

**ROBERT H. CLELAND
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DISCOVERY PRACTICES AND EXPECTATIONS

The court expects parties and counsel to conduct discovery in a cooperative way, consistent with Fed.R.Civ.P. 1: "To secure the just, speedy, and inexpensive determination of every action." Counsel are expected to communicate early and effectively in dealing with discovery problems. If a problem cannot be resolved by counsel, the court should be alerted. A motion may be needed at times, but the court will also be available to conduct an informal discovery conference, either in person or by telephone. To arrange for such a conference, call the court's Case Manager, Lisa Teets, at (313) 234-5522.

At depositions, counsel are to be respectful of the witness, to confine questions to subjects that are discoverable under FRCP 26(b) and to spend no more time than is reasonable in questioning the witness. Attorneys must be polite and professional. The lawyer defending a witness at a deposition may not impede the legitimate interrogation of that witness. Objections other than as to form or dealing with privilege are preserved for trial, thus the court expects that objections will be few in number and will not be "speaking objections;" i.e., those calculated to suggest an answer to the witness or impede legitimate questions. See FRCP 30(d)(i) and 32(d)(3). If problems arise in a deposition and counsel need immediate guidance from the court, you may call chambers at (313) 234-5525.

Document requests and interrogatories should be reasonable in scope. Responses should be complete and responsive. The court expects that no multi-page

listing of “definitions” preceding interrogatories is required if interrogatories are intelligently phrased and honestly answered. If there are doubts as to definitions or scope, they should be raised promptly with the requesting party. Documents withheld on the basis of privilege must be listed on a privilege log with sufficient information to enable the requesting party to understand the nature of the documents and the basis of the privilege claim.