

SECTION G | DOCUMENT DEMANDS

1. When responding to unclear document demands, receiving counsel should attempt to discuss the demands with propounding counsel so that the demands can be complied with fully or appropriate objections can be raised.
2. Document production should not be delayed to prevent opposing counsel from inspecting documents before scheduled depositions or for any other tactical reason.
3. A lawyer should never use document demands for the purpose of harassing or improperly burdening an adversary or to cause the adversary to incur unnecessary expense, and instead the document demands should be tailored to be reasonably calculated to lead to the discovery of admissible evidence
4. After becoming aware that an action has been initiated or likely to be initiated, and to the extent practicable, a lawyer should become generally familiar with the client's records and storage systems, including electronic media, so that the lawyer may properly advise the client on production, preservation, and protection of relevant data, records, and the treatment of privileged or private information during litigation.
5. In order to accommodate opposing counsel, attorneys should provide their opposing counsel with copies of their requests for documents in word.doc or WordPerfect format (or the like) so that their opposing counsel does not need to re-type the requests for documents in their response (if they so choose)
6. When producing documents, and subject to the rules of procedure, documents should be made available to opposing counsel in the most cost effective and efficient manner possible. For example, if documents can be produced in electronic format, they should be produced in that format instead of producing the documents in hard copy format or instead of having the opposing counsel or party search through original documents to find and duplicate the responsive documents.
7. Attorneys should ensure that responses to reasonable discovery requests are timely, organized, complete and consistent with the obvious intent of the request. Attorneys should not produce documents in a way calculated to hide or obscure the existence of documents. A response to a request to produce should refer to each of the items in the request and the responsive documents should be



produced as they correspond to each request or as they are kept in the usual course of business.

8. Objections to the document demands should be based on a good faith belief and not be made for the purpose of withholding relevant information. If a document demand is objectionable only in part, the unobjectionable documents should be produced.

