



D I S T R I C T O F C O L U M B I A B A R
Labor and Employment Law Section

D.C. BAR LABOR AND EMPLOYMENT LAW SECTION STATEMENT OF SUPPORT
FOR THE ADVISORY COMMITTEE ON FEDERAL RULES OF CIVIL PROCEDURES'
PROPOSED PROTOCOLS REGARDING INITIAL DISCOVERY IN EMPLOYMENT
CASES ALLEGING ADVERSE ACTION

The views expressed herein represent only those of the Labor and Employment Law Section¹ of the District of Columbia Bar and not those of the D.C. Bar or of its Board of Governors.

The D.C. Bar Labor and Employment Law Section Steering Committee has reviewed a report by the Advisory Committee on the Federal Rules about its Pilot Project Regarding Initial Discovery Protocols for Employment Cases Alleging Adverse Action. The Steering Committee supports the idea that Judges of the U.S. District Courts should adopt the protocols as part of their standing orders. The Initial Discovery Protocols are not intended to preclude or to modify the rights of any party for discovery as provided by the Federal Rules of Civil Procedure (F.R.C.P.) and other applicable local rules, but they are intended to supersede the parties' obligations to make initial disclosures pursuant to F.R.C.P. 26(a)(1). The purpose of the protocols is to encourage parties and their counsel to exchange the most relevant information and documents early in the case, to assist in framing the issues to be resolved and to plan for more efficient and targeted discovery in employment discrimination cases alleging adverse actions.

¹ From November 20, 2012 through December 3, 2012, the Steering Committee of the Labor and Employment Law Section voted without dissent, by a tally of 8-0 with one abstention, to adopt this public statement.