

Agenda

PLAUSIBILITY, PROPORTIONALITY AND PROFESSIONALISM: PRACTICE REQUIREMENTS UNDER THE CURRENT FEDERAL RULES OF CIVIL PROCEDURE

September 27, 2017

9:00 A.M.

WELCOME | INTRODUCTION 9:00 – 9:10

PLEADING REQUIREMENTS 9:10 – 9:30

Twombly and Iqbal introduced the “plausibility” requirement to state a claim in federal court. How have Courts interpreted this requirement and what is currently required of practitioners to meet it?

DISCOVERY REQUIREMENTS 9:30 – 10:15

The 2015 amendments to the Federal Rules of Civil Procedure altered the requirement that discovery be proportionate. What are the current requirements and what standards are being adopted by Courts to implement the new Rule? The 2015 amendments also made substantive changes to Requests for Production of Documents under Rule 34. What is now required of practitioners under Rule 34?

BREAK 10:15 – 10:25

ELECTRONICALLY STORED INFORMATION REQUIREMENTS 10:25 – 10:50

Electronically stored information has in many ways dramatically changed litigation and the Federal Rules of Civil Procedure are evolving to address the issues raised by it. The 2015 amendments altered the standard for imposition of sanctions for spoliation of evidence due to destruction of ESI. What are the implications of the amendments to practitioners and their clients?

PROFESSIONALISM REQUIREMENTS 10:50 – 11:30

The purpose of the Federal Rules of Civil Procedure is to “secure the just, speedy, and inexpensive determination of every action and proceeding.” The 2015 amendments require the *parties* to employ the Rules to achieve that purpose. What specific changes have been made to the Rules to help accomplish this purpose and what can practitioners do to insure the purpose of the Rules is achieved?