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Amended Rule 26's Proportionality Standard: The First 60 Days, Law360, Gregory Brown

by **Gregory Brown**

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The latest amendments to the Federal Rules of Civil Procedure went into effect on Dec. 1, 2015. Perhaps the most significant change, at first glance, is to Federal Rule of Civil Procedure 26(b)(1), which defines the scope of permissible discovery. Gone is the timeworn "reasonably calculated to lead to the discovery of admissible evidence" standard that has been restated in objections to discovery requests for decades. In its place is the facially different "proportionality standard," which explicitly imposes a responsibility on litigants to tailor their discovery requests to account for the significance of the information requested, and the cost of gathering responsive information:

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