

Summary of State E-Discovery Rulemaking (As of December, 2007)

The states of Arizona, Idaho, Indiana, Minnesota, Montana, New Jersey and Utah have each adopted the two-tiered approach of Rules 26(b)(2)(B) and Rule 45 (d)(1)(D) since adoption of the Federal Amendments. Idaho has joined Texas and Mississippi in utilizing the Texas-style approach, which does not require a “good cause” showing. The states of Alaska, Florida, Illinois, Iowa, Kansas, Maryland, Michigan, Nebraska, New Mexico, New York, North Dakota, Ohio, Tennessee, Vermont, Virginia, Washington and the District of Columbia are at various stages of considering action.

Eff.	Final Enactments by State
Jan. 1, 2008	The Arizona Supreme Court has adopted a comprehensive set of e-discovery rules which largely mirror the Federal Amendment. See http://www.supreme.state.az.us/rules/ramd_pdf/r-06-0034.pdf .
July 1, 2006	Idaho amended the Idaho Rules of Civil Procedure to include provisions modeled on the Federal Amendments and Tex. R. Civ. P. 196.4. See http://www.isc.idaho.gov/rules/Discovery_Rule306.htm .
Jan. 1, 2008	The Indiana Supreme Court adopted amendments largely replicating the Federal Amendments. See http://www.in.gov/judiciary/orders/rule-amendments/2007/trial-091007.pdf
June 25, 2007	The Governor of Louisiana signed Act No. 140 passed by the legislature to embody some, but not all, of the 2006 Federal Amendments. See http://www.legis.state.la.us/billdata/streamdocument.asp?did=447007 .
July 1, 2007	The Minnesota Supreme Court adopted amendments which mirror the Federal Amendments and include unique comments. See http://www.courts.state.mn.us/documents/0/Public/Rules/RCP_effective_7-1-2007.pdf .
Jan. 1, 2007	The Supreme Court of Montana has adopted amendments incorporated the Federal Amendments except the modifications to the “meet and confer” obligations, which have no counterpoint under Montana law. See. http://courts.mt.gov/orders/AF07-0157.pdf
March 1, 2007	Superior Court Rule 62 was amended effective March 1, 2007 to require discussion of key e-discovery topics at meet and confers. See: http://www.courts.state.nh.us/supreme/orders/ord20070118.pdf
Sept. 1, 2006	The Supreme Court of New Jersey has adopted the Federal Amendments with certain minor exceptions. See http://www.judiciary.state.nj.us/rules_toc.htm .
Nov. 1, 2007	The Utah Supreme Court has approved a set of e-discovery amendments largely based on the Federal Rules. See http://www.utcourts.gov/resources/rules/comments/20070328 .