdf

SOUTH CAROLINA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
None	No activity has been undertaken to consider or adopt the Federal Rules of Civil Procedure amendments.	Rules are current through present

Court Link(s)		
South Carolina Rules of Civil Procedure: http://www.sccourts.org/courtReg/indexCivil.cfm		

SOUTH DAKOTA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
None	No activity has been undertaken to consider or adopt the Federal Rules of Civil Procedure amendments.	Rules are current through present
Court Link(s)		
Rules of Procedure in Circuit Courts: http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=15-6		

TENNESSEE:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 16.01 Rule 26.02(1) Rule 26.02(5) Rule 26.06 Rule 33.03 Rule 34.01 Rule 34.02 Rule 37.06 Rule 45.02 Rule 45.04 Rule 45.07 Rule 45.08	On January 8, 2009, amendments to Tennessee Rules of Civil Procedure pertaining to the discovery of electronically stored information were adopted.	Rules are current through present
Court Link(s)		
Tennessee Rules of Civil Procedure: http://www.tsc.state.tn.us/OPINIONS/tsc/RULES/TNRulesOfCourt/civlproindex.htm Court Order Adopting ESI Amendments: http://www.tsc.state.tn.us/OPINIONS/tsc/RULES/2009/TRCPamendments-eDiscovery.pdf		

TEXAS:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 196.4	Texas adopted its own version of rules of civil procedure and does not follow the	Rules are current

	Federal Rules of Civil Procedure.	through present
Court Link(s)		
Texas Rules of Civil Procedure: http://www.supreme.courts.state.tx.us/rules/TRCP/RCP_all.pdf		

UTAH:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 16 Rule 26 Rule 34 Rule 37 Rule 45	Utah adopted the Federal Rules of Civil Procedure amendments. The amended rules include a meet and confer provision.	Rules are current through present
Court Link(s)		
Utah's Rules: http://www.utcourts.gov/resources/rules/urcp/index.htm		
Comments on the Rules: http://www.utcourts.gov/resources/rules/comments/20070328/		

VERMONT:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 16.2 Rule 26 Rule 33 Rule 34 Rule 37 Rule 45	Vermont adopted amendments to its Rules of Civil Procedure that are largely analogous to the Federal Rules of Civil Procedure, except for the mandatory meet and confer provision. Vermont's safe harbor provision is located in Rule 37(f).	Rules are current May 2009 – Present
Court Link(s)		
Order Promulgating Amendment to the Vermont Rules of Civil: http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROMULGATED-VRCP16.2.26(b)and(f).33(c).34.37(f).45.50(b).pdf		
Vermont Rules of Civil Procedure: http://www.vtd.uscourts.gov/Supporting%20Files/LocalRulesREVSEPT%2012007FINAL.pdf		

VIRGINIA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status

Rule 4:1 Rule 4:4 Rule 4:8 Rule 4:9 Rule 4:9A Rule 4:13	Virginia has adopted amendments to the Virginia Rules of Court that allow for the discovery of electronically stored information. The rules mirror some concepts from the 2006 Federal Rules amendments, but do not require a mandatory meet and confer conference.	Rules are current January 1, 2009 through present
Court Link(s)		
Rules of Supreme Court of Virginia: http://www.courts.state.va.us/courts/scv/rulesofcourt.pdf		

WASHINGTON:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
CR 26 CR 45 Proposed Rule: ER 502	Proposed amendments to CR 26 and 45 were adopted, effective January 12, 2010. The change to CR 26 includes a new subsection that is "functionally identical" to the federal claw back rule in Fed.R.Civ.P. 26(b)(5)(B). The change to CR 45 includes a new provision that would also incorporate the claw back agreement expressly into the procedures for subpoenas. Rule 502 to the Washington Rules of Evidence (ER) was adopted effective September 1, 2010. ER 502 is based closely on Federal Rule of Evidence 502.	Rules are current January 12, 2010
Court Link(s)		
Washington State Court Rules: Superior Court Civil Rules http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=sup&set=CR ER 502: http://www.courts.wa.gov/court_rules/?fa=court_rules.adopted		

WEST VIRGINIA:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
None	No activity has been undertaken to consider or adopt the Federal Rules of Civil Procedure amendments.	Rules are current through present
Court Link(s)		
West Virginia Rules of Civil Procedure: http://www.state.wv.us/wvsca/rules/contents.htm		

WISCONSIN:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
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Proposed Amendments are to Statutes: § § 802.10 804.01 804.08 804.09 804.12 805.07	The Wisconsin Supreme Court adopted a petition submitted by the Wisconsin Judicial Council to amend the state civil procedure rules to address electronic discovery. The changes are largely analogous to the 2006 Federal Rules of Civil Procedure amendments, and include a mandatory meet and confer requirement for all cases that involve electronic discovery. Amendments will be implemented on January 1, 2011 and the rules will be finalized in the fall following a public hearing.	Rules will be in effect beginning January 1, 2011.
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Court Link(s)

Petition to the Wisconsin Supreme Court (Note: this version does not include the mandatory meet and confer language):
<http://www.wicourts.gov/supreme/docs/0901petitionamend.pdf>

Wisconsin Rules of Civil Procedure:
<http://nxt.legis.state.wi.us/nxt/gateway.dll?f=templates&fn=default.htm&vid=WI:Default&d=stats&jd=ch.%20804>

WYOMING:

E-Discovery Rule(s)	Activity with Regard to Federal Rules of Civil Procedure Amendments	Status
Rule 26 Rule 33 Rule 34 Rule 37 Rule 45	Wyoming adopted amendments to the Wyoming Rules of Civil Procedure that are largely analogous to the 2006 amendments to the Federal Rules of Civil Procedure. Wyoming does not have a mandatory meet and confer conference and the safe harbor clause is contained in Rule 37(f) (as opposed to FRCP 37(e)). United States District Court, District of Wyoming: Local Civil Rules: Rule 26.1 Discovery. This rule requires the parties to meet and confer regarding computer-based information, email information, deleted information and back up data.	Rules are current through present

Court Link(s)

Wyoming Rules of Civil Procedure:
http://www.courts.state.wy.us/CourtRules_Entities.aspx?RulesPage=CivilProcedure.xml

United States District Court, District of Wyoming:
<http://www.wyd.uscourts.gov/pdfforms/localrules-cv.pdf>