

AMENDED FEDERAL RULES OF CIVIL PROCEDURE -- EFFECTIVE DECEMBER 1, 2015

All litigants having cases and attorneys practicing in the District Court of the Virgin Islands should take note that significant amendments to the Federal Rules of Civil Procedure went into effect on December 1, 2015. The **amended rules include 1, 4, 16, 26, 30-34, 37 and 55**, and many deal specifically with efforts to make litigation – especially the discovery process in civil cases -- more cooperative and efficient, and less expensive.

Of particular note is the change in **Rule 4** that **reduces to 90 days the time to serve** a complaint from 120 days. The time for courts to issue scheduling orders is likewise reduced, with an eye toward shortening the period before the parties begin to engage in discovery.

The amendments also require the parties, as part of their obligation under Rule 26(f), to confer on the **preservation and production of electronically stored information (“ESI”)**, as well as the **issue of the inadvertent production of privileged materials** covered in Federal Rule of Evidence 502. These matters will become part of the court’s scheduling order, as will any directive of the court to seek an informal conference to resolve discovery disputes prior to engaging in motion practice.

Additionally, changes to **Rule 34** require parties to make very **specific objections** to document requests, and to **state when material is being withheld on the basis of an objection**. Boilerplate objections will not suffice. Further, **Rule 37** contains guidance regarding the **duty to preserve ESI**, and the possible remedies for failure to do so.

The District Court encourages everyone to become familiar with these new rules, and looks forward to working with the legal community in their implementation.