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The Quest for "Proportionality" in Electronic Discovery

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Abstract: The Quest for Proportionality in Electronic Discovery – From Theory to Reality.

By Ted Hirt

Many courts and commentators have observed that, as the demands for ESI in discovery continue to increase, there must be renewed emphasis on “proportionality” principles. The Sedona Conference® recently issued its commentary, *The Sedona Conference® Principles of Proportionality*, which is a valuable contribution to this field. More work needs to be done, however, on how proportionality principles can be feasibly translated into civil practice. The 2006 Civil Rules amendments are a valuable foundation. Obstacles exist to the realization of proportionality. This article will develop these background points and recommend various actions and processes that litigants and judges may use to achieve proportionality.