

06-CV-G

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE
600 W. CAPITOL, ROOM 423
LITTLE ROCK, ARKANSAS 72201-3325
(501) 604-5140
Facsimile (501) 604-5149

RECEIVED
11/9/06

BILL WILSON
JUDGE

September 11, 2006

The Honorable Lee H. Rosenthal, Chair
Advisory Committee on Civil Rules
11535 Bob Casey United States Courthouse
515 Rusk Street
Houston, TX 77002-2600

Dear Lee:

As you will recall I have written you a couple of times recommending that the discovery portion of the Federal Rules of Civil Procedure be amended to take us back to the pre-'93 amendment rules.

I continue to poll federal practitioners and they continue (virtually all of them) to agree with me.

I think the 2000 amendments improved the discovery rules (removing the opt out was good); but I'm of the firm opinion that our experience with the '93 and 2000 amendments have not shown that they square with the purposes set forth in the second sentence of Rule 1 of the Federal Rules of Civil Procedure. In fact, I think there is little doubt that the "new" discovery rules have made litigation considerably more expensive, as well as more complicated.

Of course my evidence is anecdotal, but as far as I can learn, there is no evidence on the other side. If there is such evidence would you please disabuse me.

I'm sorely concerned that inertia is the "evidence" on the other side.

Cordially,



Wm. R. Wilson, Jr.

cc: The Honorable David Levi, Chair, The Standing Committee
U. S. District and U. S. Magistrate Judges for the Eastern and Western Districts of Arkansas

P.S. I confess again that, as a member of the Standing Committee in the '90s, I voted for the '93 and 2000 amendments, but I'm now convinced that I (we) was (were) wrong.